



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Planning Committee (North)

Tuesday, 7th July, 2020 at 5.30 pm
via Remote Video Link

Councillors:	Liz Kitchen (Chairman)	
	Karen Burgess (Vice-Chairman)	
	Matthew Allen	Richard Landeryou
	Andrew Baldwin	Gordon Lindsay
	Tony Bevis	John Milne
	Toni Bradnum	Colin Minto
	Alan Britten	Christian Mitchell
	Peter Burgess	Godfrey Newman
	Roy Cornell	Louise Potter
	Christine Costin	Stuart Ritchie
	Leonard Crosbie	David Skipp
	Ruth Fletcher	Ian Stannard
	Billy Greening	Claire Vickers
	Frances Haigh	Belinda Walters
	Tony Hogben	Tricia Youtan

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 - 12
To approve as correct the minutes of the meeting held on 2 June 2020 <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>	
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	

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

5. **Appeals** 13 - 16

Applications for determination by Committee:

6. **DC/19/1723 - Land at Lyons Farm, Lyons Road, Slinfold** 17 - 56

Ward: Itchingfield, Slinfold and Warnham
Applicant: Prime UK Land

7. **DC/20/0687 - 15 Eyles Close, Horsham** 57 - 66

Ward: Trafalgar
Applicant: Mr James Wales

8. **DC/20/0761 - The Stables, Broadwater Lane, Copsale** 67 - 82

Ward: Nuthurst and Lower Beeding
Applicant: Mr N Handy

9. **TPO/1528 - Roffey Cricket Club, Crawley Road, Horsham** 83 - 88

Ward: Roffey North
Applicant: Horsham District Council

10. **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

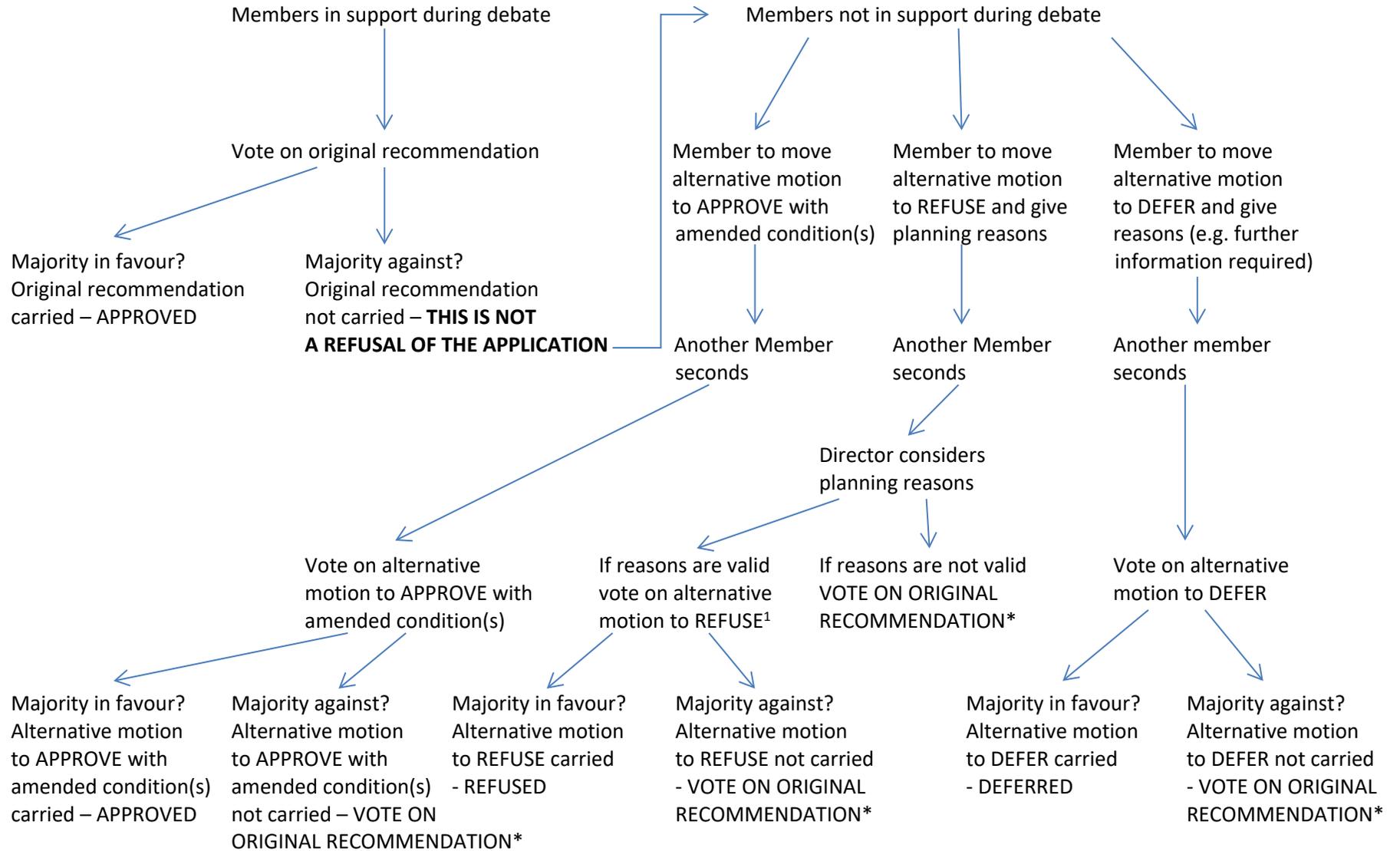
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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>

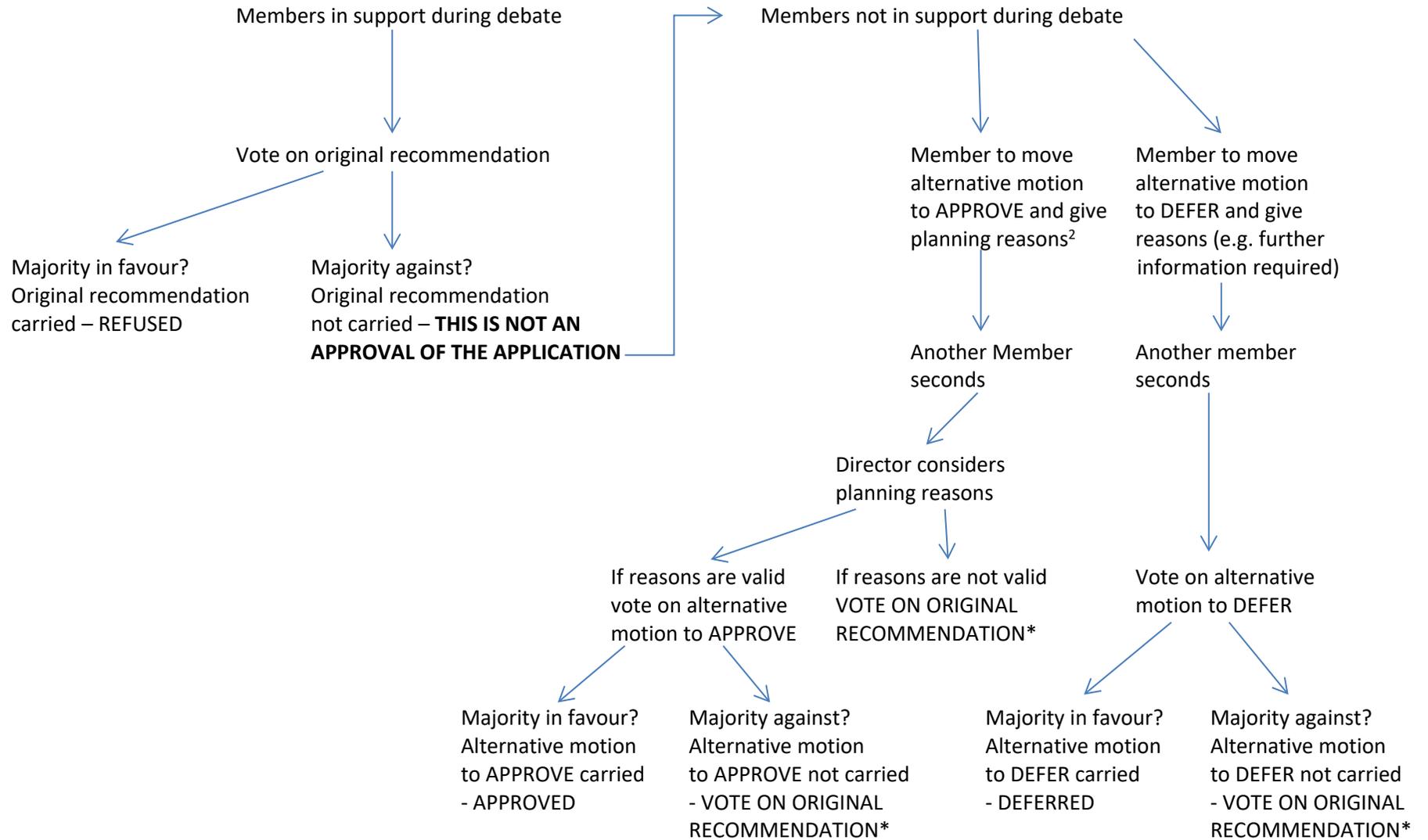
Original recommendation to APPROVE application



*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 (North)
2 JUNE 2020

Present: Councillors: Matthew Allen, Andrew Baldwin, Tony Bevis, Toni Bradnum, Alan Britten, Karen Burgess, Peter Burgess, Roy Cornell, Christine Costin, Leonard Crosbie, Brian Donnelly, Ruth Fletcher, Billy Greening, Tony Hogben, Liz Kitchen, Richard Landeryou, Gordon Lindsay, John Milne, Colin Minto, Christian Mitchell, Godfrey Newman, Louise Potter, Stuart Ritchie, David Skipp, Ian Stannard, Claire Vickers, Belinda Walters and Tricia Youtan

Apologies: Councillors: Frances Haigh

PCN/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Liz Kitchen be elected Chairman of the Committee for the ensuing Council year.

PCN/2 **APPOINTMENT OF VICE CHAIRMAN**

RESOLVED

That Councillor Karen Burgess be appointed Vice Chairman of the Committee for the ensuing Council year.

PCN/3 **TO APPROVE AND TIME OF THE MEETINGS OF THE COMMITTEE FOR THE NEXT YEAR**

RESOLVED

That meetings of the Committee be held at 5.30pm for the ensuing Council year.

PCN/4 **MINUTES**

The minutes of the meetings of the Committee held on 21 April and 5 May 2020 were approved as a correct record and would be signed by the Chairman at a later date.

PCN/5 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/6 **ANNOUNCEMENTS**

There were no announcements.

PCN/7 **APPEALS**

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

PCN/8 **DC/19/1639 - SCOUT HALL, 104 BISHOPRIC, HORSHAM**

The Head of Development reported that this application sought permission for the demolition of a former Scout Hut and the erection of a detached chalet bungalow-style 3-bedroom dwelling. There was no vehicular access to the site or on-site parking provision.

Members were advised that conditions 8, 10 and 12 regarding biodiversity enhancement, landscaping and ecological mitigation would include measures to protect bats that had been observed in the vicinity.

The application site was located within the built-up area to the rear of residential properties along Bishopric, Springfield Crescent and Rushmans Road. The existing building was vacant and in a poor state of repair. The site was surrounded by residential development.

There had been 47 representations objecting to the application from 21 separate households. Three members of the public made statements in objection to the application and one member of the public and the applicant's agent both made statements 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 development; the character of the dwelling and the visual amenities of the street scene; and the amenities of occupiers of neighbouring properties.

Members discussed concerns regarding the limited access to the site, in particular in relation to on-site demolition and construction. It was noted that Condition 4 required a comprehensive Construction Management Plan. Members also raised concerns regarding the lack of vehicular access that would lead to pressure on on-street parking.

Members discussed the scale of the proposal in the context of the site and concluded that the proposal would result in overdevelopment of the site and would therefore be harmful to the surrounding area.

RESOLVED

That planning application DC/19/1639 be refused for the following reasons:

The scale of the development would result in overdevelopment of the site, causing a detrimental impact on the surrounding area. The proposal is therefore contrary to policies 32 and 33 of the Horsham District Planning Framework (2015).

PCN/9 **DC/20/0616 - 20 COMPTONS LANE, HORSHAM**

The Head of Development reported that this application sought permission for the erection of a first floor addition to a single storey dwelling and the erection of a single storey rear extension.

The application site was located in a residential area within the built-up area of Horsham.

The Neighbourhood Council raised no objection. There had been one representation objecting to the application and six representations in support as set out in the report. One additional objection had been received since publication of the report. Two members of the public addressed the Committee in objection to the application and one member of the public and the applicant made statements 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 character and appearance of the proposal, and its impact on neighbouring amenity.

Members were concerned that any impact of the proposed roof structure on the neighbouring solar panels had not been given sufficient consideration. It was therefore agreed that a more detailed assessment was required to quantify any impact.

RESOLVED

That planning application DC/20/0616 be determined by the Head of Development with a view to approval, in consultation with Local Members, subject to the submission and consideration of a report detailing the impact of the proposed roof structure on the neighbouring solar panels.

PCN/10 **DC/19/2574 - BODYWISE GYM AND STUDIOS, 16 CHURCH STREET, WARNHAM**

The Head of Development reported that this application sought permission for a variation of condition 4 of the previously approved application WN/40/85 to allow for a change to the opening times of Bodywise Gym. The proposal would extend Monday to Friday opening by two hours each morning (ie from 6.30 - 21.30) and introduce Sunday opening (9.00 - 18.00). Saturday opening hours would remain unchanged.

The application site was located within the built up area boundary of Warnham village in an area of mixed residential and commercial properties. It was within the wider Warnham Conservation Area.

The Parish Council recommended that a 12-month temporary permission be granted. There had been 13 representations objecting to the application and two in support, as set out in the report. Since publication of the report that had been a further 171 representation in support of the proposal, and eleven in objection. The applicant and one member of the public, an apprentice working at the gym, 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 impact on neighbouring amenity; noise issues; and highways and access considerations.

Members were broadly in support of the proposal, and agreed that a temporary permission to monitor noise disturbance and mitigation was acceptable and reasonable. In the light of the current lockdown caused by Covid-19 and the likelihood the gym could not open to the public for some time, it was agreed that this temporary permission should be extended from the recommended 12 months to 18 months from the granting of permission.

With regards to the proposed Sunday opening hours of 9.00 – 18.00, Members agreed that these should be reduced to 10.00 – 16.00 to protect neighbouring amenity.

RESOLVED

That planning application DC/19/2574 be granted, subject to expiration of the public consultation period and consideration of any representations received as a result of that consultation, and subject to amendments to the following conditions:

Condition 1 be amended so that the hours permitted shall cease on the date of **18 months** from the granting of permission, and revert to the previously approved operational hours;

Condition 3 be amended so that the premises shall not be open for trade or business on Sundays except between the hours of **10.00 and 16.00**.

PCN/11 **DC/20/0618 - LAND AT THE JUNCTION OF EAST STREET, BURNT HOUSE LANE AND LAMBS GREEN ROAD, CHOWLES, RUSPER**

The Head of Development reported that this application sought permission for the installation of a surfaced highway lay-by.

The application site was located on the west side of Lambs Green Road, immediately southwest of the junction with East Street/Burnt House Lane. It comprised an informal layby and grassland with some standing trees. The area was predominantly agricultural with open fields to the east.

The Parish Council objected to the application. There had been 19 representations objecting to the application, including one that had been received since publication of the report. Two members of the public made statements in objection to the application and the applicant 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 development; its impact on the character and appearance of the area; ecology and biodiversity considerations; neighbouring amenity; and highway safety.

Members noted that the proposed layby had unrestricted access because it included an area of public highway. Whilst the applicant required access to the layby for operational use by Thames Water vehicles, Members were concerned that its use by the general public would be inappropriate in this rural setting and could lead to long-term parking, preventing its intended use. It was therefore agreed that a means of preventing general vehicular access.

RESOLVED

That planning application DC/20/0618 be determined by the Head of Development with a view to approval, subject to further discussions with the applicant and WSCC with a view to finding a means of restricting public access to the layby, in consultation with Local Members and the Vice-Chairman of the Committee.

PCN/12 **DC/20/0552 - THE COUNCIL OFFICES, PARK HOUSE, NORTH STREET, HORSHAM**

The Head of Development reported that this application sought Listed Building Consent for the replacement of the existing entrance lobby with a glass lobby with automatic sliding doors and glass manifestation and the removal of a blank

imitation door panel on the wall next to the lobby and its replacement with panelling to match the surrounding walls.

The application site was located at Park House which was a Grade II* listed building situated on North Street in Horsham, adjacent to Horsham Park.

The Neighbourhood Council raised no objection to the application. There had been no further responses to the public consultation.

Members noted that the works would give better access for wheelchair users without harming the special interest of this Grade II* Listed Building.

RESOLVED

That Listed Building Consent application DC/20/0552 be granted subject to the conditions as reported.

The meeting closed at 8.10 pm having commenced at 5.30 pm

CHAIRMAN

Planning Committee (NORTH)

Date: 7th July 2020



Report on Appeals: 20/05/2020 – 24/06/2020

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
EN/19/0057	Land Registry Title No WSX236595, Guildford Road, Rudgwick, West Sussex, RH12 3JD	20-May-20	Notice served	N/A
DC/19/2340	2 Earles Meadow, Horsham, West Sussex, RH12 4HP	28-May-20	Application Refused	N/A
DC/19/1537	13 Global House, Market Square, Horsham, West Sussex, RH12 1EU	29-May-20	Application Permitted	Application Refused
DC/19/2063	4 Park Place, Horsham, West Sussex, RH12 1DG	01-Jun-20	Application Permitted	N/A
DC/19/2309	Sussex Topiary, Naldretts Lane, Rudgwick, West Sussex, RH12 3BU	08-Jun-20	Application Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/19/0326	Land North of Raylands Park, Jackrells Lane, Southwater, West Sussex	Written Representation	11-Jun-20	Application Refused	N/A
DC/19/1846	Prongers Orchard, Land To The South of Village Hall, Leechpond Road, Lower Beeding, RH13 6NR	Written Representation	12-Jun-20	Application Refused	N/A
DC/19/1847	Land Adjacent To The Crabtree Inn, Brighton Road, Lower Beeding, Horsham, West Sussex, RH13 6PT	Written Representation	12-Jun-20	Application Refused	N/A
DC/19/1849	Dunnocks, Emms Lane, Brooks Green, Horsham, West Sussex, RH13 0TR	Written Representation	12-Jun-20	Application Refused	N/A
DC/19/2216	Spinroute Ltd, CCM Depot, Rusper Road, Ifield, Crawley, West Sussex, RH11 0LQ	Written Representation	16-Jun-20	Application Refused	N/A
DC/19/2318	1 Motto Cottages, Sandhills Road, Barns Green, Horsham, West Sussex, RH13 0PU	Fast Track	19-Jun-20	Application Refused	N/A
DC/18/1622	Beckley Stud, Reeds Lane, Southwater, Horsham, West Sussex, RH13 9DQ	Written Representation	24-Jun-20	Application Permitted	Application Permitted
DC/19/0700	50 Barrington Road, Horsham, West Sussex, RH13 5SN	Written Representation	24-Jun-20	Application Permitted	Application Refused
DC/19/2132	Shiprods Manor, Bashurst Hill, Itchingfield, Horsham, West Sussex, RH13 0PD	Written Representation	24-Jun-20	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/19/2247	Prestwood Paddock, Prestwood Lane, Ifield, Crawley, West Sussex, RH11 0LA	Fast Track	Appeal Dismissed	Prior Approval Required and REFUSED	N/A
DC/19/1232	Furlong Farm, Rusper Road, Ifield, West Sussex, RH11 0LN	Written Representation	Withdrawn	Application Refused	N/A
DC/19/2477	Copsale Stables, Copsale Road, Copsale, West Sussex, RH13 6QU	Written Representation	Appeal Dismissed	Prior Approval Required and REFUSED	N/A
DC/19/2551	Former Milking Parlour, New Brook Farm, Nuthurst Road, Maplehurst, West Sussex	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/19/2117	Pemberley, Copsale Road, Maplehurst, Horsham, West Sussex, RH13 6QY	Written Representation	Appeal Dismissed	Application Refused	N/A

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TO: Planning Committee North

BY: Head of Development

DATE: 7th July 2020

DEVELOPMENT: Outline application for the erection of a continuing care retirement community with new means of site access onto A264 Five Oaks Road (indicative proposals for 17 extra care bungalows; 82 extra care cottages; 108 extra care apartments; 60 bed care home (nursing and high dependency residential care; 32 bed specialist dementia care home; community hub with commercial kitchen, therapy/activity rooms, swimming pool with care accommodation above) with all matters reserved except for access.

