



Planning Committee (South)

Tuesday, 20th August, 2019 at 2.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:	Brian Donnelly (Chairman)	
	Tim Lloyd (Vice-Chairman)	
	John Blackall	Paul Marshall
	Chris Brown	Mike Morgan
	Karen Burgess	Roger Noel
	Jonathan Chowen	Bob Platt
	Philip Circus	Josh Potts
	Paul Clarke	Kate Rowbottom
	Michael Croker	Jack Saheid
	Ray Dawe	Jim Sanson
	Nigel Jupp	Diana van der Klugt
	Lynn Lambert	Claire Vickers

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 10
<p>To approve as correct the minutes of the meeting held on 16th July 2019 <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i></p>	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

5. **Appeals** 11 - 12

To consider the following reports of the Head of Development and to take such action thereon as may be necessary:

Applications for determination by Committee:

6. **DC/18/2095 - Thakeham Tiles Ltd, Rock Road, Storrington** 13 - 56

Ward: Chanctonbury (Historic Ward)

Applicant: Thakeham Concrete Products Ltd & Thakeham Trust

7. **DC/19/0720 - Chilton Pig Farm, Threals Lane, West Chiltington** 57 - 72

Ward: Chanctonbury (Historic Ward)

Applicant: Mr Walls and Steel

8. **Tree Preservation Order No. 1517 - Land North of Sandy Lane, Henfield** 73 - 78

Ward: Henfield

9. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Agenda Annex

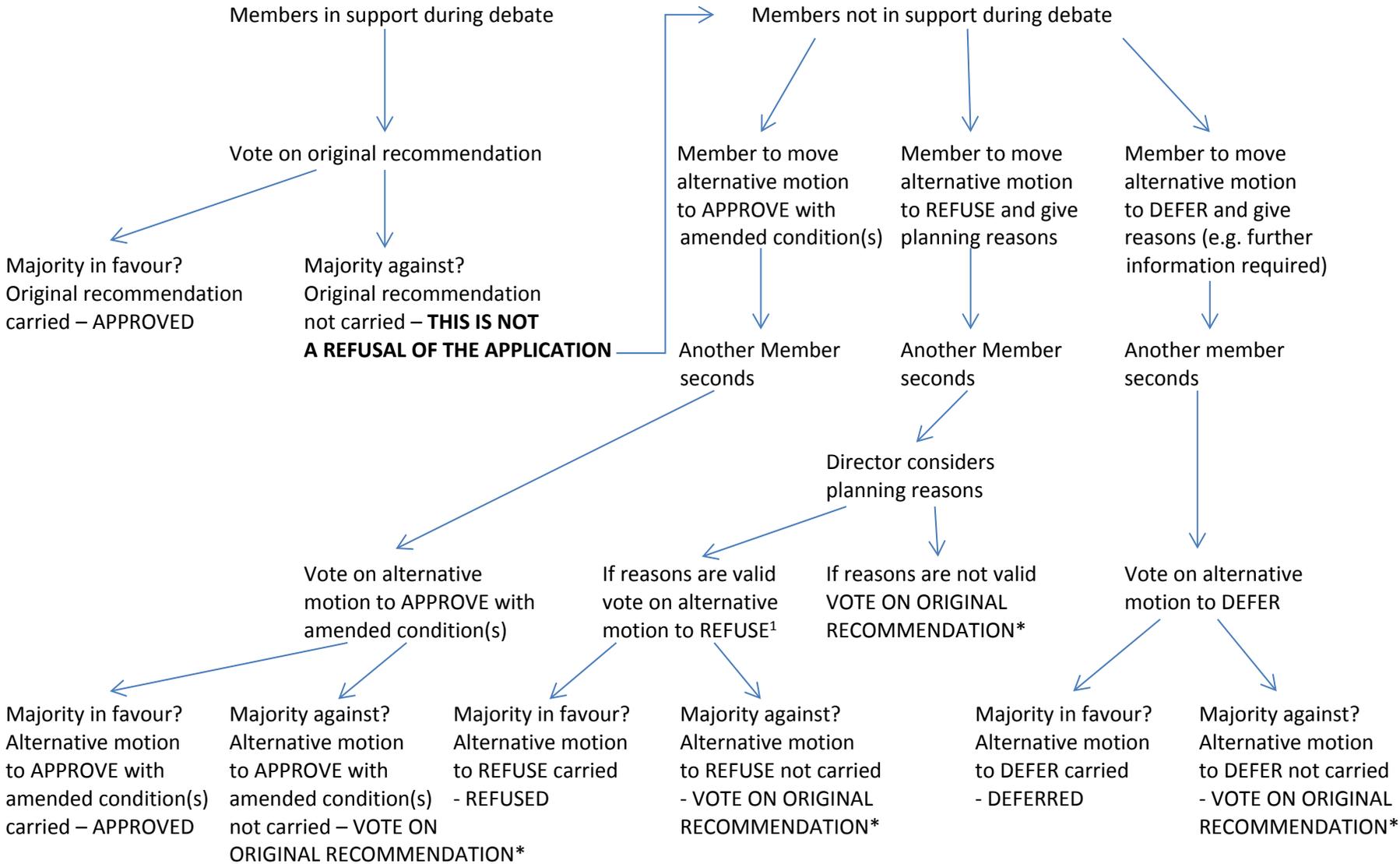
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(Full details in Part 4a of the Council's Constitution)

Addressing the Committee	Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.
Minutes	Any comments or questions should be limited to the accuracy of the minutes only.
Quorum	Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.
Declarations of Interest	Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.
Announcements	These should be brief and to the point and are for information only – no debate/decisions .
Appeals	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
Agenda Items	The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.
Public Speaking on Agenda Items (Speakers must give notice by not later than noon two working days before the date of the meeting)	Parish and neighbourhood councils in the District are allowed 5 minutes each to make representations; members of the public who object to the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes; applicants and members of the public who support the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes. Any time limits may be changed at the discretion of the Chairman.
Rules of Debate	<p>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</p> <ul style="list-style-type: none"> - No speeches until a proposal has been moved (mover may explain purpose) and seconded - Chairman may require motion to be written down and handed to him/her before it is discussed - Secunder may speak immediately after mover or later in the debate - Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max 5 minutes or longer at the discretion of the Chairman) - A Member may not speak again except: <ul style="list-style-type: none"> o On an amendment to a motion o To move a further amendment if the motion has been amended since he/she last spoke o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried) o In exercise of a right of reply. Mover of original motion

	<p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> ○ On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final. ○ Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman’s ruling on the admissibility of the personal explanation will be final. <ul style="list-style-type: none"> - Amendments to motions must be to: <ul style="list-style-type: none"> ○ Refer the matter to an appropriate body/individual for (re)consideration ○ Leave out and/or insert words or add others (as long as this does not negate the motion) - One amendment at a time to be moved, discussed and decided upon. - Any amended motion becomes the substantive motion to which further amendments may be moved. - A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).
Alternative Motion to Approve	<p>If a Member moves an alternative motion to approve the application contrary to the Planning Officer’s recommendation (to refuse), and it is seconded, Members will vote on the alternative motion after debate. If a majority vote against the alternative motion, it is not carried and Members will then vote on the original recommendation.</p>
Alternative Motion to Refuse	<p>If a Member moves an alternative motion to refuse the application contrary to the Planning Officer’s recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Head of Development will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.</p>
Voting	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> - Two Members request a recorded vote - A recorded vote is required by law. <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>
Vice-Chairman	<p>In the Chairman’s absence (including in the event the Chairman is required to leave the Chamber for the debate and vote), the Vice-Chairman controls the debate and follows the rules of debate as above.</p>

Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

¹ Subject to Director’s power to refer application to Full Council if cost implications are likely.

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

² Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

Planning Committee (South)
16 JULY 2019

Present: Councillors: Brian Donnelly (Chairman), Tim Lloyd (Vice-Chairman), John Blackall, Chris Brown, Karen Burgess, Jonathan Chowen, Philip Circus, Paul Clarke, Michael Croker, Nigel Jupp, Paul Marshall, Bob Platt, Josh Potts, Kate Rowbottom, Jack Saheid, Jim Sanson, Diana van der Klugt and Claire Vickers

Apologies: Councillors: Ray Dawe, Lynn Lambert, Mike Morgan and Roger Noel

PCS/15 **MINUTES**

The minutes of the meeting of the Committee held on 18 June were approved as a correct record and signed by the Chairman.

PCS/16 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/19/0327 – Councillor Nigel Jupp declared a conflict of interest in this application because he was a friend of the applicant. He withdrew from the meeting and took no part in the determination of this item.

PCS/17 **ANNOUNCEMENTS**

There were no announcements.

PCS/18 **APPEALS**

The list of appeals lodged, appeals in progress and appeal decisions, as circulated, was noted.

PCS/19 **DC/19/0209 - MARE MEADOW, WEST MARE LANE, PULBOROUGH**

The Head of Development reported that this application sought permission for the change of use of an outbuilding from ancillary accommodation to a self-contained residential dwelling, with a parking space and amenity area. Permission DC/17/2108 had limited occupation of the outbuilding to ancillary purposes only. There would be no external alterations to the building.

The application site was located outside the built-up area on the junction of Mare Lane and Batts Lane and was set in large grounds. The proposed dwelling would have its own vehicle access point.

The Parish Council objected to the application. There had been four representations objecting to the application. Since publication of the report, a further objection had been received stating that the Highway Authority had not visited the site before making their consultation response. The Committee were

advised that the Highway Authority had since visited the site and confirmed that they stood by their consultation response. The applicant's agent addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of the development; its impact on the visual amenities of the countryside; the amenities of occupiers of adjoining properties; and parking and traffic conditions.

Members discussed how much impact the change of use from ancillary may have on traffic safety at the junction of Batts Lane and Mare Hill Road, and how much weight could be given to a previous appeal decision made in 1995 that considered this access to be of poor quality. Members concluded that a site visit to the junction and further discussion with the Highway Authority should be sought before the Committee determined the application.

RESOLVED

That planning application DC/19/0209 be deferred to allow for:

- (i) A site visit with Planning Committee South members; and
- (ii) A site visit with the Chairman, Cabinet Member for Planning & Development, Local Members and WSCC Highways Authority officer;

to consider the safety of the junction of Batts Lane with Mare Hill Road.

PCS/20 **DC/19/0327 - GREY OAK, TUDOR CLOSE, PULBOROUGH**

The Head of Development reported that this application sought permission for the erection of a 3-bedroom detached chalet bungalow. Part of the detached garage belonging to Grey Oak would be demolished to provide access from Tudor Close for the new dwelling. A large parking and turning area in front of the dwelling was proposed.

The application site was located outside the built-up area between Pulborough and West Chiltington Common. It was part of the back garden of Grey Oak, a detached dwelling, on the southern side of Tudor Close, which was part of the small settlement of Mare Hill.

The Parish Council objected to the application. There had been 27 representations objecting to the application, and 12 supporting the proposal. Two members of the public spoke in objection to the proposal. A representative of the Parish Council also spoke in objection to it.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of the development; the character and appearance of the proposal; the amenities of occupiers of adjoining properties; and highways impacts.

Members concluded that the proposal was unacceptable in principle and would compromise the semi-rural character of the area.

RESOLVED

That planning application DC/19/0327 be refused for the following reasons:

- 01 The development would be located outside of a built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or in an adopted Neighbourhood Development Plan. The proposed development would not be essential to the countryside location and is therefore be inconsistent with the overarching strategy for development within the District, and is therefore contrary to policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015).
- 02 The proposed backland development on previously undeveloped garden land would compromise the layout and semi-rural character of the application site and surrounding area, distorting the existing arrangement of properties on the southern side of Tudor Close. The resulting impact would not be sympathetic or appropriate to the existing character and appearance of the locality, resulting in harm to the established semi-rural character of the area. The proposed development is therefore contrary to policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

PCS/21 **DC/19/0417 - LITTLE STOKE, SANDGATE LANE, STORRINGTON**

The Head of Development reported that this application sought retrospective permission for the erection of a two-storey side extension with roof extensions, the installation of two front dormer windows, one front rooflight and five rear rooflights.

The alterations had been carried out largely in line with planning permission DC/18/0152 but there were a number of aspects that differed from the approved plans, including changes to fenestration. These changes included five clear glazed openable rooflights set higher in the rear roof than the approved four rooflights (conditioned to be obscure glazed and fixed shut).

The application site was located within the built-up area of Storrington in an area with generous sized gardens and woodland.

The Parish Council objected to the application. There had been seven representations objecting to the application. One member of the public spoke in objection to the application. The applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of the development; character, design and appearance; and the amenity of adjacent properties.

Members discussed concerns regarding overlooking from the rooflights and concluded that they were of a sufficient height and distance to ensure there was no harmful impact on neighbouring amenity.

RESOLVED

That planning application DC/19/0417 be granted subject to the Approved Plans List condition.

The meeting closed at 3.52 pm having commenced at 2.30 pm

CHAIRMAN

Planning Committee (SOUTH)

Date: 20th August 2019



**Horsham
District
Council**

Report on Appeals: 4/7/2019 – 7/8/2019

1. Appeals Lodged

Horsham District Council have received notice from the Planning Inspectorate that the following appeals have been lodged:

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/19/0163	69 Kings Stone Avenue Steyning West Sussex BN44 3FJ	18-Jul-19	Application Refused	N/A
DC/18/2178	18 Rosemary Avenue Steyning West Sussex BN44 3YS	19-Jul-19	Application Refused	N/A
DC/19/0710	St Josephs Abbey Greyfriars Lane Storrington RH20 4GJ	02-Aug-19	Application Refused	N/A

2. Live Appeals

The following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/18/2249	The Chardonnay Restaurant Old London Road Washington Pulborough West Sussex RH20 3BN	Written Representation	05-Jul-19	Application Refused	N/A
DC/18/2181	29 Church Street Steyning West Sussex BN44 3YB	Written Representation	25-Jul-19	Application Refused	N/A
DC/19/0163	69 Kings Stone Avenue Steyning West Sussex BN44 3FJ	Fast Track	30-Jul-19	Application Refused	N/A

3. Appeal Decisions

HDC have received notice from the Ministry of Housing, Communities and Local Government that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/18/1866	Land Adjacent Rushmear House Sandy Lane Henfield West Sussex BN5 9UX	Written Representation	Appeal Dismissed	Application Refused	N/A
DISC/18/0371	Birchfield Nursery Kidders Lane Henfield West Sussex BN5 9AB	Written Representation	Appeal Dismissed	Application Refused	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 20 August 2019

DEVELOPMENT: Outline planning application for the demolition of all existing buildings, the erection of 90 dwellings with associated works and the formation of a new access onto Rock Road. All matters to be reserved, except for means of access.

SITE: Thakeham Tiles Ltd Rock Road Storrington Pulborough West Sussex RH20 3AD

WARD: Chanctonbury

APPLICATION: DC/18/2095

APPLICANT: **Name:** Thakeham Concrete Products Ltd & Thakeham Trust
Address: Rock Road, Storrington, RH20 3AD

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

RECOMMENDATION: To delegate authority to the Head of Development to grant planning permission subject to appropriate conditions, and the completion of a s106 legal agreement to secure necessary highways works, 20% on-site affordable housing, and a clause to secure the full 35% on-site affordable housing in the event that the business ceases trading instead of relocating.

In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks Outline planning permission for the redevelopment of the existing industrial site currently occupied by Thakeham Tiles to a development of 90 residential units. Access into the site from Rock Road to the north is proposed in detail, but all other details (including landscaping, appearance, scale and layout of the dwellings on site) are to be reserved for subsequent approval.

- 1.3 Submitted with the application is a site Masterplan [SKL-03 Rev D] which outlines the general parameters of the development and includes an indicative layout of the proposed dwellings, layout of the internal road network, location of a play area, indicative soft landscaping and buffering, indicative hard surfacing, and the location of the proposed site access, open space and attenuation basin. The net density of the site is shown to be approximately 26.5dph on the northern section of the site, and 24.5dph on the southern section.
- 1.4 20% Affordable Housing (18no. on-site units) is proposed as part of the development. 9 of these units are offered as affordable rented, and 9 as shared ownership. The indicative housing mix across the site is proposed to comprise the following:
- 4No. 1-bedroom units
 - 23No. 2-bedroom units
 - 36No. 3-bedroom units
 - 27No. 4-bedroom units
- 1.5 A proportion of the existing trees, groups of trees (including trees subject to an area TPO) and understorey planting around the perimeters of the site would be removed/cleared to facilitate the proposed development, with the largest removal at the southern end of the site. A number of existing trees within the site would remain, particularly around the southern and eastern boundaries. Additional tree and shrub planting is proposed as part of the development to enhance screening and biodiversity opportunities.
- 1.6 The vehicular access to the site from Rock Road to the north is proposed in detail. A new priority T-junction with new surface treatments and a buildout/gateway feature to the east of the site access (on the on the eastbound carriageway) is proposed as an enhancement to the existing access arrangement. The existing 40mph road is proposed to be reduced to 30mph in the vicinity of the site access (with new signage), and revised visibility splays would be incorporated. Parts of the existing carriageway is proposed to be narrowed to enhance traffic calming, and new footways on both sides of the new access junction are also proposed, with additional street lighting from Hillside Walk to the new build-out at the east of the site access. The existing Public Right of Way (PROW) which bisects the site in an east/west direction will remain in its current location, and is proposed to be improved by resurfacing and installation of low-level lighting.
- 1.7 A drainage strategy has been proposed for the site which includes an attenuation pond at the north of the site and an additional underground storage tank in the centre of the site (beneath the play area). The drainage strategy ensures that the total runoff from the new development would be restricted to 13.7 l/s for all storm events (up to the 1 in 100 year plus 40% climate change).
- 1.8 Due to site constraints and ageing infrastructure, the ambitions of the business to grow are constrained, therefore the applicant intends to re-locate the existing concrete paving and tile manufacturing business to an alternative and more suitable location within the Horsham District. At this stage, no alternative site has been secured.

DESCRIPTION OF THE SITE

- 1.9 The application site is an operational and well-established brownfield industrial site located to the south of Rock Road and to the east Storrington village centre. The site occupies an area of 4.8ha and is within the built-up area boundary (BUAB) of Storrington and Sullington.
- 1.10 The character and appearance of the site is largely defined by its current B2 use which is for the manufacture, storage and distribution of concrete products including decorative walling, block paving, and building blocks. The existing business (Thakeham Tiles) has been operating on this site for over 85 years. The site is largely dominated by hard surfacing and

industrial buildings – many of which (whilst still in use) are in poor condition, and not fit for modern industrial practices. The area to the south of the site (the remnant of a previously excavated sand pit) has been infilled up to the edge of the tree line to create a parcel of roughly flat land; this area is used for storage.

- 1.11 The site is adjoined by existing residential developments to its east, south and west, which are characterised by large detached dwellings set in large plots. To the north, the site is bounded by Rock Road, a single carriageway road running east to west from Storrington towards the A24. Beyond Rock Road to the north are agricultural fields and a cluster of large residential properties set back from the highway. Due to the topography of the site and surrounding vegetation, the site is well-contained and largely screened from view of surrounding residential dwellings. Only dwellings in Hillside Walk to the west are notably visible from the site – largely due to their proximity to the site and the thinning of trees in this location.
- 1.12 The site is bounded by dense areas of woodland to the north-east, north-west and southern peripheries. Other boundaries are lined with mature trees and vegetation, which offers effective screening to dwellings adjoining the site. The area of woodland to the south of the site comprises a dense mix of deciduous and coniferous woodland (largely self-seeding pine trees) and is covered by an area TPO which was confirmed in 2005. A further area TPO abuts the site entrance on Rock Road, but does not encroach into the site itself.
- 1.13 The site sits on varying ground levels, but generally rises from the lowest point in the north (the site access), to the highest point at the southern end. As a former sand pit quarry, the site at one time was excavated fairly extensively into the rising land to the south leaving a steep bank at the southern and eastern boundaries of the site's southern section, ranging in width from 10m to 20m. This banking rises to around 75AOD in some places which is approximately 13m higher than the ground level of the proposed development. Dense vegetation (including several tall trees) covers the bank and ridge. Some neighbouring properties lie on the ridge, and others (largely to the south) lie beyond the bank on land similar in level terms to the application site. There is some less steep banking at the western boundary of the southern section of the site, beyond which the land falls towards Hillside Walk, where the properties here lie approximately 10m lower than the application site.
- 1.14 Whilst the site is well screened by dense and mature vegetation around the majority of its boundaries, it is understood that the nature of the B2 business that operates on this site means that noise from industrial processes can often be heard from nearby properties and public areas.
- 1.15 The site is bisected by a public right of way (ROW2625) running east to west between the residential streets of Hillside Walk and Bracken Lane. The section of the PROW that runs through the site route is not formally surfaced but comprises an informal track through grass. Despite this, it is understood that this is a route often use by parents and pupils of Thakeham Primary School and Steyning Grammar School, situated approximately 400m to the west.
- 1.16 The site is covered in its entirety by an 'Archaeological Notification Area' and the site is a Bat Sustenance Zone.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF, 2018)

Horsham District Planning Framework (HDPF, 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 41 - Community Facilities, Leisure and Recreation

West Sussex Joint Minerals Local Plan (2018)

- Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:

- Planning Obligations and Affordable Housing SPD (2017)
- Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:

- Storrington and Sullington Parish Design Statement (2010)
- Thakeham Parish Design Statement (2002)

2.3 RELEVANT NEIGHBOURHOOD PLAN

The Thakeham Parish Neighbourhood Plan (TPNP) was formally made in April 2017. Alongside the HDPF, this document forms part of the Council's Local Development Plan.

