Planning Committee (North)

Tuesday, 4th August, 2020
via Remote Video Link

Councillors:  Liz Kitchen (Chairman)
Karen Burgess (Vice-Chairman)
Matthew Allen
Andrew Baldwin
Tony Bevis
Toni Bradnum
Alan Britten
Peter Burgess
Roy Cornell
Christine Costin
Leonard Crosbie
Brian Donnelly
Ruth Fletcher
Billy Greening
Frances Haigh
Tony Hogben

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Peter Burgess
Roy Cornell
Christine Costin
Leonard Crosbie
Brian Donnelly
Ruth Fletcher
Billy Greening
Frances Haigh
Tony Hogben

You are summoned to the meeting to transact the following business

Agenda

GUIDANCE ON PLANNING COMMITTEE PROCEDURE

1. Apologies for absence
2. Minutes
   To approve as correct the minutes of the meeting held on 7 July 2020
   (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.)
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**

Applications for determination by Committee:

6. **DC/19/1897 - Land at Wellcross Farm, Broadbridge Heath**
   Ward: Itchingfield, Slinfold and Warnham
   Applicant: Legal & General Senior Living Ltd

7. **DC/20/0882 - Stafford House, Bonnetts Lane, Ifield**
   Ward: Colgate and Rusper
   Applicant: Hasnain Mohsin

8. **DC/20/0576 - Norfolk Lodge Care Home, 9 Norfolk Road, Horsham**
   Ward: Denne
   Applicant: Mr Paul Aylett

9. **DC/20/0613 - Beckley Stud, Reeds Lane, Southwater**
   Ward: Southwater North
   Applicant: Mr L Middleton

10. **DC/20/0615 - Beckley Stud, Reeds Lane, Southwater**
    Ward: Southwater North
    Applicant: Mr L Middleton

11. **DC/20/0667 - Warnham Lodge Farm, Mayes Lane, Warnham**
    Ward: Itchingfield, Slinfold and Warnham
    Applicant: Mr and Mrs R Pavey

12. **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
**GUIDANCE ON PLANNING COMMITTEE PROCEDURE**

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

<table>
<thead>
<tr>
<th><strong>Addressing the Committee</strong></th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minutes</strong></td>
<td>Any comments or questions should be limited to the accuracy of the minutes only.</td>
</tr>
<tr>
<td><strong>Quorum</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Declarations of Interest</strong></td>
<td>Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal &amp; prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.</td>
</tr>
<tr>
<td><strong>Announcements</strong></td>
<td>These should be brief and to the point and are for information only — no debate/decisions.</td>
</tr>
<tr>
<td>** Appeals**</td>
<td>The Chairman will draw the Committee's attention to the appeals listed in the agenda.</td>
</tr>
<tr>
<td><strong>Agenda Items</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Public Speaking on Agenda Items</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Rules of Debate</strong></td>
<td>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</td>
</tr>
<tr>
<td></td>
<td>- No speeches until a proposal has been moved (mover may explain purpose) and seconded</td>
</tr>
<tr>
<td></td>
<td>- Chairman may require motion to be written down and handed to him/her before it is discussed</td>
</tr>
<tr>
<td></td>
<td>- Seconder may speak immediately after mover or later in the debate</td>
</tr>
<tr>
<td></td>
<td>- 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)</td>
</tr>
<tr>
<td></td>
<td>- A Member <strong>may not speak again except:</strong></td>
</tr>
<tr>
<td></td>
<td>- On an amendment to a motion</td>
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<tr>
<td></td>
<td>- To move a further amendment if the motion has been amended since he/she last spoke</td>
</tr>
<tr>
<td></td>
<td>- If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried)</td>
</tr>
<tr>
<td></td>
<td>- In exercise of a right of reply. Mover of original motion</td>
</tr>
</tbody>
</table>
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.

- 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.

- Amendments to motions must be to:
  - 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**

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.

**Alternative Motion to Refuse**

If a Member moves an alternative motion to refuse the application contrary to the Planning Officer’s recommendation (to approve), the Mover and the Seconder 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.

**Voting**

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:
- Two Members request a recorded vote
- A recorded vote is required by law.

Any Member may request their vote for, against or abstaining to be recorded in the minutes. 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).