SITE: Land at Lyons Farm, Lyons Road, Slinfold, West Sussex, RH12 3LN

WARD: Slinfold

APPLICATION: DC/19/1723

APPLICANT: **Name:** Prime UK Land **Address:** C/O Tetlow King Planning Unit 2 Eclipse Office Park High Street Staple Hill

REASON FOR INCLUSION ON THE AGENDA: Presented at the discretion of the Head of Development

RECOMMENDATION: To refuse planning permission for the reasons set out in this report

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks outline planning permission for a Continuing Care Retirement Community. The development proposes to provide specialised housing for older people (to meet a range of care needs depending on individual's circumstance) in an alternative form to the more traditional 'sheltered housing' and 'residential care home' format. The Council confirms the development would fall within Class C2 of the Use Class Order.
- 1.2 The indicative plans show the development would comprise of a mixture of bungalows and apartment buildings, that will provide for an indicative 17 extra care bungalows; 82 extra care cottages; 108 extra care apartments; 60 bedroom care home (nursing and high dependency residential care); 32 bed specialist dementia care home; and a community hub with commercial kitchen, therapy/activity rooms, swimming pool with care accommodation above. This built development is proposed to be located within the central and southern areas of the site.

- 1.3 The same indicative plans show the buildings to be single and two storey bungalows/cottages/apartments clustered around shared amenity space and within walking distance to the onsite community facilities. The indicative building types will be detached, semi-detached and terraced. Outside amenity space will range from formal activity (bowls and croquet lawns) and informal around the River Arun. All existing public rights of way across the site will be retained. Drainage to the development would be serviced by SuDs.
- 1.4 It is understood that to live in the units, occupants would need to be over the age of sixty; and have been assessed as a person needing care; and pay a service charge that gives access to the community hub and the activities there and a minimum of 1.5 hours care and support per week as qualifying entry. Care hours will increase, as the individual's care needs increase. It is also understood this would be a managed development, staffed 24 hours per day to assist residents with daily tasks and provide emergency cover, and with communal transport as well as shared pool vehicles along with electric vehicle charging points. Communal leisure facilities together with green space are shown on the indicative layout plans.
- 1.5 Additionally, a suite of ecological enhancement and public access works are proposed. Amongst other things, this includes some 12ha of arable fields to become pasture/meadow with small woods or parkland trees, and controlled public access within these areas; a new 30 metre wide deciduous woodland either side of the existing PRow 1450; upgrades to the existing PRow network and the creation of a new PRow bridleway to link 1450 to Lyons Road; and full public access to the river side. Approximately 60 percent net gain in biodiversity post-development is proposed.
- 1.6 Access is a detailed matter applied for, utilising and widening the existing access onto the A264. All other matters (scale, layout, appearance and landscaping) are all reserved for later consideration.

DESCRIPTION OF THE SITE

- 1.7 The application site comprises land at Lyons Farm House, Slinfold, to the north side of Lyons Road and west of the A264 Five Oaks Road. The Lyons Farmhouse sits between the site and Lyons Road and is Grade II Listed. The site lies on relatively flat land adjoining the River Arun on arable fields which are large, irregular in size, all enclosed by strips of trees and hedgerows. A pasture meadow lies between the development site and the river. The site takes its character from the adjoining landscape – which is rural in nature. Some intrusion into the relative tranquillity is present due to traffic noise from the nearby roads.
- 1.8 The river, which acts as a defensible boundary between Broadbridge Heath and the countryside on the west, meanders around the site. Consequently, the east and north of the site falls within flood zones 2 and 3. The river, with its lush and dense vegetation, creates a valuable range of habitats along its length and the low-lying fields, which flank its banks, provide an expansive area of flood plain. As such, this river corridor supports a wide range of species – both resident and migratory. These habitats are further complemented by the adjacent woods and hedgerows.
- 1.9 This site, sitting as it does west of Broadbridge Heath and the River Arun, contributes to the rural gap between the settlements and the countryside setting of the village of Slinfold. Broadbridge Heath is identified as a tier 3 settlement within the Council's settlement hierarchy of the Horsham District Planning Framework (2015) (HDPF). The site is outside the Broadbridge Heath built-up-area boundary and is in Slinfold Parish, adjacent to the Parish boundaries with Broadbridge Heath and Itchingfield.
- 1.10 Horsham stone and reclamation business and a small group of other buildings (Lower Broadbridge Farm and three residential properties – Millmead, The Paddocks and Arun House) are located to the north east of the site. The site is bordered to the south by Lyons

Road and Lyons Farm and three residential dwellings (Lyons Farm House, Green Acres and Brookside). Much of the rest of the area is open countryside on the north side of Five Oaks Road (the A264), of which the site makes a positive contribution, even if not subject to a local or national landscape designation. Opposite the site, on the south side of the A264, is more built up with a group of buildings including a care home and a recently completed and largely occupied housing estate development that now forms the settlement edge of Broadbridge Heath (Wickhurst Green).

- 1.11 The site is accessed directly off the A264 Five Oaks Road. The site itself is bisected by Public Right of Way (PROW) Footpath 1450 which provides an east-west route through the site linking it via the wider PROW network to Broadbridge Heath, Slinfold Village centre, Warnham and the Downs Link – a 59km bridleway route between Guildford and Shoreham by Sea. Bus stops existing approximately 150 metres from the existing site entrance travelling east and west.
- 1.12 As well as Lyons Farmhouse Grade II Listed Building, there are other designated assets (Grade II Listed Buildings) which have the potential to be affected by the development of the site; Barn on North side of Yard at Rapkyns Farm; Theale Farmhouse; Mill House; Mill Cottage; Lower Broadbridge Farmhouse; and Ashlands Farm.
- 1.13 The site falls within the Mens Special Area of Conservation (SAC) buffer, Bat Sustenance Zone and an archaeological site exists to the northeast corner of the site. The Mens SAC is located 10.73 km west of the site and lists Barbastelle bats as a qualifying feature. Ebernoe Common SAC is 15.31 km to the west and lists Barbastelle and Bechstein's bats as qualifying features.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered 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 18 - Retirement Housing and Specialist Care
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 27 - Settlement Coalescence
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction

- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities
- Policy 43 - Community Facilities, Leisure and Recreation

West Sussex Joint Minerals Local Plan (2018)

West Sussex Waste Local Plan (April 2014)

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

West Sussex County Council Guidance on Parking at New Developments (Aug 2019)

- 2.4 RELEVANT NEIGHBOURHOOD PLAN
 - Slinfold Neighbourhood 2014 – 2031 (2018)
 - Policy 1: Conservation Area
 - Policy 3: Green Infrastructure
 - Policy 4: Conserve and Enhance Biodiversity
 - Policy 5: Development Principles
 - Policy 6: Housing Mix
 - Aim 1: Preventing Coalescence between Slinfold and Broadbridge heath
 - Aim 4: Public Rights of Way
 - Aim 6: Off Street Parking
 - Aim 7: Public Transport

- 2.5 Slinfold Parish Design Statement (2006)

PLANNING HISTORY AND RELEVANT APPLICATIONS

None

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

HDC Landscape Architect: Objection

The proposal for a large scale continuing care retirement community development with a central facility, apartments, bungalows, care home and leisure facilities will have a negative adverse effect on the character of the site as result of the fundamental change to the character from arable to urban environment and in principle cannot be supported. The development of the site would result and be seen as urban sprawl beyond the River Arun which acts as a natural defensible boundary between Broadbridge Heath and the countryside to the west.

These fields, also positively contribute to the rural gap between settlements, preserving the countryside setting of the village of Slinfold and although it would not result in coalescence, it does nevertheless erode the rural fringes of the Parish, bringing the developed edge of Broadbridge Heath closer to the village itself and contributing to the cumulative effect of development along Lyons Road.

It is recognised the mitigation measures and landscape strategy proposed are likely to reduce the visual effect the development will have on long distance and close range views and these are likely to result in minor to moderate harm to the visual amenity of the area. However, with regards the landscape character, the concern remains that the planting alone would not be able to absorb the harm the build environment will cause to this otherwise rural landscape.

Furthermore I also have concerns with the layout, which appreciate is illustrative as the application is in outline, and the potential pressure and issues that could arise with the existing landscape boundary features to the west, should the units shown along have gardens parcelled up and these important landscape corridors ending up in private land without guarantees of retention and future maintenance. The loss or undermining of these would cause further harm to the landscape character as these are key landscape features, which are characteristic and representative of the area.

The development is therefore considered contrary to policies 26, 27 of the HDPF and Aim 1 of the Slinfold Neighbourhood Plan.

HDC Conservation: Comment

Broadly in agreement with the conclusions of the heritage consultant

HDC Environmental Health: No Objection

HDC Drainage Engineer: No Objection

Recommend imposing the following conditions; Drainage Strategy (Foul and Surface Water), Sustainable Surface Water Drainage, and SUDS Verification Report

HDC Waste Services Manager: Comment

Applicant should set out whether collections made by the council or independent waste collector.

OUTSIDE AGENCIES

Environment Agency: No Objection subject to Conditions

Following our review of the additional information (letter dated 21 November 2019 from J.N.Pulsford for and on behalf of Peter Brett Associates LLP (now part of Stantec), we confirm we can remove our previous objection, provided the following conditions are included:

Condition 1 – Flood Risk Assessment

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref 46321, dated August 2019, compiled by Peter Brett Associates LLP (now part of Stantec)) and the mitigation measures detailed therein (with specific reference to the conclusions at section 8.1.2). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Condition 2 – Landscape and infrastructure works in the floodplain

The development hereby permitted must not be commenced until such time as a scheme for any landscape and infrastructure works in the floodplain of the River Arun has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall demonstrate that fluvial flood compensation is provided elsewhere within the development on a level for level basis, supported with calculations and volumes. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing

arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

WSSC Extra Care Housing Manager: Comment

WSSC supports the delivery of Extra Care Housing, (C3) over the development of residential institutions such as Care Homes (C2). There is an imbalance of provision in the County towards Care Homes (C2) and the County wishes to enable older people, and those with an assessed care need to be as independent for as long as possible. WSSC has a target of 500 new Extra Care Housing homes across West Sussex until 2025 and beyond. This target requires a development programme of at least 100 new Extra Care Homes across the County each year.

Where new purpose-built Extra Care Housing is proposed, it should be close to centres of population, and in sustainable locations where there exist or planned facilities, such as local shops, health facilities etc. and public transport is available or can be enhanced. This is for the residents of such developments who may not, or no longer drive, and to enable the workforce to easily access the Extra Care Housing in order to deliver services. WSSC will not support Extra Care Housing development, which is isolated from local facilities, and remote from public transport.

The proposed development is not close to centres of population, in a sustainable location, and where there are existing or planned facilities, including those for health and local shops, and public transport. The applicant has referred to developing some of these facilities but there can at present be no guarantee that these facilities will be available on site. WSSC will not support Extra Care Housing development that is isolated from local facilities and remote from public transport. The current COVID 19 crisis has highlighted the importance of the location in terms of the accessibility and ability to retain a workforce to deliver care in such settings. The affordable Housing offer is noted. WSSC would expect the applicant to work with a Registered Provider to deliver this.

WSSC Minerals and Waste: No Objection

WSSC Highways: No Objection subject to S106 and Conditions

Further information in the form of a Junction Modelling technical note provided. Footway widening, shelters, and seating provided at bus stops. Confirmed no further pedestrian access is to be considered at this stage. Acceptable vehicle tracking provided for refuse. Provision of a splitter island to enforce the right hand turn ban. Highway boundary shown the southern kerb line to remain as existing with additional width to come from north and as such no changes to visibility splays.

Junction Modelling provided by the applicant for the Newbridge Nursery roundabout. The junction model has been calibrated in the AM peak where the main impact of the development on the A264 Five Oaks Road is largest and where the junction is predicted to operate over capacity. In the PM peak the technical note details the model does not calibrate as well however upon inspection the difference of queue lengths between 5/6 vehicles in the base model is not considered significant and the development does not increase flows on the arm that does not calibrate as well. As such, the modelling provided is considered acceptable.

The modelling identifies the development would impact on the A264 Five Oaks Road approach and as such a mitigation scheme has been tested that increases the entry width and flare length to formalise an area which is currently over run by vehicles. The applicant is agreeable to providing a proportional contribution towards the cost of the improvements.

S106

- £7,500 towards the Traffic Regulation Order to ban the right turn from the site access (to be paid on commencement or on receipt of the TRO application, whichever is earlier).
- £20,000 towards improvements at the A264 Newbridge Nursery Roundabout. As the final quantum of development is currently unknown then should the future development proposed generate an increase in outbound trips in the AM peak over the 18 assessed in the application through the Newbridge Nursery Roundabout then a cost of £1,111 per trip should be applied.

Conditions: Access to be provided prior to first occupation; Pedestrian and Public transport access to be provided prior to first occupation; car parking spaces details to be approved; cycle parking to be approved; Construction Management Plan; Travel Plan.

Archaeology Consultant: No Objection subject to condition

Ecology Consultant: Recommend Approval subject to conditions

Following Natural England's response to the HRA Appropriate Assessment in relation to impacts on Arun Valley SAC, SPA and Ramsar Site, recommend mitigation be incorporated in the project design and Construction Environmental Management Plan.

The submitted Ecological Impact Assessment provides sufficient ecological information to support determination of the application. Impacts will be minimised such that the proposal is acceptable subject to the conditions below. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Conditions: All mitigation and enhancement measures/works carried out in accordance with approved details; prior to commencement Construction Environmental Management Plan, farmland bird mitigation strategy and non-licenced method statement for GT crested newts; prior to slab level biodiversity enhancement strategy; prior to occupation wildlife sensitive lighting design scheme.

Southern Water: Comment

Exact position of public assets must be determined on site before the layout of the development is finalised. Southern Water desk study indicates an increased risk of flooding unless foul sewerage network reinforced. Request phased occupation to align with delivery by Southern Water of network reinforcement. If the swimming pool for commercial/public use produces filter backwash water, this would be discharged to the public foul sewer. Rate and times of discharge, and of pool contents, if drained to sewer, would have to be agreed with Southern Water. Request development construction not commence until proposed means of foul and surface water sewerage disposal approved by the Local Planning Authority in consultation with Southern Water.

WSCC Flood Risk Management: No Objection

WSCC Rights of Way: Comment

The site has potential to provide improvements to the existing PROW network. In accordance with HDPF Policy 40, the WSCC PROW team seek stronger cycle proposals for the site.

Sussex Police: Comment

The development reflects the attributes of safe, sustainable places set out in Safer Places – The Planning System and Crime Prevention. When more details are available at reserved matters, more crime prevention advice can be provided.

Natural England: Comment

Site within wider conservation zone for The Mens Special Areas of Conservation (SAC). Note 7 Barbastelle bats recorded using transect surveys and Anabat data. Agree with screening process in Habitats Regulation Assessment (HRA), which has correctly identified impact pathways for the Men's SAC via severance of commuting and foraging habitat. Agree LSE cannot be ruled out and that an appropriate assessment is required to consider further implications on the Mens SAC Refer to Sussex Bat SAC Protocol

Appropriate Assessment:

Primary concern is central hedgerow will be removed and further severing activities proposed. Note suggested mitigation in HRA and accompanying survey documents. Essential connectivity maintained in order for use of site for barbastelles continues. Site adjacent to River Arun provides key foraging habitat. Access to this must be maintained. Avoidance/reduction of impacts of clear importance. Welcome proposals involve retention of majority of linear features on site however, central hedgerow, which supports Barbastelles, will be lost. Note proposals to plant additional habitat and bolster existing habitat. Of key importance here is maximise likelihood of mitigation success at point of impact. Essential to limit lighting and maintain dark well-buffered corridors along new and existing linear features in order to avoid disturbance to bats.

PUBLIC CONSULTATIONS

Slinfold Parish Council: (initial and re-consultations combined: Objection

Slinfold Parish Council object strongly to the above application.

Neighbourhood Plan - Site evaluated and assessed in Slinfold Neighbourhood Plan (SNP). It was found unsuitable (SNP policies 1, 7 and 12) and not included in made SNP less than a year ago. Of all sites assessed, this site was voted least viable by residents. Protecting the separate identity of Slinfold is a key community aim of the SNP (Aim 1). It is important the space, openness and rural character of the Parish between the village and adjoining urban areas is retained and protected. Offer full support to HDPF Policy 27. The development is not within the built-up area boundary, is not on previously developed land, is not in an appropriate countryside location, does not enhance public rights of way and their settings, and would have an unacceptable impact on the local highway network. It is in direct conflict with the SNP and the expressed wishes of residents; sufficient and significant weight must be afforded to this.

Affordable Housing, Use Class, and HDPF Policy 18 - Affordable housing offer will be removed at appeal. Care assessment before entry limits scope of admission to residents and housing stock freed up. Accommodation is C3 irrespective of amount of care provided. HDPF Policy 18 test is not satisfied. District already very well provided with residential nursing homes. There is no need for another.

Site Sustainability - Site not connected, walkable, convenient or accessible. Insufficiently frequent bus services to accommodate workers shifts (two services limited to 1 hour with last service from Horsham at 7pm, 6pm Sat and earliest 7am Sat, no services Sundays or Public Holidays). Would lead to unsustainable development and increase in traffic (circa 791 two way movements daily) in already busy and congested area. Residents will be isolated as bus stops only accessible by crossing unlit, busy and congested A264. Ridiculous to suggest Lyons Road bus stop is option as pedestrian visibility is limited. A264 footways are narrow and very uneven with little chance of safe wheelchair or assisted walking use. Even with suggested footway improvements, irresponsible for elderly use. Vehicles leaving the site will struggle to gain access to A264 at peak times; queuing traffic on Lyons Road is evidence of this. Will be difficult to source staff locally so will commute. Need for residents to leave site

beyond daily essentials. Not clear where stated public bridge across river would go as this land is not owned by applicant.

Insufficient health service provision - Size and demographic of development cannot be supported by existing NHS services already under significant strain in the district. Horsham ranked as second worst provision in England; RTA casualties taken to Worthing and Southampton A&E because East Surrey gridlocked; ambulance wait times some of UK longest; winter queues of elderly people left on trollies at East Surrey. Of local GP surgeries Southwater not accepting new patients; Billingshurst resorted to overflow containers; another GP Surgery failed CQC inspection; HASTE at Guildford cannot adhere to 6 week guidelines. NHS Dentists virtually impossible.

Insufficient highway infrastructure and highway safety - Demographics and the poorly served site location means car is first choice of travel. Site exit will require traffic to turn left and add to congestion caused by road "improvements" in Broadbridge Heath and Newbridge roundabout. Road widening will require ancient species rich hedge removal. Junction Modelling shows Newbridge junction will exceed capacity by 2022. ARCADY model used could not accurately predict the base case scenario but has then been used to predict the future position without fully explaining the issues with the base case; the modelling for the Newbridge roundabout is questionable. Additionally, both Wellcross and Lyons Farm developments as well as other builds should be modelled not in isolation. Crossing Lyons Road from the corner of the A264 is a very dangerous crossing as you can only see three feet down. To suggest this is feasible for elderly residents is ridiculous.

Ecology - A lack of information on the trees and hedgerows to be removed; this is an invertebrate and mammal rich site, bordering the River Arun and links fragmented habitats. Linkage to upper Arun tributaries will be destroyed. Boating lake hardly compensates for destroying hunting ground of six (some locally endangered) bat species using site. Ornamental trees will not compensate for destruction of mature trees which provide pollinating insect habitat. Inadequate information Suggestion loss of Skylark nesting can be mitigated is not believed. For last few weeks site alive with birds.