Policy 'Thakeham2' is the key policy with regards to this application, and states:

The Neighbourhood Plan allocates land at Thakeham Tiles, Rock Road, as shown on the Policies Map, for housing development, provided:

- i. the development scheme comprises an appropriate number and type/size of dwellings which reflects the character and housing density of the local residential area;*
- ii. the scheme layout takes account of the existing footpath on the site; and*
- iii. the landscape scheme provides for the retention of as much of the woodland around the edges of the site as possible in order to provide an effective buffer to the adjoining residential area, to provide an amenity for the scheme and to retain local biodiversity value.*

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/05/2193	Use for manufacture, storage and distribution of concrete products (Lawful Development Certificate - Existing)	Application Permitted on 24.01.2006
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3. OUTCOME OF CONSULTATIONS

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

3.1 INTERNAL CONSULTATIONS

HDC Strategic Planning – No Objection

[Summarised]: The site is located within the built up area boundary of Storrington, and the application would contribute towards the neighbourhood plan element of planned housing supply (HDPF Policy 15). HDPF Policy 9(2) protects existing employment sites by requiring any proposal for re-development to demonstrate that the site is no longer needed and/or viable for employment use. As site is currently in use and provides a source of employment, there is a potential conflict between the provision of additional housing and the loss of a local business. However as the Thakeham Parish Neighbourhood Plan (TPNP) was Made after the adoption of the HDPF, it contains policies that alter the application of the non-strategic policies in the HDPF. Policy 2 of the TPNP allows reuse of the site for residential but is silent on the requirements for the relocation of the existing commercial use. It is therefore considered that in order to avoid a conflict with Policies 7 and 9 of the HDPF, the applicant should provide information in respect of the intent to relocate the existing employment use.

Policy 2 of the TPNP also states that a residential scheme “*may deliver approximately 50 new homes*”. The proposal for 90 units therefore significantly exceeds this number. Although this number is greater, paragraph 3.24 of the Examiner’s report states that ‘*even including the Thakeham Tiles site, the TPNP appears likely to provide for housing development only until around 2021*’. There is therefore a recognition that additional housing may be required in Thakeham Parish to meet housing needs for the full plan period to 2031. The Examiner’s report also acknowledges that the reference to 50 dwellings on the site provides guidance but is an estimate, not policy, and that the precise number will be a product of further design work which may result in a higher number of dwellings. It is therefore considered additional housing on a site which has already been identified by the community for housing may be an appropriate means of meeting this need, subject to other policy criteria in the HDPF and the TPNP (including character, landscape and ecology) being met.

HDC Landscape Architect – Objection

[Summary of Initial Comments]: Recommendation for refusal. The proposal – by virtue of the layout proposed and tree removal to facilitate it – fails to accord with Policies 25 and 31 of the HDPF, and also fails to acknowledge the criteria for the site set out in the Thakeham Parish Neighbourhood Plan (Policy Thakeham 2iii). The cumulative effect of green infrastructure / habitat removal, a net biodiversity loss, and lack of mitigation would have a significant detrimental effect on the landscape character. In order to preserve as many trees as possible, the number of dwellings needs to be reduced or the design reconfigured. Where the treelines are weak then they should be reinforced and additional understorey planting introduced. The SUDs proposal is not satisfactory, the attenuation pond could be made into two ponds – one to serve the southern part of the development and the existing pond, remodelled and made more natural looking, could serve the northern portion. This would

then introduce the potential for habitat creation – creating both an amenity feature whilst providing essential habitat / biodiversity mitigation.

In view of the non-compliance with HDPF policies and contradiction with the aspirations of the Thakeham Parish Neighbourhood Plan and impact on the local biodiversity and green infrastructure, this proposal cannot be supported on landscape grounds in its current form.

[Summary of Subsequent Comments]: Objection maintained. The area of self-seeded pine trees at the south of the site (approx. 60 years old and over 30m in height, which have created a unique character, ecosystem and microclimate within the site), earmarked for removal would, in combination with a poor SUDs solution and removal of trees elsewhere, result in a net loss of biodiversity, an erosion of the evolved landscape character of the new woodland and a fragmentation in the existing green infrastructure.

There is a missed opportunity to reinforce and enhance the ‘green’ experience around the route of the public right of way, and more effort should be made to secure as many of the existing trees as possible and where the treelines are weak then they should be reinforced. The current proposed figure of 90 dwellings represents an overdevelopment of the site – which could only be achieved at the expense of the woodland / biodiversity / green infrastructure. The SUDs proposal is still not satisfactory. As such this proposal could not be supported on landscape grounds.

HDC Arboricultural Officer – No Objection

[Summarised]: The submitted Arboricultural Implications Assessment indicates the removal of 28 specimens, all within the northern section of the site. These trees have been graded as category B and C; the Council’s Tree officer considers the grading to be accurate. Despite the classification of 9 trees within category B (this referring to their arboricultural condition), these are not specimens in amenity terms of any particular or especial merit, and the Council’s Tree officer registers no objection to their removal.

The southern part of the site comprises a ridge of high land around the peripheries ranging in width from 10m to 20m. Trees in this area must have originally been felled in the early 1920’s (to enable sand extraction), but by 1946 extraction had concluded, and adventitious Scots pine has since established. These are now all of a similar size and form, and although visible from within the site are otherwise of low value in amenity terms and are of no particular or especial merit. The older tree cover within the peripheral parts of the site (proposed to be retained) is predominantly coniferous, though includes some deciduous stock of Silver birch, Oak and some Sweet chestnut, which are of considerably more value than the younger adventitious stock now present.

The proposed removal of trees in the southern part of the site solely comprises the self-seeded Pine trees. Although these were included in the 2005 woodland TPO, the Council’s Tree officer considers their removal to be unobjectionable as the amenities of the area will not be harmed, and considers their quality to be of insufficient importance. The retention of the peripheral stock, by contrast, is maintained, leaving a reasonably wide strip of woodland of more importance, in ecological, biodiversity and amenity terms. In Summary, the Council’s Tree officer registers no objection to the proposals.

HDC Drainage Engineer – No Objection (with comment regarding SUDS)

[Summary of Initial Comments]: Several issues within the FRA regarding the input data used to determine run-off rates and subsequent storage volume calculations. Corrections to the data used will probably require modifications to the proposed surface water attenuation systems. Although the Drainage Strategy (when modified) meets the flood risk requirements of the NPPF, some of the main principles and objectives of SuDS design have not been incorporated. Conditions to the Outline application (if approved) are not likely to address the drainage design and its integration with the layout, landscaping and compliance with the

various SuDS policies and standards. It would also assist if the applicant submits a 'Surface Water Drainage Statement.

[Summary of Subsequent Comments]: Following amendments & clarifications to the input data used to determine the run-off rates and subsequent storage volumes there are no further issues with the design data. However, regarding SuDS, original consultation comments are reiterated, regarding a failure to incorporate the main principles and objectives of SuDS design.

HDC Environmental Health Officer – No Objection (subject to conditions)

[Summarised]: Conditions recommended to secure the following: (1) a Construction Environment Management Plan to include details for noise, dust and waste management during construction, and hours of construction; (2) further site assessment work to identify the presence of ground contamination/asbestos etc, and a verification plan to show any necessary recommendations have been carried out; (3) a scheme of sound attenuation against external noise; (4) a detailed lighting scheme to prevent nuisance to existing and new residents.

HDC Air Quality Officer – No Objection

[Summary of Initial Comments]: The Air Quality Assessment significantly under-predicts the impact. It is recommended that the applicant submit a robust mitigation plan that shows that the impacts can be mitigated or offset. Regarding the emission cost mitigation, the number of additional trips quoted is inconsistent with the Transport Assessment, and traffic flows quoted require clarification / source of data. The costings per tonne of emissions are not accepted, and the difference in values used by the applicant is significant. It is recommended that the mitigation measures proposed in section 5 are costed and compared against the total emission damage costs. The feasibility and deliverability of the measures should be discussed with the LPA.

[Summary of Subsequent Comments]: Concern over the applicant's use of transport damage estimate value applicable to a 'rural' location. The development site is located a mile away from Storrington town centre, therefore it is recommended that 'average' transport values are used in the damage calculation in respect of the proposed development. Regarding proposals for traffic management schemes in Storrington, the implementation of MOVA technology to improve the operation of the traffic lights has the potential to reduce congestion and improve air quality in the town centre. Other schemes that would benefit air quality and have wide public support include: (1) reducing emissions from public and school transport; (2) reducing emissions from private vehicles – a car club post in Storrington.

[Summary of Final Comments]: *'I confirm that I reviewed the revised Air Quality Assessment (23 April 2019). The approach to calculate the air quality damage cost is accepted. I have no further comments to make.'*

HDC Housing Manager – Comment

[Summary of Initial Comments]: 10% affordable housing is welcomed, but a 50:50 split would not be achievable given it would comprise 9x units, so it is expected that 5x units would be rented, and 4x units would be shared ownership. How has the applicant "found" the ability to provide 10% affordable housing on site against the findings of the viability appraisal? What costs have changed to enable it? Should we consider the viability again given this proposal? If they can now find the ability to provide 10% as affordable, why not more?

HDC Waste Collections Supervisor – No Objection (subject to conditions)

[Summarised]: The shared areas and road surfaces appear to be suitable for a 26 tonne vehicle. Secondary streets are designed as shared spaces and are shown without separate footpaths. However, they will be wide enough for two cars to pass, with space for pedestrians and underground services, and can be adjusted at the detailed design stage if necessary.

The swept path analysis for plots 80 to 83 are not shown on the plan. We will also require the bins for plots 88 through to 90 to have a collection point on the main road for collection.

3.2 OUTSIDE AGENCIES

WSCC Highways – No Objection (subject to conditions and s106)

[Summary of Initial Comments]: Objection raised. A number of issues were raised, including: no Road Safety Audit submitted, no street lighting proposed, no evidence of consultation in line with WSCC Developers Guidance Note, no consideration of WSCC Sped limit policy, questionable location for the gateway feature, over-run of vehicle tracking onto site access road.

Trip generation methodology is accepted. Junction modelling is accepted, and not considered to be severe. Consideration of a merge lane feature at the Rock Road/A24 junction should be made. No indication of how the development could support existing walking/cycling routes. The PROW improvements are welcomed, but consideration should be given to upgrading the off-site PROW network. The layout and parking provision is noted as indicative at this stage. Revisions to the Travel Plan are required including, the offer of sustainable travel initiatives to future households (including vouchers), the installation of ev charging points at each dwelling, and improvements to bus links.

[Summary of Subsequent Comments]: Objection maintained. Issues include: lack of response from the Safety Auditor regarding the vehicle tracking over-run and road width amendments, absence of street lighting, lack of off-site pedestrian/cycle improvements, lack of response to the WSCC PROW comments, and the site access visibility splays are shown beyond the red line boundary and highway boundary. In addition, an exceptions report is required to be submitted to WSCC for departures from the Safety Auditor's recommendations regarding the traffic calming scheme (the Safety Auditor recommends that a speed survey is undertaken, and has concerns that the proposed buildout feature will not be effective and has not been provided with a review of alternative schemes). The impacts on Rock Road/A24 junction have been addressed, and the necessary changes have been made to the Travel Plan.

[Summary of Final Comments]: No objection. The applicant has provided further information in the form of a revised proposed access, and a Stage 1 RSA with Designer's Response. The amended traffic calming scheme incorporates three buildout features, raised table, surface treatments, and a reduction in speed limit to 30mph. Visibility splays would be provided in line with Manual for Streets. The applicant has also undertaken consultation in line with the guidance contained within the WSCC developer funded traffic calming schemes. No objection is raised to the application subject to a s106 securing £7,500 toward the implementation of a TRO to extend the 30mph speed limit, and conditions including: (1) Access to be provided; (2) car parking details to be approved; (3) cycle parking details to be approved; (4) CEMP; (5) Travel Plan to be implemented; PROW surfacing details to be approved. Informatives are also recommended, including: (1) Works within the Highway; (2) Temporary developer signage.

Ecology Consultant – No Objection (subject to conditions)

[Summary of Initial Comments]: Recommendation for refusal (contrary to NPPF 170, 175 and HDPF Policy 31). Concerns included loss of woodland including areas of UK priority habitat, indirect impacts on surrounding woodland, loss of mature trees, and a net loss of habitat and biodiversity. The absence of specific compensation, mitigation and enhancement measures (including replacement woodland planting) was noted. Additional information required included: revised ecology reports considering the full impacts of the proposed development, and a bat report to cover the southern part of the site (other surveys may also be required).

[Summary of Subsequent Comments]: The dormice, slow-worm, amphibian (GCN), and badger surveys do not provide details of the methodology used, to ensure they were appropriate and that the results can be relied on. The bat survey is not adequate to provide certainty of impacts to bats from the development. Climbed aerial surveys are required for all trees with Potential Roost Features (for bats), and details of the methodologies used for all surveys are required to be submitted prior to determination. Conditions are also required to secure a Biodiversity Enhancement Strategy, and a long-term Landscape and Ecological Management Plan.

[Summary of Subsequent Comments]: Methodologies have been provided relating to dormice, reptiles, great crested newt, bats and badger surveys. With the *exception of bats*, this matter has been addressed and the survey information submitted is adequate for determination. The applicant's challenge to climbing surveys of trees is noted, but with reference to Natural England's Standing Advice on bats and their Licensing, and relevant case law, there is a need for LPAs to have adequate survey information on all European Protected Species (EPS) before lawful determination. Where there is a reasonable likelihood of the species being present and affected by the development, a survey should be completed and any necessary measures to protect the species should be in place before the permission is granted. The submitted bat report states that "*a few trees in this area were covered in ivy which may have obscured potential roosting features*" as such, it is not considered lawful to condition bat surveys of trees prior to commencement. An alternative to undertaking climbing surveys of trees is to retain these features - this would provide certainty of likely impacts to the LPA and any decision would be legally compliant as well as in line with NPPF 2019 and Policy 31 of HDPF. A revised site layout would need to recognise that these trees would be retained unless results from climbing surveys indicated that the PRFs were scoped out and impacts on bats would be either avoided or mitigated under a licence from Natural England.

[Summary of Final Comments]: No objection. A tree climbing inspection for bats of 13 ivy clad trees took place on 25th and 27th April 2019. No bats or evidence of bats were recorded during the inspection. It was not possible to fully inspect 3x trees, however, these trees were subject to a detailed ground level assessment, during which no PRFs were recorded. The trees were therefore assessed as having low potential to support roosting bats, but precautionary mitigation measures have been recommended in-line with BCT guidelines. Sufficient information has now been provided for all trees with PRFs likely to be lost to the development. This matter has therefore been addressed, and we now consider that the proposal is acceptable subject to conditions including: (1) all works to accord with details contained in the species reports; (2) submission of a biodiversity CEMP; (3) submission of a lighting design scheme for biodiversity.

Archaeology Consultant – No Objection (subject to condition)

[Summary of Initial Comments]: The site is within an Archaeological Notification Area. It is possible that some of the buildings proposed for demolition are related to the original tileworks and are of historic interest. It is also possible that archaeological evidence related to the tileworks may remain in situ (i.e. remains of the narrow gauge railway) which would be impacted on by the development. A reproduction of the West Sussex Historic Environment Record has been submitted with this application, however this does not constitute an adequate assessment of the nature of the heritage assets to be affected (as required by NPPF 189). As such, we recommend that a full desk based assessment be commissioned and submitted, in order to inform any decision on this planning application.

[Summary of Subsequent Comments]: A Heritage Report was subsequently submitted. Although the Heritage Report shows that some of the buildings may have been replaced, it is possible that the original buildings were adapted as many are on the same plan and alignment. These buildings are both fragile and finite, therefore a condition is recommended to require a recognised professional team of archaeologists to undertake an initial building record of the buildings to be demolished in accordance with a Written Scheme of Investigation.

Southern Water– No Objection (subject to conditions)

[Summarised]: Southern Water has identified that there may be sewer capacity issues in this location due to the requirement to connect additional foul sewerage flows from the proposed development into the existing public sewer network. As such, network reinforcement works are required to be provided by Southern Water. SW and the Developer will need to review if the delivery of network reinforcement works aligns with the proposed occupation of the development. A condition is suggested to secure the phasing of the development to align with these works.

The proposed SuDS features are not adoptable by sewerage undertakers, therefore the details of the long-term maintenance of the SUDS facilities should be secured by condition. The application indicates that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff should advise on the appropriateness of this. Condition suggested to secure the means of foul and surface water sewerage disposal across the site. Informative suggested for the applicant to contact SW to formally apply for connection to the water supply.

WSCC Flood Risk Management – No Objection (subject to conditions)

[Summarised]: The majority of the proposed site is at low risk from surface water flooding although some small areas of higher risk also exist on site. The development area is shown to be at moderate risk from ground water flooding. There are no records of historic flooding within the confines of the site, and mapping shows no ordinary watercourses in close proximity of the proposed development area.

The FRA/Drainage Strategy proposes that below ground attenuation and attenuation pond with a restricted discharge to an ordinary watercourse/ditch system will be used to dispose of the sites surface water. Following the spirit of SuDS implementation, betterment should be sought (including retention at source through green roofs, permeable paving and swales). Conditions are suggested including the following: (1) submission of detailed surface water drainage designs and calculations (2) details of the maintenance and management of the SUDs system.

WSCC Public Rights of Way – No Objection (and comment)

[Summarised]: ROW2625 runs through the proposed development site. It is understood that the application does not propose any alteration to the PROW. The existing chicane barriers, installed in the interest of public safety, would no longer be required and must be removed. Whilst outside the applicant's land ownership and control, WSCC would seek wider improvements to the PROW network in this location, including the dedication of bridleway rights along ROW2625 to create a link for walkers, cyclists and equestrians from Bridleway 2627 (Hampers Lane), through the development site to a junction with the public highway at Hillside Walk.

It should be noted that any alteration to the PROW must be done in consultation with (and with consent from) WSCC's PROW Team. Should any building works, demolition or construction encroach upon the PROW then a Temporary Path Closure Order may be required, for which an application must be made to WSCC's PROW Team.

Storrington and Sullington Parish Council – Objection

[Summarised]: Whilst Members do not object in principle, they feel that 90 properties is excessive, and have serious reservations on the impact on Storrington. Affordable housing numbers are unclear. The development would result in additional traffic and an air pollution disaster. Members feel that the traffic impact studies are implausible.

The homes adjacent to the access seem very close to the traffic ingress and egress of the development. The proposed housing mix is unclear, and the soil tests show poor surface

water infiltration. Members question the loss of employment as no replacement site is mentioned in the application.

Thakeham Parish Council – No Objection (subject to conditions)

[Summary of Initial Comments]: The site is identified in the Thakeham Neighbourhood Plan (TNP Policy 2) for residential development. The site location is relatively 'sustainable'. The proposal broadly meets the criteria in TNP Policy 2 to protect the footpath route and to retain the woodland at the site edge. The key issue is whether the proposal meets the criteria to deliver an appropriate number/type of units. The Parish Council consider that this issue involves a balance between the recognition of local residential character/density, and the overall viability of the scheme to enable the business to relocate.