**Vice-Chairman**

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.
Original recommendation to APPROVE application

Members in support during debate

Vote on original recommendation

Majority in favour?
Original recommendation carried – APPROVED

Majority against?
Original recommendation not carried – THIS IS NOT A REFUSAL OF THE APPLICATION

Members not in support during debate

Vote on original recommendation

Member to move alternative motion to APPROVE with amended condition(s)

Another Member seconds

If reasons are valid vote on alternative motion to APPROVE with amended condition(s)

Majority in favour?
Alternative motion to APPROVE with amended condition(s) carried – APPROVED

Majority against?
Alternative motion to APPROVE with amended condition(s) not carried – VOTE ON ORIGINAL RECOMMENDATION*

Director considers planning reasons

If reasons are not valid
VOTE ON ORIGINAL RECOMMENDATION*

Another Member seconds

Vote on alternative motion to APPROVE with amended condition(s)

Majority in favour?
Alternative motion to APPROVE with amended condition(s) carried – APPROVED

Majority against?
Alternative motion to APPROVE with amended condition(s) not carried – VOTE ON ORIGINAL RECOMMENDATION*

Member to move alternative motion to REFUSE and give planning reasons

Another Member seconds

If reasons are not valid
VOTE ON ORIGINAL RECOMMENDATION*

Another Member seconds

Vote on alternative motion to REFUSE

Majority in favour?
Alternative motion to REFUSE not carried - REFUSED

If reasons are valid vote on alternative motion to REFUSE

Majority against?
Alternative motion to REFUSE carried - VOTE ON ORIGINAL RECOMMENDATION*

Majority in favour?
Alternative motion to DEFER carried - DEFERRED

Member to move alternative motion to DEFER and give reasons (e.g. further information required)

Another Member seconds

Vote on alternative motion to DEFER

*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

Members in support during debate

Vote on original recommendation

Majority in favour?
Original recommendation carried – REFUSED

Majority against?
Original recommendation not carried – THIS IS NOT AN APPROVAL OF THE APPLICATION

Members not in support during debate

Member to move alternative motion to APPROVE and give planning reasons

Another Member seconds

Majority in favour?
Alternative motion to APPROVE carried
- APPROVED

Majority against?
Alternative motion to APPROVE not carried
- VOTE ON ORIGINAL RECOMMENDATION*

Vote on alternative motion to DEFER

Majority in favour?
Alternative motion to DEFER carried
- DEFERRED

Majority against?
Alternative motion to DEFER not carried
- VOTE ON ORIGINAL RECOMMENDATION*

*Or further alternative motion moved and procedure repeated

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2 Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71
Present: Councillors: Liz Kitchen (Chairman), Karen Burgess (Vice-Chairman), Matthew Allen, Andrew Baldwin, Tony Bevis, Toni Bradnum, Alan Britten, Peter Burgess, Roy Cornell, Christine Costin, Ruth Fletcher, Billy Greening, Frances Haigh, Tony Hogben, 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: Leonard Crosbie

Also Present: Councillor Brian Donnelly

PCN/13 MINUTES

The minutes of the meeting of the Committee held on 2 June were approved as a correct record and would be signed by the Chairman at a later date.

PCN/14 DECLARATIONS OF MEMBERS’ INTERESTS

DC/20/0169: Whilst there were no declarations of interest for this item, the Chairman stated that all Committee members had been lobbied by parties both in support of and in objection to the application.

TPO/1528: Councillor Billy Greening declared a personal interest because he sometimes plays cricket at the Roffey Cricket Club.

PCN/15 ANNOUNCEMENTS

There were no announcements.

PCN/16 APPEALS

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

PCN/17 DC/19/1723 - LAND AT LYONS FARM, LYONS ROAD, SLINFOLD

The Head of Development reported that this application sought outline permission for the erection of a continuing care retirement community with new means of site access onto A264 Five Oaks Road. Indicative proposals included: 17 extra care bungalows; 82 extra care cottages; 88 extra care apartments (not 108 as incorrectly stated in the printed report); and a 60-bedroom care home. Matters for consideration under this outline application
were the principle of the development and access, with all other matters reserved for future determination.

The application site was located outside the Broadbridge Heath built-up area boundary on the north side of Lyons Road and west of the A264. It comprised flat arable fields, with the River Adur running past the site to the west.