Environmental Concerns, Flood Risk, and Climate Change - Insufficient information submitted on River Arun flood plain. Concern expressed over likely run off pollution into river, both in construction and operational phases. Will add to already serious light pollution from Broadbridge Heath, and destroy dark skies of Lyons Road area. Part of site and the entrance is in flood risk zone. With climate change and additional discharge from other developments into River Arun this problem will become worse; site access may be prevented. Site is ideal position for solar thermal, PV and ground heat pump installations. No provisions included and no thought given for sustainability. Extra pollution from traffic.

Irreversible landscape harm, urban creep, and overdevelopment. - Will cause significant and irreversible harm to landscape and is outside of BUAB, jumping boundary from urban Horsham/Broadbridge Heath to category 2 rural Parish. As the development sits on a rising landscape the visual impact will be significant and mitigation cannot alter this, as clearly visible from A264 and surrounding footpaths. Fully support comments by HDC's Landscape Architect. Poor design concept with profligate waste of land. Preventing Coalescence between Slinfold and Broadbridge Heath and protecting separate identity of Slinfold is key SNP community aim. Important space, openness and rural character of the Parish between the village and adjoining urban areas is retained and protected; fully support HDPF Policy 27.

Summary - Opportunistic development presented under C2 guise, and does not sit well in the landscape and contrary to development plan policies. Site is isolated and transport links are inadequate for shift pattern and elderly residents. Anyone who suggests it is safe for elderly people to cross A264 has never tried this. Need has not been clearly matched with provision and existing infrastructure cannot cope with increased demand by development.

'Text book' benefits indicate little thought into local needs and issues. Whilst accept care demand will increase, this is not the solution to that need and is an unsuitable and unsustainable location.

Broadbridge Heath Parish Council: Objection

Broadbridge Heath Parish Council has liaised with Slinfold Parish Council in considering this planning application and objects strongly to this planned development

Slinfold Neighbourhood Plan - Site found unsuitable and not included in Slinfold Neighbourhood Plan

Insufficient health service provision - Development of this size and demographic cannot be supported by existing health services and would put strain on already stretched facilities; recently ranked as having second worst provision for General Practitioners' in England. Road traffic accident casualties frequently taken out of area because East Surrey A&E gridlocked and ambulance wait times some of UK longest. Of local GP surgeries which may service this new large development, Southwater is not accepting new patients and Billingshurst has limitations on taking new patients. NHS Dentist virtually impossible.

Insufficient highway infrastructure - Demographics and poorly served site location mean car is first choice of travel. The site exit will require traffic to turn left and add existing road congestion. Road widening will require ancient species rich hedge removal. Surrounding highway already gridlocked.

Ecology - Lack of information regarding site; rich site for invertebrates and small mammals, bordering River Arun. Flood plain support large numbers of invertebrates and vital linkages between fragmented habitats. Will destroy linkage to upper Arun tributaries. Boating lake hardly compensates for destroying hunting ground of six (some locally endangered) bat species. Ornamental trees site will not compensate for destruction of mature trees which provide the habitat for pollinating insects. Inadequate information on trees and hedgerows removed.

Environmental Concerns - Insufficient information submitted regarding site in flood plain of River Arun. Concern expressed over the likely run off pollution into the Arun, both in construction and operational phases. No thought given to the impact on existing nearby residents

Urban Creep and over Development - Poor design concept and profligate waste of land. Will blur boundary from Broadbridge Heath to Slinfold. Slinfold Neighbourhood Plan prevents coalescence between Slinfold and Broadbridge Heath and protecting the separate identity of Slinfold is a key community aim of the Plan. It is important the space, openness and rural character of the Parish between the village and adjoining areas is retained and protected; fully support HDPF Policy 27.

Representations:

5 letters of **support** from NHS practitioners who raises the following:-

Concept of long term care is fast and massively changing. Traditional model of inpatient treatment in large district or cottage hospitals is ineffective. Equally concept of nursing/residential homes with elderly frail patients becoming a last resort. This project is closest and nearest to the vision we as clinicians have long had for our elderly.

Will offer patients and their families a more normalised way of living, but will also impact on a prolongation of life, with advantage such as actual independent living, remarkable green

environment, mimicking a facilitated normal township living, that they have facilities within their walking distances to enjoy pleasures of life such as exercising, nature, physical activities, shopping in a safe environment. It would be great for families to visit and experience their loved ones in great settings.

Whole-heartedly support the programme especially if it is fully costed and funded. The Country is clearly crying out for such projects, which are already in other countries with real success. We need to develop them here. Releases excess underused housing stock especially in Horsham. A big win on affordable housing and priority to local residents who are in on waiting lists and stuck in inadequate accommodation as responsibility of the council. Reduces NHS costs and unlocks NHS savings from maintaining existing old and inadequate elderly housing stock. Fits in perfectly with NHS COVID-19 recovery Plan.

39 individual **objections** from separate addresses (including Slinfold Neighbourhood Plan Working Group) and a petition with 34 signatures of objection from separate addresses, which raise the following:-

Principle

- Site has not been not allocated in the Development Plan and outside Built up Area Boundary, and does not satisfy countryside development criteria with no exceptional circumstances.
- SHELLA identifies site (SA-492) as 'Not Currently Developable'. Site should be promoted through the local plan to properly assess its suitability. Previously promoted for housing, rejected by residents, new plan no different. Green belt should be left alone.
- Contrary to Development Plan policies, which aim to protect identity of Slinfold by preventing coalescence with Broadbridge Heath. Loss of green fields and farmland; area has already taken much new housing and development of this type should be located in an already developed not rural area.

Need

- District has more than adequate provision of care home facilities (some under-occupied) and spare capacity; could Rapkyns, closed for poor standards, not reopen?
- Dispute applicant's evidence, which fails to demonstrate need for this provision and makes no reference to facilities in area. Slinfold Neighbourhood Plan identifies Cobblers as suitable site for elderly provision as at village centre with good proximity to services; conversely, the application site is one of the least sustainable due to remoteness to village and environmental impact. Elderly will be isolated with inadequate transport links and remote from services.

Landscape Character and Appearance and Heritage

- Overdevelopment, urban sprawl, and urbanisation not in keeping with open countryside and rural character and appearance of locality; its scale is comparable to Wickhurst Green but adjacent land only contains scattered single detached houses or farms.
- Loss and desecration of important strategic rural gap, landscape buffer, and natural open space between Slinfold and Broadbridge Heath, used for dog walking and recreation (footpaths 1450 and 1448 are well used); it is a precedent for eventual settlement coalescence.
- Proposed open space would not qualify as Green Infrastructure, and land should be in a Trust to prevent further development. Listed Building needs protection. Design, character and layout would introduce an urban form of development that would cause harm to the rural character of the surrounding area and significantly increase the level of activity, ruin dark skies, and urbanise people's experience when using local footpaths.

- The site rises significantly in height towards the middle making it more visible from the surrounding countryside. The cherished and unspoilt view from the top of Rapkyns Hill, footpath 1448, looking towards Christ's Hospital, will be lost forever as it will be dominated by the development. Design statement will not reflect what the developers want or will build if granted permission.

Ecology

- Scale of development will have a negative impact on local flora and fauna, and loss of irreplaceable wildlife habitat of ecological value for protected species including newts, owls.
- The River Arun will be affected by the development, causing pollution, affecting fish and birds. Applicant's ecology report is inaccurate: at least two pairs of nesting buzzards annually; certainly more than three pairs of skylark; Red Kites; Geese; grass snakes; Owls including Barn Owls; dormouse survey not conducted correctly; woodpeckers; great crested newts highly likely; bats as a designated Bat Sustainance Zone.
- Would have a detrimental impact on commuting and foraging of protected bat species and the mitigation measures proposed would not outweigh the harmful effects caused by an increase in human presence, noise and artificial lighting.

Flood Risk and Drainage

- The site is a flood plain. Arun valley floodplain more liable to regular and larger floods; every year it floods very badly. History of flooding along the east boundary (a natural flood plain from A264 along the Arun towards Slinfold), possibly three or four times a year. Site entrance is in flood zone making access to the site impossible and a high risk site for a care home community. Removal of trees and ancient field hedgerows is contrary to flood risk management.
- FRA untenable and its conclusions are inaccurate, contradictory and misleading; uncertain to how potential flood risk would be mitigated to ensure no exacerbation of existing flooding as SUDs approach will increase water volume downstream and upstream of site and does not deal with surrounding environs (it will concentrate outfall into two areas, one directly into Arun to east of site and another via a pond in westerly direction. This flow will emerge by Middle Barn downstream around Middle Barn and Theale but also upstream). There is significant flooding in this area already. Additional, outflow will make the situation much worse.

Heath Service Infrastructure and Neighbour Amenities

- Increased housing at Broadbridge Heath means local infrastructure already at capacity and Health service already strained, so local services would not be able to cope with additional demand generated by the development. NHS funding for new doctors surgery at Broadbridge Heath could not be found, doctor appointments difficult to get and nearest A&E is in Redhill.
- Lack of on-site staff accommodation will increase staff commute. Already identified shortage of care home staff in area so suitable staff will be difficult to find. Existing residents will suffer from the associated noise and disturbance from the site; plans include open air concert arena.

Traffic and Highway Capacity

- New access onto A264 will cause even more traffic delays and unsustainable increase in traffic on congested highway network already at capacity, exacerbated by Council's ill-conceived road 'improvements' from A264 closure.
- The proposal is predicted to generate 791 extra two-way car movements per weekday all from a single point of access on a bend and beside a bridge off the A264, which is not designed for approximately 18,000 journeys per day (residents with cars or using minibuses, visitors, deliveries etc.); it is a curved road with limited visibility.

On typical weekday morning, A264 has tailbacks of nearly a mile. A dual roundabout system would be needed. Lack of right turn out of site will exacerbate queuing.

Highway Safety

- Traffic increase would be an unnecessary danger to road users, including past a primary school on a double bend. Ability for emergency services to reach site significantly impaired.
- Not safe for elderly people to cross A264 to access facilities or public transport and not at Newbridge as traffic flowing from roundabout is constant and fast (traffic survey indicates speeding problem identified).
- Unsafe to walk along A264 with very uneven and overgrown narrow pavements to nearest bus stop; it is unlit, unpleasant, and frightening for elderly and frail.

Motive and Procedural Matters

- Applications either side of A264 should not be considered separately. Opportunistic development under guise of C2. Council should pay attention to local residents. Insufficient neighbour notification. Objection letters not published. Copy of application not sent. Developer's claims misleading. Privatisation of countryside

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The main matters to consider for this application are:

- the principle of development related to the need for housing and extra care provision for elderly persons in the District;
- whether the development falls within Use Class C2 or C3 and affordable housing provision and consequential legal agreement safeguards;
- the effect of the development on the character and appearance of the surrounding area and Heritage;
- Accessibility and highway safety
- Environmental issues including flood risk and drainage

Principle:

- 6.2 The application site is located outside of any Built-up Area Boundary and is not allocated for residential development. Policy 26 (Countryside Protection) of the Horsham District Planning Framework (HDPF) requires sustainable development in the countryside to be of a scale appropriate to its character and location which does not lead to a significant increase in activity, with key landscape features and characteristics protected.
- 6.3 HDPF Policy 26 seeks to protect the intrinsic rural character and undeveloped nature of the countryside against inappropriate development. Whilst the more recently published National Planning Policy Framework (2019) recognises the need to protect the inherent qualities of

the countryside, it also expects decision-makers to be proactive in supporting development to deliver the homes, jobs and infrastructure that local communities need. HDPF Policy 26 is considered to comply with the 2019 NPPF.

- 6.4 Aim 1 of the Slinfold Neighbourhood Plan (SNP) seeks to protect the separate identity of Slinfold as a key objective. It is considered important to ensure the spacing; openness and rural character of the Parish between the Village and the adjoining urban areas are retained and protected. This is aligned with HDPF Policy 27 (settlement coalescence).
- 6.5 Policy 15 (Housing Provision) of the HDPF establishes the District's housing need within the development plan period (2011-2031). This has been identified as 16,000 homes.
- 6.6 HDPF Policy 18 (Retirement Housing and Specialist Care) relates specifically to the need for housing and extra care provision for elderly persons. Part 2) of Policy 18 specifically relates to the supporting large scale 'continuing care retirement communities' in appropriate locations and where they can be justified in terms of meeting identified need. Part 2) also requires that such provision provides for a full range of needs including care provision separate from the self-contained accommodation; includes affordable provision to meet identified local needs; and includes appropriate services and facilities, including transport, to meet the needs of residents/staff. The policy defines 'appropriate locations' as being 'normally within defined built-up areas', with the pretext at 6.11 further clarifying that 'This policy does not direct this specialist accommodation to any particular locations, but sets preferred criteria that need to be met to ensure that such developments are in the most suitable location, close to shops and amenities.'
- 6.7 As such, whilst the site is located outside of any defined built-up area boundary contrary to the ordinary requirements of Policy 4 for new residential development, the HDPF Policy framework under Policy 18 separately provides that the principle of this type of development on the site can nevertheless be considered acceptable subject to the detailed considerations as set out below.

Need

- 6.8 National Planning Policy instructs Local Planning Authorities to ensure a sufficient amount and variety of land comes forward where needed, and that the needs of groups with specific housing requirements are addressed. The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, older people). "Older people" are defined in the NPPF glossary as "People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs."
- 6.9 The number of Horsham District elderly residents is forecast to rise. Evidence of identifiable need for specialist older people housing in Horsham District for the elderly has, mostly recently, been established by the evidence gathered in the ICENI Northern West Sussex Strategic Housing Market Assessment (Nov 2019). This is an up-to-date rigorous assessment of future demand, and clearly demonstrates unmet need for elderly accommodation within Horsham District, and a need for places in the market catchment area for Horsham.
- 6.10 Similar conclusions are made in the applicant's own evidence (Indigo Report) produced in support of the submitted planning application, although their evidence identifies a greater need. Whilst the numbers differ, this does not materially alter the significant weight to be applied to the immediate need as identified in the Council's own study. The applicant's needs assessment records a current shortfall of 656 residential care beds. The needs assessment goes on to explain that by 2031 there will be demand for 837 additional care home beds. In

terms of extra care and sheltered accommodation, the Housing LIN SHOP@tool has been used to identify the current supply and demand. It indicates a current deficiency of 1,182 extra care units based on figures for enhanced sheltered, residential care, and extra care. It then shows that figure will increase to 2,838 by 2035.

- 6.11 Turning back to the Council's own evidence, the ICENI report analysis concludes there will be a notable increase in the older person population, with the total number of people aged 65 and over projected to increase by 61% to 2039. This compares with overall population growth of 24%. Findings confirm that aged related illnesses/disabilities (dementia and mobility problems) are expected to increase significantly in the future as the population grows. The proportion of older people expected to change is tabled below-

Table 57: Projected Change in Population of Older Persons (2019 to 2039) – Horsham

	2019	2039	Change in population	% change
Under 65	109,628	124,366	14,739	13.4%
65-74	17,125	23,432	6,306	36.8%
75-84	10,851	18,886	8,035	74.0%
85+	4,739	10,358	5,619	118.6%
Total	142,343	177,042	34,699	24.4%
Total 65+	32,716	52,676	19,960	61.0%

Source: Demographic Projections

- 6.12 Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options moving forward. The prevalence rates used in analysis are based on the Housing LIN Strategic Housing for Older People Analysis Tool (SHOP@). This sets out a series of baseline rates that form a starting point for assessing appropriate prevalence rates to apply. This analysis suggests a need for 140 units of accommodation per 1,000 population aged 75 and over in Horsham. The table below shows estimated needs for different types of housing for Horsham linked to the Standard Method projections. The analysis shows a potentially high need for leasehold (market) accommodation in Horsham as well as a need for rented accommodation. Overall, the analysis in Horsham suggests a need for 2,087 additional units by 2039 (equivalent to 104 per annum).

Table 63: Older Persons' Dwelling Requirements 2019 to 2039 - Horsham

		Housing demand per 1,000 75+	Current supply	2019 demand	Current shortfall/ (surplus)	Additional demand to 2039	Shortfall/ (surplus) by 2039
Housing with support ³⁷	Rented	36	912	556	-356 ³⁸	487	131
	Leasehold	67	968	1,050	82	919	1,001
Housing with care	Rented	16	97	244	147	213	360
	Leasehold	21	32	334	302	293	595
Total		140	2,009	2,183	174	1,912	2,087

Source: Derived from demographic projections and Housing LIN/HOPSR/EAC

- 6.13 WSCC adult care department have confirmed that the district population is increasing in age and that extra-care housing is required. The ICENI analysis demonstrates that high levels of care accommodation are needed.
- 6.14 Given this, there is a clear need for accommodation of this kind, and that such a need is becoming more acute which helps demonstrate an exceptional need and a public interest associated with providing this type of specialised housing for the elderly. In addition to its purpose to enhance landscape, the Local Planning Authority also has a duty to seek to foster the social and economic well-being of the community. This development would help to meet the need for specialist accommodation within the district, and allow older people a greater

degree of independence and flexibility in the way they live and chose to receive the care they need. It is recognised the development may have the potential for a contribution to the local economy by providing employment opportunities.

- 6.15 In summary, the delivery of specialised accommodation for older people meets an identified housing need in Horsham District. Residents are able to maintain independence with the assurance of a managed environment. Amongst older people, it is recognised that this has associated benefits related to mental and physical health and well-being. Horsham District has a significant older population and so it is accepted that such a scheme would meet a local need. It is acknowledged there is a strong market demand for 'older people' accommodation within this area.

Location and sustainability

- 6.16 The overall strategy of the HDPF is to direct development to the most sustainable locations and, to that end, identifies a hierarchy of settlements to control and regulate development. HDPF Policies 2, 3, and 4 rank the settlements within the district using indicators (size, connectivity and services) that reflect their sustainability. Policy 3 (Development Hierarchy) of the Horsham District Planning Framework (HDPF) establishes the District's settlement hierarchy, to which the settlement of Broadbridge Heath has been characterised as a small town/larger village – this is defined as a settlement with a good range of services and facilities, strong community networks and also benefits from a reasonable public transport network.
- 6.17 HDPF Policy 18(2) is aligned with Policies 2, 3 and 4 in its requirement for development to be of an 'appropriate location' by setting out preferred criteria that need to be met to ensure that such developments are in the most suitable location, close to shops and amenities. This recognises the fact that while residents of retirement housing schemes in particular are often still very mobile they may not have access to a car, and proximity to services within walking distance or on bus routes are therefore an important consideration. Subject to the completion of highway improvement works that are discussed later in this report, this development proposal is considered to be located within a reasonable distance for future residents to access the services and facilities of Broadbridge Heath Village centre, as well as the 63 and 100 bus services with stops along Lyons Road and Five Oaks Road, offering access to the shops and amenities in Horsham town centre and its mainline railway station.
- 6.18 The applicant has suggested that it would not be viable to build this type of accommodation below the quantum of proposed dwellings. A reduced scale would require increased management charges for residents, which may make the costs of the units prohibitively expensive. A rural site is sought, as the land area required for this quantum is not readily available within the settlement boundary of Broadbridge Heath nor Horsham town. This inevitably generates a conflict with HDPF rural protection policy 26 that seeks to restrict housing development in the countryside. It is a residential development, albeit of a particular and specialist kind that Policy 18 allows for outside of defined settlement boundaries subject to qualifying criteria as set out above.
- 6.19 Whilst the relatively rural location of the application site would normally be considered unsuitable for general market housing, this has reduced significance for a continuing care retirement community (CCRC) as day-to-day services would be provided on site and the residents, being people over sixty, would have less need to be close to schools and employment sites. The proposed CCRC would provide facilities for residents (such as a swimming pool and gym, a small shop for day to day items and communal areas to include places for worship, leisure, clubs, and eating areas), and in addition it would include outreach domiciliary care to the wider community, further reducing the amount of trips generated. It is noted a care element of the proposal is intended to provide for the frail who would not be expected to leave a home unaccompanied, but would normally be transported by car or minibus to shops or other services. However, accessibility by means of travel other than

private car is relevant when considering the impact of trips by staff and visitors on sustainable development policy, as well as those occupiers who wish to retain an element of independence.