The areas immediately adjacent to the east and west of the site are low in density and comprise houses set in generous plots – there is clearly a non-trivial gap between the low levels of density in adjacent areas and the 90 units proposed. However, it is recognised that the 'approximately 50' figure in the TNP is a subsidiary paragraph and not a policy commitment derived from an indicative number from previous SHELAA documents with no specific rationale. Also, the TNP Examiner's Report casts doubt on the 50 figure stating that '*...the eventual number of dwellings proposed may be significantly higher than 50*'. Housing densities in the area are also noted as very variable, and includes areas with much higher densities (20+/Ha). The 19 units/Ha proposed is the same as the new Abingworth development nearby. The applicants have provided credible reasons to show that the scale of the proposal is necessary to enable the business relocation. HDC Planners have indicated that a refusal based on the insistence of a very low density development on a site in this location would be vulnerable to being overturned on appeal, especially given the topography of the site and the lack of significant visual harm.

The Parish Council are therefore persuaded not to object to this proposal on the grounds that its scale is 'appropriate' and will not negatively impact the local residential character, subject to the following conditions: (1) housing mix to be addressed to replace at least 10 of the 4-bed units with smaller units; (2) affordable housing to be provided at a policy compliant level; (3) the quantum of 90 units must be fixed as a ceiling, and must not be exceeded through subsequent amendments; (4) measures to address environmental remediation and site contamination; (5) measures to implement air quality mitigation through new EV charging points; (6) seek to retain as many existing trees as possible, particularly at the western boundary; and (7) further work to address SuDS expectations and surface water betterment to improve local green infrastructure provision.

[Summary of Subsequent Comments]: No objection subject to re-statement of previously suggested conditions. The amendments to documents are welcomed and do not give rise to further comments or objections, other than the following; (1) a condition to require a new site for the business to relocate to before the development commences is welcomed; (2) the concerns raised by the Drainage Officer appear to have been responded to; (3) the updated Air Quality Assessment is linked to measures set out in the Travel Plan; (4) the new Heritage Report is welcomed, but lacks a clear conclusion as to whether no mitigation or further monitoring is required; (5) the commitments in the updated Framework Travel Plan are largely welcomed, the Parish Council continue to support the PROW Team's request for PROW improvements; (6) further Ecology and Landscape responses have been supplied, and go some way to address TPC's concerns regarding environmental remediation and tree retention.

Washington Parish Council – Objection

[Summary of Initial Comments]: Members acknowledge that the Thakeham Tiles site is designated for housing in the adopted TNP. It will be supported by some nearby residents who will welcome the relief from noise. However, Members have agreed to strongly object to the proposals for the following reasons: (1) it represents overdevelopment and is almost twice the 50 units that were originally supported in the TNP; (2) the density is out of keeping

with the rural character of the immediate area; (3) potential for ribbon development; (4) traffic and air pollution impact; (5) loss of employment in a rural area with no replacement (conflict with HDPF Policy 9).

[Summary of Subsequent Comments]: Members resolved unanimously to make a strong objection for the reasons stated in the Council's original response in October 2018, and to further comment on the importance of establishing a suitable alternative business site in the area to address the valuable loss of local employment.

CCG Coastal West Sussex – Objection

[Summarised]: Additional population generated by this development will place an increased demand on healthcare services in the area. CWS CCG predicts that most new residents will register at The Glebe GP surgery, Storrington. This facility is poor quality and already operating at well over capacity. The application does not include provision for health infrastructure on site and so a contribution (of £101,050) towards health infrastructure off-site is being sought. Without this contribution, CWS CCG object to the development proposal.

3.3 PUBLIC CONSULTATIONS

A total of 20 representations have been received in connection with this application. 18 representations object to the proposed development, and 2 representations support the proposed development.

The following summarises the main reasons for objection:

- Overdevelopment (90 dwelling is too many)
- High density
- Poor access arrangements
- Increase in traffic / congestion / road safety
- Impact on privacy / overlooking
- Impact on natural environment (landscape, ecology etc)
- Loss of trees and woodland habitats
- Impact on house prices
- Pollution (air and light)
- Unstable topography / risk of landslide
- Strain on infrastructure
- Noise during construction
- Inadequate drainage proposals
- Discordance with Thakeham Neighbourhood Plan

The following summarises the main reasons for support:

- Benefit to local community
- Business can relocate to more suitable premises
- Removes noise from existing business,
- Delivers housing
- Makes use of brownfield site

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

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

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

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

6. PLANNING ASSESSMENT

The main considerations of this assessment are:

- The Principle of the Development
- Loss of Employment Land / Business Relocation
- Site Density / Housing Mix
- Affordable Housing / Viability
- Landscape / Trees
- Ecology
- Highways Impact
- Layout and Amenity Impact
- Other matters including: *Drainage and Flood Risk, Air Quality, Archaeology and Heritage, Land Contamination/Remediation, S106 / healthcare contribution via CIL.*
- Planning Balance and Conclusion

The Principle of the Development

- 6.1 Paragraph 11 of the National Planning Policy Framework (NPPF) requires that planning decisions should apply a presumption in favour of sustainable development, which for decision making, means that development proposals in accordance with an up-to-date development plan should be approved without delay. This follows section 70(2) of the Town and Country Planning Act and the provisions of Paragraphs 2 and 47 of the NPPF which require that '*...applications for planning permission [should] be determined in accordance with the development plan, unless material considerations indicate otherwise*'.
- 6.2 The Horsham District Planning Framework (HDPF) was adopted by the Council in November 2015 and forms the current development plan for the District. The Thakeham Parish Neighbourhood Plan (TPNP) was formally Made in January 2017 and now forms part of the Council's Local Plan; carrying equal weight to the HDPF.
- 6.3 Policies 1, 2, 3 and 4 of the HDPF set out the Council's main strategy for the location of development across the District and, in accordance with the NPPF's sustainable development approach; seeks to concentrate development in and around the District's most sustainable settlements. The application site is located within the settlement boundary of 'Storrington and Sullington', which is classified within the HDPF settlement hierarchy (HDPF Policy 3) as a 'Small Town/Large Village' meaning that it has a good range of services and facilities, but has some reliance on other larger settlements to meet certain requirements. Given the application site is located within the defined Built-up Area Boundary (BUAB) of Storrington and Sullington (and the current developed nature of the site), the broad principle of development in this location as prescribed by Policies 2 and 3 of the HDPF is considered to be acceptable.
- 6.4 Notwithstanding the above, it is acknowledged that the site is currently in use as a B2 manufacturing business, and is therefore an employment site for the purposes of HDPF Policy 9. Whilst the site is not defined as a Key Employment Area, Policy 9 (2) of the HDPF requires any application for the redevelopment of any existing employment sites to demonstrate that the premises is no longer needed and/or viable for employment use. In order to comply with Policy 9 (2), the applicant is therefore required to clearly demonstrate that the site is not viable or needed for this use going forward. Despite the requirement of

Policy 9, Policy 'Thakeham2' of the Made TPNP specifically allocates the application site at Thakeham Tiles for housing development, and in doing so, does not set a requirement for re-locating the existing business or to justify its loss (as required by HDPF Policy 9). As such, whilst the HDPF and the TPNP both form part of the adopted Local Plan for Horsham, there is a conflict between these two policy documents with regard to the necessity to justify the loss of an existing employment site.

- 6.5 It is acknowledged that Policy 9 of the HDPF is a non-strategic policy which (by virtue of NPPF Paragraph 30) means that where there are policy conflicts between Local Plans and subsequently Made Neighbourhood Plans, the policies within a Neighbourhood Plan (when brought into force more recently) take precedent over existing non-strategic policies within a Local Plan. In this instance therefore, NPPF Paragraph 30 prescribes that Policy Thakeham2 of the TPNP takes precedent over Policy 9(2) of the HDPF, thereby the principle of residential development on this site without a requirement to justify the loss of the existing business, is accepted by Officers. Notwithstanding this, as there is an identified conflict with HDPF Policy 9(2), Officers consider it to be reasonably necessary to understand what the intention for the existing business is going forward. This will be discussed in more detail within this report.
- 6.6 In summary, whilst the proposed development would result in a loss of an existing local employment site without evidence to show that it is no longer viable, or, demonstration that the business will be relocated (contrary to HDPF Policy 9); it is acknowledged that Policy 'Thakeham2' of the TPNP specifically allocates the site for housing development without any requirement to justify the loss of the existing business. This, coupled with the location of the site within the BUAB of Storrington and Sullington, and the current developed nature of the site, further reinforces the principle of residential development on this site as acceptable. Whilst the principle of residential development here is acceptable by virtue of its accordance with Policies 2 and 3 of the HDPF and its allocation within the TPNP; both the HDPF and the TPNP comprise other policies and requirements that the development must comply with in order for it to be acceptable in overall development management terms. The assessment of this will be made within subsequent sections of this report, and a conclusion and final recommendation is presented at paragraphs 6.91 – 6.96.

Loss of Employment Land / Business Relocation

- 6.7 The planning application is proposed by the owners of Thakeham Tiles which currently operates on the 4.8Ha site as a B2 manufacturer and distributor of concrete products. The business has operated on this site since 1933 and distributes around 90% of its products to local suppliers within a 50 mile radius of the site. Despite the ongoing success of the business, as manufacturing practices have modernised, it is acknowledged by the owners that the existing site on Rock Road no longer meets the needs of the business due to its proximity to residential properties and its ageing infrastructure which is stifling the companies' ambitions to grow. As a result, the overall viability and competitiveness of the business operations on this site is suffering. The owners are therefore seeking to relocate the business to a more suitable site in order to retain the viability of the business and to ensure future growth.
- 6.8 To enable a relocation, adequate revenue is needed from the sale of the current site with the benefit of a residential planning permission. The applicant asserts that the acquisition of an alternative site will only therefore be possible once a sale has been agreed for the current site. Consequently, until that point, a new premises cannot be guaranteed. Whilst an alternative site has not yet been secured, it has been demonstrated by the applicant through the process of this application that efforts have been made to actively research and explore opportunities for alternative sites within the Horsham District. Given that the business has been well-established in its current location for over 85 years, the owners wish to stay in the local area in order to maintain links with suppliers and to retain its workforce.

- 6.9 The applicant has appointed land agents (Spratt and Son) to assist with the relocation plans by seeking to find a suitable new business premises. Whilst the land agents have not been able to secure a suitable site at present, a letter from them explains the efforts that have been undertaken to explore opportunities in the local area and beyond. This includes conversations with the Council's Economic Development Team which has revealed several potential opportunities for new site allocation within the forthcoming Local Plan review process. Whilst it is acknowledged that not all of these potential sites would be suitable, there are some that may fulfil the requirements of the business (subject to planning permission). Officers have also had regular conversations with Economic Development and Planning Policy colleagues regarding alternative site opportunities for Thakeham Tiles, and it is accepted that there are several potential sites listed as developable within the SHELAA and within the Local Plan Review Issues and Options Paper (April 2018).
- 6.10 With no definitive plans for relocation, there is a possibility that the proposal will result in a net loss of employment floorspace, and therefore the proposal does not strictly accord with HDPF Policy 9(2). Whilst Officers acknowledge this, it is accepted that the allocation of the site for residential development in Policy 'Thakeham2' of the Made Thakeham Neighbourhood Plan (without a requirement to justify the loss of the business) carries substantial weight and means that residential development here is considered to be acceptable in principle. The demonstration by the applicant of efforts to find an alternative premises within the District (including internal discussions between Planning Officers and colleagues in the Economic Development Team) provides some comfort and assurance that the business does intend to re-locate, and to retain important B2 employment floorspace and employment opportunities in accordance with HDPF Policies 7 and 9. Whilst it would be preferable for Thakeham Tiles to secure an alternative business premises prior to the grant of planning permission, it is accepted that this is not financially possible to do prior to the sale of the current site.
- 6.11 On balance therefore, whilst the proposal is strictly contrary to the requirements of HDPF Policy 9(2), the principle of residential development on this site is accepted by Officers, by virtue of its location within the BUAB, and its allocation in Policy Thakeham2 of the Thakeham NP. The applicant is not able to offer any guarantee that the existing business will re-locate to an alternative site within the District (or at all); but policy Thakeham2 does not require them to do so. The evidence provided of efforts to seek alternative sites is enough to satisfy Officers that the intention of the owners is to relocate the business in the local area. The conflict with Policy 9(2) is therefore considered to be outweighed by the allocation of this site as residential in the Thakeham NP.

Quantum of Development / Density and Mix

Quantum

- 6.12 The development is proposed in Outline, therefore the specific details with regard to quantum of development, layout, density and housing mix are to be reserved for subsequent approval. Despite this, the applicant has provided an indicative site masterplan which demonstrates how the proposed 90 dwellings could be accommodated on this 4.8ha site.
- 6.13 In allocating this site for residential development, Policy Thakeham2 of the TPNP requires that the site is developed to comprise an '*appropriate number and type/size of dwellings which reflects the character and density of the local residential area*' (criteria i). Whilst the supporting text in paragraph 4.19 suggests that the site could deliver approximately 50 units, this number is not a policy requirement or a cap, and does not prevent the site from delivering a higher quantum. This point was acknowledged by the Neighbourhood Plan Examiner in paragraphs 3.42 and 3.43 of his report, where he accepts that the appropriate number of dwellings on this site will be a '*product of further design work*', and that the '*eventual number of dwellings may be significantly higher than 50*'.

- 6.14 As such, it would be appropriate to assess the eventual quantum of dwellings on this site from criteria (i) of policy Thakeham2, which asks the decision maker to consider the proposal in the context of the character and housing density of the local residential area. Whilst it is acknowledged that the site is surrounded to its east, south and west by existing residential development (largely comprising spacious, detached dwellings set in large plots); the scale, topography and boundary treatments of the site create a relatively self-contained character which is not considered to directly relate to the character of its neighbours.
- 6.15 Having visited the site on a number of occasions, and studied the indicative masterplan which shows the provision of 90 dwellings on the site, Officers are of the view that a largely self-contained site such as this which is located within the BUAB and in close proximity to good road networks and surrounding built development, could reasonably accommodate a relatively high number of dwellings without resulting in harm to the character of the wider area. Section 11 of the revised NPPF (2019) places an important new emphasis on making effective use of land and achieving appropriate densities. NPPF Paragraphs 122 and 123 were introduced after the adoption of the TPNP, and emphasise the necessity to optimise the use of available land and to avoid building at low densities. As this site is already allocated for housing development (and by virtue of this, is considered to be a suitable and sustainable site), it is considered that the site should be developed to its maximum potential whilst respecting the requirement of the TPNP to consider the character of the surrounding local area, and other considerations such as landscape impact and overall quality of development.
- 6.16 In summary, whilst 90 units is considered to be the upper limit to what this site could accommodate; it is accepted that the submitted indicative masterplan demonstrates that 90 dwellings can satisfactorily be accommodated on this site. This view is supported by Thakeham Parish Council, and is therefore considered not to conflict with or undermine the content of the TPNP.

Density and Mix

- 6.17 The proposed 90 units on this 4.8ha site equates to an overall (gross) site density of just under 19dph. This is a moderate/low density for housing in areas within a BUAB, and comparable to densities of other recent housing developments within Storrington. The moderately low density approach allows for the inclusion of areas of public open space within the site and the retention of a large proportion of the existing tree buffer at the perimeters. When excluding the open space and buffer areas, the overall site densities naturally increase (to around 26dph). However this is not excessive for a site within the BUAB, and two distinct character areas still remain, with a slightly higher site density in the norther portion (nearer the access road), and a slighter lower density to in the southern portion where there are larger properties set in more generous plots. Whilst the density across the proposed site is slightly higher than the existing surrounding built form, it is considered by Officers that due to the self-contained character of this site, that the overall indicative site densities are acceptable in this location.
- 6.18 The overall housing mix has been proposed indicatively, and comprises the following:
- 4x one-bed units (4.5%);
 - 23x two-bed units (25.5%);
 - 36x three-bed units (40%);
 - 27x four-bed units (30%).
- 6.19 In allocating this site for residential development, the TPNP does not prescribe any requirements for housing mix, other than to require that the site provides appropriate types and sizes of dwellings which are reflective of the character of the local area. This is in line with HDPF Policy 16 (part 2) which states that an '*appropriate mix [.....] will depend upon the established character and density of the neighbourhood and the viability of the scheme*'. These policies allow for a variance in mix from that required by a specific local housing needs

study, or where this is absent, the mix set out in the Council's 2016 Market Housing Mix Study (which recommends that the mix should comprise 15% 1-bed, 40% 2-bed, 40% 3-bed and 5% 4-bed homes).

- 6.20 Paragraph 6.18 above details the indicative mix of homes proposed. Whilst the indicative mix does not fully accord with the District-wide mix set out in the Council's 2016 Market Housing Mix Study (which seeks a focus on 2 and 3 bedroom units), it is acknowledged that the prevailing character of the surroundings is largely defined by detached houses set in relatively large plots with large curtilages. In that respect, it is considered reasonable to allow a mix that leans in favour of larger units, whilst still providing for a mix across all house sizes. As such, it is considered that the indicative mix shown would reasonably deliver a range of homes that are currently in demand; as well as seeking to accord with the character of larger dwelling sizes in the local vicinity as per the requirements of TPNP Policy Thakeham2 and HDPF Policy 16(2).

Affordable Housing / Viability

- 6.21 Policy 16 of the HDPF requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable. In accordance with the NPPF, Policy 16 of the HDPF allows for a reduced provision of affordable housing if it can be demonstrated that it would not be viable for the development to proceed at a policy compliant provision.

Original Affordable Housing Offer (10%)

- 6.22 The applicant's original viability assessment (Savills, November 2018) presented a development appraisal which comprised a residual land valuation and comparison against a calculated Benchmark Land Value (BLV). Contrary to paragraph 013 of the National Planning Policy Guidance (July 2018) an Existing Use Value (EUV) of the land at present was not provided, so it was not clear that the applicant's calculated BLV was based on the EUV (plus landowner premium). Notwithstanding this, the development appraisal included detailed calculations and assumptions in relation to other required inputs such as built values (private and affordable), build costs, finance costs, CIL, fees, other s106 costs and profit. The applicant's development appraisal explained that in order to facilitate the development, the business would be required to relocate to a new site; and therefore, the costs associated with the relocation are relevant in the overall viability appraisal of the site as an 'abnormal' cost. These relocation costs were estimated by the applicant to amount to £10.9m, comprising £6.2m to purchase a site and to construct suitable buildings and hardstandings; and £3m of set-up costs (comprising the purchase of new machinery). The £10.9m relocation costs were used as the development's Benchmark Land Value.
- 6.23 Due to the specific circumstances of this site with regard to the costs associated with the business relocation (including the purchase of a new site and set-up costs); the original viability assessment concluded that the optimal level of affordable housing that was identified was 12% at a 70:30 tenure split, or up to 18% at a 20:80 tenure split. The applicant's viability assessment was reviewed independently by the Council's viability consultants (Bespoke Property Consultants) (BPC) who advise that based on the costs and values presented by the applicant, even at 0% affordable housing provision, the proposed scheme is not likely to be viable.
- 6.24 In their review, BPC accepted that a large proportion of the inputs and assumptions used by the applicant are reasonable; however they disputed several key factors including the calculated Benchmark Land Value which did not use the EUV+ methodology (required by the National Planning Policy Guidance), the high values attributed to the affordable housing units in this location, as well as other undefined abnormal costs proposed. BPC have undertaken an independent appraisal of the scheme using inputs that they have accepted, as well as adopting their own assumptions of disputed factors (including Benchmark Land

Value, affordable housing costs and abnormal costs). BPC have calculated that the EUV of the site is circa £740,000, and that the residual land value of the development including a fully policy compliant level of affordable housing (but excluding the applicant's £10.9m relocation costs) would be £6.3m. This compares to the applicant's calculated (policy compliant) residual land value of £7.5m.