Members were advised of updated draft Head of Terms from the applicant, as set out in the addendum to the report. These included confirmation of C2 Use Class Restriction and the affordable housing offer.

Slinfold Parish Council and Broadbridge Heath Parish Council both strongly objected to the application. The report set out the following public consultation responses: five letters of support had been received from NHS practitioners; there had been 39 representations objecting to the application; and a petition signed by 34 individuals objected to the proposal.

The addendum to the report updated the number of representations received. Since publication of the report an additional 85 letters/emails of support had been received, only one of which was from within the District, and 14 additional objections. An additional representation had also been received from Slinfold Parish Council.

Three members of the public spoke in objection to the application. Two members of the public and a representative of the applicant’s agent addressed the Committee in support of the proposal. Representatives of Slinfold and Broadbridge Heath Parish Councils both 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 in relation to the need for housing and extra care provision; use class and affordable housing; character and appearance of the surrounding area; accessibility and highway safety; and flood risk and drainage.

Members discussed whether the location would be appropriate for such a development and weighed the benefits of the scheme against the harm, including concerns regarding coalescence between Slinfold and Broadbridge Heath and the resulting impact on the landscape. After careful consideration, Members concluded that the adverse impact of the proposal would significantly outweigh the benefits.

RESOLVED

That planning application DC/19/1723 be refused for the reasons as set out in the report.
PCN/18 **DC/20/0687 - 15 EYLES CLOSE, HORSHAM**

The Head of Development reported that this application sought permission for the conversion of a communal area into one specialised care flat and the conversion of the first floor 4-bedroom caretaker’s flat into two 1-bedroom flats. The integrated garage would become part of the ground floor conversion.

The application site was located within the built-up area of Horsham and was a detached property in a large plot within the close, which had a mix of terraced and semi-detached dwellings under Saxon Weald ownership.

The Parish Council had not commented on the application. There had been eleven representations objecting to the application. The applicant addressed the Committee in support of the proposal.

Members considered the officer’s planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and appearance; amenity impacts; and highways considerations.

Members noted that the proposed replacement community facility was further from Eyles Close and Albery Close than the application site and Members considered it important for Saxon Weald to do what they can to ensure less mobile residents would be able to visit the new community facility.

**RESOLVED**

That planning application DC/20/0687 be determined by the Head of Development, with a view to approval, subject to the completion of a legal agreement to secure affordable housing units.

PCN/19 **DC/20/0761 - THE STABLES, BROADWATER LANE, COPSALE**

The Head of Development reported that this application sought permission for the demolition of an office building, which has been vacant since 2017, and erection of an L shaped single storey dwelling

The application site was located outside the built-up area boundary east of Broadwater Lane. The surrounding area was characterised by sporadic residential dwellings in open countryside.

The Parish Council objected to the application. There had been no further public consultation responses received. 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 and the permitted Prior Notification for conversion of the existing
building; design and appearance; amenity impacts; highways impacts; and climate change.

Members considered the proposal in the context of current planning policy and the extant permission for conversion from office space to a dwelling. They were concerned that the impact of the proposal on the character of the area would be significantly greater than that of the extant permission, given the scale of the proposal when compared to the existing structure.

RESOLVED

That planning application DC/20/0761 refused for the following reasons:

The proposed development, by reason of its scale, doubling the size of the existing structure, represents an overdevelopment of the site harmful to the character of the area contrary to policies 1, 2, 3, 4, 26 and 32 of the Horsham District Planning Framework (2015)

PCN/20 TPO/1528 - ROFFEY CRICKET CLUB, CRAWLEY ROAD, HORSHAM

The Head of Development reported that this application sought to confirm Tree Preservation Order (TPO) 1528. A provisional TPO was served on 30 January 2020 to give immediate protection to seven oak trees at Roffey Cricket Club.

The trees were along the eastern and northern boundaries of the cricket field, north of Crawley Road. Some of the trees were in the vicinity of residential dwellings.

There was one consultation response in support of the TRO if it improved their level of maintenance. One consultation response objected to the protection of five of the trees because of the lateral overhang across the boundary of their property. One member of the public spoke in objection to the proposed TPO.