- 6.20 It is likely that potential future occupiers will seek to choose somewhere familiar or where family connections exist rather than somewhere completely new, so the need within the District makes it more likely that future residents would be from the district. The agreement from the application for a formal occupancy control is welcomed, as it is a means of seeking to match the delivery of the development with the current identified local need for the accommodation within the District.
- 6.21 Objectors have raised concerns that the development would have an adverse impact on health facilities in the area due to the larger number of older residents who would move onto the site. The local CCG has not objected to the application, although the issue of GP capacity has been raised. The Health Authority's preferred response is through provision of extra-care housing and specialist residential care homes. However, 24 hour private nursing care is to be provided to residents of the development. The provision of facilities physically within the site including a restaurant but with access available for use to the staff and friends and families of the residents will encourage existing and proposed residents to mix within the site and start to socially integrate the new development into the community.
- 6.22 In summary, for the above reasons the range of accommodation in the development would make a positive contribution to the full range of identified need for this type of accommodation including care provision separate from the self-contained accommodation, and that the services and facilities provided, including transport, would meet the needs of residents/staff and contribute to the wider economy. As such the proposal would meet the relevant test of HDPF Policy 18(2)a and c. It is also judged that given the access to Broadbridge Heath village centre and to bus routes along Lyons Road and Five Oaks Road, this proposal would be an 'appropriate location' in terms of services. In concluding this way, it is important to stress both judgements are not in respect to consideration of other impacts, such as any detrimental effect on environment, landscape and highway considerations and the extent to which it could be moderated. Both conclusions are also based on the assessment that the proposed development falls within Use Class C2 as opposed to Class C3. This is addressed below.

Use Class and Affordable Housing

- 6.23 The above assessment is predicated upon the use of the proposed dwellings falling within Use Class C2 and not Use Class C3. The use classes are defined below:
- C2 – Residential Institutions - Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)), and
 - C3 – Dwellinghouses - (b) Up to six people living together as a single household and receiving care.
- 6.24 Historically Use Class C2 has been applied to more traditional forms of care accommodation such as 'nursing homes' and 'care homes' provided by Local Authorities and some private companies. Developments falling within Use Class C3 are generally defined as any 'self-contained dwelling'.
- 6.25 Over the years, the provision of 'care' has been opened up to the wider market and planning authorities for new concepts in nursing and residential provision for the elderly, including complete care schemes within a single housing complex or estate to meet a spectrum of care needs.
- 6.26 It is also acknowledged that developments falling into the Use Class C2 do not attract the requirement for affordable housing (and are £0 rated development for the purposes of the

Authority's Community Infrastructure Levy charging schedule) in accordance with the Councils current Local Plan and CIL Charging Schedule.

- 6.27 It is a matter of fact and degree in each case as to whether a proposed development falls within the definition of C3 dwellinghouse or C2 residential institution. Developments falling within Use Class C2 can include differing forms of 'self-contained dwellings' where care is provided to the individual living in that dwelling. In addition, central government advice regarding care provision (as part of the government policy to ensure people can stay in their homes for longer) states that the receipt of care in your own home does not in its own right make it a 'residential institution' (Use Class C2). Each proposal has to be judged on its own merits to assess the level of care being provided to the individuals and the constitute parts that make up the wider care provision.
- 6.28 Clearly the Local Planning Authority needs to be satisfied that the matters to be secured in the legal agreement are sufficient to genuinely demonstrate the development falls within the C2 definition, rather than being an attempt by a developer to circumvent strategic housing policies and/or avoid making an affordable housing contribution at the level set out in Policy 16 of the Local Plan (35%).
- 6.29 The proposed development is termed "Assisted Living Extra Care" development. In this particular case, all the individual units of accommodation would contain normal facilities for cooking, eating and sleeping, as would be associated with the use as a dwellinghouse. Along with the proposed houses/apartments would be communal facilities such as a resident's lounge, restaurant, function room, guest suite, mobility scooters, house manager's office and staff accommodation. This wide range of facilities extends to providing most of the facilities required by the occupants. There is an intention for some of the facilities provided to be open to residents in the local area to use. Whilst the age range would not span several generations, the scheme age would be restricted to 65 and over, with a younger partner of 60 where relevant. However, the applicant has found the average age of first occupancy in similar facilities elsewhere in the country to be the early 80's. Domiciliary assistance is provided along with further care and assistance if required. The applicant is providing 24 hr care on site, with a treatment room also to be provided.
- 6.30 To ensure that a proposal is genuinely a C2 use, the applicants have demonstrated that the residential units will only be occupied by people who have been assessed as in need of care and must demonstrate that the care provided is "personal" care, not more general care such as cleaning. The applicant has offered to enter into a legal agreement to restrict the use of the development to a C2 use (residential institutions). The S106 agreement would ensure that at least one of the leaseholders would at the point of occupation, have to be at least 65 years of age, be able to demonstrate that they are in need of the minimum care package of 1.5 hours of personal care per week. The definition of personal care would be included in the agreement. Other services such as cleaning or assistance with shopping would also be available to residents if required though these would fall outside the definition of 'personal care' as defined above.
- 6.31 Having given the issue of Use Class detailed consideration, it is accepted that this development should be assessed as a C2 (residential institution) through the proposed heads of terms in the S106 rather than a C3 (housing) proposal. On balance, the proposed age restriction and the assessment of need for care along with the package of care proposed in the S106 agreement, when compared to recent appeal decisions, is sufficient to establish the use class as C2. With that distinction, planning officers are of the opinion that the proposed development cannot be considered as providing dwellings and thus HDPF Policy 16 (which seeks 35% affordable housing contributions to be secured on all proposals for residential developments above a certain scale) cannot apply. However, Policy 18 requires that a bespoke 'affordable' provision is included.

- 6.32 The Council therefore maintains that it is justified in seeking affordable housing. In such cases, it requires the provision of an appropriate level of affordable units or a commuted sum in lieu. In discussions on this proposal, the Council has been clear that affordable housing should ideally be provided on site and as part of the development.
- 6.33 It is also accepted that the CCRC model would be very different in nature and operation when compared to a normal market housing scheme. The care model relies on open market sales and rents of the assisted living units to fund investment in community facilities, allowing the CCRC model to provide the correct level of support and care services to elderly residents. An increase in the level of affordable housing within the scheme would affect the ability of care village operators to provide the essential care facilities, ultimately affecting the quality of life and range of services provided on site.
- 6.34 At the time of writing, the developer has proposed 10% of the care homes beds (including the dementia units) will have local authority rates for occupation. The appropriate local government adult care body will have nomination rights; 15% of the extra care units will be an affordable rent tenure and will comply with the definition in the NPPF. The Council will have nomination rights; 15% of the extra care units will be shared ownership and will comply with the definition in the NPPF. The Council will have no nomination rights, but these will be linked to local person occupation only and look at income and asset levels for occupation/qualification with the Council. In summary 30% of the extra care units will be shared ownership/affordable rent plus 10% of the care home beds.
- 6.35 The following is proposed in the offer:
1. The units will be distributed across the development. The location and type of units (care home excepted) to be subject to controls in the legal agreement;
 2. The affordable rent units will be set at a rent that does not exceed 80% of the open market rent and controlled through a mechanism in the agreement;
 3. All the affordable units will be prioritised for those with a local connection (as will all the units). Geographical location and controls to be in legal agreement;
 4. Both affordable and open market units are to be subject to the same standard of service charge (£5,000 per year, equivalent to approx. £500 a month) – index linked in agreement
 5. Through the legal agreement, the developer in agreement with the Council's Head of Housing and in liaison with the West Sussex County Council Extra Care lead officer will make best endeavours to identify those in housing need who would benefit this facility;
 6. The affordable housing will be managed by a properly qualified organisation and the rules are much more open on this than in the past;
- 6.36 An Affordable Housing Scheme will be submitted to and approved by the Council prior to the commencement of development. The planning agent has stated the applicant is confident that the offer is viable and is based on cost assessments, their ownership of the entire site, no shareholders or current debts and their ability to carry out the development themselves.
- 6.37 Covenants will ensure the units remain affordable in perpetuity. The mechanism for this will be a clause in the legal agreement, similar to that used at the North Horsham development.
- 6.38 Both affordable and open market units are to be subject to the same standard of service charge (£5,000 per year, equivalent to approx. £500 a month), allowing all residents the same level of access to all the facilities on site. It is recognised that having the service charge applied across tenures does raise a question over the ability of those in most housing need to uptake the affordable offer. However, as the applicant explains the need for a uniform service charge is required to avoid a two-tier system where some residents would only have limited access to the facilities on site. Through the legal agreement, the developer in agreement with the Council's Head of Housing and in liaison with the West Sussex County Council Extra Care lead officer will make best endeavours to identify those in housing need who would benefit this facility.

- 6.39 It is accepted a pragmatic approach is necessary. The provision reflects the local community's wish to see some level of affordability for the elderly to be factored into the development scheme. Whilst no specific evidence from Registered Providers has been provided, it is not unreasonable to surmise that they and other Registered Social Landlords would be unlikely to be willing or able to take on the ongoing service charge on behalf of those occupying the social housing. It is noted that Policy 18 does not provide further information on the percentage and type of affordable housing such development should provide. Likewise, the Planning Obligations and Affordable Housing SPD provides no further relevant detail. In the absence of such information, the LPA is of the view that the affordable housing offer is acceptable to meet the requirements of Policy 18(2) b.
- 6.40 It is noted that the applicants initially advised on submission that their affordable offer would be withdrawn if the application was to be refused, and have since stated that the offer would be reduced to a level of 15% rather than at 30% if their submission ends up at appeal. This unhelpful stance raises doubt as to the longer-term seriousness of their affordable housing offer in the event permission is to be granted. Nevertheless, this application must be determined based on the merits of submission to hand, which in this case is a 30% affordable offer.

Section 106 Agreement

- 6.41 The applicants have confirmed a willingness to enter into and agree the details of a S106 that would need to accompany any planning permission for this development. Securing the S106 agreement would ensure that residential occupants are in need of care and that such care is intrinsic to the development, and that the accompanying package of community-related benefits are delivered to enable the development to better integrate within the existing community.
- 6.42 The legal agreement would require all purchasers to be either a qualifying person or the spouse, civil partner, cohabitee or dependent living with a qualifying person. A qualifying person is aged 65 year or more and has to have demonstrated a requirement for a Minimum Care Package through a Qualifying Person Assessment and have contracted to receive that Minimum Care Package as well as having an Assistance Plan produced and maintained for them.
- 6.43 The Minimum Care Package is detailed out in the draft legal agreement and requires, amongst other matters, all occupiers to have completed an assessment of their care needs prior to occupation. Secured also would be the proposed level and nature of care, as well as setting a requirement for a care needs assessment prior to occupation, and all qualifying occupiers would be required to have a care package. Care provision in the package includes a minimum hours per week of personal care activities, including visits by registered nurses to provide nursing care and administer drugs and general medical support
- 6.44 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged as a Community Infrastructure Levy (CIL) if the obligation does not meet all of the following tests:
1. Necessary to make the development acceptable in planning terms;
 2. Directly related to the development; and
 3. Fairly and reasonably related in scale and kind to the development.
- 6.45 The S106 would provide a list of contributions/obligations that have been tested against the CIL regulations and the LPA is satisfied that the three tests are met. This legal undertaking would properly control the use as a CCRC planning unit.

- 6.46 As it is a C2 planning use, this development is £0 rated development for the purposes of the Authority's Community Infrastructure Levy charging schedule. The drafted Section 106 Agreement will also secure:
- the on-site affordable housing provision previously detailed out;
 - financial contributions towards highway improvements and upgrading of the PRow network (to be detailed out later in this report),
 - secure access to various on-site facilities for the benefit of future residents and the wider community;
 - village transport service for future residents and wider community with transport to Broadbridge Heath and Horsham including Horsham Train Station;
 - green space and ecological enhancements delivered in the Biodiversity Net Gain
- 6.47 This will be agreed between the Council's legal department and the applicant's solicitors prior to issuing the decision notice, if planning permission were to be forthcoming.

Character and Appearance

- 6.48 Although an Outline application, the applicant has provided sufficient detail for landscape considerations, including the indicative landscape layout.
- 6.49 Horsham District Council recognises the value of its surrounding countryside, and the importance and influence this has on the character of the District as a whole. In order to retain and protect the most sensitive and important landscape features, the Council have commissioned several studies to help guide development. As part of the evidence base of the Local Plan Review, the Council has undertaken a new Landscape Capacity Assessment, published in Feb 2020.
- 6.50 Pre-application advice was sought for two different layouts, this application being the amended design of one of these. The landscape advice given at the time included:
- ... Both development schemes of this site would urbanise an environment in a countryside location within the settlement gap along the Lyons Road corridor linking Broadbridge Heath and Slinfold, which would harm the rural character of the area. As such, the extent of development would, in my opinion, not protect, conserve or enhance landscape character and would not be supported.
- 6.51 Horsham District Planning Framework Policy 25: The Natural Environment and Landscape Character protects against inappropriate development by supporting development proposals which 1) protect, conserve and enhance the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintaining settlement separation; 2) maintain and enhance the Green Infrastructure Network and address any identified deficiencies in the District; 3) maintain and enhance the existing network of biodiversity, including safeguarding existing designated sites and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible.
- 6.52 According to Landscape Character Assessment (LCA) Guidance, the site lies on both the G2 Itchingfield and Barns Green wooded farmlands and the P1 Upper Arun Valley in the Horsham District Council LCA (2003) and wholly within the Slinfold Parish boundary. The undulating landform of ridges and valleys and the flat lush valley bottom typify this landscape. Strips of woodland curve along the valley sides. The field patterns vary from small irregular to larger arable fields – most enclosed by woodland and hedgerows contributing to the rural character providing important wildlife corridors. The landscape has a mostly unspoilt rural and tranquil character with the key issues affecting it being the intrusion of suburban development and any large-scale development on the valley sides and floor. The condition of the landscape is good which increases the degree of sensitivity to change. Planning guidelines include conserving the open character of the floodplain and ensuring any small-

scale development on the valley sides respect the historic settlement pattern, form and building materials.

- 6.53 In terms of Landscape Capacity Guidance, the site lies partially within the Local Landscape Capacity Character Area 31 of the adopted Horsham District Landscape Capacity Assessment (April 2014) known as 'Land West and South of Broadbridge Heath' – although the whole site has the same characteristics as those detailed in this description. The assessment concludes that the landscape is unspoilt, rural in character and in good condition. It goes on to state that although well enclosed by a strong framework of hedgerows, copses and trees the prominence of valley side landform means that there is moderate sensitivity to large scale housing development and the area has good public access to an attractive landscape with amenity value, which may grow in importance as a result of the nearby strategic development. As a result of the Moderate – High landscape value the assessment concludes that the overall landscape capacity for development is no/low.
- 6.54 The site and area reflect some of the landscape key characteristics described in the landscape character area it sits in.
- 6.55 The site is considered rural in character and forms an open agricultural field with only little urban influence by way of small clusters of development in the immediate vicinity. The River Arun provides a natural separation from more built up development beyond to the east, whilst the A264 provides separation from the site to a cluster of buildings at Wellcross Grange to the southeast. Whilst it is acknowledged that some buildings are nearby, they are seen as scattered development, for the most part set back from the Five Oaks Road, within an open and rural landscape. Their presence and limited urban influence on the landscape character of the site does not in itself justify further urbanising development. The presence of this small number of buildings therefore does not mitigate the impact of, and does not weigh in favour, of the proposal.
- 6.56 The River Arun and A264 both provide a strong natural and physical defensible barrier from the existing urban development to the east and open countryside to the west, which would be significantly encroached upon by the scheme. The placing of a development of this scale in this location would result in a negative urbanising effect on the countryside character of the area, with the development seen as encroaching into the countryside.
- 6.57 It is noted that most of the existing vegetation is proposed to be retained and enhanced as part of the landscape strategy and significant Biodiversity Net Gain proposed for the sited. Whilst these and other mitigation measures proposed are welcomed and likely to reduce some of the visual effects that may arise from the proposals, its effectiveness would be limited to the landscape character effects as planting alone will not be able to absorb the harm the built form (due to the scale of the development and the associated massing that would be created) will cause to this otherwise rural landscape. This, combined with the impact of operational features such as lighting and the increase of activity in the countryside associated with the comings and goings of people, would create a prominent development that would be at odds with the rural character and appearance of the immediate surroundings.
- 6.58 The presence and awareness of the development from the surrounding roads and public footpaths will be clear, even if open views towards the development are limited as result of mitigation planting. The Council consequently disagrees with the conclusion of the applicant's Landscape and Visual Assessment that the scheme would only generate a minor adverse effect.
- 6.59 It is acknowledged that the site has mostly retained its rural character with little urban influence of more sporadic patterns of development and undeveloped agricultural fields and hedgerows being the predominant feature. The A264 provides a strong settlement boundary

thus protecting the character and appearance of the countryside in this location north of the A264. A retirement village on the site would undoubtedly change the character of the site and consequently the character and appearance of the immediate and wider countryside in this location by introducing more urban development into an area of countryside.

- 6.60 The existing Rights of Way which traverse the site and adjoining countryside currently enjoy a tranquil and rural setting which will be lost if this development is realised. There are many small rural and historically important dwellings and farmsteads in the immediate locale and their tranquil, rural setting will be affected by this increase in traffic and activity.
- 6.61 The LVIA carried out by the applicant's landscape architects only reports the likely visual effects of the development and fails to assess the likely effects of the development on the landscape character. It does not follow the GLVIA3 guidance and therefore there is not enough information to consider the effects of the development on landscape character, and therefore based on the Council's Landscape Architect's initial appraisal submitted on the 23.09.2019, the proposed development will result in landscape character harm and is not supported. Overall, this technical document raises questions about the balance, soundness and transparency of the applicant's own conclusions on landscape character harm.
- 6.62 The Council's Landscape Architect has assessed that the proposal, in its current form, fails to satisfy the requirements of the LCA and Policies 25 – which aims to protect the landscape against inappropriate development as it fails to protect or enhance the landscape character, 26 – which aims to protect the rural character and undeveloped nature of the countryside against inappropriate development, and 27 - which aims to prevent settlement coalescence, of the HDPF.
- 6.63 In respect of Policy 27 this states that landscapes will be protected from development which would result in the coalescence of settlements. Specifically, Policy 27 states that development between settlements will be resisted unless it can be demonstrated that there is no significant reduction in the openness and 'break' between settlements, and it does not generate urbanising effects within the settlement gap, including artificial lighting, development along key road corridors, and traffic movements.
- 6.64 Aim 1 of the made Slinfold Neighbourhood plan reflects Policy 27, stating that preventing Coalescence between Slinfold and Broadbridge Heath Protecting the separate identity of Slinfold is a key community aim of the SNP. It is considered important to ensure the spacing; openness and rural character of the Parish between the Village and the adjoining urban areas are retained and protected. This will be achieved by offering full support to Horsham DC in implementing HDPF Policy 27.
- 6.65 In applying Policy 27 and Aim 1 of the Slinfold Neighbourhood Plan to this scheme, as set out above the scale and nature of the proposal would result in a significant reduction in the openness and break between Broadbridge Heath and Slinfold, generating urbanising effects within the most open part of this settlement gap. The proposal would bring the developed edge of Broadbridge Heath closer to the village of Slinfold itself and significantly contribute to the cumulative impact of development along Lyons Road. Whilst the proposal includes significant planting to mitigate this impact (thereby in part satisfying part 4 of policy 27) this is not in itself justification to change the current open rural character of the site to the degree proposed.
- 6.66 In this regard it is agreed that the scale and location of the proposed development on open fields beyond the defensible barriers of the River Arun and A264 would have a significantly urbanising influence in the settlement gap, resulting in harm to the countryside character of the area contrary to policies 25, 26 and 27 of the HDPF and Aim 1 of the Slinfold Neighbourhood Plan. Furthermore, by reason of this conflict with key countryside protection policies of the HDPF, it cannot be said that the site is in an 'appropriate location' as required by Policy 18(2). This conflict weighs considerably against the grant of planning permission.

Green Infrastructure

- 6.67 The indicative plans and submitted documents reference the creation of an open space that would be publicly accessible. This would be the area of the site at flood risk, the north and east parts of the site. This represents a benefit of the development that carries weight in the consideration of planning matters, particular as the Slinfold Neighbourhood Plan Policy 3 states development proposals will supported where green infrastructure and valued landscape features of the Parish (including river corridors and public rights of way and their settings) are enhanced.