- 6.25 At a policy compliant level of affordable housing (35% affordable at a 70:30 tenure split), BPC concluded (using their own assumptions including the £10.9m costs associated with the relocation of the business) that the resulting residual valuation (calculated to be £6.3m) would not exceed the adopted BLV (£10.9m), and therefore the development would not be viable. BPC also concluded that even at a 0% provision of affordable housing on site, the scheme would still not provide a sufficient return to allow for the relocation of the business bases on the £10.9m costs, thereby rendering the scheme unviable even without an affordable housing obligation.
- 6.26 BPC advised that the scheme could be viable if the site was developed as wholly open market via a direct procurement route (i.e. by the applicant at a lower profit). BPC also advised that if the £10.9m business relocation costs were excluded (i.e. if the decision was made for the business to cease trading) the residual value would be significantly higher than the Benchmark Land Value, therefore the scheme would be viable at a fully policy compliant affordable housing level.
- 6.27 Given that the £10.9m costs associated with the business relocation is the key factor that renders this scheme unviable in terms of its ability to meet the affordable housing obligations as required by HDPF Policy 16; it was advised by BPC that if the Council were minded to accept the applicant's offer, that a full viability review after one year is secured in the s106 to allow sufficient time for the applicant to purchase another site and identify more accurate relocation costs.
- 6.28 Upon consideration of the BPC review, the applicant responded in a letter dated 07 February 2019 contending that if BPC's cost assumptions are applied, in conjunction with their own original costs, the scheme would not only be viable (by achieving the Benchmark Land Value), but would also support the delivery of some affordable housing. Consequently, this led to the applicant's formal offer of 10% on-site affordable housing at a split of 5x rented and 4x shared ownership units. BPC were asked to comment on this offer. In response, BPC considered that in the circumstances of this site, the 10% offer made by the applicant is reasonable, but insisted that a viability review (with clawback clause) is secured to ensure that the full and accurate costs of the scheme (including consideration of the EUV+ methodology as part of the calculation of the Benchmark Land Value) are applied.

Revised Affordable Housing Offer (20%)

- 6.29 Officers acknowledge that the PPG does not explicitly permit business relocation costs to be included as costs for the purposes of viability appraisal. Nevertheless it is accepted that to facilitate this particular development, the existing occupiers need to relocate and would be unable to do so without an enabling land value. A business requirement of Thakeham Tiles to ensure continuous production of goods, means that a new site is required to be fully operational before the current site can be decommissioned. As such, given that a key element of the site's financial viability derives from the requirement to relocate the business and to purchase/set-up a new site before the current site can be shut down (a cost which is not explicitly allowed for in the PPG); Officers considered it necessary to further explore the viability position (taking into account the unique circumstances of the site), and to explore in further detail whether a higher provision of affordable housing could reasonably be sought, whilst still enabling the business to relocate and remain trading.
- 6.30 Further negotiations between the applicant and Officers took place, which resulted in a revised review by the applicant of their estimated costs and financial viability position. The

applicant's review of costs resulted in a reduction to the overall cost of relocation and site set-up (the calculated Benchmark Land Value) from the original estimate of £10.9m down to £9.3m. This reduction has largely been achieved by some small savings associated with relocating some of the existing paving machinery (as opposed to purchasing new equipment), as well as a decision by the applicant to take on borrowings to finance the cost of a new site and site set-up. The reduced relocation costs have enabled the applicant to increase their affordable housing offer from 10% (9 units) to 20% (18 on-site units).

- 6.31 The revised affordable housing offer (comprising 18 on-site units at a 50:50 tenure split) is still below the 35% policy compliant level required by Policy 16, and does not accord with the 70:30 tenure split sought. By incorporating the estimated business relocation costs (£9.3m) into the site's development viability as an abnormal cost (contrary to the advice in the PPG), then a policy compliant residual land value (somewhere between £6.3m and £7.4m) would still fall well short of the Benchmark Land Value required by the applicant to fund the move (£9.3m). In this scenario, the scheme would not be viable and there would be no opportunity to provide an affordable housing contribution. If the estimated business relocation costs were excluded from the development viability (i.e. if the business ceased trading), then the policy compliant residual land value (£6.3 - £7.4m) would be well in excess of the estimated BLV/EUV for this site (which was calculated by BPC at circa £740,000), resulting in a viable and policy compliant development.
- 6.32 At face value therefore, the development is capable of funding the full 35% affordable housing requirement, but this would only be achievable if the business does not relocate (i.e. it closes down). In the case of this particular proposal, the key question and material consideration for decision makers is whether the resultant (policy compliant) residual land value (£6.3m - £7.4m) is reasonably sufficient to (1) fund the relocation and set-up of the business on a new site; and (2) ensure that the continuous production and manufacturing of products is not affected. If the residual land value is not considered to be enough to fund the necessary relocation at a policy compliant level of affordable housing, then the decision maker needs to decide whether a reduced affordable housing obligation is acceptable to enable this to happen.
- 6.33 Given the unique circumstances of this site (with regard to the allocation of the land with the TPNP, and the requirement for the existing business to relocate in order to facilitate the development and release the land for housing); Officers are of the view that the cost of purchasing the required 6 acres of land for a new site, plus the costs associated with the basic set up (i.e. the erection of buildings and hardstandings) are accepted as essential to the relocation, and would therefore be reasonable costs to include within the development viability.
- 6.34 However, the costs included in the applicant's viability assessment which relate to the purchase of new equipment/machinery are difficult to justify as an essential costs, particularly given the site already operates with the necessary machinery (albeit old, and in need of replacement). The applicant's viability appraisal identifies that the '*New machinery is required to increase the efficiency of production and retain the company's competitiveness in the market*'. Officers do not consider the cost of new machinery to improve the efficiency of the applicant's business to be an essential relocation cost, rather, the purchase of new machinery is a separate business decision that should not be funded from the development at the expense of affordable housing. Whilst the applicant has advised that it is possible to relocate and reuse some of the existing paving machinery; the majority of the equipment used in the manufacturing process is heavy duty and not designed to be moved.
- 6.35 In addition, as a manufacturer of goods, an essential part of the success of the Thakeham Tiles business can be attributed to the continuous production. If the existing machinery was relocated to a new site, this continuous production would have to cease for a number of weeks in order to move the equipment and set up the new site. This disruption in production would be detrimental to the business and is highly undesirable to the applicant who have a

commercial imperative to ensure uninterrupted production. As such, in order to enable continuous production (and to increase efficiency) the applicant has proposed to purchase new equipment as part of the set-up costs of the new site. This would allow a seamless transition from the current site to the new site, and would not result in any losses in production, income or customer base. Due to the requirement to set up the new site before the old site is decommissioned, the cost of the new site set-up (including new machinery) is proposed to be part-funded by the applicant via borrowing, but also by a reduced affordable housing obligation.

- 6.36 In order to fund the required relocation and the 20% AH offer, the applicant has proposed to increase borrowing, and in doing so, has highlighted that they will be taking on an increased commercial risk by carrying an additional debt burden. As such, in order to maintain some commercial certainty, the applicant is only prepared to take on this additional risk if it is agreed that no further financial review is imposed.

Officer Opinion and Summary

- 6.37 The circumstances of this site with regard to the requirement for the business to relocate to facilitate the proposed housing development has influenced the viability position in a unique way. If the costs associated with the business relocation were not included, the residual land value of the site would allow for a policy compliant level of affordable housing to be provided and the scheme would be viable. However, the requirement for the business to relocate to facilitate the development means that the costs associated with the move (circa £9.3m) does not allow for a fully compliant AH provision to be provided, despite a willingness by the applicant to increase borrowing to part-fund the move.
- 6.38 Whilst the PPG does not explicitly allow for business relocation costs to be included for the purpose of viability appraisals; it is acknowledged that the relocation of the existing Thakeham Tiles business is essential to enable the development of housing on this allocated site. As such, it is considered reasonable in this case to apply some flexibility. Given the desire to both free the application site up for housing development (as allocated by the TPNP) *and* to support the continuation of a valued local business and employer; it is considered by Officers that in this particular case, it would be reasonable to allow the costs of the relocation of the Thakeham Tiles business to feature in the development viability of this site, provided that the resulting provision of on-site affordable housing is demonstrated to be the maximum that can reasonably be provided.
- 6.39 Whilst Officers acknowledge that the offer of 20% AH on this site is not policy compliant, it is considered that the applicant has satisfactorily demonstrated the unique circumstances of the costs associated with this proposal, particularly with regard to the costs and circumstances associated with the relocation of the business. Officers therefore consider that it is reasonable to allow the costs of the business relocation to factor into the viability appraisal, and accept on balance that a reduced quantum of affordable housing is acceptable in order to enable the development to take place, and for the business to successfully relocate.
- 6.40 The requirement for the applicant to borrow money to fund additional AH as well as to fund the relocation of the business prior to disposal of the current site, creates increased commercial risk which the applicant is prepared to accept. However, in accepting this increased risk the applicant requires that no further review mechanism is imposed. This is to avoid the uncertainty associated with renegotiation and potential for increases to finance costs and obligations which may compound the viability or deliverability of the development. Ordinarily, a review mechanism would be appropriate in cases where a less than policy compliant affordable housing offer is presented, but given that the costs associated with the viability appraisal in this case are largely undisputed, a review mechanism is not considered to be appropriate.

- 6.41 In conclusion, the requirement for the business to relocate in order to facilitate the development of housing on this site is supported. The costs associated with the relocation and set-up of a new site and resulting reduced affordable housing provision (20%) is, on balance, considered to be acceptable. As confirmed by the Council's viability consultants, the costs quoted within the applicant's viability assessment are largely undisputed therefore a future review of costs by the applicant (a review mechanism) is not considered to be necessary. However, if a future decision is made to close the business instead of relocating, a provision in the s106 has been drafted to require that the fully compliant 35% affordable housing provision shall be provided.

Landscape and Trees

Landscape

- 6.42 As previously noted, the site is located with the BUAB of Storrington. The site does not lie within any formal designated landscape areas, and aside from three separate groups of protected trees (TPO's) located to the south and north-east of the site, the site does not comprise of any specific local landscape qualities. The South Downs National Park (SDNP) boundary is approximately 1km to the south of the site, but the site is not readily perceivable from within the National Park due to topography, development and vegetation that separates them. The site itself has a varying topography particularly to its southern end, which includes a ridge of high land at the southern peripheries formed in the past by excavation of the sand pit.
- 6.43 Notwithstanding the absence of any formal landscape designations on this site, Policy 25 of the HDPF seeks to ensure that development proposals have regard to the natural environment and landscape character; and requires that all proposals conserve the setting of its immediate landscape character, including the SDNP where relevant. Policy Thakeham2 (part iii) requires that the landscape scheme proposed for this site should '*retain as much of the woodland around the edges of the site as possible in order to provide and effective buffer to the adjoining residential area, to provide an amenity for the scheme and to retain local biodiversity value*'. Policy Thakeham6 (part vii) requires developments of a major scale to include space for trees and other softening landscaping, and to blend into the countryside as much as possible. Policy Thakeham10 supports development proposals where they retain and enhance various green infrastructure and valued landscape features including; prominent ridges, PROW's and settings, ecological corridors, hedgerows, and copses/woods.
- 6.44 The landscape proposals shown in the illustrative masterplan comprise pockets of open space across the site, landscape buffering (including existing trees and undergrowth) around the site perimeters, and additional tree and shrub planting within the site. The open space to the north of the site is adjacent to the site entrance and includes an attenuation basin which, in addition to additional underground storage tanks at the centre of the site, forms part of the overall site drainage scheme. The open space to the centre of the site lies adjacent to the length of the existing public right of way that bisects the site, and also includes a play area (proposed as a Locally Equipped Area of Play) which is indicatively shown. The development proposes to retain all Category A grade trees within the site, and to retain 50% and 73% (respectively) of the existing Category B and C trees across the site. Whilst around 50% of existing protected Scots pine trees in the southern portion of the site are required to be removed to facilitate the development, it is proposed that the remaining (more mature) trees around the southern periphery are to be retained to maintain a woodland character, and mature site buffer.
- 6.45 By virtue of the proposed layout, drainage proposals, and quantum of tree removal required to facilitate the level of housing proposed; the Council's Landscape Architect considers that the scheme represents overdevelopment and fails to accord with Policies 25 and 31 of the

HDPF as well as Policy Thakeham2 (part iii) of the TPNP; and in its current form cannot be supported in landscape terms. The Council's Landscape Architect consider that the cumulative effect of tree and habitat removal equates to an overall erosion of the evolved landscape character, a fragmentation of the existing green infrastructure, and a net loss in biodiversity. The lack of mitigation against this loss is considered by the Landscape Architect to have a significant and detrimental effect on the landscape character. The Landscape Architect suggests that effort should be made to secure as many of the existing trees as possible and that a reduction in dwellings and a design reconfiguration is required in order to achieve this. The Landscape Architect has also commented on the SuDS proposals which are considered to be unsatisfactory in landscape and ecology terms, and notes that the proposal has missed the opportunity to reinforce and enhance the 'green' experience around the route of the public right of way.

- 6.46 The concerns raised by the Landscape Architect largely centre on the proposed quantum of trees that would be lost to facilitate a development of up to 90 homes on this site, and the consequential impact on biodiversity and landscape character that would result. Whilst it is accepted that the loss of trees (particularly at the southern and western parts of the site) is likely to result in a more urban character within the site; it is recognised that the site is located within the BUAB of Storrington, is surrounded by residential development, and is already industrial in character. Therefore the loss of trees as proposed is not considered by Officers to be significantly harmful to the existing landscape character of the site itself, or its surrounds. In addition, the nature of the residential development proposed for this site will inherently require the site to adopt a more urban character; therefore (contrary to the Landscape Architect's view) Officers consider that the loss of a proportion of trees on this site to facilitate the development would on balance, be acceptable. Further consideration into the acceptability of the proposed loss of trees from an amenity and individual merit perspective (i.e. due to their TPO status) is provided in paragraphs 6.49 – 6.53 of this report.
- 6.47 The indicative masterplan demonstrates that there is opportunity for retention of existing trees within the site and along the site boundaries, as well as proposals for new tree and shrub planting to enhance buffers and to provide a high quality and pleasant residential environment in accordance with Policy Thakeham2 (part iii). The precise details of the soft landscape proposals, PROW improvements and play area provision will be required to be submitted at Reserved Matters stage, but for the purpose of this Outline application, Officers consider that the landscape details indicatively shown will enable the development to successfully accord with the requirements of HDPF Policy 25 and Policies Thakeham2 (part iii) of the TPNP.
- 6.48 It is acknowledged that the removal of trees subject to Tree Protection Orders is proposed, and a more detailed discussion regarding the acceptability of this is provided in the next section of this report. It is also accepted that the removal of trees on this site may have implications regarding neighbouring amenity and biodiversity, and these issues are discussed in subsequent sections of this report. In landscape terms however, it is considered that the benefits provided by the proposed housing provision on this allocated site would, on balance, outweigh the harm to landscape character as identified by the Council's Landscape Architect.

Trees

- 6.49 The existing tree cover at the southern end of the site is subject to TPO/1289 which was confirmed in 2005. This area-TPO covers around 2Ha of mixed deciduous and coniferous woodland comprising a mix of older tree cover to the outer peripheries (including a deciduous stock of Silver birch, oak and some Sweet chestnut), and a younger stock of self-seeded Scots pine which became established since sand extraction from the former pit ceased in the 1940s. The Council's Tree Officer has confirmed that TPO/1289 was originally served to ensure against overall clearance of trees in order to protect the amenities of nearby residents from the visual and audible disturbances from the existing manufacturing business. The

protection of these trees for their individual and collective quality or merit was not therefore the primary purpose of the TPO.

- 6.50 Historically, maps and photographs of the site from the 1940s provided by the applicant show that the extent of tree cover in this area was much reduced when the sand pit was in use in the 1920s, 30s and 40s. In comparison to what is proposed as part of this planning application (which includes retention of existing peripheral trees cover and additional planting), the historic photographs and maps show that there was previously a much lesser extent of tree cover at the southern part of the site when the pit was in use. The majority of tree cover that exists on the southern part of the site today, has grown over the past 50 years as a result of advantageous self-seeding pine trees and undergrowth that have encroached upon the disused sand pit.
- 6.51 The application proposes the removal of approximately 50% of the woodland area to the south of the site. The trees in question are all relatively young Scots pine, which are all now of a similar size and form. Although these trees are included in the 2005 TPO and are visible from within the site, the Tree Officer has confirmed that they are of low value in wider amenity terms and consequently are of no particular or especial merit. The Tree Officer has therefore confirmed that there is no objection raised to their removal. The submitted Arboricultural Implications Assessment and accompanying Tree Survey also indicate the removal of 28 individual tree specimens, all within the north-western section of the site. These trees have been graded as Category B and C and are considered by the Council's Tree Officer to be an accurate grading. The Tree Officer has confirmed that these trees (including the 9x Category B trees) are not specimens in amenity terms of any particular or especial merit, and therefore no objection is raised to their removal.
- 6.52 The older and more mature tree stock within the peripheral parts of the southern end of the site are proposed to be retained. The Tree Officer considers that this would leave an appropriately wide strip of woodland containing trees of higher importance in ecological, biodiversity and amenity terms; and consequently, supports the retention of these trees. The TPO status of the retained trees would be maintained, meaning that any future pressures to fell or prune these trees can be controlled. As a whole, whilst the proposed development comprises the removal of a high proportion of trees within a confirmed area-TPO (as well as 28 other individual specimens), the Tree Officer acknowledges that the tree removal is necessary to facilitate the development, and is satisfied that the trees proposed for removal are not specimens of any especial merit, quality or importance.
- 6.53 In summary, whilst the Landscape Architect has raised an objection to the proposed development due to concerns with the quantum of tree loss and consequential negative impact on landscape character, Officers consider on balance that the benefits of the additional housing would outweigh the identified landscape harm. Additionally, the confirmation from the Council's Tree Officer that no objection is raised against the proposed loss of protected trees within the southern section of the site; further adds weight to the on-balance acceptability of the proposed development with regard to tree loss.

Ecology

Species Surveys

- 6.54 The application is supported by five ecology reports which comprise survey results and mitigation proposals for badgers, bats, dormice, great crested newts and reptiles. The reports confirm that there is no presence of dormice or great crested newts on site. A low slow-worm population was identified at the southern end of the site but translocation was not considered necessary. Details of the badger survey results remain confidential, but the Council's Ecologist has confirmed that the results and recommendations are reliable and appropriate.

- 6.55 The bat survey recorded a low level of bat activity across the site, but from ground-level inspections did not locate any specific roosts. As advised by the Council's Ecologist, a climbed-tree inspection was carried out to identify any potential bat roosts on 14x ivy-clad trees scheduled for removal that could not be fully assessed from the ground. The results of the climbed inspection confirmed that no evidence of bats was found; and that 9x of the inspected trees has a negligible potential to support bat roosts. However, 5 of the inspected trees showed a low potential to support roosting bats, which includes 3x trees that could not be comprehensively inspected due to a lack of suitable anchor points. The climbed-tree inspection report (by Phlorum) suggests that precautionary mitigation measures in line with Bat Conservation Trust (BCT) guidelines is recommended for these 5x trees that showed a low potential to support roosting bats.
- 6.56 The Council's consultant Ecologist has reviewed all five ecology reports and has confirmed that the survey information (including methodologies used and recommendations proposed) is acceptable. The Ecologist has confirmed that the additional information provided (including results from the climbed tree surveys) is sufficient to show that the trees proposed for removal are likely to have a low potential to support roost features. As such, the Ecologist has recommended that the proposal is now acceptable subject to conditions to ensure that all works accord with the methodologies and precautionary mitigation measures as set out in the submitted supporting information.

Biodiversity Net Gain

- 6.57 Paragraph 170 of the NPPF (2019) places a new emphasis on the preservation and enhancement of biodiversity, requiring planning decisions to '*contribute to and enhance the natural and local environment by [...] providing net gains for biodiversity*' (Para 170, part d); and to emphasise that development plans should '*pursue opportunities for securing measurable net gains for biodiversity*' (Para 174).
- 6.58 Contrary to the requirements of the NPPF as outlined above, due to the proposed removal of a large proportion of woodland within the southern section of this site (albeit mostly pine dominated mixed woodland), a net *loss* in biodiversity habitats of around 2,000m² results. As existing, the wooded area within the site totals around 21,000m², which comprises 7,000m² of young self-seeded pine of lower ecological diversity; and the remaining 14,000m² being the more peripheral older stock of valued, deciduous woodland. The proposed development requires a total loss of around 9,500m² of woodland - the majority of which comprises the young pine specimens. This amounts to the retention of around 11,500m² of existing woodland habitats across the site.
- 6.59 To compensate for the loss of woodland, new diverse habitat creation across the site is proposed, including additional buffering at the site peripheries, new native shrub and tree planting, grassland, wildflower meadows and open water ponds. The loss of a small proportion of the older deciduous woodland is proposed to be compensated for by the creation of 7,500m² new areas of planting across the site comprising native trees and shrubs already present on the site. The retention of 11,500m² of existing woodland habitats across the site, plus the creation of 7,500m² of additional habitat creation, equates to biodiversity habitat provision of around 19,000m² across the whole site, which whilst welcomed, equates to an overall biodiversity net loss of 2,000m² and is therefore contrary to the NPPF requirements to seek net gains in biodiversity.
- 6.60 In acknowledging this net loss, the applicant is of the view that the trees accounting for the largest proportion of loss (i.e. the young self-seeding pine trees) are of lower ecological value to native woodland species; and the compensatory habitat creation will in turn, create a more diverse range of habitats to enable a wider variety of species to colonise and thrive. It is considered by the applicant therefore, that despite the net loss of 2,000m² of woodland habitat; the compensation, enhancement and mitigation measures proposed will 'reduce the loss of biodiversity to low, or even insignificant levels'.