Members considered the officer’s planning assessment which included the condition and location of the trees. It was noted that the TRO would not prevent any person applying for consent to trim the trees in a manner that would not imbalance or cause harm to the trees’ value. Officers confirmed that the Council’s Arboricultural Officer was engaging with the Cricket Club regarding the management of the trees.

RESOLVED

That TPO 1528 on seven oak trees be confirmed, for the reasons as reported.

The meeting closed at 7.48 pm having commenced at 5.30 pm
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1. Appeals Lodged

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

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Site</th>
<th>Date Lodged</th>
<th>Officer Recommendation</th>
<th>Committee Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/20/0317</td>
<td>Highgate Hammerpond Road Plumpers Plain Horsham West Sussex RH13 6PE</td>
<td>03-Jul-20</td>
<td>Application Refused</td>
<td>N/A</td>
</tr>
</tbody>
</table>

2. Appeals started

Consideration of the following appeals has started during the period:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Site</th>
<th>Appeal Procedure</th>
<th>Start Date</th>
<th>Officer Recommendation</th>
<th>Committee Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/19/1824</td>
<td>19 Hernbrook Drive Horsham West Sussex RH13 6EW</td>
<td>Written Representation</td>
<td>25-Jun-20</td>
<td>Application Refused</td>
<td>N/A</td>
</tr>
<tr>
<td>DC/19/1345</td>
<td>Global House 13 Market Square Horsham West Sussex RH12 1EU</td>
<td>Written Representation</td>
<td>30-Jun-20</td>
<td>Application Permitted</td>
<td>Application Refused</td>
</tr>
<tr>
<td>DC/19/1537</td>
<td>13 Global House Market Square Horsham West Sussex RH12 1EU</td>
<td>Written Representation</td>
<td>30-Jun-20</td>
<td>Application Permitted</td>
<td>Application Refused</td>
</tr>
</tbody>
</table>
### 3. Appeal Decisions

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

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Site</th>
<th>Appeal Procedure</th>
<th>Decision</th>
<th>Officer Recommendation</th>
<th>Committee Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/19/1958</td>
<td>Old House Farm The Street Slinfold Horsham West Sussex RH13 0RS</td>
<td>Written Representation</td>
<td>Appeal Allowed</td>
<td>Application Refused</td>
<td>N/A</td>
</tr>
<tr>
<td>DC/19/2053</td>
<td>Herons Reach and Barns Green Village Stores Chapel Road Barns Green Horsham West Sussex RH13 0PS</td>
<td>Written Representation</td>
<td>Appeal Allowed</td>
<td>Non-determination</td>
<td>N/A</td>
</tr>
<tr>
<td>DC/19/2052</td>
<td>Herons Reach and Barns Green Village Store Chapel Road Barns Green West Sussex RH13 0PS</td>
<td>Written Representation</td>
<td>Appeal Allowed</td>
<td>Non-determination</td>
<td>N/A</td>
</tr>
<tr>
<td>DC/19/0905</td>
<td>Upper Bottle House Stane Street Slinfold Horsham West Sussex RH13 0RE</td>
<td>Written Representation</td>
<td>Appeal Dismissed</td>
<td>Application Refused</td>
<td>Application Refused</td>
</tr>
</tbody>
</table>
TO: Planning Committee North

BY: Head of Development

DATE: 4th August 2020

Outline application for the erection of a continuing care retirement community of up to 141 units of accommodation (C2 Use) and community facilities including restaurant, cafe, shop, hairdressers, spa and clinical consultation / treatment suite, with access, infrastructure, open space, landscaping and associated works (all matters reserved except for access)

SITE: Land at Wellcross Farm Broadbridge Heath West Sussex

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/19/1897

APPLICANT: Name: Legal & General Senior living Ltd Address: (C/O agent, Mr James Cording Turley 6th Floor North, 2 Charlotte Place Southampton

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

Application requested by Councillor Tricia Youtan and Councillor Matthew Allen

RECOMMENDATION: To approve outline planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 This outline application (with all matters to be reserved) is seeking permission for the erection of a continuing care retirement community of up to 141 units of accommodation (C2 Use) and community facilities including restaurant, cafe, shop, hairdressers, spa and clinical consultation / treatment suite, with access, infrastructure, open space, landscaping and associated works (all matters reserved except for access)

1.3 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. This type of
development would provide basic and extra care directly in residents’ homes, typically up to a prescribed number of hours per week to enable residents to live reasonably independently for longer.