Design

- 6.68 HDPF Policies 32 and 33 seek to ensure developments promote a high standard of design, make efficient use of land, and integrate effectively with the character of the surrounding area. Policy 5 of the Slinfold Neighbourhood Plan deals with development principles (design, density and layout) and is aligned with HDPF policies 32 and 33.
- 6.69 The proposal seeks outline permission with all matters except for access relating to layout, appearance, scale and landscaping dealt with at reserved matters. However, the application has parameter plans for consideration, including indicative layout of the built form of the development.
- 6.70 The proposal would increase public access to the riverside and would provide an acceptable open area. In addition, the proposal for opening up the existing watercourse and the use of swales and rainwater gardens (as part of the wider sustainable drainage proposals) will be a significant benefit to the overall layout and enjoyment of the completed scheme and to biodiversity and watercourse management too.
- 6.71 The indicative building forms (including the challenges of positioning buildings around courtyards, the multiple 'frontages' created within the indicative layout scheme and the design ethos to limit 'private garden space') and proposed materials indicate a suitable layout and design is achievable on this site.
- 6.72 The final design and layout is subject to change in subsequent reserved matters applications, the submitted plans have established the parameters for future development.

Heritage

Designated Heritage Assets

- 6.73 The District Conservation Officer confirms the submitted Heritage Impact Assessment lists those designated heritage assets at para. 5.5, that are within the vicinity of the proposal site but which will not be directly affected by it. He is in agreement with this conclusion. The HIA lists those designated heritage assets at para. 5.6 that have the potential to be affected by development of the site. The Council's Conservation Officer is satisfied the conclusions reached in the HIA regarding the impact to the setting of these designated assets mirror his own conclusions with the exception of the impact on Lyons Farmhouse. He agrees that there will be an impact to the setting of each of these seven designated assets but the proposal will only result in harm to Mill House, Mill Cottage and Lyons Farmhouse. The harm to the settings of Mill House and Mill Cottage will be at the lower end of less than substantial but this harm will still need to be balanced against public benefit with special regard being paid to the preservation of the assets and their setting.

The harm to the setting of Lyons Farmhouse caused by the proposal will be greater than suggested in the HIA. Where impact has been identified for Lyons Farmhouse, he notes the legislation states that special regard should be paid to preserving the listed building and its

setting. In the Conservation Officer's own assessment, the landscape setting of Lyons Farm is a contributor to its special interest as a historic farmstead and the proposed development will result in a significantly perceptible change. This will include changes to types of background noise and the perception of activity. However, in his assessment he reasons that the existing twentieth century development has already diluted the historic character of the immediate setting. In his own opinion, the proposed changes to the wider setting will further reduce the opportunity to understand and appreciate the historic context of Lyons Farm as connected to a historic agricultural landscape. The level of this harm will be towards the lower end of the scale of less than substantial but greater than the level of harm to Mill House and Mill Cottage. For this reason, the public benefit of the scheme will need to outweigh the harm to three designated assets to comply with paragraph 196 of the NPPF.

Non-designated Heritage Assets

- 6.74 The Historic Environment Record includes entries for designated and non-designated heritage assets. It also contains records of investigation, which resulted in no asset being identified but appears as a point or polygon on the GIS layer. The HER includes entries for the designated assets that the District Conservation Officer has discussed above and all those mentioned in the HIA. The HIA did not discuss the impact to several non-designated assets that are identified in the HER and which might be affected by the proposal. These are one entry for WWII tank traps on Billingshurst Road and two entries for a type 28 WWII pillbox on Five Oaks Road. These are positioned to the east of the proposal site and are assets that relate to national security in the event that mainland Britain was invaded during WWII. The tank traps do not have a setting but the pillbox is understood in relation to its position for protecting a place or route way. In this case, it is positioned beside A281 and close to the bank of the River Arun. The proposed development will not affect an appreciation of this non-designated heritage asset. Positioned to the north of the development site is the historic outfarm of Middle Barn. It is close to the grade II listed Theale bridge. The barns have been demolished as at Westside Barn but the historic labourer's cottage may survive as a portion of the significantly larger dwelling, Middle Barn Cottage. This non-designated asset is separated from the proposal site by open countryside. An appreciation of the rural setting of the asset will remain if the proposal is successful. The District Conservation Officer is satisfied no non-designated heritage asset will be harmed by the proposal. The Council's archaeological advisors have commented on Westside Barn and the other buried heritage that might be affected by the proposal below.

Archaeology

- 6.75 An archaeological desk-based assessment has been submitted with this application that concluded the proposed redevelopment is likely to have an archaeological impact in all areas where the development is proposed. The Council's consultant archaeologist agrees the proposed development has high potential for archaeological deposits relating to the Iron Age and the Roman period. It also has potential for evidence for medieval farmsteads and agricultural activity. The site of Westside Barn, Slinfold is located in the centre of the development, it has been identified as a historic Outfarm dating to the 19th century, it has been demolished but below ground, remains can be anticipated to survive. A planning condition that secures a programme of archaeological work is recommended in the event permission is granted.

Accessibility and Highway Safety

- 6.76 HDPF Policy 40 states the need for sustainable transport and safe access is vital to improve development across the district. HDPF Policy 41 states adequate parking facilities must be provided to meet the needs of the anticipated users.
- 6.77 Following submission of further information, the Highway Authority's original objection has been removed. This information detailed, amongst other things, consideration of the impact

of the access on the visibility's splays of Wellcross Farm Cottages and junction modelling of Newbridge Nursery Roundabout.

Sustainability

- 6.78 Objectors raise issue with the location of the proposal, citing a lack of public transport and its distance from Horsham town centre and other amenities/services. Some local concern has been expressed regarding the increase in traffic that would occur compared with existing traffic flows into and out of the site. Whilst it is accepted that preference for such a development for the elderly is to be located in areas with higher accessibility to public transport and other amenities/services, Policy 18 does not preclude such uses being located on the edge of a settlement.

Trip Generation and Junction Modelling

- 6.79 TRICS data and trip rates from similar sites have been utilised to establish the proposed development would generate 49 two-way vehicle trips in the AM peak and 45 in the PM peak. It is noted that the TRICS data used for care homes includes sites that do not share characteristics with the application site such as Edge of Town Centre sites, however the Highway Authority believes the margin of error in the peak periods between the calculations would be low. Trips have been distributed by existing flows on the A264 however, it is thought a higher proportion for route north towards Broadbridge Heath and Horsham.
- 6.80 The business model operates a flexible visiting hours policy, and staff shift changeovers were likely to occur outside of normal rush hour periods and adequate on-site parking would be provided. The scheme opens up elements of the development to wider local use, again increasing the range of facilities within the village and the ability of residents to access them without having to drive to Horsham. The applicant has proposed a village transport service for future residents and wider community with transport to Broadbridge Heath and Horsham including Horsham Train Station, and this will be secured in the S106 legal agreement.
- 6.81 A PICADY junction model has been provided and details the access would operate within capacity. At the request of the Highway Authority, junction modelling has also been provided for the Newbridge Nursery Roundabout, due to the flows and impact of turning vehicles.
- 6.82 In summary, the C2 use requires every unit to be occupied by someone in need of care. The submitted transport statement has predicted vehicle trips anticipated because of the development, based on site-specific data from retirement village developments and modelling data associated with care homes. Highway modelling data for this type of use demonstrates that fewer vehicle trips per household should be expected. Having assessed the information submitted, WSCC Highways have confirmed their agreement with the trip generation data supplied and are satisfied that the development will not result in any detrimental or severe capacity on the local road network.
- 6.83 Nonetheless, some future occupiers would want to make journeys beyond the confines of the retirement village. The applicants propose the implementation of a community Travel Plan. The application proposes to provide onsite electric vehicles and two minibuses/people carriers to act as shuttle services for daily trips. The possibility of a staff shuttle bus is also mentioned. Local Bus services to Horsham, Pulborough and Guildford can be accessed from shops at Newbridge Nurseries or Lyons Corner. However, the local community has expressed in their objections that, in their view, the bus services are infrequent. The frequency of 63 and 100 services is hourly, which is considered by the Local Highway Authority to offer a realistic alternative to the private motor car.

Site Access and highway safety

- 6.84 This application seeks detailed consent for the access to the site. The application proposes the formation of ghost island junction with a prohibited right hand turn out of the site. A visibility splay of 4.5 x 120 metres can be provided in line with recorded 85% vehicle speeds to the south. The plan shows a 120 metre visibility splay to the north. The maximum achievable visibility splay within the highway boundary or land has been confirmed. The submitted plan shows the widening of the existing A264 into the southern verge to provide a 3.65 metre wide running lane. A plan with the highway boundary shown confirms the works can be provided within the existing boundary and its impact on the Wellcross Farm Cottage visibility splays. A stage 1 RSA of the site access proposal raises four issues; right turn manoeuvres out of the site access, service covers, pedestrian route connectivity, and bend ahead warning signs. Whilst the design audit agrees with the recommendations of the safety audit, additional details should be provided on the site access and pedestrian connectivity at this stage. Vehicle tracking has been provided which shows a car entering the site, whilst a refuse vehicle has been shown on the main A264 it also has been tracked into the site.
- 6.85 The applicant has also put forward a financial contribution to local highway improvements and enhancement measures to improve integration of the site access with the wider area and to address wider sustainability issues. Improvements are proposed between the main site access and the bus stops and pedestrian crossing points at the Newbridge Nursery Junction, and this includes:
- The sum of £7,500 towards the Traffic Regulation Order to ban the right turn from the site access (to be paid on commencement or on receipt of the TRO application, whichever is earlier);
 - The sum of £20,000 towards improvements at the A264 Newbridge Nursery Roundabout
- 6.86 The submitted Transport Assessment details the potential for additional pedestrian only access to Five Oaks Road would be considered at reserved matters stage. However, this is not included in the draft head of terms of the S106 legal agreement submitted for this application and there is no guarantee this will come forward at Reserved Matters as the parameters at that stage would not require it to be requested.
- 6.87 WSCC Highways have confirmed that the access to the site would have acceptable visibility and would not cause safety concerns for users of the highway. Therefore, the principle of the method of access from this part of the street is accepted,

Internal layout and servicing, and Parking

- 6.88 The site layout is reserved for later consideration. The road layout and arrangement illustrated on the submission plans are indicative, and may change at the reserved matters stage. The design and location of waste store provision raised by the Council's Waste Services Manager for instance is a matter of detail that can be addressed at reserved matters stage for later consideration.
- 6.89 Based on the indicative layout there is sufficient space to allow for the level of parking which complies with WSCC Parking Standards so far as these are relevant to the requirements of this type of development. Deliveries are likely to be more frequent than to a conventional house and visitors may descend on the properties at popular times such as Sunday afternoons. There may be additional visits by doctors, social workers and ambulances. All this adds up to a need for some level of off-street parking and servicing. Final details of parking arrangements will be reviewed at the reserved matters stage once the final layout is known, however it is considered there is sufficient space within the site to accommodate an acceptable level of parking. This will include appropriate disabled parking and electric vehicle (EV) charging points.

Public Rights of Way (PRoW)

- 6.90 The application provides for PROW improvements to provide better walking and cycling links. West Sussex County Council PROW team believe the site has potential to provide improvements to the existing PROW network. In accordance with HDPF Policy 40, the WSCC PROW team are seeking stronger cycle proposals for the site. The proposed development has a single entry point for motorised vehicles and cyclists from the A264, which limits site accessibility by bicycle. The PROW team consider the proposal falls short of meeting Policy 40 and requests the following requirements:-
- That section of Public Footpath 1450 falling within the ownership of the Applicant to be upgraded to a 3m wide shared use path, constructed to a bridleway standard and with an agreement to dedicate bridleway rights for public use. A specification is to be agreed with the WSCC PROW Team.
 - A replacement bridge to an agreed specification on Footpath 1450 across the River Arun (subject to adjoining landowners' consent) from the site's eastern boundary
 - A new 3m-wide bridleway link to be constructed by the Applicant linking the development to Lyons Road. A specification is to be agreed with the WSCC PROW Team. A replacement bridge to be designed and constructed by the Applicant on Footpath 1450 from the site's eastern boundary, across the River Arun. A specification is to be agreed with the WSCC PROW Team.
 - A £15,000 sum to be paid to West Sussex County Council as a contribution towards the cost of negotiation and development of bridleway links to the west, south and/or east of the development site. This will aim to integrate the internal cycle routes within the site with the wider PROW network.

Other Environmental Issues

Drainage and Flood Risk

- 6.91 The aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and direct development away from areas at highest risk. A Flood Risk Assessment supports the planning application. It has assessed the risk of all forms of flooding to and from development and taken climate change into account.
- 6.92 This stretch of the River Arun experiences high water levels in heavy rainfall weather events, most recently in winter storms in Dec 2019 and early this year. The application site is located close to the river floodplain.
- 6.93 However, the Environment Agency (EA) Flood Zone map shows that all proposed habitable development in the site lie within Flood Zone 1 'Low Probability'. Only outdoor landscaping and recreational areas are located in areas at a higher risk of flooding. This satisfies the sequential approach by locating the most vulnerable development (in food risk terms) in the areas with the lowest probability of flooding. EA modelled flood data is only available up to the 1 in 100 annual probability flood event – no modelling that incorporates an allowance for climate change is available. As a result, the extents of Flood Zone 2 have been used a proxy to represent the flood extents.
- 6.94 The proposed mitigation strategy demonstrates the development is safe through a number of measures as follows: all residential buildings have been located an offset of at least 10 metres from the extents of Flood Zone 2 to address uncertainty to these extents; all residential buildings have been located at higher elevations above the floodplain, such that they will be constructed at least 770mm above the 1 in 100 annual probability flood level of 28.43 metres AOD; Ground floor levels will be set a suitable freeboard above surrounding ground (minimum 150mm) to mitigate the residual flood risk associated with excess surface

water runoff in an extreme rainfall event; where ground needs to be raised within the floodplain, this will be offset through 'level for level' floodplain compensation to ensure there is no adverse impact on floodplain storage and flood risk.

- 6.95 Nonetheless, it is recognised the introduction of buildings, structures and car park area (and associated hard surfacing) has a potential increase to residual risk of flooding (surface and foul water). The applicant's amended Flood Risk Assessment document confirms that sustainable drainage methods will be utilised as part of the development. A site-specific flood risk assessment and surface water drainage strategy has been submitted. The surface water drainage system has been designed to mitigate surface water flooding at the site, and to ensure that the development does not increase flood risk elsewhere. It is intended that the surface water runoff from the new development will be attenuated to pre-development runoff rates, and a controlled discharge made, mimicking the existing scenario. It is intended that foul sewage from the site will be collected by a piped system, and drain to the combined sewer. This is accepted by the Council's Drainage Engineer in principle. Additional conditions relating to drainage, storage and a construction management plan are suggested and could be imposed.
- 6.96 The initially submitted Flood Risk Assessment dated August 2019 was subject to Objection by the Environment Agency and Local Lead Flood Authority due to details not included of the fluvial flood compensation for the eastern part of the site adjacent to the River Arun where landscape improvements are proposed and that the proposed surface water attenuation Pond 4 may be in flood zones 2 and 3 and therefore within the fluvial floodplain. The surface water drainage requires redesigning to ensure any SuDS features are outside areas at risk from flooding.
- 6.97 In response, the applicant (Peter Brett Associates) wrote in with additional information, which included; clarification of the extent of Flood Zone 1 and the modelling used to inform this; the observation that the works within the flood plain are an important part of the overall masterplan for the development alongside the river. This included also the boating lake, which is proposed to also serve as surface water attenuation pond. The pond will therefore be permanently wet, sufficient, according to the applicant, to accommodate the surface water run-off from the eastern part of the development before a controlled discharge into the River Arun. The proposed lake does encroach into the fluvial floodplain.
- 6.98 According to the applicant's agent, options are available to address these concerns by one of, or a combination of the following: a) fluvial flood compensation being provided elsewhere within the development on a level for level basis for land lowering, integrated into the landscape masterplan; b) providing surface water attenuation storage outside the fluvial flood extent or c) innovative design of the Boating Lake to allow a dual use is not ruled out at the outline planning stage and is retained as an option for the detailed design stage and reserved matters planning application.
- 6.99 The boating lake could be located and designed such that it floods at some point during an extreme fluvial flood event. In this scenario, compensatory fluvial flood storage would not be required. Alternatively, the lake could be isolated from the fluvial floodplain by raising the land around it and installing non-return valves on any outfalls. As the details of the proposals in floodplain would need to be agreed as part of any planning application, these could be addressed through a condition. Initially both the EA and LLFA have suggested that it is not possible to locate a surface water attenuation pond within the fluvial floorplan.
- 6.100 Following submission of this additional information, namely the letter dated 21 November 2019 from J.N.Pulsford for and on behalf of Peter Brett Associates LLP Letter from pba peterbrett Ref 46321/4001 re: Flood Risk Matters', the District Council's drainage engineer agrees with the assumption that imposing conditions will address the drainage design with its integration with the layout, landscaping, maintenance and compliance with the Technical

Standards. These include the foul and surface water drainage strategy, sustainable surface water drainage, and SuDs verification report.

- 6.101 The Environment Agency has reviewed the same additional information submitted and no longer raises objection. This is subject to conditions that ensure the development is carried out in accordance with the Flood Risk Assessment and any scheme of landscape and infrastructure works in the floodplain of the River Arun demonstrates that fluvial flood compensation is provided elsewhere within the development on a level for level basis, supported with calculations and volumes.
- 6.102 The Local Lead Flood Authority (LLFA) raises no objection. Following the submission of additional information, the LLFA is satisfied that the conditions set by both the EA and the District Drainage Engineer will ensure suitable drainage design. These Officers have considered the proposals acceptable from a flood risk and resilience perspective and are therefore in accordance with Policy 38 of the Horsham District Planning Framework. Therefore, the proposal is also in accordance with relevant policies in the NPPF.

Trees and hedges

- 6.103 An arboricultural impact assessment has been submitted. This has been reviewed by the Council's Tree Officer and his response is set out earlier in this report. Internally within the site a number of poor quality trees would need to be removed for arboricultural reasons. The existing mature trees on site and along the site boundaries will be protected. A length of hedge will require removal.

Amenity Impacts

- 6.104 District Environmental Health confirms the necessity to secure a Construction and Environmental Management Plan (CEMP) to safeguard the environment and human health during construction phase. This will include details on relevant measures related to site logistics, site working hours, and noise and dust suppression.
- 6.105 In terms of operational phase, the proposed development site lies adjacent to the A264 and commercial units at Lyons Farm. A review of the submitted Noise Assessment by District Environmental Health confirms road traffic noise is identified as the dominant noise source and mitigation measures are proposed (the effectiveness of which relies on windows being kept closed). The Noise Assessment acknowledges that windows will need to be openable to allow purge ventilation and this would comprise the acoustic performance. This application is at outline stage, so the opportunity exists for the scheme to be re-designed to reduce the exposure of the habitable rooms to noise. District Environmental Health is satisfied other identified operational impacts, including external lighting, cooking process, restrictions on hours of use for deliveries, and building service plant, can be mitigated by condition to safeguard the environment and human health.

Ecology

- 6.106 Slinfold Neighbourhood Plan Policy 4 states development proposals that conserve biodiversity will be supported. It goes on to state that where development is anticipated to have direct or indirect adverse impact on biodiversity, development will be refused unless it can be demonstrated that appropriate mitigation and compensation measures are provided.
- 6.107 Appropriate Assessment under the Habitats Regulation Assessment was carried out on the project, and as part of that mitigation measures were considered which have been reviewed by Natural England. A Preliminary Ecological Assessment (PEA) has been submitted with the application. The Council's consultant Ecologist has reviewed this. According to the PEA wet woodland has been identified on site. As a Priority habitat, this should be appropriately mapped and likely impacts assessed. This assessment is required prior to provide the LPA with certainty of impacts on Priority habitats, which may need compensation to be calculated

using Defra metrics. A number of surveys were advised within the PEA (i.e. wintering bird surveys, otter and water vole, roosting bats, invertebrates). These have now been included in the details submitted.