- 6.61 In their assessment of this matter, the Council's consultant Ecologist has commented on the biodiversity enhancements offered by the applicant as part of the Outline proposal, and reiterated that a measurable net gain for biodiversity is required to be demonstrated. The Council's Ecologist has suggested that additional measures such as integrated boxes should be included within the development to seek to achieve a net gain for biodiversity and to comply with the NPPF and Policy 31 of the HDPF. As such, the Ecologist considers that the development could be made acceptable (in terms of biodiversity net gain), and has recommended that a condition for a Biodiversity Enhancement Strategy is imposed for approval at Reserved Matters stage. Officers agree with this approach and have included a suitably worded condition in the recommendation.

Highways Impact

- 6.62 In support of the application, the applicant has submitted a Transport Assessment (TA), a Stage One Road Safety Audit (RSA), a Framework Travel Plan (FTP) and a supplementary transport note.
- 6.63 Chapter 9 of the NPPF sets out the government's policy for the promotion of sustainable transport, and details how transport and highways implications arising from development proposals should be considered in planning terms. Paragraphs 108 to 111 of the NPPF are particularly relevant when assessing the appropriateness of a proposal in highways terms. Paragraph 108 requires that appropriate opportunities to promote sustainable transport modes should be considered, and that safe and suitable access to the site can be achieved for all users. In addition, it requires that any significant impacts from the development on the transport network or on highway safety can be effectively mitigated. Paragraph 109 is of key importance when determining whether a proposed development is acceptable, and requires that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or, the residual cumulative impacts on the road network would be severe'* [emphasis added].

Site Access and Internal Layout

- 6.64 Means of access to the site is the only part of this Outline application that is proposed in full. Vehicular access to the site is currently via an existing priority junction onto Rock Road (a 40mph road). The applicant acknowledges that the current access arrangement and visibility splays would be unsuitable in the context of serving the proposed residential development, therefore it is proposed that traffic calming measures and other access improvements are made to the existing access. These improvements include revised visibility splays, and a new priority T-junction located a short distance to the east of the current access. In addition, the existing 30mph speed limit on Rock Road (which currently begins around 160 meters to the west of the existing site access) is proposed to be extended by around 260m in an eastbound direction, to include the site access and a new kerbed build-out with a gateway feature on the westbound carriageway which will include new speed signage. After this point, the speed limit on Rock Road would revert to the existing 40mph zone. Additional access improvements and traffic calming measures include an at-grade table at the bell-mouth of the site access junction, cobbled surface strips either side of the junction, carriageway narrowing, and additional street lighting. WSCC Highways has confirmed that the proposed improvements to the access and associated traffic calming enhancements on Rock Road are appropriate, and (subject to conditions and a contribution of £7,500 within the s106 for implementation of a TRO to extend the 30mph speed limit) have raised no objection to the site access proposals.
- 6.65 Given the Outline nature of the application, the internal layout and parking provision within the site and roads is not a matter under consideration at this stage. Notwithstanding this, the submitted site masterplan indicates that the layout will comprise a main spine road of 5.5-metres width (with widening on bends), which is sufficient for two large vehicles to pass in

line with Manual for Streets principles. It is intended that the use of surface treatment will help encourage lower vehicle speeds within the site. In addition, a 2-meter wide footway on both sides of the road is shown, and parking for 247 cars is indicated to serve residents and visitors (a comparable provision than require by the 2019 WSCC Parking Demand Calculator which calculates that 248 allocated and visitor spaces are required). WSCC Highways acknowledge the indicative nature of the submitted masterplan, but have confirmed that the vehicle tracking provided (for refuse vehicles) shows appropriate widths, and raise no objection to the parking provision shown. It is therefore considered that the indicative internal road layout and parking provision is acceptable in principle.

Trip Generation and Junction Capacity

- 6.66 Trip generation has been calculated within the Transport Assessment using the 'TRICS' database, which is an industry accepted means of estimating vehicular traffic generations for future development scenarios. Despite the proposed provision of flats and affordable housing units on this site (which are usually considered to result in lower trip rates), the trip generation analysis has been based on 100% private/open market dwellings, therefore it is considered that the assessment is robust and takes account of a worst case situation. Trip generation has been calculated for this site based on completion and full occupation in 2021.
- 6.67 As existing, the Thakeham Tiles site generates around 130 daily vehicle movements to and from the site, 64 of which are HGV movements. Using TRICS, and based on 2021 ambient traffic flows, other committed development in the area, and the deduction of existing movements associated with the existing business; the proposed development is anticipated to be associated with an average of around 57 movements in both the AM and PM peaks, which equates to approximately one additional vehicular movement per minute during these times. The total anticipated daily flow rates resulting from the development are calculated to be around 480 which whilst higher than existing, removes the vast majority of HGV movements. WSCC Highways have accepted the applicant's methodology for trip generation and have not disputed the outcomes or considered them as being 'severe' in terms of NPPF para 109.
- 6.68 Junction modelling and highway capacity assessments have also been undertaken within the TA using industry recognised software (TEMPRO). Modelling has been undertaken for the following junctions: (1) Rock Road/Site Access, (2) Rock Road/A24, and (3) Thakeham Road/Water Lane. The modelling shows that whilst there would be an increase in traffic flows at the Rock Road/Site Access junction, the change in traffic demand on the other junctions is within normal day-to-day fluctuations in traffic flows, and is therefore accepted by WSCC Highways. The result of junction modelling at the A283/B2139 School Hill (located approximately 1.7km to the west of the site) shows that this area is currently operating over capacity, and would continue to be so by 2021, even without the proposed development. The development at Thakeham Tiles is anticipated to generate around 9 additional vehicular movements through this junction in the AM and PM peak periods, which would result in additional delays of around 9 seconds (and 2 vehicles) in the PM peak. WSCC Highways have confirmed that this impact is not considered to be unacceptable, or to classify as 'severe' in terms of NPPF para 109.

Sustainable Transport

- 6.69 Paragraph 108 of the NPPF requires that appropriate opportunities to promote sustainable transport modes are made in all applications for development. Paragraph 110 further states that developments should give first priority to pedestrian and cycle movements, and second priority to facilitating access to high quality public transport. Paragraph 111 requires a Transport Assessment and Travel Plan to be submitted with all applications for development that will generate significant amounts of movement. As such, the application is supported by a Framework Travel Plan (FTP) which details how the proposed development enables accessibility to and from the site by foot, bicycle, bus and rail. In addition, Section 7 of the

FTP proposes targets for reducing the TA's predicted vehicle trip rates by encouraging modal switches.

- 6.70 Given the location of the site, within the built up area boundary of Storrington, and only around 300m from the nearest primary and secondary schools, the site is ideally located to reduce the reliance on car travel, and to enable travel by sustainable modes. Pedestrian and cycle access to and from the site will be encouraged by the proposed improvements to the existing PROW that runs across the site in an east/west direction. The PROW connects Hillside Walk to the west of the site to Bracken Lane to the east. The existing footpath is unsurfaced and prone to becoming muddy in wet weather. It is proposed that the PROW surfacing will be enhanced using compacted gravel and low-level lighting will be provided to enhance the perceived attractiveness and safety of the route. The improved route will provide a safer and more attractive connection to Thakeham Primary School and Steyning Grammar School to the west of the site. A detailed scheme of works for the PROW improvements will be secured by condition. Additional pedestrian access to the site will be via the existing footway along Rock Road, which, as part of the traffic calming and access improvement works, will be lit by new street lighting, thereby improving the attractiveness of this route for walkers.
- 6.71 Storrington Village Centre is located within a 25-minute walk of the site (around 2km). The nearest bus stop to the site is located around 500m away on Thakeham Road (a 5-7 minute walk), which provides direct bus links to the village centre where facilities such as supermarkets, post office, library, doctors surgery, pharmacy, hair salon, banks, pubs, and several cafés and takeaways and a library can be found. Whilst the nearest bus stop from the site (500m) is slightly further than the maximum desirable distance of 400-metres identified by the Institute of Highways & Transportation, it is considered that the improvements to the PROW will create a more desirable walking route that will help to offset the difference of 100m.
- 6.72 Section 7 of the submitted Travel Plan has set a 5-year target to reduce vehicle trip rates by 10% compared to the trip rates forecast in the Transport Assessment. This seeks to reduce daily vehicle trips from the predicted 480 to a target of 432 (10% reduction). An appointed Travel Plan Coordinator will administer the Travel Plan by promoting the initiatives and measures set out in the scheme to future residents, and by undertaking a series of post-occupation travel surveys to assess if the trip reduction target is being met. The measures by which the Travel Plan seeks to meet the 10% target includes promoting the scheme to future residents by distributing a bi-annual Travel Plan Brochure and Welcome Pack, a sustainable travel voucher worth £150 to each unit to be used towards the purchase of walking or cycling equipment, other walking, cycling and public transport initiatives (including the provision of plans illustrating local routes, and maintenance of these routes), car sharing schemes, and the provision of electric vehicle charging points at each dwelling. The County Travel Plan Officer has reviewed the Travel Plan and after some amendments, has confirmed that the measures proposed are acceptable.

Summary

- 6.73 It is acknowledged that whilst the proposed development would result in an increase in traffic movements along Rock Road at the site access, and at the A283/B2139 School Hill junction in Storrington; it is considered by WSCC Highways that all nearby roads and junctions can operate within an acceptable capacity. WSCC accept that the estimated trip generation and traffic impact is unlikely to result in a 'severe' impact on the local road network, nor that there would be an unacceptable impact on highway safety; therefore in accordance with NPPF para 109, do not recommend refusal on highways grounds. Given the location of the site within the BUAB of Storrington, it is considered that sustainable modes of transport can be encouraged in order to reduce vehicle trip rates in the local vicinity, and the measures set out in the submitted Travel Plan are considered to be appropriate and achievable. In summary, Officers agree with the view of WSCC Highways that there would be no 'severe'

impact on the local highway network resulting from this development, and subject to the completion of a s106 and conditions suggested; are of the view that the highways impact associated with the proposed development is acceptable.

Layout and Amenity Impact

- 6.74 As with the internal road layout, the overall site layout is a matter for approval at Reserved Matters stage, so is not for consideration as part of this Outline application. Notwithstanding this, the illustrative masterplan submitted shows a layout for the site which sets the parameters for a detailed layout to be assessed in a future Reserved Matters submission. In broad terms, the layout shows that the proposed 90 dwellings and internal road network can be accommodated within the site; in conjunction with a scheme of landscaping and perimeter buffering, parking provision, drainage and amenity space.
- 6.75 The illustrative layout shows a central road from the site access at the north leading into the site before curving towards the east of the site (akin to the existing ramped service road on site) and leading into the southern section where it branches off into more minor residential streets and shared surfaces serving the dwellings. A play area and principle area of public open space is located in the centre of the site adjacent to the existing PROW which is proposed to be upgraded as part of the development. Two smaller areas of open space are also shown – one within the southern section, and one within the norther section of the site. The built form of the development is set back from Rock Road to the north by approximately 25 meters to allow space for an attenuation pond and tanks, and additional landscaped open space. The dwellings are shown to largely front the internal road network, with gardens to the rear, thereby providing active frontages and natural surveillance towards areas of open space.
- 6.76 In terms of its ability to accommodate the proposed number of dwellings and associated infrastructure and facilities, the indicative layout is largely considered by Officers to be acceptable. The Highways Authority have confirmed that the widths and geometries of the internal road network shown can accommodate the turning and passing of 2 large vehicles, and no issue has been raised regarding the parking provision shown. The play area and open space located at the centres of the site is considered to be positioned appropriately, and will enable future residents to easily access this area from across the site. The adjacent PROW will complement the play area in this location, and will encourage additional use of this facility from people living further afield. Provided it is designed appropriately, the open space and attenuation area to the north of the site would provide a welcoming entrance, and would complement the naturalised setting and wooded character of this part of Rock Road.
- 6.77 Due to the topography of the southern part of the site (particularly on the southern and eastern boundaries), and the intervening tree buffer and set-back position of the proposed development; the dwellings proposed in this section are not likely to be in direct view of existing neighbouring dwellings. The southern part of the proposed development is not therefore, considered to result in significant harm to the amenities of occupants located in Hillside Walk, Sandgate Lane and Bracken Lane. Similarly, the existing and enhanced boundary treatments at the eastern boundary of the site, coupled with a slight rise in land levels here indicates that existing dwellings in Bracken Lane (including 'Overlea' and 'Maple Lodge') are unlikely to experience harmful overlooking or other direct amenity impacts.
- 6.78 The main concern identified by Officers with regard to impact on amenity from the proposed development, is on the western boundary of the site where the development is in relatively close proximity to existing neighbouring dwellings, and where boundary treatments and topography do not allow for much natural screening. Whilst some existing and proposed boundary buffering is present, it is considered that the indicative positioning of units 58/59 and its proximity to existing dwellings on Hillside Walk (particularly 'Heathside') has the potential to result in amenity impact in the form of overlooking. Similarly, units 76-79 and 80-83 (which are on the site of the now demolished Elizabeth Cottage) adjoin the boundaries of

'Chetwynd' and 'Inglenook', which also provides the potential for overlooking and impact on privacy.

- 6.79 Whilst these concerns have been identified, the Outline nature of this application and the submission of a site layout which is only indicative, does not allow for a detailed assessment of this harm to be made at this stage. It is considered that issues such as overlooking and impact on privacy can appropriately be controlled during the Reserved Matters stage through a carefully design detailed layout which makes use of appropriate screening, boundary treatments and orientation of buildings. Therefore, whilst Officers acknowledge the potential amenity harm that may result from dwellings shown on the western section of the proposed development, it is considered that the detailed design and layout of the site can be appropriately controlled during the Reserved Matters stage of the planning approval. Therefore, for the purposes of this Outline application, the indicative layout and amenity impact is considered to be acceptable.

Other Matters

Drainage and Flood Risk

- 6.80 The 4.8Ha site is located in Flood Zone 1 which means it has a less-than 1 in 1,000 annual probability of flooding. As the site is over 1Ha in size, a Flood Risk Assessment (FRA) has been submitted (as required by the NPPF). The drainage strategy proposed for the site is to restrict total run-off to 13.7 litres per second (l/s) for all storm events up to the 1 in 100 year plus 40% climate change (at greenfield run of rates). Due to the topography of the site, it is possible to drain the majority of surface water by gravity to the existing watercourse to the north, but there is also a small catchment within the site that drains in a westward direction to an existing drainage ditch. Therefore the proposed run-off of 13.7 l/s has been divided into two catchments with the 'western catchment' restricted to 2 l/s, and the 'main catchment' restricted to 11.7 l/s. Water is proposed to be stored within 3 separate underground storage tanks located at the north of the site (680m³), to the west of the site (75m³) and under the play area in the centre of the site (540m³). In addition an attenuation basin at a depth of 1.8m (1:4 side slopes) is proposed to store excess surface water to a capacity of 748m³, and a 300mm deep controlled area of surface water storage is proposed in the play area/open space.
- 6.81 The Council's Drainage Engineer has reviewed the proposed drainage strategy, and after a number of amendments made following the first submission, has now confirmed that the strategy will provide acceptable drainage for the development, in accordance with the flood risk requirements of the NPPF. Despite confirming that the drainage strategy is acceptable, both the HDC Drainage Engineer and WSCC's Flood Risk Management Team have commented on the failure of the development to incorporate some of the main principles and good practice objectives of SUDS design. Whilst final drainage design and SUDS features can be controlled by condition, it is usually preferable for the SUDS design to be shown at Outline stage to demonstrate that the principles have been acknowledged and that they are integrated with the landscape proposals. Rather than relying on basic water attenuation and discharge to ordinary ditch systems, the spirit of SUDS implementation is to seek betterment for surface water systems through the use of green roofs, permeable paving, swales and SUDS landscaping to reduce peak flows and to improve local biodiversity and green infrastructure provision.
- 6.82 Despite acknowledgement by Officers that the SUDS proposals for this scheme is not an example of best practice, given that the technical details of the proposed drainage strategy have been confirmed as acceptable by the Council's Drainage Engineer, it would be difficult at this Outline stage to refuse the application on drainage grounds. Whilst it would be preferable to see a more innovative SUDS system incorporated into this development, it is understood that including features such as swales, infiltration trenches and filter strips has not been possible due to the unwillingness of Southern Water to adopt sewers downstream

of such features (due to maintenance liabilities), and the presence of retaining features and existing trees which would compromise the propose layout and number of units, resulting in an unviable scheme. For the purpose of this Outline application, Officers accept the drainage strategy proposed, but suggest that a condition is imposed to require a detailed SUDS system to be submitted with any future Reserved Matters submission to seek a design that accords with relevant SUDS guidance, and that coordinates with the final landscape proposals.

Air Quality

- 6.83 Paragraph 181 of the NPPF and Policy 24 of the HDPF seek to maximise opportunities to improve air quality through the effective mitigation of impacts caused by new development. The site is located approximately 1.6km to the east of the Storrington Air Quality Management Area (AQMA) which relates to the historically high Nitrogen Dioxide (NO₂) levels present on Storrington High Street. Whilst the application site itself is a reasonable distance from the AQMA, the proposed residential development is forecast to result in an increase in traffic movements within and around the AQMA area, therefore as required by the Council's *'Planning Advice Document: Air Quality and Emissions Reduction'*, an Air Quality Assessment has been submitted. The assessment concludes that whilst there will be an increase in traffic resulting from the proposed development, there will be a decrease in HGV movements in the area, thereby resulting in a negligible impact on air quality.
- 6.84 Despite this negligible impact, the HDC Air Quality Action Plan requires all major planning applications to install 3 types of mitigation to offset any impact on the local environment. As this is a major application, this mitigation applies. Type 1 mitigation is to enable occupants to make greener choices, thereby electric vehicle charging points are proposed to be installed at every unit with dedicated parking bays, and 1 charging point per every 10 communal parking spaces. Type 2 mitigation is linked to the provision of a Travel Plan. As discussed in previous sections of this report, the applicant's Travel Plan provides a strategy to encourage residents to reduce vehicle trips. Type 3 mitigation is for major applications only and requires the pollutant costs from the development to be calculated and the appropriate cost spent on mitigation to minimise the impacts of the development. Using HDC's damage cost mitigation calculator, the calculated pollutant cost from emissions for this development has been calculated at £24,812. The Council's Air Quality Officer has reviewed the revised Air Quality Assessment and has confirmed that the approach to calculating the air quality damage cost is accepted. Other than the provision of on-site electric vehicle charging points, no specific mitigation projects have been suggested by the applicant. As such, in order to secure appropriate mitigation, a condition is suggested to require a scheme of air quality mitigation to be submitted and approved.

Archaeology and Heritage

- 6.85 The site itself contains no locally or nationally listed buildings, nor are there any examples of listed structures within close proximity to the site. The entire site is, however, designated as an Archaeological Notification Area, largely by virtue of the historic interest of the 19th century manufacturing business, which includes some original industrial buildings, and a 2ft narrow gauge railway which was once a key piece of infrastructure within the site used to transport raw materials from the pit area to the manufacturing sheds. The narrow gauge railway was replaced by a modern roller conveyor in 1980, and was transferred to the Amberley Chalk Pits Museum where some of the railway track, wagons and locomotives are still in use today.
- 6.86 The planning application is supported by a copy of records of this site from the WSCC Historic Environment Records (HER), and a Heritage Report which details the full history of the site, including changes that have occurred since the business was founded in 1920. The Council's consultant Archaeologist has reviewed this application and notes that the buildings on site that are proposed for demolition are fragile and finite, and may be of archaeological significance. A condition is therefore recommended to require a professional team of

archaeologists to undertake an initial building record of the buildings to be demolished (in accordance with a Written Scheme of Investigation), and for the results to be approved by the Local Planning Authority. Officers agree with this assessment, and a condition is recommended accordingly.