1.4 The submitted application is in outline form with all matters relating to scale, layout, design and landscaping reserved for later consideration, although the applicants have submitted extensive information concerning the likely layout and character of the development through a Masterplan approach. The proposed buildings range in height from 2 to 2.5 storeys. The Main Building would accommodate the ‘close care’ apartments and central facilities at the centre of the site, with a dual frontage. The ‘assisted living’ units provided in twelve outer building blocks arranged around focal ‘courtyards’ to the south and west. It is clear from these submissions that all of the units of both accommodation types would have its own kitchen, living room, bathroom and bedroom. Each would also have its own “front door” onto communal grounds, and a shared vehicular parking area. Although areas immediately outside individual units would be available to use as semi-private spaces, there would be no formal separation of gardens or boundary fencing.

1.5 The Main Building would also contain a restaurant, cafe, shop, hairdressers, spa and clinical consultation / treatment suite. Also proposed is extensive external landscaping and the provision of a network of paths around the wider site. The landscaped areas include around the courtyards, and retaining and enhancing some of the existing boundary treatments/planting (including the retention of the protected trees at the site entrance) and the opening up of an existing watercourse within the site.

1.6 The development is will be accessed via a newly formed entrance along Five Oaks Road. The existing access adjacent to Wellcross Farm Cottage is retained but will not be used other than for emergencies. There is a vehicular route through the whole site. Pedestrians and cyclists will be able to walk/cycle in and around the whole site. Proposals also include linkages into the existing Public Right of Way network.

1.7 The scheme provides for car parking spaces to be used by residents, staff and visitors. The applicant has proposed that as part of the management of the site residents and staff will have access to ‘communal transport’ (in the form of a people carrier) which residents and staff can ‘book’ to take to the town centre/train station to and from appointments etc. Refuse will be stored in designated bin stores distributed throughout the site. Its collection will be part of the overall management and maintenance plan for the development.

1.8 Negotiations between your officers and the developer has amended the proposal, following advice from various specialists on identified issues. This includes from the Environment Agency, the Lead Local Flood Authority, the Local Highway Authority, West Sussex Extra Care Lead Officer, and the Council’s own drainage and landscape architect and consultant ecologist.

1.9 These negotiations have secured amendments to the development proposal that have sought to resolve site-specific environmental issues. This includes revision of the Sustainable Drainage strategy so that key drainage infrastructure is located outside of flood risk zones, and adjustments to the scale and layout of the development with the creation of an enhanced riparian river corridor landscape, as well as new wetland scrapes and woodland for ecological betterment. It includes securing commitment from the developer to measures that improve non-motorcar site accessibility that goes beyond those highway upgrades required by the Local Highway Authority, and securing an affordable housing provision that is on-site and bespoke to addressing local need whilst HDPF policy compliant.

1.10 Since May, further advice has been received from Natural England and static bat monitoring surveys has been carried out on site by the applicant, updated advice has also been received from WSCC on highway and PRoW matters, as well as aircraft safety and
noise from the applicant. Southern Water has agreed Head of Terms with the developer on securing the pedestrian route over the pumping station following initial feedback that concluded there were no major issues raised with Southern Water’s Operations Team.

1.11 Additionally, the applicant has offered a revised affordable housing package resulting in an increase of 7 affordable units on site. In summary, in addition to the 15% (21 no.) of units being delivered as affordable rent/discount market sale, a further 5% (7 no.) of units would be shared ownership (at either 50% or 75% open market value) providing an alternative tenure at the site and increasing the overall on-site affordable to 20% (28 no.) of the units.