- 6.108 The breeding birds survey recorded 38 species of which 31 were classified as breeders on the site. Mitigation measures are proposed as detailed within the supporting documents. The Great Crested Newts report states there are 12 waterbodies within 250 metres of the site boundaries. However initially only five of the ponds were discussed within the GCN report. Clarification has now been provided to why the remaining seven ponds were not surveyed as part of the assessment and how this affects the assessment, and the methodology is considered to be acceptable. The majority of the site is managed grassland and land under agricultural use. If Great Crested Newts are present on site, they are using edge habitats that would not be impacted by the proposal. Reptile surveys and dormice nest tube surveys were undertaken. No evidence of either was found. The proposal will result in the loss of some suitable dormouse habitat within the centre of the site however, hedgerows around the edges of the red line boundary are to be retained, and there is space within the scheme to accommodate a range of planting schemes and species specific enhancements.
- 6.109 The bat survey results in the submitted Ecological Impact Assessment (EclA) (The Ecology Partnership, Dec 2019) found that Barbastelle bats are using the site. Barbastelle predominantly utilise the central hedgerows and north-east corner of the site although only low levels of activity were recorded in May and July 2019 with a total of 7 Barbastelle calls recorded during the survey period. In Sussex, the species is very rare but widespread with colonies known in The Mens and Ebernoe Common SACs. In spite of the rarity of the species, given the low level of activity recorded, the population of Barbastelle using the site is not considered of importance beyond a site level. Therefore, it is not considered the site forms part of their core habitat. The hedgerows to be affected by the development may be used as a commuting and foraging corridor for other local bat populations. Other species recorded on site include Common and Soprano Pipistrelles, Noctule, Serotine, Myotis species, and Brown Long-eared bat.
- 6.110 The site is of local importance for commuting and foraging bats due to the presence of Barbastelle bats within the bat sustenance zone of a bat SAC designated for this Annex II species. The development site lies within a 'bat sustenance zone' for this species of bat, a designated feature of The Mens SAC. Although Ebernoe Common SAC also has Barbastelle and Bechstein's bats as designated features, the development site is approx. 15km from the site so it not within its bat sustenance zone and the development is not likely to result in significant impacts or severance of bat flight lines within the identified 12km wider conservation area for the bat SACs.
- 6.111 The following avoidance, mitigation and enhancement measures have been embedded within the development to be secured as part of any planning consent:
- Retention and enhancement of all of the hedgerow site boundaries and the majority of central treelines within the scheme;
 - retention of trees with bat roost potential;
 - native species rich hedgerow and treeline planting;
 - planting of a new native-species woodland screen adjacent to the northern site boundary on land within the applicants control, but not within the application red line boundary; planting new linear features, such as treelines and hedgerows, adjacent to linear features and site boundaries using native species; and
 - creation of 'hop overs' along tree lines / hedgerows.
 - The EclA also recommends that a buffer zone be maintained between the hedgerows and development with root protection areas and dark corridors will remain along all sections of hedgerows where open green spaces are to be created; a sensitive lighting scheme with sufficient buffers be implemented where development will take place close to these linear features; and new habitats, which are species rich, including wildflower

areas, orchards and water features, to provide new enhanced habitat for a range of bat species recorded using the site. These measures are considered appropriate to avoid significant adverse effects on the integrity of the interest features (Barbastelles) at The Mens SAC.

Biodiversity Net Gain

- 6.112 The applicant has submitted a Biodiversity Net Gain Calculation in order to determine whether there will be a net gain in biodiversity as a result of the outline proposals. Initial calculations were carried out using the DEFRA Biodiversity Metric 2.0 Calculator Tool. Overall, the habitat biodiversity value increases by 32.24 units and the hedgerow biodiversity value increases by 1.47 units. As such, there is a net gain in biodiversity post-development. This calculation has shown a much greater net gain than the committed 10% (at 63% for net habitat features and 4.91% for net linear features). This is largely because the dominant habitats on site, arable fields and improved grassland, are of low distinctiveness and in poor condition. The Council's Ecologist is satisfied with the applicant's recommendation and calculation methodology. Potential carbon capture was also calculated at 140 -142 tonnes of CO₂, mainly because of the new woodland. The potential for the development to attain a 60% biodiversity net gain is a benefit of the proposals.

Summary of Ecology and Biodiversity matters

- 6.113 Having considered the appropriate assessment of the implications of the plan or project for the sites in view of those sites' conservation objectives and the proposed avoidance and mitigation measures above, the consultant District Ecologist concludes that the project will not have an adverse effect on the integrity of habitats sites, either alone or in combination with other plan and projects; no objection is raised and the project is agreed under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Contamination

- 6.114 A review of the submitted Phase 1: Preliminary Risk Assessment by District Environmental Health confirms they have identified concerns regarding land contamination arising from the historic land uses and therefore they advise that a watching brief condition would be sufficient to safeguard the environment and human health from potential land contamination risks.

Minerals and Waste

- 6.115 The County Minerals Officer offers no objection, provided a need for the non-mineral development in this location can be adequately demonstrated. Brick Clay is an abundant resource and the site does not lie within the Building Stone Mineral Safeguarding Area. Minerals Local Plan Policy M9 permits development if there is an overriding need for development and prior extraction is not practicable or environmentally feasible. This policy is complied with on the submitted evidence. The proposal sufficiently minimises waste generation, maximises opportunities for re-using and recycling waste, and include waste management facilities.

Climate Change and Air Quality

- 6.116 Policies 35, 36 and 37 require that development mitigate the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions mitigate the impact of development on climate change. The proposed development includes the following measures to address climate change:

- An Energy Strategy that includes a commitment to a Combined Heat and Power (CHP) unit serving the care, home, dementia care home, extra care apartments and village hub
- Opportunities for biodiversity gain (potentially up to 60% gain)
- Integration of SUDS and green infrastructure to manage flood risk
- Dedicated refuse and recycling storage capacity
- Cycle parking facilities
- Improved pedestrian and cycle links
- Electric vehicle charging points
- Water consumption limited to 110litres per person per day

6.117 In this scheme, ULEV charging spaces will be provided. Passive provision of EV infrastructure and electricity supply to all other parking spaces will also be included. As the application is outline with no end operator identified, at this time the exact number of intended active spaces is not specified and is subject to possible future change. However the expectation is the number of active charging points for electric vehicles should adhere to the standards set out in the Highway Authority's adopted guidance (WSCC Guidance on Parking at New Developments August 2019); at a minimum of 20% of all parking spaces with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future. Importantly, the EV charging points will be part of a wider package of mitigation measures that would be subject to consideration at reserved matters stage under the Council's adopted Air Quality Emission Reduction Guidance 2020. Initiatives proposed include a travel plan and use of ultra-low emission service vehicles.

6.118 The submitted Energy Strategy includes a series of energy and CO2 emission saving measures which include a Combined Heat and Power (CHP) unit, high levels of insulation in the external walls, ground floor and roof, high efficiency double glazing with Low E glass, Air Source Heat Pumps to provide heating and domestic hot water to the dwellings, and low energy LED lighting. This proposed specification will achieve a reduction in CO2 emissions of 18.3% over the requirements of Building Regulations Part L 2013. Whilst these intentions are presented in the application, this is an outline application where no end operator is identified so may be subject to future change.

Conclusions and Planning Balance:

6.119 After very careful consideration of all the evidence submitted, planning officers are satisfied the proposal, subject to the detailed S106 agreement, does fall within Use Class C2. Through the Council's own studies, as well as the applicant's submissions, it is recognised that there is a significant need for accommodation to meet the needs of the older population of the District, both in the short and long term. The proposal would provide extra care and dedicated care home residential accommodation to help meet this need, a proportion of which would be a local plan policy compliant affordable offer. Whilst there does not appear to be an identified end user, the immediate identified need for the specialist accommodation proposed by this proposal weighs heavily in favour of the scheme. Additionally, the proposal offers considerable publicly accessible green space and substantial potential for biodiversity net (potentially 60%) gain, which also weighs in favour of the scheme. The proposal would provide for onsite services and is acceptably located for occupiers to walk to local services and facilities in Broadbridge Heath, subject to securing the necessary infrastructure improvements.

6.120 An Appropriate Assessment under the Habitats Regulations Assessment has been carried out on the project, and as part of that mitigation measures were considered that indicate the project will not cause harm alone or in combination to the protected habitats, and have been reviewed by Natural England.

- 6.121 The lack of objection, subject to appropriate mitigation, from statutory consultees regarding access, flood risk, drainage, noise, arboriculture and air quality indicates a lack of harm rather than a benefit and so are given neutral weight. Similarly, only limited weight is attached to the applicant's claims of social integration as a consequence of the physical location of the development near the settlement edge. The applicant states the layout and design of the scheme would maximise energy efficiency, however, the layout and design could be subject to change at reserved matters as no end operator is identified.
- 6.122 Whilst Policy 18 supports the provision of Continuing Care Retirement Communities such as this proposal outside of settlement boundaries, this is not an unqualified support. Having regard to the location of the site in open countryside between the settlements of Broadbridge Heath and Slinfold it is considered that the proposal would not be an 'appropriate location' for development as required by HDPF Policy 18. It would be inappropriate development that would not protect, conserve nor enhance the rural character and undeveloped nature of the countryside and its landscape character, in conflict with Policy 25(1) and Policy 26 and Policy 27(2) in that its scale would be inappropriate to its countryside character and location, leading to a significant increase in the overall level of urbanising effects and activity in the countryside within the settlement gap by reason also of its artificial lighting and occurrence of built form along a key road corridor and traffic movements, and thereby would not protect, conserve, and/or enhance, the key features and characteristics of the landscape character area in which it is located, including the development pattern of the area and the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features.
- 6.123 The environmental harm caused by allowing this enclave of development on a rural site outside of the settlement boundary to the north of the A264 therefore conflicts with policies 25, 26, and 27 of the Horsham District Planning Framework, and Aim 1 of the Slinfold Neighbourhood Plan. This conflict is significant, and is not outweighed by the considerable planting mitigation proposed or the other material benefits identified, including the contribution towards older persons accommodation in the district.
- 6.124 In balancing the above considerations, it is considered that the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Horsham District Policy Framework and in the NPPF taken as a whole. There are no other material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan, to which conflict has been identified with the policies referenced. It would not be possible to overcome the harm identified through consideration at the reserved matters stage. It is therefore concluded that the application should be refused.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule, which took effect on 1st October 2017.

It is considered that 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

Application Refused

Reasons for Refusal:

1. The proposed development, by reason of its scale and location on open fields beyond the defensible barriers of the River Arun and A264, would have a significantly

urbanising influence in the settlement gap between Broadbridge Heath and Slinfold, resulting in harm to the countryside character of the area contrary to policies 25, 26 and 27 of the HDPF and Aim 1 of the Slinfold Neighbourhood Plan. Furthermore, by reason of this conflict with key countryside protection policies of the HDPF, it cannot be said that the site is in an 'appropriate location' as required by Policy 18(2).

2. No S106 Legal Agreement has secured the affordable provision to meet identified local needs or the appropriate services and facilities, including transport, to meet the needs of residents/staff and which contribute to the wider economy as required under Policy 18 of the Horsham District Planning Framework (2015). The proposed development cannot therefore be justified in terms of meeting identified need. The proposal is therefore contrary to Policies 18 and 39 of the Horsham District Planning Framework (2015), to the Horsham District Local Development Framework Planning Obligations SPD and to the National Planning Policy Framework (2019)
3. No S106 legal agreement has secured the highway infrastructure provision to meet the additional requirements arising from the new development or suitable necessary mitigation arrangement for the improvement of the infrastructure caused by the development being provided as required by Policy 40 of the Horsham District Council Planning Framework. The proposal is therefore contrary to Policies 39 and 40 of the Horsham District Planning Framework (2015), to the Horsham District Local Development Framework Planning Obligations SPD, and to the National Planning Policy Framework (2019).
4. No S106 legal agreement has secured the off-site green infrastructure provision and biodiversity enhancement as required by Policies 25(2) and 31 of the Horsham District Council Planning Framework. The proposal is therefore contrary to Policies 25, 31, and 39 of the Horsham District Planning Framework (2015), to the Horsham District Local Development Framework Planning Obligations SPD, and to the National Planning Policy Framework (2019).

Background Papers: DC/19/1723

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06) DC/19/1723

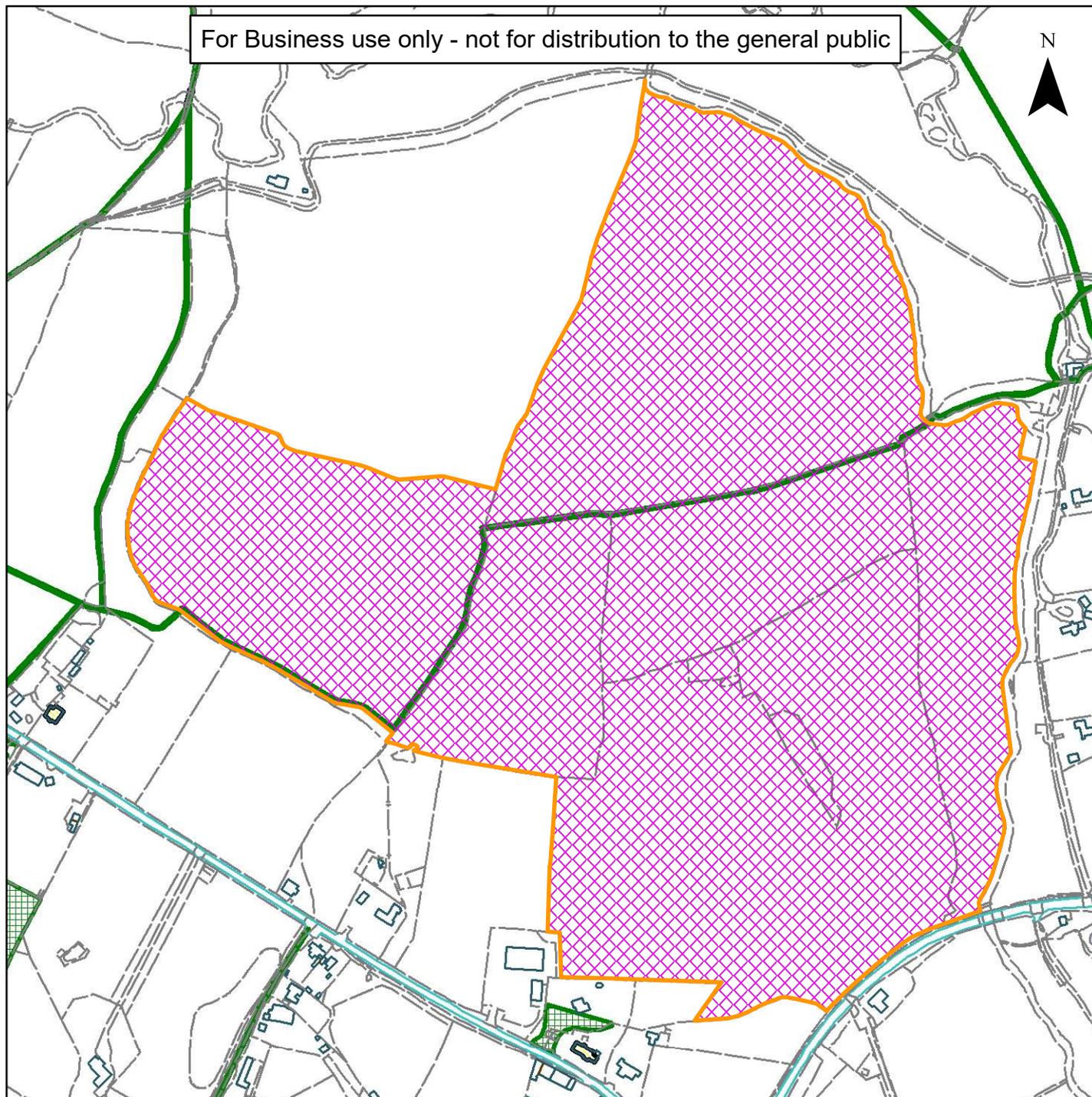


Horsham
District
Council

Land at Lyons Farm, Slinfold

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Organisation	Horsham District Council
Department	
Comments	
Date	25/06/2020
OSA Number	100023865

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AGENDA ITEM 6 – DC/19/1723

Land at Lyons Farm, Lyons Road, Slinfold

Additional representations received:

85 additional letters of support have been received (Nb 28 of these are emails only referencing their support made on the applicant's website) alongside 14 additional letters of objection from new addresses since the completion of the Committee report. These additional representations received raise no new matters that are not already set out and addressed in the Committee report. It is noted that of the 85 additional letters of support received, one is from an address within Horsham District, ten from addresses in Crawley, and two from addresses in Worthing. The remaining 72 are from addresses mainly in the wider southeast of England including London.

Additional representation received from Slinfold Parish Council.

The Parish raises various matters in their previous objections as set out in the committee Report, including the following:

- In conflict with the Slinfold Neighbourhood Plan
- Site is isolated and transport links inadequate
- Cannot be supported by existing health services or by WSSC Extra Care Housing
- Mitigation cannot address significant visual impact
- Flood risk will increase with climate change and harm to ecology
- Local need not matched with current and proposed provision

Updated Draft Head of Terms received from applicant:

This confirms the C2 Use Class Restriction, the affordable housing offer and Local Connection definition, public access to facilities and open space), the Public Right of Way (PRoW) and highways works and payments, and ecological and landscape management.

It follows on from the latest updated Affordable housing offer and PRoW works and payments put forward by the applicant in June. The latest affordable housing offer has now been amended further so the affordable rent tenure is now 75% of open market rent rather than the 80% stated in the Committee report. The applicant has also committed to delivering new dedicated PRoW at the east of the site by the river, in addition to the PRoW works and payments stated in the Committee report.

Committee Report clarification

The application description incorrectly states that there will be 108 extra care apartments. The correct number is 88 with the overall number of units unchanged at 279 as set out on the application forms.

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 7th July 2020

DEVELOPMENT: Conversion of communal area (current Use Class D1) into one specialised care flat (Use Class C2) and conversion of first floor 4-bed caretakers flat (Use Class C2) to 2 x 1-bed flats (Use Class C3).

SITE: 15 Eyles Close Horsham RH12 2HT

WARD: Trafalgar

APPLICATION: DC/20/0687

APPLICANT: **Name:** Mr James Wales **Address:** 38-42 Worthing Road Horsham RH12 1DT

REASON FOR INCLUSION ON THE AGENDA: More than 8 persons in different households have made written representation raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

RECOMMENDATION: To approve planning permission subject to the completion of a S106 Agreement to secure the affordable housing units and appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the change of use of the existing ground floor D1 communal area into one affordable specialised care flat (Use Class C2) and conversion of the unoccupied first floor 4-bed caretakers flat (Use Class C2) into 2 x 1-bed affordable flats (Use Class C3).
- 1.2 The ground floor proposal includes the conversion of an existing garage, and includes wheelchair access to all appropriate rooms, as well as facilities for a live in carer. The Gross Internal Area (GIA) of the converted ground floor accommodation would be 101 sqm, and the flat would have use of the rear garden.
- 1.3 The two first floor flats would each have one bedroom, lounge, kitchen and bathroom (Flat 1 GIA to be 52.7 sqm and Flat 2 GIA to be 48.8 sqm).

- 1.4 The proposal will convert a the ground floor communal facility currently used by the residents of Eyles Close and Albery Close. The applicants are proposing the existing residents have access to an alternative communal facility at a local extra care scheme at Leggyfield Court. This is sited 60 metres north of the junction of Eyles Close and Saxon Crescent. The walking distance from Albery Close to 15 Eyles Close is approximately 250 metres, whereas the distance to Leggyfield Court is marginally less.

DESCRIPTION OF THE SITE

- 1.6 The application site is located on the north side of Eyles Close, within the built-up area of Horsham. 15 Eyles Close is a two storey detached property with integrated single garage and is surrounded by a mix of terraced and semi-detached properties under Saxon Weald ownership. The application site is the largest plot within the close and is near the end (northwest corner) of the close.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

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 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 18 - Retirement Housing and Specialist Care

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 43 – Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

Horsham Blueprint Neighbourhood Forum

- Designated (Regulation 10)

PLANNING HISTORY AND RELEVANT APPLICATIONS

No relevant planning history

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

CONSULTATIONS

WSCC Highways: No Objection

Given the previous use and proposed the LHA would not expect there to be any intensification that would warrant a refusal on highway grounds.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Southern Water: No Objection

PUBLIC CONSULTATIONS

Parish Comments:

None received

Representations:

11 letters of objection have been received from residents of Eyles Close and Albery Close.