Noise

- 6.87 In support of the planning application, a Noise Report has been submitted. This identifies that the prevailing source of noise is from nearby road traffic (namely Rock Road to the north of the site), meaning that the northern section of the site is the most noise-sensitive. Accordingly, environmental noise surveys were undertaken on site to determine the likely impact on future residents. Guidance standards for acceptable indoor and external noise levels have been referenced in the Report, noting that external amenity areas should not exceed 55dBA during daytime hours, and overnight indoor noise levels for bedrooms should be no more than 30dBA (35/40dBA during the daytime).
- 6.88 Given the Outline nature of the application, and the indicative site layout show, it is not possible at this stage to precisely determine the internal noise impact of each property. The Noise Report concludes that whilst external amenity areas of the development are likely to be able to achieve the required maximum noise standards without mitigation (noise barriers etc), the final design and layout of the development should ensure that internal noise levels are in accordance with the guidance of BS 8233:2014 (which may include the need to install mechanical ventilation and acoustic glazing to some building facades). The Council's Environmental Health Officer has reviewed the submitted Noise Report and agrees with the conclusions. In order to ensure acceptable internal noise levels are achieved, a condition has been drafted to require a scheme of sound attenuation to be submitted and approved prior to commencement.

Land Contamination/Remediation

- 6.89 A Ground Investigation Report has been submitted in support of the application. Section 10 of the Report highlights a number of recommendations, including the provision of an asbestos survey; further ground investigatory work once the buildings have been demolished; gas monitoring in the southern part of the site; and groundwater level monitoring. The Council's Environmental Health Officer has reviewed this Report and has accepted its conclusions. The EHO notes that the additional information recommended in the Report is necessary in order to develop a suitable remediation method statement, and to ensure the site is suitable and fit for its intended purpose. As such, a condition is recommended by the EHO to deal with the risks associated with contamination. This conclusion is accepted by Officers, and a condition is recommended accordingly.

s106 / Healthcare Contribution via CIL

- 6.90 In line with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010, and HDC's CIL Charging Schedule (2017); the proposed development is liable for a Community Infrastructure Levy contribution. Given the Outline nature of the application, the precise CIL charge will be calculated at the relevant Reserved Matters stage based on the number and size of dwellings proposed. The CIL payment will contribute to the improvement and/or expansion of local infrastructure (including healthcare services) that would be directly or indirectly affected by this development. In addition to the CIL payment, a s106 legal agreement is also required for this planning application in order to secure the proposed affordable housing as well as the required highways works (including a contribution to fund the necessary TRO).

Planning Balance and Conclusion

- 6.91 The proposed residential development, by virtue of its location within the BUAB and allocation for residential development in the TPNP, is acceptable in principle. Whilst the development would result in a loss of an existing employment site, it is acknowledged that the TPNP does not specify a need to justify the loss of the existing business. Officers are satisfied that the intention for the existing business to re-locate with the District is genuine, and on balance, consider that the conflict with HDPF Policy 9(2) is outweighed by the allocation of this site for residential development in the TPNP. Despite the uncertainty of the business relocation, the acceptability in principle of residential development on this site weighs in favour of the application.
- 6.92 Whilst the supporting text within the TPNP makes reference to a development of around 50 units on this site, it is considered by Officers that the proposed 90 units would be accommodated satisfactorily within the site and would not result in an unacceptable conflict with the surrounding character. It is disappointing that the application site cannot provide a policy compliant level of affordable housing, however it is accepted that due to the unique circumstances of the site (including the costs associated with the required business relocation), 20% affordable housing is the optimum that can be offered. This provision is accepted by Officers, provided that a clause is secured in the s106 to ensure that the fully compliant 35% affordable housing provision is secured in the event that the business ceases trading instead of relocating.
- 6.93 Much of the required tree removal on the site is covered by an area-TPO, but the Council's Tree Officer has not objected to their removal. The tree removal has however resulted in an objection from the Council's Landscape Architect who considers this loss to be detrimental to the landscape quality of the site. Similarly, whilst the Council's Ecologist does not object to the development (subject to a condition), it is accepted that the scheme currently results in a net loss of biodiversity. Officers are of the view that conditions can be used to seek landscape and biodiversity improvements at Reserved Matters stage; and that on balance, the benefits provided by the proposed housing would outweigh the harm to landscape character and associated impact on trees and biodiversity.
- 6.94 It has been confirmed by WSCC Highways that the proposed development is unlikely to result in a 'severe' impact on the local road network, and that by virtue of its location, the use of sustainable modes of transport can reduce vehicle trip rates. It is acknowledged that there is some potential for the proposed development to impact on the amenity of neighbouring dwellings, however it is considered that the detailed design and layout of the site can be appropriately controlled during the Reserved Matters stage. Despite the SUDS proposal not being an example of best practice, the technical details of the proposed drainage strategy have been confirmed as acceptable by the Council's Drainage Engineer.
- 6.95 It is considered that other impacts identified relating to air quality emissions, noise, ground contamination and archaeological remains can appropriately be controlled (or assessed further) by condition. As such, a suite of conditions to control these impacts (in addition to other recommended conditions) have been drafted which are considered to be reasonably required in order to make this development acceptable in planning terms. An accompanying s106 legal agreement has also been prepared to secure the affordable housing provision and highways works.
- 6.96 In summary, whilst the loss of trees to facilitate the development is likely to result in some harm to the existing landscape character and biodiversity within the site, this harm is considered to be outweighed by the benefit of the additional market and affordable housing proposed on this allocated site, and the limited associated harm that would result. The closure of the existing business on this site without a confirmed relocation plan is a conflict with HDPF policy, but as the TPNO does not require the business to be relocated the application cannot be refused on that basis. The assessment by Officers of the proposed development concludes that subject to conditions, there are no policy, highways, PROW, tree, ecology, drainage, environmental health, or archaeology objections to this

development. On balance therefore, Officers are of the view that the development is acceptable, and it is recommended to Members that this Outline application is approved subject to the below conditions and completion of a s106 legal agreement.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

7. RECOMMENDATIONS

- 7.1 To delegate authority to the Head of Development to grant planning permission subject to appropriate conditions and the completion of a s106 legal agreement to secure the necessary highways works (including TRO contribution), 18no. affordable housing units, and clause to secure 35% affordable housing if the business ceases trading instead of relocating. In the event that the legal agreement is not completed within three months of the decision of this committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

Conditions:

1. List of approved plans

2. {\b Regulatory (Time) Condition:}

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, access within the site and the landscaping of the development (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, access within the site and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.
- (d) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

- #### **3. {\b Pre-Commencement Condition:}** No development shall take place, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be a single document, and shall be strictly adhered to throughout the construction period. The CEMP shall provide for, but not be limited to:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust;
- iv. Site working hours and a named person for residents to contact;
- v. The anticipated number, frequency and types of vehicles used during construction, and the method of access and routing of vehicles to the site during construction;
- vi. Detailed site logistics arrangements, including a compound layout plan;
- vii. Details regarding the parking of vehicles by site operatives and visitors;
- viii. Details regarding deliveries and the loading /unloading and storage of plant, materials and waste;
- ix. Locations and details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- x. Details of any floodlighting, including location, height, type, timing and direction of light sources and intensity of illumination;
- xi. Details regarding dust and noise (including vibration) mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
- xii. Communication procedures with the local community regarding key construction issues – newsletters, fliers etc;
- xiii. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- xiv. Details of a scheme for the recycling/disposing of waste resulting from site clearance and construction works;
- xv. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- xvi. Details (including locations and elevations) of any welfare offices and facilities to be temporarily erected on site; and
- xvii. Confirmation/details to confirm that public access along PROW 2625 will remain operational throughout the demolition and construction period.

Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).

4. **{\b Pre-Commencement Condition:}** No development shall take place, including any works of demolition, until a Construction Management Plan for biodiversity (CEMP (Biodiversity)) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall provide for, but not be limited to:
- i. Risk assessment of potentially damaging construction activities;
 - ii. Identification of “biodiversity protection zones”;
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features;
 - v. The times during construction when specialist ecologists need to be present on site to oversee works;
 - vi. Responsible persons and lines of communication;
 - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - viii. Use of protective fences, exclusion barriers and warning signs;
 - ix. Containment, control and removal of any Invasive non-native species present on site

The approved CEMP (biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of Horsham District Planning Framework (2015).

5. {\b Pre-Commencement Condition:}

- i) No development shall take place (including any demolition) until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority.
- ii) The development hereby permitted shall not be commenced (including any demolition) until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (i) and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

Reason: As this matter is fundamental as the site is of archaeological significance and it is important that it is recorded by building recording before it is demolished in accordance with Policy 34 of the Horsham District Planning Framework (2015).

- 6. {\b Pre-Commencement Condition:}** No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable (SuDS) drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the site layout and landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

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

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

- 8. {\b Pre-Commencement Condition:}** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the Local Planning Authority:

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

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

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

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

9. **{\b Pre-Commencement Condition:}** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:
- i. All trees on the site shown for retention on approved Sketch Layout plan reference [SKL-03 Rev D], as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
 - ii. Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
 - iii. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

11. **{\b Pre-Commencement (Slab-Level) Condition:}** No development shall commence until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority. The scheme shall have regard to the recommendations set out in the submitted Noise Planning Report reference [THA-HYD-ZZ-XX-RP-Y-0001]. The

approved sound attenuation works shall be completed before the dwellings are occupied and be retained thereafter.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

12. **{\b Pre-Occupation Condition:}** Prior to first occupation of the development hereby permitted, a Biodiversity Enhancement Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include additional measures within the development (for example integrated bat/bird boxes), in order to achieve an overall net gain for biodiversity. A calculation of the resulting biodiversity net gain across the site shall be provided within the Strategy to demonstrate this has been achieved. The provisions shall be implemented, and thereafter be retained and maintained in accordance with the approved details.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015) and NPPF Paragraph 170(d).

13. **{\b Pre-Occupation Condition:}** Prior to first occupation of the development hereby permitted, a detailed lighting scheme for biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging. The scheme shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) to clearly demonstrate that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To safeguard the amenities of the site and surrounds, and to allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of Horsham District Planning Framework (2015).

14. **{\b Pre-Occupation Condition:}** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- i. Details of all existing trees and planting to be retained
- ii. Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- iii. Details of all hard surfacing materials and finishes
- iv. Details of all boundary treatments
- v. Details of all external lighting

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

be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

17. **{\b Pre-Occupation Condition:}** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse/recycling has been made for that dwelling in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

18. **{\b Pre-Occupation Condition:}** Prior to the first occupation (or use) of any part of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

19. **{\b Pre-Occupation Condition:}** Prior to the first occupation of any part of the development hereby permitted, the vehicular access serving the development shall have been constructed in accordance with the approved details as shown on the drawing titled 'Proposed Site Access' and referenced [BR-570-0001 SKD1 Rev 5], and shall be thereafter retained as such.

Reason: In the interest of road safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

20. **{\b Pre-Occupation Condition:}** Prior to the first occupation of any part of the development hereby permitted, details of the parking and turning facilities within the development shall

have been submitted to and approved by the Local Planning Authority in writing. No building shall be first occupied until the approved parking and turning facilities necessary to serve it have been fully implemented. The parking and turning facilities shall thereafter be retained as such.

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

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

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

22. **{\b Pre-Occupation Condition:}** Prior to the first occupation of any part of the development hereby permitted, the measures incorporated within the approved Travel Plan referenced [BR-570-0001 Rev01] shall be implemented. The applicant shall thereafter monitor, report and subsequently revise the Travel Plan as specified within the approved document.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

23. **{\b Pre-Occupation Condition:}** Prior to the first occupation of any part of the development hereby permitted; plans, details and construction specification for the proposed Public Right of Way (PROW) 2625 improvement works (including proposed re-surfacing and removal of the existing chicane barriers) shall have been submitted to and approved in writing by the Local Planning Authority. The PROW improvements shall be thereafter carried out in accordance with the approved scheme prior to the first occupation of any part of the development hereby permitted.

Reason: To ensure that suitable materials are used for the surfacing works to safeguard users, and to encourage and promote sustainable travel links in accordance with Policy 40 of the Horsham District Planning Framework (2015).

24. **Pre-Occupation Condition:** Prior to the first occupation of the development hereby permitted, a scheme of air quality mitigation (including the provision at each dwellinghouses for the charging of electric vehicles by way of fast / rapid charging points, and their long term maintenance), shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document, and the agreed details shall be implemented in full accordance prior to occupation of the development.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

25. **{\b Regulatory Condition:}** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment reference [CBA10637_2018-08-17 v2].

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

26. **{\b Regulatory Condition:}** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the submitted protected species survey reports for Bats, Great Crested Newts, Hazel Dormice, Reptiles, and Badgers (Phlorum, dated Dec 2017) and Letters from Phlorum (dated 21 Dec 2018 and 02 May 2019).

Reason: As these matters are fundamental to conserve and enhance the ecology and biodiversity of the area, and to allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 and Policy 31 of the Horsham District Planning Framework (2015).

27. **{\b Regulatory Condition:}** No works for the implementation of the development hereby approved (including construction and demolitions works) shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Informatives

1. **Conditions to be Discharged**

Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at www.planningportal.gov.uk/planning/applications/paperforms

2. **Bats**

The applicant is advised that it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD, Tel: 0345 1300 228, email: enquiries@bats.org.uk, <http://www.bats.org.uk/>

3. **Wildlife Protection**

The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

4. **Works within the Highway**

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant should contact the Implementation Team Leader (on 01243 642105) or visit <https://www.westsussex.gov.uk/> for information on how to obtain formal approval from the highway authority to carry out works to the public highway, and to commence the approval process. All necessary costs, the appropriate license and application fees for any works and

any costs associated with the movement of any existing street furniture will be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

5. Temporary Developer Signage

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service. The applicant is advised to contact West Sussex County Council Highways, tel no: 01243 642105 or to visit <https://www.westsussex.gov.uk/> to discuss this further.

6. Public Rights of Way

The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSSCC), as highway authority, or via a Legal Order process by Horsham District Council as the local planning authority.

7. Southern Water

Please note that Southern Water require a formal applications for connection to the main water supply and public sewer in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk. Please also read the 'New Connections Services Charging Arrangements' documents which are available to read via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

8. Southern Water

The applicant is advised to contact Southern Water to discuss the timings of the committed network reinforcement works (to be undertaken by Southern Water); and how these improvement works will coordinate appropriately with the projected completion and first use of the facilities hereby permitted. This will help to ensure that adequate waste water network capacity is available to adequately drain the development.

9. Landscape Details

The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- Details of existing and proposed levels for all external earthworks associated with the landscape proposals (including SuDS, play areas, etc.). Such details to include cross sections where necessary;
- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers;
- Tree pit and staking/underground guying details;
- A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment;
- Hard surfacing materials - layout, colour, size, texture, coursing, levels;
- Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials;
- Minor artefacts and structures - location and type of street furniture, refuse and other storage units, lighting columns and lanterns etc.

10. Landscape Management and Maintenance Plan

A Landscape Management and Maintenance Plan (required by Condition 15) is a site-specific strategy that demonstrates how the site will be managed and maintained in order to fulfil the original intentions of the applicant and guarantees that the scheme and the

retained landscape and ecology structures are maintained and improved for the lifetime of the development. A guidance note to content and layout can be found using the following link <https://www.horsham.gov.uk/planning/development-management>

Background Papers:
DC/18/2095

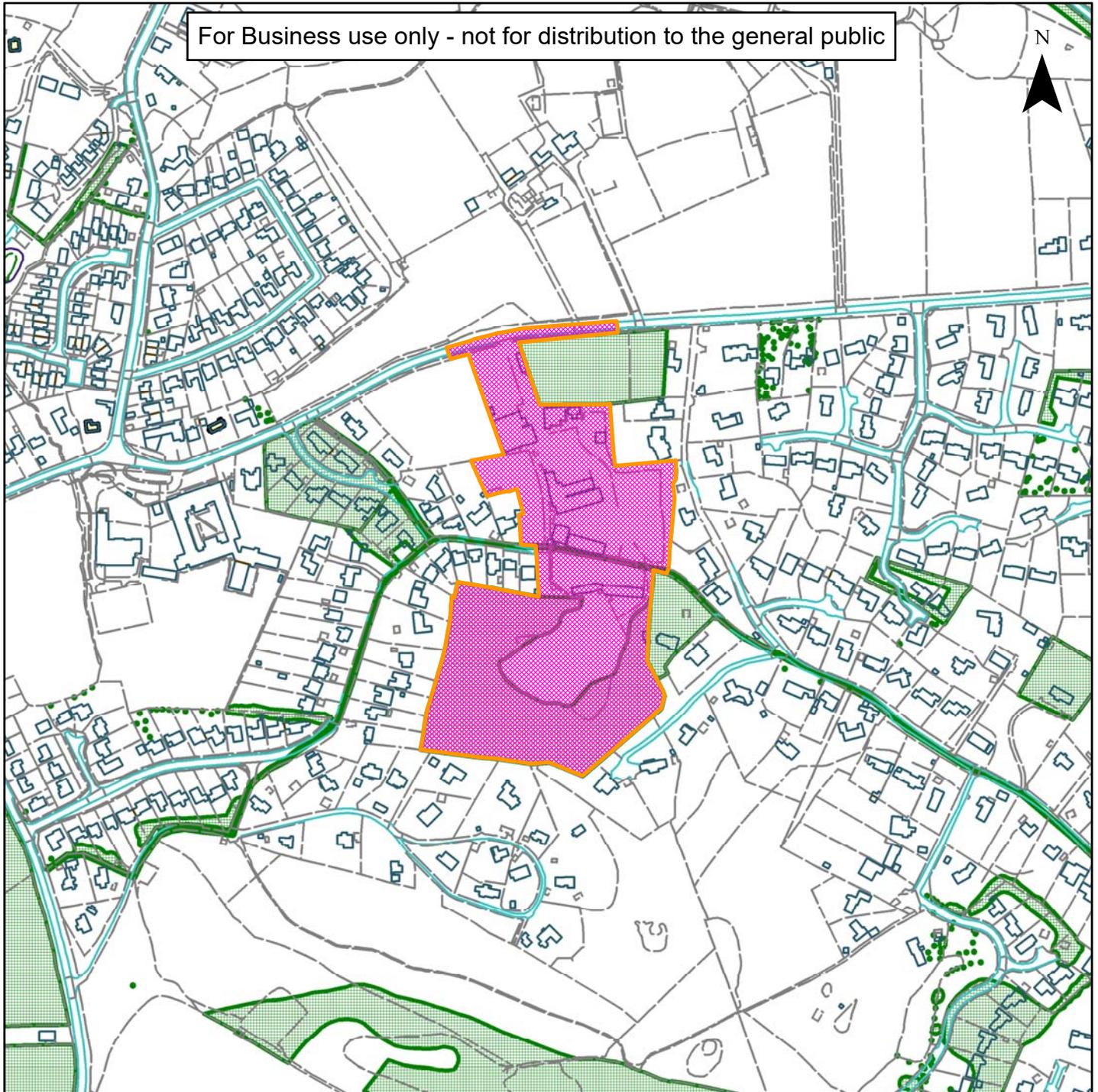
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Horsham District Council

Thakeham Tiles, Rock Road, Storrington

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Organisation	Horsham District Council
Department	
Comments	
Date	08/08/2019
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee (South)

BY: Head of Development

DATE: 20 August 2019

DEVELOPMENT: Variation of conditions 6, 8, 9, 10, 13 and 15 attached to DC/15/0193 (Erection of 8 new dwellings, comprising 6 detached and 2 semi-detached houses with related accesses, garaging and car parking. Provision of a new footpath adjacent to Threals Lane) to allow pre-construction/occupation conditions to be dealt with by each individual plot owner. Variation of condition 2 (plans compliance condition) to allow plots 7 and 8 to be merged to provide 1 x market dwelling rather than 2 x affordable units, plot 1 to be split to provide 2 x market dwellings, and amendments to siting and design of dwelling proposed to plot 5.

SITE: Chilton Pig Farm Threals Lane West Chiltington West Sussex RH20 2RF

WARD: Chanctonbury (Historic Ward)

APPLICATION: DC/19/0720

APPLICANT: **Name:** Mr Walls and Steel **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: At the request of Thakeham Parish Council who have requested to address the Committee.