DESCRIPTION OF THE SITE

1.12 The application site is an irregular parcel of land located in the countryside, southwest of the Built-up Area Boundary (BUAB) of Broadbridge Heath by the River Arun and its associated flood plain (Flood Zones 2 and 3 along the east and north sections of the site). Newbridge Nurseries sits to the north of the site beyond the River Arun. Located by the river it is on relatively low-lying land. It consists of open scrub, trees and vegetation. Tree Preservation Order (TPO/1215) covers a number of trees adjacent to the southwest boundary. Right of Way, Footpath (PROW1628) crosses the southwest corner of site. The nearest designated site of nature international importance is The Mens Special Area of Conservation (SAC) located over 10km from the boundary. The Site is within the Bat Sustenance Zone for The Mens SAC. The site lies within the Brick Clay (Weald Clay) and Building Stone minerals safeguarding areas. The Grade II Listed Lyons Farmhouse is set 100m west of the site to the opposite side of the Five Oaks Road. A low/medium pressure gas pipeline runs to the northern boundary of the site. A high pressure gas pipeline falls to of the east of site.

1.13 To the south of the site is Wellcross Grange Care Home, a 41-bed nursing care unit, and the BIRT Rehabilitation Centre. Beyond this are uses that include a private airfield (Slinfold Aerodrome), equestrian and agricultural uses. Residential and commercial uses are located on the junction of Five Oaks Road/Lyons Road. The site falls within the 3km buffer around the Slinfold Aerodrome landing strip.

1.14 The village centre of Broadbridge Heath, with its various social and community facilities (including the Bridge Leisure centre with its indoor bowls centre) is to the east/northeast.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND


2.2 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 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

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD, 2017

West Sussex Joint Minerals Local Plan (July 2018)
West Sussex Waste Local Plan (April 2014)

2.3 RELEVANT NEIGHBOURHOOD PLAN

The Itchingfield & Barns Green Neighbourhood Development Plan Regulation 14 Pre-submission consultation period was completed in Dec 2019

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

I/31/02 Renewal of unimplemented permission I/26/95 for a 41 bedroom nursing care unit Withdrawn 21/10/2004

I/21/96 Change of use of paddock to garden, extension of garden fence and erection of greenhouse and shed. Permitted


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: No Objection
Revised plan provides a much-improved solution that has softened the development edge, introduced a new wetland habitat that has improved biodiversity opportunities and is much more sympathetic to the existing landscape. Southeast edge has been broken up and opened out which has improved river transition. This has addressed the issues with previous plan. Proposed changes to layout, SuDs, introduction of more open space and additional planting overcome any issues with regards effect on landscape character, especially on the eastern edge.
**HDC Environmental Health: Comment**

**In response to Acoustic Report from Slinfold Aerodrome 9 Jan 2020:**
This department has no recorded complaints about the aerodrome despite the number of residential properties located at the northern end of the airstrip, including the Wellcross Grange Care home. The impact of peak noise from aircraft movements will need to be considered in the context of particularly peak noise events from traffic on the A264. The key issue is the level of activity at the air strip and how this translates to noise impacts on the development site. The development will be impacted by noise on busiest flight days but for the majority of the time aircraft noise will not be significantly intrusive and there will be days when few flights or even no flights occur and this will afford sufficient respite to residents of the development. The developer should be aware of the potential for adverse impacts from aircraft noise and should orientate the garden areas appropriately.

**In response to Acoustic Report from Slinfold Aerodrome 27 May 2020:**

The principal concern expressed by the operator of Slinfold aerodrome is that noise from aircraft taking off from the airfield will prejudice the use of the amenity spaces of the proposed development. The noise survey submitted by the applicant included an assessment of aircraft noise impacts. However this assessment was considered not to represent worst case noise impacts from the aircraft taking off close to the development site.

A separate noise report was commissioned by the airfield operator which included noise measurements the take off and circuit of a large 1940s Harvard trainer aircraft. This aircraft produced very high noise levels as it took off and overflew the development site. The report concluded that on days with similar levels of flights to the busiest day in 2018 – 17 take-off and landing movements - noise levels in the amenity space of the proposed development would equal the WHO criteria for serious annoyance in outdoor living spaces.

The take-off noise levels are high but very short lived. Assuming the peak noise from overflight lasts for a minute that would equate to 17 minutes for the busiest day quoted. The noise would rapidly diminish as the aircraft flies away. The typical pattern of operation is also for a much lower number of flights using more modern aircraft. This is supported by the complaint received from a member of the public regarding the use of the Harvard Trainer aircraft. No noise complaints have previously been received concerning aircraft using Slinfold airfield.

It is recommended that the suitability of the site should be considered on the basis of typical operations at Slinfold airfield rather than the potential worst case.