- loss of the communal room for residents of Eyles Close and Albery Close,
- Leggyfield Court is more difficult to get to for some residents that are in Eyles Close, some of whom have scooters and Zimmer frames.

Member Comments:

None received

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

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

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

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

6. PLANNING ASSESSMENTS

The main considerations material to this application relate to:

- Principle of Development
- Design and Appearance
- Amenity Impacts
- Highways Impacts

Principle of Development:

- 6.1 Policy 3 of the Horsham District Planning Framework (HDPF) directs new development within the main settlements of the District to ensure that the countryside is protected from inappropriate development.
- 6.2 The application site is located within the built-up area boundary of Horsham, which is categorised as a "Main Town" within Policy 3 of the HDPF. This settlement is categorised as having a large range of employment, services and facilities and leisure opportunities, including those providing a district function. Strong social networks, with good rail and bus accessibility. The settlement meets the majority of its own needs and many of those in smaller settlements.

- 6.3 Policy 18 of the HDPF states that proposals for development which provide retirement housing and specialist care housing will be encouraged and supported where it is accessible by foot or public transport to local shops, services, community facilities and the wider public transport network.
- 6.4 Policy 42 of the HDPF states that positive measures which help create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long term needs will be encouraged and supported. Particular account will be taken of the need to address the requirement stemming from, among others, people with additional needs including the disabled and those with learning disabilities.
- 6.5 Policy 43 resists the loss of community facilities unless equally usable facilities can be conveniently provided nearby.
- 6.6 The application would result in the loss of a communal space used by residents of the area, many of whom are elderly and have stated that they value the space for their social well-being. The representations of these residents advise that the alternative use of the facilities at Leggyfield Court are too far for those with mobility difficulties. Based on the representations received the loss of the community facility at this site may have a detrimental impact on those local residents with the most significant mobility difficulties. Consequently, although a 3 minute walk away, the alternative facilities at Leggyfield Court would be a less convenient location for these residents. In Policy terms a 3 minute walk to alternative facilities 250m away would be a reasonable alternative with Policy 43 of the Horsham District Planning Framework.
- 6.7 The details submitted in support of the application outline that the ground floor flat is to be specifically designed for an existing housing association resident with mobility requirements. The applicant advises that the resident with specific needs that is intended for the ground floor flat requires new accommodation as a result of the Page Court redevelopment in Horsham. The applicant advises that the resident is dependent on 24/7 care and requires a large floor area similar to their existing dwelling. The ground floor proposal includes wheelchair access to all appropriate rooms and a carer's living facilities to meet their living requirements. As such the provision of a specialist housing unit for an identified user accords with Policy 18 and the benefits of providing this accommodation outweigh the harm afforded by the loss of the community facility in this street.
- 6.8 Officers acknowledge the proposal would result in the loss of a community facility. However in this instance the facility is only utilised 2 days a week and an alternative facility is proposed for the residents concerned. This is a slightly further walk than the existing facility but this must be balanced against the provision of three new affordable units; one of which is to be a wheelchair accessible flat with accommodation for a live-in carer, and 2 further units are to replace a caretakers flat which is currently vacant. Having considered these factors officers are of the view that the conversion of the community facility and the provision of 3 affordable units is acceptable in principal.
- 6.9 The provision of affordable housing will be secured by way of a legal agreement, which will also enable the applicant to apply for a CIL exemption. It is proposed that the Council would have full nomination rights.
- Character and Appearance:**
- 6.10 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.

- 6.11 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.12 The external alterations proposed to the building consist of converting the existing garage to habitable accommodation as part of the ground floor conversion, the garage door to be replaced with a window serving the carers bedroom. No other additional openings are proposed but four replacement upvc windows are proposed to match the existing in colour and profile. Replacement doors are proposed, including a replacement wider communal entrance door to the front to match the existing but wider to enable wheelchair use, and the rear door to the garden to be offset and wider (in upvc) with ramp to provide wheelchair access to the rear garden. Materials to be used to external walls, where required, are to match the existing.
- 6.13 It is considered that the nature of the proposed use, and the external alterations proposed, would not be out of character in this location. On this basis, no objections are raised in regard to design, character, and visual amenities.

Amenity Impacts:

- 6.14 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.15 The proposal seeks to provide accommodation for a special needs resident and carer on the ground floor and two one bed flats on the first floor. While the proposal could result in additional movements and activity on the site, it is not considered that this would be materially different from the established communal and residential use of the site. Given the similar nature of the proposed use, it is not considered that a reason for refusal on the grounds of activity and noise could be substantiated. It is therefore considered that the proposal would not result in harm to the amenities or sensitivities of neighbouring properties. The proposal is therefore considered to accord with Policy 33 of the Horsham District Planning Framework (2015).
- 6.16 Refuse and recycling facilities are detailed within the rear garden of the ground floor flat, to serve all three dwellings. This raises privacy issues for the ground floor flat so an alternative scheme is sought by condition, along with details of cycle parking.

Highways Impacts:

- 6.17 Policy 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.18 The wider area primarily consists of on-street parking, with no parking restrictions in place. The overall capacity of the site would remain with 4 bedrooms, equivalent to the existing four-bedroom flat. As such parking generated from the two one-bedroom flats and specialist ground floor flat would be similar to that generated by the existing use of the site. The Local Highway Authority was consulted and commented that given the previous use and proposed use the LHA would not expect there to be any intensification that would warrant a refusal on highway grounds and the proposal is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

- 6.19 It is not considered that the proposed development would result in material harm to the function and safety of the public highway, in accordance with Policy 41 of the Horsham District Planning Framework (2015).

Conclusions and Planning Balance:

- 6.20 It is recognised that some existing users of the community facility have mobility issues that will make the short trip to the new facility more difficult. However the loss of the community facility is considered acceptable given the level of use which it currently provides and the proposed replacement facility for residents is sited nearby. This is coupled with the provision of 3 new affordable units; one of which is to be wheelchair accessible and have accommodation for a live-in carer. The further 2 units will utilise space from an existing vacant caretakers flat. The conversion of this facility and the sub-division of the first floor flat above to new affordable housing raises no other concerns in respect of amenity impact and highways and parking. It is therefore considered that the proposal accords with all relevant local and national planning policies.

7. RECOMMENDATIONS

- 7.1 To approve planning permission subject to the completion of a S106 Agreement to secure the affordable housing units and the following conditions:

Conditions:

- 1 Plans list

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

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

- 3 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

Reason: In the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

- 5 **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).

- 6 **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 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 refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **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 or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

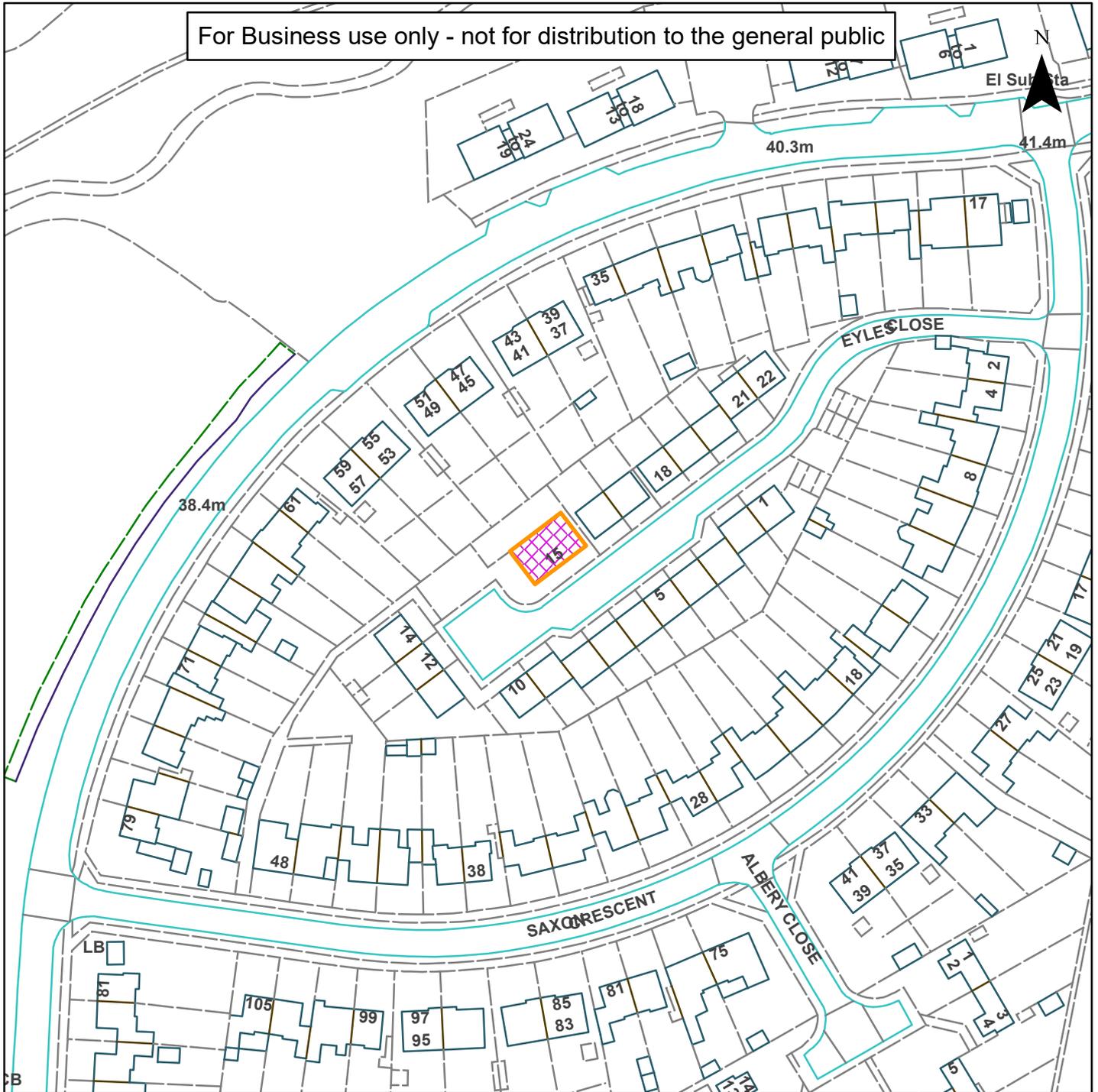
Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

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15 Eyles Close, Horsham

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	25/06/2020
MSA Number	100023865

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TO: Planning Committee North

BY: Head of Development

DATE: 7th July 2020

DEVELOPMENT: Demolition of B1(a) office building and erection of a single storey C3 dwelling

SITE: The Stables, Broadwater Lane, Copsale, Horsham, West Sussex, RH13 6QW

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/20/0761

APPLICANT: **Name:** Mr N Handy **Address:** Komani Broadwater Lane Copsale RH13 6QW

REASON FOR INCLUSION ON THE AGENDA: The application, if approved, represents a departure from the development plan.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the demolition of an existing B1(a) (Office) building, housed in what appears to be a former timber stable building, and its replacement with a detached single storey dwelling.
- 1.2 The proposed dwelling would comprise an 'L-shape' that would be oriented to face south-west. The proposed dwelling would measure to a length of 12m and a depth of 14.2m. The walls are proposed to be clad with black timber boards, and there would be a feature glazed window to the living space, with the street elevation defined by an external chimney stack.
- 1.3 The eaves level would be tight to the top of the window and door frames, at about 2.4m with the tiled roof extending to a ridge height of some 5.6m.
- 1.4 The building would be set some 6m off the southern boundary with Komani, with the intervening area forming an area of hardstanding for parking / turning, utilising the existing vehicular access off Broadwater Lane. The remained of the site would comprise the residential garden.
- 1.5 The proposal is submitted on the basis of the fall-back position of DC/19/0888, which granted Prior Approval for the conversion of the existing office, under Class O of the GPDO, to form a 2-bed dwelling (June 2019). This approval was subject to a pre-commencement condition relating to potential contamination risks at the site, requiring the submission of a preliminary

risk assessment. This condition has not yet been discharged, but the Prior Approval remains extant.

DESCRIPTION OF THE SITE

- 1.6 The application site is located to the east of Broadwater Lane, outside of any designated built-up area boundary. The site therefore lies within the countryside in policy terms. The site sits within a relatively large plot, and comprises a single storey timber clad building used as a B1(a) Office. The site is accessed from the south-western corner of the site and is slightly raised above the ground level of the public highway, with a neighbouring property known as Komani located to the south. The wider area is characterised by sporadic residential dwellings and open countryside.
- 1.7 Prior Notification was approved in July 2019 under reference DC/19/0888, which sought to convert the existing timber stable building and conjoined shed into a 2-bed dwelling. The building has previously been converted to function as an office space and was provided with services.
- 1.8 A subsequent application to demolish the stable / office structure and replace this with a two-storey house on the footprint of the existing structures, was considered under DC/19/2395. Planning permission was refused in January 2020 for the following reason:

"The proposed development would be of a scale, proportion and height that would result in a dominant and prominent addition within the street scene, and would not respect or relate sympathetically to the character and built form of the locality. The proposal would therefore have an overbearing and intrusive impact on the visual amenities of the street scene, and would not respect the character of the surrounding built form, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policy 10 of the Nuthurst Parish Neighbourhood Development Plan.
- 1.9 There are no designated or undesignated local heritage assets adjacent or close to the application site, and the site does not lie within an Area of Outstanding Beauty, or other area of identified landscape value. However, the site does lie within the outer consultation zone of a high-pressure gas main.
- 1.10 The existing (B1) office was permitted in 2002 and was subject to a personal use condition, limiting its use to Mr N Handy. The applicant had run his electrical consultancy business from the office for some 10 years prior to the application, whilst residing in the adjacent dwelling, Komani. At the time of the permission, the office comprised only the main stable building. It would appear that the rear section has been added on at some time since permission was granted in 2002.
- 1.11 The existing office is still subject to the restrictive personal use condition, and has been vacant since 2017.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

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 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 10 - Rural Economic Development
- 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

2.4 RELEVANT NEIGHBOURHOOD PLAN

Nuthurst Neighbourhood was formally Made in August 2015

- Policy 1: A Spatial Plan
- Policy 10: Housing Design

2.5 Parish Design Statement

Nuthurst Parish Design Statement

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/0888	Prior Approval for a proposed change of use from an office (Class B1(a)) to a dwellinghouse (Class C3).	Prior Approval Required and PERMITTED on 20.06.2019
DC/19/2395	Demolition of B1(a) office building and erection of a single storey C3 dwelling	Refused November 2019
N/36/02	Continued Use as Office with ancillary store	Approved May 2002

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Environmental Health:** Comment

Former agricultural use and above-ground fuel storage tank present on site, along with concrete hard-standing, so potential for hazardous materials to be present on site. Conditions advised to secure a contamination risk remediation scheme, verification report, no imported soils, and construction hours

3.3 **HDC Drainage Engineer:** Comment

Condition advised to secure foul and surface water drainage strategy

OUTSIDE AGENCIES

3.4 **WSCC Highways:** Comment

No alterations to existing access proposed and no evidence to suggest existing access is operating unsafely. Scale and location of development would require 3 parking spaces but hard-standing appears to be large enough to accommodate this, along with on-site turning to allow exit onto Broadwater Lane in forward gear.

Conditions to secure:

- Active EV charging points to be provided to 1 space with passive ducting provided to remaining spaces for future use.
- Cycle spaces should be provided

3.5 **Southern Water:** Comment

No public foul and surface water sewers in the area so direct consultation by applicant / developer to Environment Agency regarding use of private wastewater treatment works / septic tank. Condition advised to secure details / adequacy of surface water discharge to local watercourse

3.6 **HSE (Health and Safety Executive):** Do not advise against

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

PUBLIC CONSULTATIONS

3.7 **Nuthurst Parish Council:** Objections

- The current application DC/20/0761 is for a detached 3 bedroom, each with en-suite, single storey dwelling. The Parish Council considers that this application has not overcome the objections to the previous application.
- The Parish Council contends that there are now no exceptional or particular circumstances that would warrant demolition of the office and erection of a single storey dwelling.
- The site has not been allocated for development in the "made" Nuthurst Neighbourhood Plan (NNP) or in the Horsham District Planning Framework (HDPF) - inconsistent with the overarching strategy in the HDPF. The proposed development is contrary to policies 1, 2, 3, 4, 26 and 40 of the HDPF (2015), policy 1 of the NNP (2015) and the National Planning Policy Framework (2018) (NPPF).
- The proposed dwelling is not needed in the Parish as the NNP provides the required housing needs for the Parish. Furthermore, Horsham District Council (HDC) has a five year supply of housing -
- The site is outside any settlement boundary and therefore would be development in the countryside. Neither the NNP nor the HDPF support development in the countryside. The proposed development has not been demonstrated as essential to such a countryside location - conflict with the NPPF (2018), policies 1, 2, 3, 4 and 26 of the HDPF (2015) and policy 1 of the NNP

- The site is in an unsustainable location in the countryside which is remote from services such as schools, shops and medical facilities.
- The Parish Council also notes that HDC's Environmental Health Officer has indicated that asbestos containing materials are present on the site and that there may be other contamination risks associated with previous activities on the site. It also notes that no environmental contamination risk assessment has been carried out.
- Parish Council contends that a planning application for the erection of a dwelling on a bare site at this location would be refused on the above grounds.

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

Principle of Development:

- 6.1 Policy 3 of the Horsham District Planning Framework (2015) states that development will be permitted within towns and villages that have defined built-up areas, with any infilling and redevelopment required to be of an appropriate nature and scale to maintain characteristics and function of the settlement. Policy 4 of the HDPF states that outside built-up area boundaries the expansion of settlements will be supported where; the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs and/or employment needs or will assist the retention and enhancement of community facilities and services; the impact of the development individually or cumulatively does not prejudice comprehensive long term development, in order not to conflict with the development strategy; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.
- 6.2 In addition, paragraph 79 of the National Planning Policy Framework states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need to for an agricultural worker to live at or near the site; where such development would represent the optimal viable use of a heritage asset; where the development would re-use redundant or disused buildings and lead to enhancement of the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling. Consistent with this, Policy 26 of the HDPF states that any development should be essential to its countryside location and should support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas.
- 6.3 Since the adoption of the Horsham District Planning Framework in November 2015, the Council is able to demonstrate a full 5-year housing land supply to meet the needs of the

District to 2031. The policies within the development plan set out the spatial strategy for sustainable development within the District by establishing a development hierarchy, and setting out policies that allow settlements to grow and expand over the lifetime of the plan.

- 6.4 As stated within Policy 4 of the Horsham District Planning Framework, development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan. The application site is not allocated for development in the Local Plan. The Nuthurst Neighbourhood Plan has been formally 'Made' but does not designate the site for housing.
- 6.5 Therefore, it is considered that the principle of the proposed development within the countryside is contrary to the overarching spatial strategy and principles of the National Planning Policy Framework and Local Development Plan.
- 6.6 However, of material reference is the Prior Notification on the site that exists for the conversion of the existing building on the site, thus providing a viable fall-back position. This fall-back position relates to planning reference DC/19/0888 for the conversion of the existing B1(a) Office to a residential dwelling under Class O of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This Prior Approval consent was granted on 20 June 2019 and remains extant until June 2022.
- 6.7 Fallback is a material consideration in the decision making process, and when making a determination, weight needs to be given to the fallback position. The weight to be given to such material consideration varies according to whether what could have been built under previous applications would result in a broadly similar, better or worse impact to the development proposed; and the reasonable likelihood that if permission were refused, the previous approval(s) would be implemented.
- 6.8 In this instance the fallback position is considered a material consideration of significant weight, given it is extant, and the principle of residential use on the site having been established by the previous approval. The principle of the development is therefore considered acceptable, subject to all other material considerations.