RECOMMENDATION: To approve the application subject to appropriate conditions and the completion of a legal agreement.

In the event that the legal agreement is not completed within three months of the decision of this committee, or other later date as agreed by the Head of Development, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

BACKGROUND TO APPLICATION

1.2 Planning application DC/15/0193 sought full planning permission for the erection of 8 new dwellings, comprising 6 detached and 2 semi-detached houses with related accesses, garaging and car parking and the provision of a new footpath adjacent to Threals Lane. Each dwelling would be 2-storeys in height. There were five different house types proposed:

- Plot 1: Detached with 6-bedrooms. Detached garage.
- Plots 2 & 4: Detached each with 6-bedrooms. Detached garage.

- Plots 3 & 5: Detached each with 6-bedrooms. Attached garage.
 - Plot 6: Detached with 4-bedrooms. Detached garage.
 - Plots 7 & 8: Semi-detached each with 3-bedrooms. Attached garage.
- 1.3 Each house was proposed to have garaging, plus hardstanding areas for car parking and turning within each individual plot. The dwellings would be of a variety of different materials and design styles including stock bricks, herringbone brick work panels, plain tile hanging to some upper elevations and painted render panels with timber frame boarding. The windows will be black aluminium framed with the roof of each house comprising plain clay tiles.
- 1.4 Application DC/15/0193 was refused under delegated powers on 29 January 2016 and the decision notice was issued on the same day. The reasons for refusal were as follows:
1. *The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Development Plan. By virtue of its location, the proposed development would have limited accessibility to sustainable modes of transport and access to local services, and residents would have a reliance upon the private car. The proposal is therefore considered to be unsustainable development that would not accord with the requirements of the National Planning Policy Framework or the presumption in favour of sustainable development. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework, in particular policies 2, 3 and 4 of the Horsham District Planning Framework (2015), and the National Planning Policy Framework (2012).*
 2. *The proposal is contrary to policies 16 and 39 of the Horsham District Planning Framework, the Horsham District Local Development Framework: Planning Obligations Supplementary Planning Document and the NPPF, in particular paragraph 50, as there is no completed legal agreement to secure the provision of affordable housing and infrastructure improvements.*
- 1.5 The applicants subsequently appealed the decision of the Council, and an inquiry was held by the Planning Inspector in October 2016, with a decision issued on 25 November. The Inspector in granting planning permission concluded that the proposal would result in a small conflict with one single element of Policy 4 of the HDPF however the benefits of the scheme, including the provision of 8 homes, of which 2 three bedroom dwellings (20%) would be affordable, and an area set aside for dormice, would weigh significantly in favour of the proposal. The contributions proposed towards community facilities, and public open space and recreation, the creation of direct and indirect jobs during the construction phase and the introduction of a further 8 households which could help to sustain services within the wider locality and the sustainable location of the development weigh moderately in favour of the proposal.

DESCRIPTION OF THE APPLICATION

- 1.6 This section 73 application (variation of condition application) seeks to vary a number of conditions pursuant to the original planning permission, so as to allow the proposed development to be delivered as 8 individual self/custom build units. To facilitate this, it is necessary for all pre construction/occupation conditions to be re-worded, placing discharge liability on each separate plot owner and not on the whole site.
- 1.7 In addition to the variation to the wording of the non-discharged conditions, the following minor revisions to the development approved under DC/15/0193 are now also proposed:

- Plots 7 and 8 – Replacement of 2 affordable semi-detached units permitted under DC/15/0193 with one market unit (now described as ‘plot 7’). The siting of the proposed open market single dwelling on the site of the former plots 7 and 8 has been moved southwards to avoid the existing water main.
- Plot 1 – Replace 1 x unit as permitted under DC/15/0193 with 2 x market units (described as ‘plot 1a’ and ‘plot 1b’); and,
- Plot 5 – The design and siting of plot 5, as permitted under DC/15/0193, has been altered and moved south and west to avoid the existing main sewer.

1.8 To accommodate the changes to the original permission the intention is that there will be a new section 106 agreement to replace that associated with DC/15/0193. The s106 agreement will set out that provided each plot is sold off individually and built out as self-build then no affordable housing or an equivalent financial contribution towards off-site provision will be required. If for whatever reason there is not demand for any particular plot as a self-build plot, and instead it is developed by a developer, then it is proposed that an affordable housing contribution will still be required.

1.9 All other financial contributions as per the section 106 agreement associated with DC/15/0193 have been proposed to carry over to this section 73 application. The only difference being that the payment triggers are now proposed to be aligned with the Council’s Planning Obligations and Affordable Housing SPD adopted in September 2017 which allows 50% on commencement of each plot and 50% on occupation of each plot.

DESCRIPTION OF THE SITE

1.10 The site is situated on the east side of Threals Lane. The appeal site comprises two separate parcels of land, with the larger plot lying to the south. The larger plot to the south lies within the parish of Thakeham albeit it is on the edge of West Chiltington, with the smaller plot of land lying within the parish of West Chiltington.

1.11 The site has a total area measuring approximately 2.28 hectares. The site currently has a number of buildings situated on it, mainly positioned close to the highway. Amongst other things, the site has formerly been in use as Chilton Pig Farm, but the land is now vacant, and appears fairly overgrown and unmanaged.

1.12 Sandwiched between the two parcels of land that form the appeal site is a single property, named ‘Pentlow’. To the rear of the appeal site is a stream and further woodland within the appellant’s control. Beyond this there are 3 dwellings (‘Corins’, ‘Lyndwood’ and ‘Hardbarrow Copse’), whilst to the south is ‘The Gate House’, a further pair of cottages, and ‘Threals Barn’. On the opposite (west) side of Threals Lane is the built-up area of West Chiltington Common, which in this location comprises mainly detached houses on spacious plots.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

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

Supplementary Planning Guidance:

- 2.3 Planning Obligations and Affordable Housing SPD (September 2017).

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Thakeham Parish Neighbourhood Plan (January 2017).

The relevant policies are as follows:

- Thakeham1: A Spatial Plan for the Parish.
- Thakeham6: Design.
- Thakeham 9: Development in the Countryside.
- Thakeham10: Green Infrastructure and Valued Landscapes.

- 2.5 West Chiltington – The Draft Pre-Submission version of the neighbourhood plan for the Parish of West Chiltington was consulted on between May and June 2017 and December 2017 and January 2018.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 The most recent and relevant planning history relating to the site is as follows:

DC/15/0193	Erection of 8 new dwellings, comprising 6 detached and 2 semi-detached houses with related accesses, garaging and car parking. Provision of a new footpath adjacent to Threals Lane	Application Refused on 29.01.2016. Subsequently allowed on appeal.
DISC/17/0453	Approval of details reserved by condition 14 on DC/15/0193	Approved 15.01.2018
DISC/18/0217	Approval of details reserved by conditions 3, 4, 5, 9, 11 and 12 on DC/15/0193	Approved 18.10.2018

DC/18/2472	Fell 10 x Trees of Various Species	Approved 01.02.2019
DISC/18/0373	Approval of details reserved by condition 7 on DC/15/0193	Approved 13.02.2018

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

3.2 **WSSC Highways:** No Objection.

3.3 **Ecology Consultant:** Comment.

Satisfied that the variation of conditions will not impact on the dormouse mitigation area. No further surveys are required and monitoring of the site will continue under the Natural England licence conditions.

3.4 **Southern Water:** No Objection.

PARISH COUNCIL COMMENTS

3.5 **Thakeham Parish Council:** Objection.

- The proposed change of construction approach to each unit becoming a 'self-build' project is clearly a stratagem to mis-use NPPF 2019 guidance in order to avoid normal affordable housing expectations. With only two of the eight units being affordable, the scheme already falls below HDC's 35% standard. If this abuse of the self-build exemption is allowed, it creates a strategic danger to HDPF plans, as HDC will see many other small housing schemes following suit, with the loss of significant numbers of affordable homes.
- The self-build approach is also unacceptable in the specific context of this scheme at this location because implies an unpredictable, piecemeal and incoherent construction process. It implies multiple different builders on site at sometimes, with no coordination of groundworks, deliveries and heavy equipment movements. Neighbouring properties and others using the fragile single-track Threats Lane will be subject to interminable and repeated disruption.
- The applicant's supplementary argument for not providing affordable units because of lack of housing association provider is also unsound and inadequate. Leaving aside the question of why a provider wasn't required and committed to this scheme from the start, a single letter from one housing association does not prove that a provider cannot be engaged. There are other nearby small affordable schemes with providers secured.
- Should officers be minded to recommend approval of this proposal, Council requests that it be considered by HDC Development South Committee, where it would speak against.
- Council also flags that if officers were minded to recommend approval, it would be essential to either review current s106 arrangement, or bring this scheme within the CIL regime, in such a way that Thakeham received some compensation for the fact that 6 of these 8 dwellings are within the Thakeham boundary. This site is immediately adjacent to bridleway 2473 which connects central Thakeham with West Chiltington. If this scheme goes ahead it will be at least as convenient for its residents to use this bridleway for pedestrian/cycle access to the new shop and other facilities at Abingworth (1.4km) as opposed to the nearest shop and centre facilities in West Chiltington (1.4km and 1.9km respectively). The bridleway is also in urgent need of resurfacing works with the Thakeham boundary.

3.6 **West Chiltington Parish Council: Objection.**

- It is contrary to the appeal, which was allowed due to the inclusion of affordable housing. In reality, the replacement of the two affordable homes with an open market single dwelling, if permitted, would be a major revision, because the Inspector who decided to permit DC/15/0193 considered that their provision “would be a significant benefit in favour of the proposed development” The proposed replacement is therefore a significant departure from the application permitted at Appeal.
- Their reasoning is not sound and there are other ways of making the houses affordable
- The application is a major revision and not minor amendment
- A series of new applications should be submitted not variations on the existing application
- Becoming self-build is unacceptable, as individual plots is not a single development but a major variation on the existing application. Self-build would be a very disruptive approach
- If self-build, then there will be no s106 funds.
- If Officers were mindful to recommend approval it would be essential to review the current s106 arrangement. Funds would be used for the adjacent bridleway to allow good access between West Chiltington and Thakeham.

PUBLIC CONSULTATIONS

3.7 7 letters/emails of objection have been received to the application, in addition to a letter from Campaign to Protect Rural England (Sussex). The objections raised can be summarised as follows:

- The amendments proposed are not minor in nature.
- There is a need for affordable units in the area and that was the basis of the Inspectors decision.
- The need for affordable housing in the area has increased since the Threals Lane appeal decision.
- Could the affordable housing unit being set up by the Council deliver the two affordable units?
- The proposed footpath would be out of keeping with the area.
- How will the tree roots be protected during construction works?
- Self-build plots are likely to result in longer build times and increased traffic using the lane.
- Smaller properties are much needed in the parish.
- The small lane off Threals Lane is badly damaged and would not be able to handle additional traffic.
- Loss of trees that were a haven for wildlife and rare species.

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 This section 73 application (variation of condition application) seeks to vary a number of conditions pursuant to the original planning permission, so as to allow the proposed development to be delivered as 8 individual self/custom build units. To facilitate this, it is necessary for all pre construction/occupation conditions to be re-worded, placing discharge liability on each separate plot owner and not on the whole site.
- 6.2 In addition to the variation to the wording of the non-discharged conditions, the following minor revisions to the development approved under DC/15/0193 are now also proposed:
- Plots 7 and 8 – Replacement of 2 affordable semi-detached units permitted under DC/15/0193 with one market unit (now described as ‘plot 7’). The siting of the proposed open market single dwelling on the site of the former plots 7 and 8 has been moved southwards to avoid the existing water main.
 - Plot 1 – Replace 1 x unit as permitted under DC/15/0193 with 2 x market units (described as ‘plot 1a’ and ‘plot 1b’); and,
 - Plot 5 – The design and siting of plot 5, as permitted under DC/15/0193, has been altered and moved south and west to avoid the existing main sewer.
- 6.3 To accommodate the changes to the original permission the intention is that there will be a new section 106 agreement to replace that associated with DC/15/0193. The s106 agreement will set out that provided each plot is sold off individually and built out as self-build then no affordable housing or an equivalent financial contribution towards off-site provision will be required. If for whatever reason there is not demand for any particular plot as a self-build plot, and instead it is developed by a developer, then it is proposed that an affordable housing contribution will still be required. All other financial contributions as per the section 106 agreement associated with DC/15/0193 have been proposed to carry over to the new s106 agreement. The only difference being that the payment triggers are now proposed to be aligned with the Council’s Planning Obligations and Affordable Housing SPD.

Loss of Affordable Housing and Provision of Self Building Housing

- 6.4 Until recently, building your own home was known as ‘self-build’. In 2011 the term ‘custom build housing’ was introduced in the Government’s Housing Strategy for England. Self build defines projects where an individual or group directly organises the design and construction of their own home/s. Custom build homes are where someone works with a developer as an individual or a group to help deliver their own homes. This is more a hands-off approach, but homes are often tailored to match individual requirements. The Council is legally obliged to keep a register of people who are interested in self build or custom projects in the district. This helps to gauge interest from people wishing to undertake such projects and to inform future planning policies on the provision of suitable building plots throughout the district. As of 1 July 2019, there are 46 entries on the Council’s Self and Custom Build Register of Interest, of which 36 are residents of the district.
- 6.5 It is acknowledged that the Inspector in granting permission for 8 dwellings on the site considered that significant weight should be given to the fact that the scheme would bring forward two affordable units and that the emerging West Chiltoningon Neighbourhood Plan and other documents identified that there is local demand for such accommodation. Further the Inspector considered that whilst the Council’s stance at the time of the Inquiry was inconsistent with national guidance in respect of the provision of affordable housing on sites less than 10 units, there was a *‘real and pressing need for affordable housing within the region, within the district, and within the immediate vicinity of the appeal site.’* He considered that the provision of the two affordable units would be a significant benefit in favour of the proposed development.

- 6.6 The applicant has contacted eleven registered providers asking if they would be willing to acquire the two affordable units on the site. Of those contacted only three responded directly to the enquiry; each advising that they would not be interested in taking on the affordable units. The reasons relate to the site being in a rural location, being too far south within the district and the anticipated property values being too high for the majority of applicants to be able to afford either as affordable rented properties or through a shared ownership scheme.
- 6.7 Paragraph 64 of the NPPF (as revised in 2018) aims to boost the provision of affordable housing coming forward and directs that at least 10% of the affordable housing provision on a 'major' development should be aimed at the affordable home ownership market. There are however exemptions to this requirement, such as where the site or proposed development '*is proposed to be developed by people who wish to build or commission their own homes...*'.
- 6.8 The applicant has put forward that to accommodate the changes to the original permission the intention is that there will be a new section 106 agreement to replace that associated with DC/15/0193. The s106 agreement will set out that provided each plot is sold off individually and built out as self-build then no affordable housing or an equivalent financial contribution towards off-site provision will be required. If for whatever reason there is not demand for any particular plot as a self-build plot, and instead it is developed by a developer, then it is proposed that an affordable housing contribution is still required as the exception as set out in paragraph 64 of the NPPF would not apply.
- 6.9 Whilst the proposal as submitted will not now provide on-site affordable housing, or potentially a financial contribution towards affordable housing in lieu of on-site provision as paragraph 64 of the NPPF directs, the provision of 8 self/custom built properties will help to meet the demand for such housing in the district. Therefore, whilst regrettable that the scheme will not provide the two affordable units as originally proposed, it is considered that the amendment as proposed is acceptable, subject to a legal agreement securing the provision of a financial contribution towards off-site affordable housing provision should the plots not come forward as self-build plots.

Other Amendments

- 6.10 As part of the proposal put forward, the layout and siting of the dwellings is proposed to be amended. Plots 7 and 8 (the two affordable units) are proposed to be amended to form one detached open-market property rather than a pair of semi-detached properties (renamed plot 7). Plot 1 is proposed to be split into two plots to form allow for two detached properties as opposed to a single detached property (renamed plots 1a and 1b). The dwelling on plot 5 is proposed to be re-sited to avoid a mains sewer which runs through the site. The total number of dwellings on the site will not increase.
- 6.11 Concerns have been raised in respect of the suitability for the small lane of Threals Lane to accommodate the access into the newly created plot 1a. West Sussex County Council as the Local Highway Authority have raised no objection to the amendments, and given that the track is to provide access to one property only and is shown to be within the ownership of the applicant, no concerns are raised by Officers in this respect.
- 6.12 To facilitate the development being delivered a 8 self/custom build units, it is necessary for all pre-construction and pre-occupation conditions attached to DC/15/0193 to be re-worded, placing discharge liability on each separate plot owner and not on the whole site. Reworded conditions are set out at section 7 of this report.

Other Matters

- 6.13 Concerns have also been raised in respect of the proposed footpath along the edge of Threals Lane being out of keeping with the area and the loss of trees on the site being a haven for wildlife. Whilst these concerns are acknowledged, the principle of the development,

including the loss of trees on the site and the construction of a footpath, formed part of the original scheme allowed at appeal and for which an extant permission exists for the site. It would not therefore be reasonable for this application to be refused on this basis. In respect of potential damage to tree roots during construction work, conditions were attached to the appeal decision requiring the development to be carried out with the submitted tree survey, including the protection of root protection areas during construction works. Further, a condition required details of any trenches or pipe runs for services, drains or any other purpose which are to be excavated within the root protection area of any tree or hedge to be retained on the site, or off site, to be submitted to the Council for agreement. The details were approved in October 2018 under application DISC/18/0217, with the Council's Arboricultural Officer raising no objection to the details submitted. For the avoidance of doubt however, and as the siting of some of the dwellings is to be amended, suitably worded conditions are recommended to be attached to any permission granted to ensure the protection of the trees/hedges to be retained on the site.

- 6.14 It is acknowledged that the building out of the site as self/custom build units may result in increased build times and increased traffic using the lane than if a single developer was to build out the whole site. However, whilst this may be the case, it may also be the case that as the construction of the houses on each plot are being funded by an individual rather than a developer who then sells on the properties, that build times may not be prolonged. In any event, the construction phase of the development is likely to be time limited and as such it is not considered reasonable to refuse the application on these grounds.
- 6.15 Concerns have also been raised in respect of smaller properties being much needed in the parish. While this may be the case, it should be noted that an extant permission exists for six large detached properties (5 x 6 bedrooms and 1 x 4 bedrooms) and a pair of semi-detached properties on the site, each being 3 bedroomed. While the amendments would no longer provide for any 3 bedroom properties, there is would be an increase in the number of 4-bedroom properties and a decrease in the number of 6-bedroom properties (now 4 x 6-bedroom properties, 1 x 5-bedroom property and 3 x 4-bedroom properties). Given that extant permission exists for the construction of large properties set within generous plots, and that the character of Threals Lane is similar, the construction of similar sized properties to that allowed on appeal would seem reasonable and it is not considered that a reason for refusal based on the lack of smaller properties being provided on the site is warranted.

Conclusion

- 6.16 Planning permission was allowed on appeal for the erection of 8 new dwellings, comprising 6 detached and 2 semi-detached houses with related accesses, garaging and car parking and the provision of a new footpath adjacent to Threals Lane. Whilst the proposal as submitted will not now provide on-site affordable housing, or a financial contribution towards affordable housing in lieu of on-site provision as paragraph 64 of the NPPF directs, the provision of 8 self/custom built properties will help to meet the demand for such housing in the district. Whilst regrettable that the scheme will not provide the two affordable units as originally proposed, it is considered that the amendment as proposed is acceptable, subject to the variation of the legal agreement. The proposed amendments to the layout of the scheme to provide for eight detached properties rather than six detached and a pair of semi-detached properties are considered acceptable given the character of Threals Lane and the scheme that forms the extant permission for the site.

7. RECOMMENDATIONS

- 7.1 It is recommended that the application is approved subject to appropriate conditions and the completion of a legal agreement.

- 7.2 In the event that the legal agreement is not completed within three months of the decision of this committee, or other later date as agreed by the Head of Development, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

Conditions

1. Plans Condition.
2. **Time Condition:** The development hereby permitted must be commenced by the 24 November 2019.

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

3. **Pre-Commencement Condition:** Prior to the commencement of any part of the development hereby permitted, details of surface water drainage designed so as to prevent the discharge of water onto the public highway shall be submitted to and approved in writing by the local planning authority. The development thereafter shall be carried out in accordance with the approved details.