**On other environmental issues:**

Recommend operation and construction phase conditions (including extract ventilation, restrictions on delivery hours and construction hours, no plant without prior approval, kitchen grease traps, light nuisance, no burning). Waste and refuse should be well away from neighbouring premises.

**HDC Drainage Engineer: Comment**

Following revised documents, no overall objection to drainage strategy therefore if permitted recommend imposing conditions; Drainage Strategy (Foul and Surface Water), Sustainable Surface Water Drainage & SUDS Verification Report.

**HDC Tree Officer: No Objection**
HDC Waste Management: Comment

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

HDC Conservation Officer: Comment

Methodology used by CGMS to produce the Built Heritage Statement follows good practice and agree with the conclusions.

OUTSIDE AGENCIES

Archaeologist Consultant: Recommend Approval, subject to condition (Written Scheme of Investigation).

Ecologist Consultant: Recommend Approval, subject to conditions

Impacts on foraging or commuting Barbastelle bats
Reviewed static bat detector survey report and note Barbastelle bats were only recorded at the river corridor location, with maximum of 11 passes over 8 nights. No Barbastelle activity recorded during remaining 10 nights. No Barbastelle bats recorded using hedgerows which will be impacted by the development for either the new access route or small gaps created in the central hedgerow for walkways.

As bat survey results indicate that Barbastelles are only occasionally using the River Arun as a feature in the landscape and at a low level, re-assessed mitigation package to ensure it is sufficient to avoid an adverse effect on integrity of the population of Barbastelle bats from The Mens SAC. The mitigation package includes a wildlife sensitive lighting scheme and creation of wetland areas and wildflower meadow on the Wellcross Farm site which is likely to increase invertebrate abundance and provide further foraging opportunities along riparian zone. Agree that, provided river corridor and its dark corridor/habitats are maintained as proposed, there should be no negative impacts on the Barbastelle bat foraging and commuting activity. A sensitive lighting scheme for the development can be secured by condition to deliver this mitigation.

Therefore it is considered this is sufficient to avoid an adverse effect on the integrity of The Mens SAC and will update the Appropriate Assessment.

The addendum for reptiles has provided evidence sufficient for determination, with the biodiversity enhancements proposed providing scope for reptiles to be protected and retained on site should they be present. However, further information is still required with regard to mitigation for reptiles during construction. This should be provided in the form of a mitigation strategy post determination as a condition or prior to determination which should be informed by surveys following best practice guidance. In absence of survey information, precautionary approach of assuming moderate – high density of reptiles on site should be undertaken.

Further information has now also been provided for Dormice. A copy of the EPS licence should form a condition of any granted consent. A copy of the licence will need to be submitted to the LPA and should form a condition of any consent.

Conditions: ecological appraisal; EPS licence for Hazel Dormouse; Biodiversity CEMP; Reptile Mitigation Strategy; Biodiversity Mitigation and Enhancement Layout; Sensitive lighting design; Landscape and Ecological Management Plan)
Natural England: No objection
Habitats Regulations Assessment
Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an appropriate assessment of the proposal, in accordance with Regulation 63 of the Regulations.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that we concur with the findings of the HRA.

Southern Water: Comment
Construction over/within standoff distance of public main sewer not permitted. Southern Water requests formal application for public sewer connection.

Environment Agency: No Objection
Further submitted information addresses matters.

WSCC Flood Risk Management: No Objection
Following submission of additional information provided by BWB Consulting on 16th Jan we are now satisfied attenuation storage is outside of flood plain. Current water mapping shows site is at low risk from ground and surface water flooding. No ordinary watercourses are in close proximity to site. No historic flooding records on site.

Horsham & Mid Sussex Clinical Commissioning Group: No Objection
Whilst not objecting to the proposed development, it is relevant to indicate here that should planning be permitted then it will have some impact on local GPs who are the gatekeepers to the wider NHS.

WSCC Extra Care Lead: No Objection
We are working to enhance the availability of Extra Care Housing in Sussex, and Horsham District has an ongoing need. For the provision of affordable housing, we would not wish to encourage Commuted sums, in lieu of on-site provision. To be clear we would expect a new development to deliver its responsibilities in terms of on-site affordable housing. It is suggested how the pepper potting across all three phases works is written into the 106 agreement. All those with a “normal” Local connection to Horsham District should be eligible, as their need to live there should be according to their need/want to live in such a community.