Design and Appearance:

- 6.9 HDPF policy 25 requires development to protect, conserve and enhance the landscape and townscape characters across the District, taking account of settlement characteristics and settlement separation. Policy 32 of the HDPF requires new development to 'Complement locally distinctive characters and heritage of the district' and 'Contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings'. Policy 33 requires developments to relate sympathetically with the built surroundings.
- 6.10 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.11 The converted office building which would fall within the limitation of Class O (confirmed under DC/19/0888) would have yielded a residential dwelling set within the existing timber stable and shed building, amounting to a footprint of some 59sq.m. The existing timber storage building and other structures totalling an additional 18sqm were indicated as being

retained, and the conversion would have utilised existing doors and openings within the structure.

- 6.12 The refused development set out under DC/19/2395, sought a two-storey dwelling on the plot with a ridge height of some 7.2m with typical domestic new-build design detailing. It was proposed to use a combination of brick to the ground floor with timber cladding to the first-floor, set under a clay tiled roof. The resulting footprint would have been around 69sq.m (total floor area 138sq.m), with the 3 bedrooms at first-floor level.
- 6.14 In order to address the previous reason for refusal concerning scale, mass, height, overbearing impact and character, the current proposal now sets out an L-shaped bungalow dwelling with a ridge-height of some 5.6m. The floor area/footprint of the 3-bed dwelling would now amount to some 127sq.m, but extending further into the plot than the previous proposal under DC/19/2395 due to its single storey nature. The external appearance has also been revised to include the use of black timber cladding as per the typical West Sussex barn vernacular,
- 6.15 The overall mass and scale of the proposed single-storey dwelling would now be comparable to the neighbouring bungalow (Komani). Whilst the proposed new dwelling would be repositioned and re-orientated from the existing structures that currently occupy the site, the resulting development makes more rational sense within the plot and respects the gap to the adjacent dwelling to the south-west (Komani), and is now of a more commensurate scale and form. Therefore, it is considered to respect the character of the site and its immediate context, which is defined by intermittent and sporadic development of modest and low-scale bungalows and chalet bungalows.
- 6.16 The Nuthurst Parish Design Statement sets out that 'houses in the Parish are traditionally built of brick with tiled roofs and with some walls hung with tiles, thereby reflecting the clay soil of the area'. However, it acknowledges that there is a presence of 'clapper boarding' in the Parish, reflecting the High Weald and wooded nature of the locality. The proposed dwelling picks up on this vernacular style in its use of timber boarding and clay tiled roof.
- 6.17 Furthermore, the current application would give greater control to the eventual development of the site, particularly in respect of detailed design and landscaping matters, by way of condition. This weighs in favour of supporting the current scheme, which is considered to accord with Policies 25, 32 and 33 of the HDPF

Amenity Impacts:

- 6.18 Policy 33 of the HDPF (2015) states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.19 The proposed dwelling would be positioned approximately 12.3m to the north-east of the neighbouring property of Konami, and would be oriented to face north-west. The proposed dwelling would be a single-storey dwelling where there would be no elevated outlook.
- 6.20 It is also acknowledged that the north-eastern elevation of the neighbouring property (Komani) incorporates a blank elevation with no openings. Given the distance between the properties, and the blank elevation of the adjacent property, it is not considered that the proposed dwelling would result in harm through overlooking or loss of privacy. It is therefore considered that the proposal accords with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts:

- 6.21 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. The proposed development would utilise the existing access to the south-west of the site, with an area of hardstanding positioned to the frontage to provide off-road parking.
- 6.22 Following consultation with WSCC Highways, there does not appear to be any visibility issues at the access, and there is no evidence to suggest that the access is functioning unsafely. The proposal is not therefore considered to exacerbate any existing safety concern. The WSCC Car Parking Demand Calculator indicates that 3no. car parking spaces would be required for this development, and it is considered that sufficient space is available on the proposed hardstanding.
- 6.23 It is not therefore considered that the proposal would result in unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network. The proposal is therefore considered to accord with Policy 41 of the Horsham District Planning Framework (2015), and conditions are advised to secure cycle parking and car parking for 3 vehicles within the site.

Climate Change:

- 6.24 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions mitigate the impact of development on climate change. The proposed development includes the following measures to address climate change:
- 1no. Electric vehicle charging point
 - Sustainable thermal insulation techniques
 - Direct and natural lighting and ventilation to all rooms
 - Provision of refuse and recycling
- 6.25 In addition to these measures conditions are attached to secure the following:
- Water consumption limited to 110litres per person per day
 - Requirement to provide full fibre broadband site connectivity
 - Refuse and recycling storage
 - Biodiversity enhancement
 - Cycle parking facilities
 - 1no electric vehicle charging points
- 6.26 Subject to these conditions the application will suitably mitigate its impact on climate change in accordance with local and national policy.

Conclusions:

- 6.27 The proposed development would be located outside of a built up area boundary and on a site not allocated for development within the HDPF or an adopted neighbourhood plan. The Council is able to demonstrate a 5 year housing land supply and consequently this proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements. Furthermore, the development is not considered essential to this countryside location. The proposal therefore fails to comply with policies 1, 3, 4 and 26 of the Horsham District Planning Framework (2015).
- 6.28 Although contrary to the above policies, there is an existing extant permission for the conversion of the existing office structure to be demolished, into a residential dwelling under

Class O of Schedule 2, Part 3 of the General Permitted Development Order 2015, which has established the principle of residential use on the site. This current proposal seeks the demolition of this existing group of buildings and the erection of a new-build dwelling of a larger single-storey massing and footprint. However, the extant permission for the conversion of the existing building to form a new dwelling on the site represents a viable fall-back position for the applicant and a material consideration that weighs heavily in favour of development.

- 6.29 The loss of the existing office accommodation is noted however this loss is effectively granted by way of the extant prior approval consent for its conversion to a dwelling. In any case its suitability for the wider office market is very limited given the building fabric and restrictive personal use condition.
- 6.30 The proposed development is considered to be of an appropriate scale, design and separation which would not have a detrimental impact upon neighbouring amenity or the prevailing countryside character of the area. Therefore, having regard the fall-back position afforded by the extant permission, this current application to reposition the permitted dwelling, along with associated curtilage creations and associated parking areas within the site is considered to be acceptable as a departure from local and national planning policy. Furthermore, the proposal is also considered to secure a higher quality of development on this site.
- 6.31 On this basis, the application is recommended for approval as a departure from the development plan.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	112		112
		Total Gain	112
		Total Demolition	

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

Conditions:

1 Plans list

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

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

3 **Pre-Commencement Condition:** No development shall 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, including the potential for asbestos containing materials
 - 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).

4 **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)

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

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

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

- 7 **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:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Ecological enhancement measures

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 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 Policies 31 and 33 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a plan showing the layout of the proposed development and the provision of car parking spaces for at least 3 vehicles shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

- 9 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.
- Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 10 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.
- Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).
- 11 **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).
- 12 **Pre-Occupation Condition:** No dwelling shall be first occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.
- 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).
- 13 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c), unless otherwise agreed 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).
- 14 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, B and E of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.
- Reason: In the interest of visual amenity and due to the rural location of the property in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation (or use) of any part of the development hereby permitted, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted 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).

- 16 **Regulatory Condition:** No works relating to the construction of the development hereby approved 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, unless otherwise agreed in writing by the Local Planning Authority.

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

Background Papers: DC/20/0761

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08) DC/20/0761

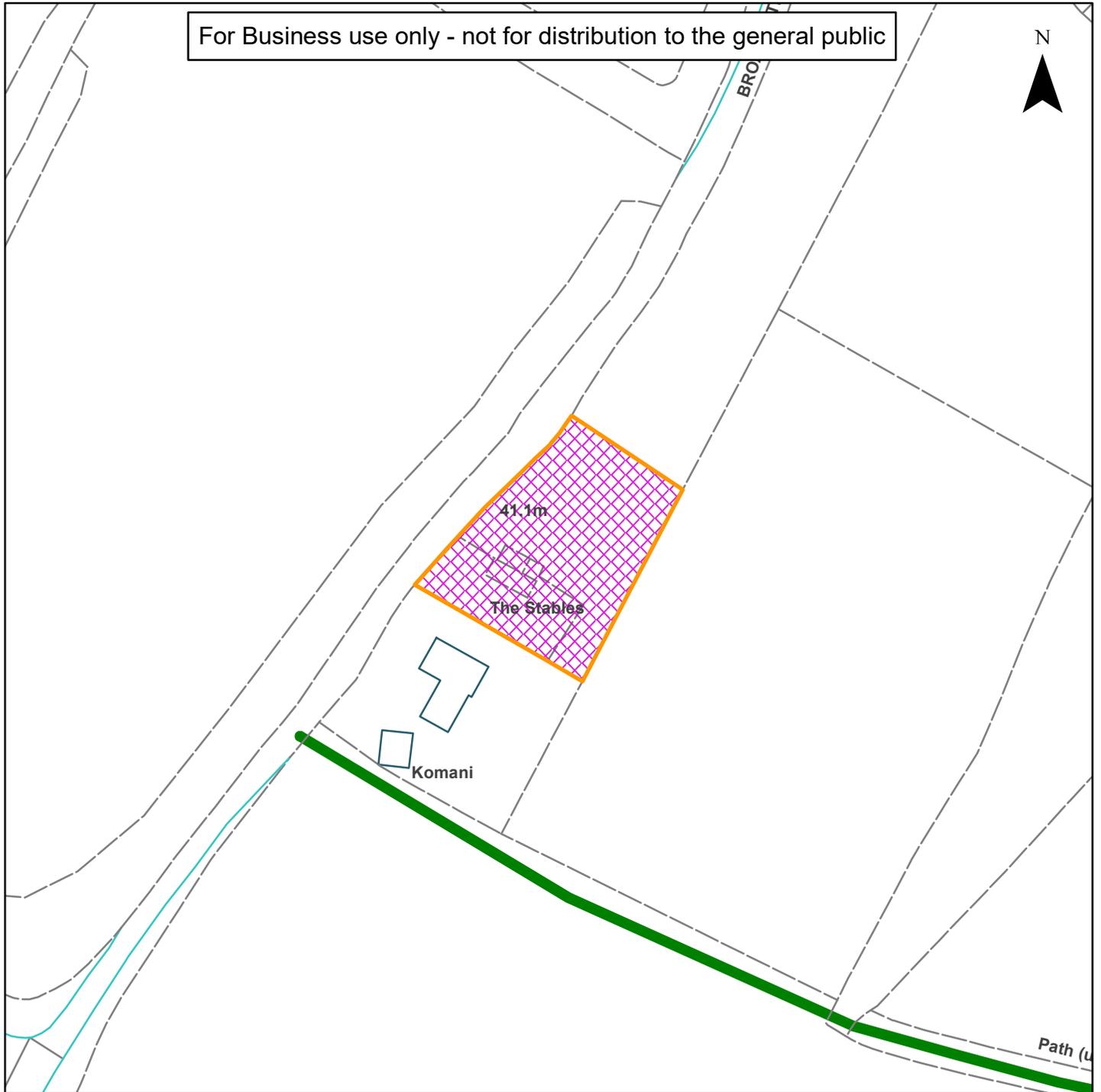


Horsham
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The Stables, Broadwater Lane, Copsale

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Horsham
District
Council

**PLANNING
COMMITTEE
REPORT**

TO: Planning Committee North
BY: Head of Development
DATE: 7th July, 2020
SITE: Roffey Cricket Club, Crawley Road, Horsham.
WARD: Roffey North.
APPLICATION: Tree Preservation Order No. 1528.

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

RECOMMENDATION: To confirm Tree Preservation Order 1528 as served.

1. **THE PURPOSE OF THIS REPORT**

To consider whether Tree Preservation Order 1528 should be confirmed.

DESCRIPTION OF THE ORDER

- 1.1 Provisional tree preservation order 1528, Roffey Cricket Club, Crawley Road, Horsham, was served on the 30th January 2020 on seven oak trees under the provisions of the **Town and Country Planning (Tree Preservation) (England) Regulations (2012)**. Under these Regulations, the trees 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 the subject of this report are sited along the eastern and northern boundaries of the cricket field to the north of Crawley Road, known as the Innes' Memorial Cricket Ground. Two of the specimens border Bostock Avenue, and four more border Nos. 1, 3, and 5 Coppice Road. The seventh, on the northern site boundary, abuts the boundary of 22 Greenfields Road.
- 1.4 The six trees along the eastern site boundary abut the County Council footpath running along Bostock Avenue and leading through, in a northerly direction, as a twitten leading to Greenfields Road.

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*”.

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 Two letters of representation in regard to the serving of the Order have been received.
- 3.2 A letter has been received attesting concerns at the size of the trees to the rear (west) of the property 1 Coppice Road. Particular regard is made to the branches that overhang the property, which it is alleged obstruct light, and additionally shed a great number of leaves during the autumnal leaf fall. The correspondent seeks clarification as to whether the protection of the trees might improve their level of maintenance, and, if so, would welcome the Order.
- 3.3 A second correspondence, from a resident at 3 Coppice Road, raises an objection to the protection of trees T3, T4, T5, and T6 of the Order. The cornerstone of the objection is the considerable lateral overhang from these trees across the property boundary, this presenting problems with:
- Squirrels jumping onto and into the roof of the residence;
 - Bird droppings from resident pigeons;
 - Blocked gutters from leaves and acorns;
 - Excessive moss on the roof of the dwelling-house;
 - Restriction on ability to profitably install solar panels;
 - Possibility of damage to underground sewerage systems from roots.
- 3.4 It is also attested that the trees are “*not pleasant to look at*”, being strangled by ivy, and that there is a large area on the cricket field available for planting new trees which would not adversely affect anyone.
- 3.5 It should be noted that no objection to the Order has been received from the trees’ owners (Roffey Cricket Club).

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 semi-mature specimens of considerable size. They are sited along two old hedgerow lines, field boundaries prior to the development of the area, part of Greenfields Farm. Cricket has been played on the ground since 1901, and although the trees appear to be younger than that, they form

an excellent arboreal backdrop to the Arcadian setting of the cricket ground, and contribute strongly to the character and amenities of the area.

- 5.2 Though a matter necessarily subjective, it is not considered that a general view would be that these trees are "*not pleasant to look at*". Bordering the wide expanse of the cricket ground, and visible from the Council owned Roffey Recreation Ground, to the west, they are considered to have a high level of public amenity value. They are visible also from the residential areas to the east, in the areas of Bostock Avenue, Coneycroft, Maple Close, and Coppice Road, and also from Meadow Close, to the north. As well as the twitten running immediately below the trees, another public footpath, running along the northern perimeter of the cricket field, adjoins the twitten adjacent to tree T6 of the group, running under the canopy of T7.
- 5.3 All seven trees are in good health and condition, though some ivy is present which could do with being partly removed, to relieve stress on the trees but at the same time maintain lower coverage as a wildlife habitat. The trees contain the expected amount of deadwood within their crowns, which also would be best removed, particularly where this lies over the twitten and footpaths in the area.
- 5.4 The five trees in closest proximity to adjacent residential dwellings (trees T3 – T7, inclusive) also all have fairly wide crowns, with a considerable lateral overhang into the properties in question. It is on account of this, as well as their high merit in the landscape, that the trees should be protected, for under rights of Common Law an adjacent neighbour could potentially employ a contractor to remove all and any branches that were overhanging his boundary. Given the proximity of the trees to these property boundaries, this could result in extremely harsh and disfiguring lopping, which could damage the trees physiologically, and imbalance them, adversely affecting their appearance and visual merit.
- 5.5 At the same time, it is clear that the length of the laterals of the five trees in question is long, the general overhang causing the problems noted by the objectors. However, the confirmation of this Order does not prevent any person applying for consent to manage the trees in this regard, allowing the Council to carefully control the degree of lateral trimming seen as justified, making a difference to the lives of the objectors whilst ensuring that the trees are not left imbalanced and harmed, their aesthetic appearance undermined. The Council's Arboricultural Officer is happy to enter into a dialogue with the objectors and the owners of the trees (the Cricket Club) to seek a positive way forward here.
- 5.6 Although there are indeed underground services in the area (a public sewer runs along the twitten), no evidence has been advanced as to the trees causing any damage to these installations.
- 5.7 For the reasons set out above, it is recommended that this Order should be confirmed as served.

6. **RECOMMENDATIONS**

It is recommended that Tree Preservation Order 1528, Roffey Cricket Club, Crawley Road, Horsham, is confirmed as served.

Background Papers:
Tree Preservation Order: 1528.

Contact Officer: **Will Jones**

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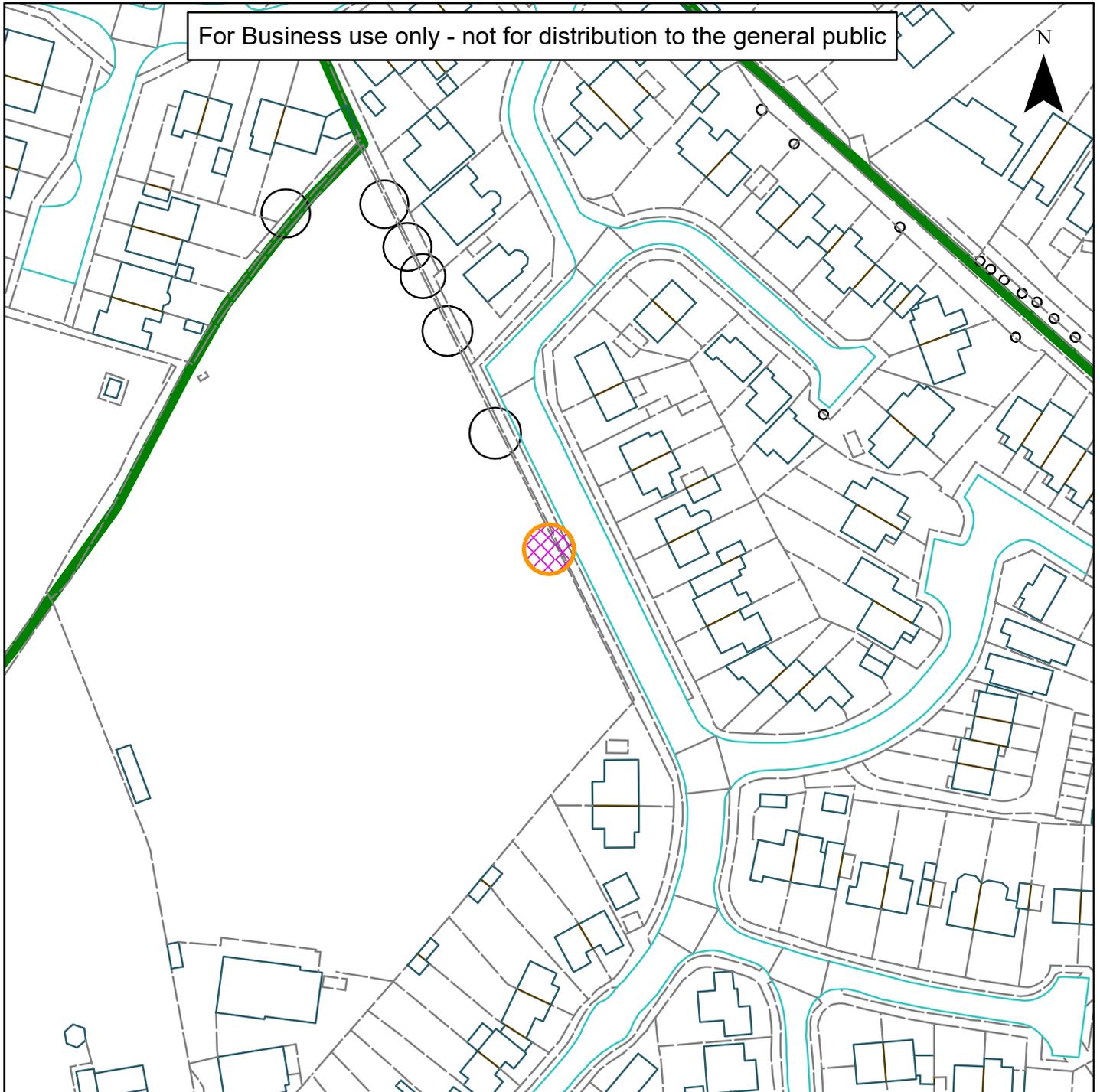
09) TPO/1528



**Horsham
District
Council**

Roffey Cricket Club, Crawley Road, Horsham

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