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

4. **Pre-Commencement Condition:** No part of the development shall take place, including any works of demolition or site clearance, until a Construction Method Statement and Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Statement and Plan shall provide for:

- i) the anticipated phasing of site clearance including demolition and the construction of the dwellings, which should take into account the avoidance of specific times of the year in order to protect local biodiversity and species on or near to the appeal site;
- ii) the anticipated number, frequency and types of vehicles used during clearance and construction phases;
- iii) the method of access and routeing of these vehicles;
- iv) the parking of vehicles of site operatives and visitors;
- v) loading and unloading of plant, materials and waste;
- vi) storage of plant and materials used in constructing the development;
- vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- viii) wheel washing facilities;
- ix) measures to control the emission of dust and dirt during construction;
- x) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- xi) delivery, demolition and construction working hours.

The approved Construction Method Statement and Management Plan shall be adhered to throughout the construction period for the development.

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

5. **Pre-Commencement Condition:** No development of the development hereby approved shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) a statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) a detailed plan and specification for topsoil stripping, storage and reuse on the site in accordance with recognised codes of best practice;
- iv) planting and seeding plans and schedules which specify the species planting size, densities and plant number and locations. Such details should also include those to be used in the area set aside for dormice as part of Condition 16 of this decision;
- v) tree pit and staking/underground guying details;
- vi) a written hard and soft specification of planting, including ground preparation, cultivation and other operations associated with plant and grass establishment;
- vii) means of enclosure and retaining structures;
- viii) boundary treatments, including details of the finishes and materials for any walls, fences or other similar structures;
- ix) vehicle parking layouts;
- x) other vehicle and pedestrian access and circulation areas;
- xi) hard surfacing materials, including their layout, colour, size, texture, coursing and levels;
- xii) proposed and existing functional services above and below ground [for example drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
- xiii) lighting, floodlighting and/or CCTV; and
- xiv) full details of a scheme of management and/or maintenance of the items listed from i) to xiii).

The landscaping works to each plot shall be carried out in accordance with the approved details before any part that plot is first occupied. The completed scheme shall be managed and/or maintained in accordance with the scheme of management and/or maintenance set out at xiv) of this condition.

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

6. **Pre-Commencement Condition:** Prior to the commencement of development on each individual plot, a sample panel of the materials to be used in the construction of the external surfaces of the building/s on that plot shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre by 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.

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

7. **Pre-Commencement Condition:** Prior to the commencement of any part of the development hereby permitted, full details of foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. The drainage works shall thereafter be implemented and retained as approved.

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

8. **Pre-Commencement Condition:** No part of the development hereby permitted shall be occupied until the proposed vehicular accesses and the footpath are installed and made available for use as shown on drawing 599/02 Rev E. Thereafter the footpath shall be retained and shall not be permanently blocked or obstructed.

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

9. **Pre-Commencement Condition:** No part of the development hereby permitted shall be occupied until visibility splays of 2 metres by 39 metres have been provided at the proposed vehicular accesses into and from the proposed dwellings. The visibility splays shall thereafter be retained and no structure exceeding 0.6 metres in height shall be placed within these visibility splays.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

10. **Regulatory Condition:** The development hereby permitted shall be carried out strictly in accordance with the Tree Survey & Report by Furse Landscape Architects Ltd dated 20 January 2015 and amended 10 February 2015. In particular, the root protection areas (RPAs) relating to each individual plot shall be implemented and retained during construction works relating to that plot, and in accordance with BS5837:2012 or any replacement or updated standard.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11. **Pre-Commencement Condition:** Prior to the commencement of any part of the development hereby permitted, full details of any trenches or pipe runs for services, drains or any other purpose, to be excavated anywhere within the root protection area of any tree or hedge targeted for retention on or off the site shall be submitted to and agreed in writing with the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

12. **Pre-Commencement Condition:** No part of the development hereby approved shall commence until an assessment of the risks posed by any contamination (including but not limited to asbestos), carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the

development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

13. **Regulatory Condition:** Any contamination that is found during the course of construction of the approved development, that was not previously identified, shall be reported immediately to the local planning authority in writing. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.

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

14. **Pre-Commencement Condition:** No part of the development hereby approved shall take place, including any works of demolition or site clearance, until an Ecological Mitigation and Management Plan (EMMP) is submitted to and agreed in writing by the local planning authority. The plan shall include;
- i) Any necessary pre-work surveys, updates or assessments;
 - ii) A detailed dormouse, badger and reptile mitigation method statement;
 - iii) A lighting plan for the site;
 - iv) Capture recommendations where necessary; and,
 - v) Full details of any biodiversity enhancements, including features such as bird and bat boxes, and any other recommendations to be implemented as made in the PJC Ecology/The Ecology Partnership 2015 supporting documents.

Any measures submitted within the approved EMMP shall be implemented as agreed, and thereafter retained.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

15. **Regulatory Condition:** The extent of the grounds serving the proposed dwellings shall reflect those shown in Figure 6 of the Dormouse Survey and Mitigation Strategy – Land at Threals Lane, West Chiltington by the Ecology Partnership (December 2015). No domestic or residential building, structure, or means of enclosure shall be erected on the land contained within the orange polygon (on the eastern side of the site) of the aforesaid drawing, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

Background Papers: DC/19/0720 and DC/15/0193.

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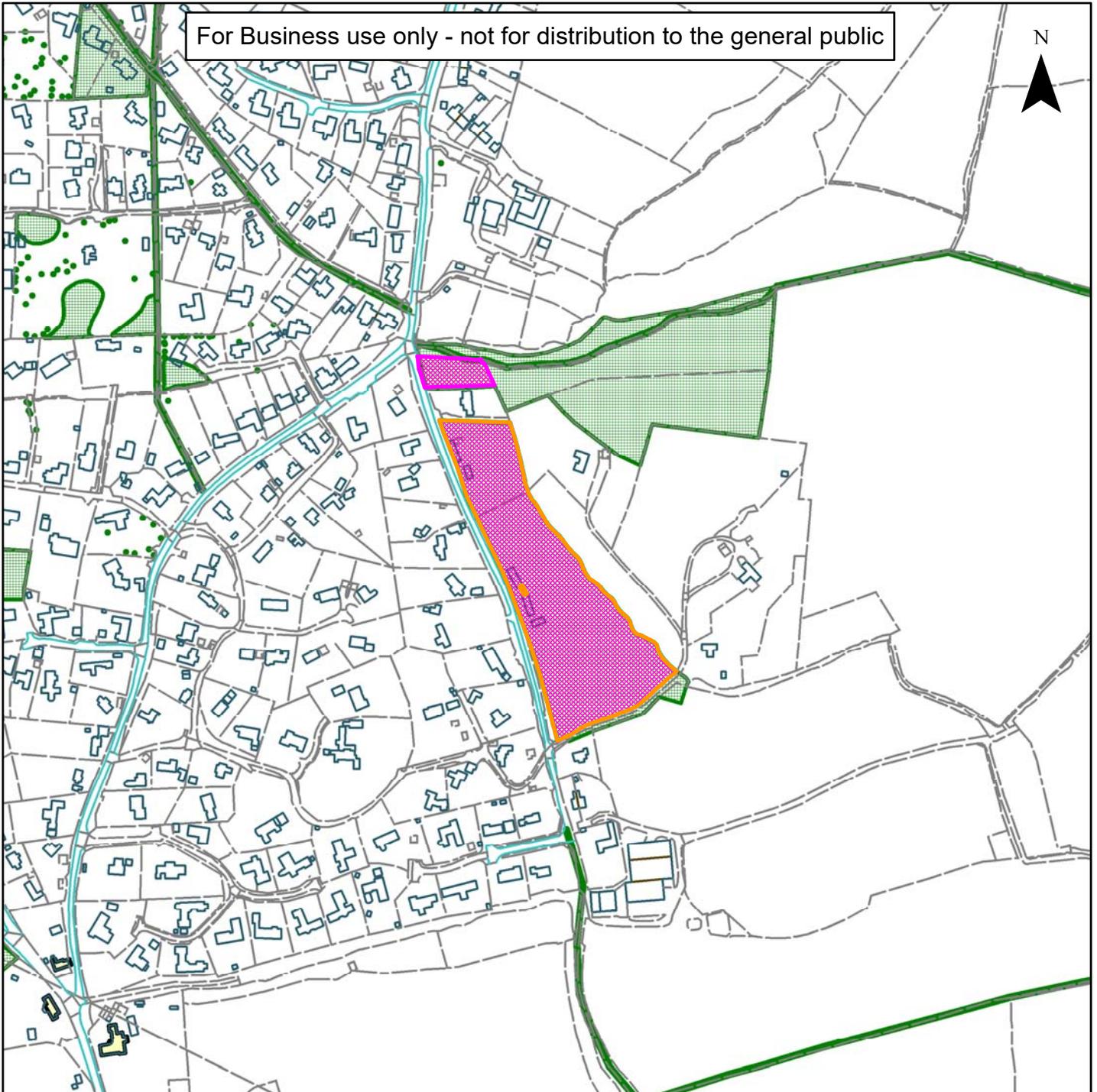


**Horsham
District
Council**

Threals Lane, West Chiltington

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Scale: 1:5,000

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Date	08/08/2019
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Horsham
District
Council

**PLANNING
COMMITTEE
REPORT**

TO: Planning Committee South
BY: Head of Development
DATE: 20th August, 2019
SITE: Land North of Sandy Lane, Henfield.
WARD: Henfield.
APPLICATION: Tree Preservation Order No. 1517.

REASON FOR INCLUSION ON AGENDA: Objection to a tree preservation order.

RECOMMENDATION: To confirm Tree Preservation Order 1517 as served.

1. **THE PURPOSE OF THIS REPORT**

To consider whether Tree Preservation Order 1517 should be confirmed as served.

DESCRIPTION OF THE ORDER

- 1.1 Provisional Tree Preservation Order 1517, Land North of Sandy Lane, Henfield, was served on the 5th March 2019 on seven oak trees under the provisions of the **Town and Country Planning (Tree Preservation) (England) Regulations (2012)**. Under these Regulations, the trees included within the order benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

DESCRIPTION OF THE SITE

- 1.3 The trees are sited along the southern and western peripheries of the agricultural field to the south of Dropping Holms and Chanctonbury View in the village of Henfield.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Section 198(1) of the **Town & Country Planning Act 1990** places an obligation on local planning authorities to make a TPO if it appears to them to be “*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*”.

PLANNING HISTORY

- 2.2 On 16th November 2018 an application was received for outline planning permission for the erection of 42 dwellings on the site, all matters reserved save for access (ref: DC/18/2463). This application was refused on 15th February 2019, and is presently subject to appeal.

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 A letter of **objection** to the order has been received from an agent representing the owners of the plot of land to the west of the site. The grounds stated in the objection are:

- That the trees do not offer the level of amenity value requisite to warrant their protection under a TPO, because:
 - None of the trees are in particularly visible or prominent areas. Specifically, the only property to have any real views of trees T4, T5 and T6 is the rear of Rushmore (*sic*) Nursery (i.e from the tennis court).
 - The trees would appear not to have any particular historic or cultural value, or be rare.
 - While the trees form part of the wooded landscape, they are not in and of themselves a defining characteristic of the landscape. There is nothing de facto of these specific trees which contributes to the sense of the landscape (c.f. in particular T1, which is a tree simply growing out of the banking of the adjoining road).
 - The trees would not appear to be of any especial size or age that would warrant this level of protection.
- That the Council has not acted in a fair and consistent way in selecting these trees for protection under S.198(1) of the Town & Country Planning Act 1990 in that:
 - The TPO has clearly been made as a reaction to the planning permission sought for the land in which the trees are sited;
 - In regard to this, the Council has acted in an unduly controlling way in attempting to forestall or manipulate future development plans.
- That there is no pressing need for the TPO to have been made, as the report from the Council's Arboricultural Officer in regard to the extant planning application on the site registered no objection on tree grounds.
- That the decision to protect the trees has been taken in an inconsistent way in conflict with the provisions of the 1990 Act in that it has been made without recourse to considering the other trees in the locality.

- 3.2 Fifteen letters of **support** for the order have been received. Comments made refer to the following:
- The trees are mature specimens in good order;
 - They have high amenity value in the landscape from many vantage points in the village, being silhouetted against the backdrop of the South Downs and Chanctonbury Ring;
 - Being positioned closely proximate to two well-used public footpaths in the area, they are readily accessible to view up close;
 - They contribute to the historic setting of the southern part of the village, being individually noted on early editions of the Ordnance Survey;
 - They mark the transition between the settlement of Henfield and the Adur flood plain;
 - They represent an important wildlife habitat, and contribute to the biodiversity of the area;
 - They assist with the drainage in the locality.

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

Article 8 (Right to respect of a Private and Family Life) of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the assessment below.

5. **ASSESSMENT**

- 5.1 The trees the subject of this report are all oaks, large specimens either in semi-maturity or close to maturity. Using the analysis tool set out under **BS 5837 'Trees in relation to design, demolition, and construction - Recommendations'** (2012) three classify as category 'A' trees, four as category 'B'. The stoutest reaches to 16m in height, the tallest to 25m (82 feet).
- 5.2 All of these oaks are the dominant specimens within the hedgerows around the southern and western boundaries of the site, boundaries that have clearly been present for centuries. Sandy Lane, forking westwards off Nep Town Road atop Windmill Hill, winds its way downhill to the south-western corner of the site, close to Rushmead Nursery, where it adjoins the old trackway to the east of the old railway line (now the popular Downs Link footway) northwards to link up with Old Station Road, running along the western boundary of the field.
- 5.3 The presence of these trackways is clearly indicated on the 1876 edition of the Ordnance Survey – as are the trees the subject of this report. In the 143 years since, much foliage has grown up around the trees, and, particularly along the western boundary, this foliage has the form of an unmanaged hedgerow, the trees constituting easily the largest and dominant growth. Given the topography of the locality, the field falling on a moderately steep gradient to its foot, to the west, these tall trees are prominent on the skyline when viewed – as they can be – from a wide area of the village to the north.
- 5.4 Given the extent of the area that these trees can be viewed from, standing out in silhouette against the backdrop of the Adur River valley and the South Downs, as well as their proximity to well-used public footpaths in the locality, it is considered that

they have high amenity value, making a very positive contribution to this area of the village. As large examples of a tree species indigenous, dominant, and central to the wooded character of the local landscape, they add to its definition and maintain a link with the landform and character of a more rural past, having both historic and cultural value; they also provide a significant wildlife habitat as well as, being part of an old hedgerow line, a connectivity as part of a wildlife corridor, of importance to the biodiversity of the area. In terms of their suitability for formal protection under TPO, they appear to readily meet the criteria in terms of visibility as well as individual, collective and wider impact – as required under the regulations.

- 5.5 The Council initiated the TPO in response to the proposed development scheme within the field; indeed, the citation supporting the making of the order states that the trees “*may come under threat of removal as a result of development plans in the locality*”. It has been pointed out by the objector that no objection on tree grounds was raised against the planning application for residential development under DC/18/2463; however, the lack of objection refers solely to the plans submitted, which are outline only. Subsequent applications might indicate a layout, for example, that would place the retention of the trees under new threat. This action is accordingly consistent with the Council’s statutory duty to make new TPO’s where considered “*expedient in the interests of amenity*” under S.198(1) of the Town & Country Planning Act 1990, including the making of orders on a precautionary basis. The purport that there was no pressing need to make the TPO, and hence now no need for it to be made permanent, is accordingly rejected.
- 5.6 It is contended also that the Council “*is acting in an unduly controlling way in attempting to forestall or manipulate future development plans*”, presumably either in regard to the field in question or the plot of land to the west of the site. However, all trees are material considerations in the planning process, whether or not they are statutorily protected; and moreover the granting of planning permission legally overrides a TPO under S.14 (1)(a)(vi) of the Town & Country Planning (Tree Preservation) (England) Regulations (2012). Hence it cannot be held that the serving of any TPO can be interpreted as an attempt to forestall or manipulate possible future development plans.
- 5.7 The claim that the trees have been protected without recourse to considering the value of the other trees in the locality is rejected; the chosen specimens were selected specifically on account of their superiority – in amenity terms – over the various other trees around the periphery of the site which, whilst clearly contributing to the character of the area and providing an excellent wildlife habitat, were not considered to meet the criteria for formal protection.

6. **RECOMMENDATIONS**

It is recommended that Tree Preservation Order 1517, Land North of Sandy Lane, Henfield, is confirmed as served.

Background Papers:

- Tree Preservation Order: 1517.

Contact Officer: **Will Jones**.

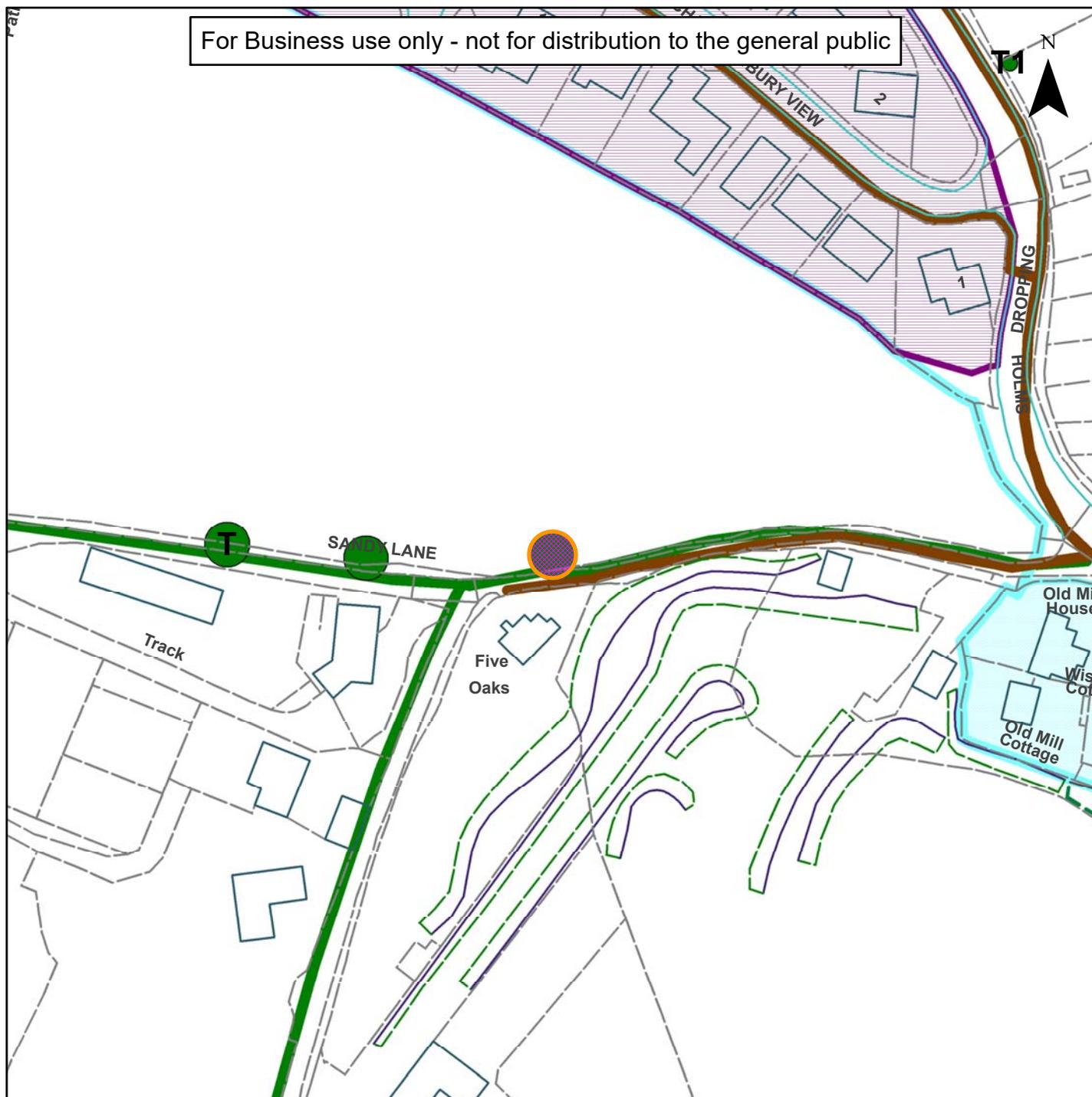
A08) TPO/1517



**Horsham
District
Council**

Land North of Sandy Lane, Henfield

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