WSCC Highways: No Objection, subject to conditions (improvement of PRoWs 1628 and 1630; bus stop improvements; access provided prior to first occupation; emergency access; car and cycle parking; Construction Management Plan; Travel Plan)

Further information to address the reasons for the initial objection has been provided in the form of junction modelling of the site access; provision of all the appendices included within the Stage 1 RSA; and designers response. The Stage 1 RSA has provided seven issues of which five are accepted and to be incorporated at detailed design stage, Junction Modelling has been provided to address a further issue. The issue of a junction radii and vehicle over run of the site access is noted however has not been accepted. It is agreed that further information of lighting and available forward visibility along the internal site access road will be provided at detailed design/reserve matters to reduce the potential for conflict.

Postscript: With regard to the issues raised in the safety audit, the layby issue is no longer relevant as the access proposals and pedestrian connections to the Lyons farm bus stop
are amended. The over run of the centre line has been discussed with the applicant and an approached agreed to address the recommendation of the auditor.

Pedestrian access will be provided by the site access (with crossing provision to the Lyons Farm bus stops) and via an upgrade to the existing PROWs 1628 and 1630. Conditions requested to restrict the emergency access to emergency vehicles and to secure these other provisions.

WSCC Rights of Way: No objection

WSSC Minerals and Waste: No objection

Health and Safety Executive: Not within consultation distance of a major hazard site or major accident hazard pipeline

Sussex Police: Comments
Pleased parking courts overlooked. Boundary between public and private areas clearly indicated. Maybe potential conflicts with pedestrians and vehicles using uncontrolled crossing safety and emergency access point unless clear visibility.

PUBLIC CONSULTATIONS

One letter of support from address in Faygate, supporting the application for the following reasons: ageing population would benefit; living independently but close to other folk provides an ideal community and less isolated; frees up homes; less likely to draw on NHS services; IVG is an excellent owner and management team

Objections received from 22 separate addresses (34 letters in total including supplementary commentary on the revised plans) and, Kember Loudon Williams on behalf of Slinfold Aerodrome, and Campaign to Protect Rural England, on the following grounds:

Principle and Settlement Boundary

- Neighbourhood Plans and Parishes do not require this development, which is contrary to HDPF Policy 26.
- Site identified in Local Plan as not currently developable.
- Area already overdeveloped. Continued expansion of Broadbridge Heath means loss of settlement separation.
- Site not easily accessible by foot or public transport with poor access to local shops, services, community facilities. New residents will have cars.
- Already sufficient supply of this housing type - Faygate, Highwood Mill, and Chantry Court.

Affordability and Care Provision

- Ordinary local people could not afford these houses and people from outside will move in.
- Already failing care village at Rapkyns and local care facilities have poor reputations. In Broadbridge Heath new care home at Soloman's Seal is under occupied.
- Elderly live alone in their own homes, happy and healthy. This is a ghetto without integration in the wider community.
- Extra pressure on already strained and oversubscribed healthcare services. Doctors surgery at Wickhurst Green could not be funded and Kilnwood Vale residents not getting a doctors surgery. Nearest A&E is Redhill.
Flood Risk and Drainage

- Site entrance is in flood zone. North and east of the site floods regularly as it is part of a floodplain from A264 along towards Slinfold and back towards Wickhurst Green.
- A264 has flooded around Newbridge making access to the site impossible. Floodplain was underwater in Dec 2019. Fields behind Churchill Way were flooded and access to properties in Old Wickhurst Lane blocked.
- With global warming and more predicted rainfall the situation will worsen. No need for development in flood zones; flood plains should be left to function. Precautionary Principle should be applied.
- SuDs deal only with surface water, which will be exacerbated by run off from the development and concentrated at outflow east of the site. During sustained rainfall events it will cause problems immediately to east and also downstream around Middle Barn and Theale, but also upstream potentially impacting A264 and other low lying properties.

Highways

- Proposed site access onto busy A264 is near a blind bend already accident-prone. A danger to highway safety.
- Even with repaired pavements, walk to bus stop with only uncontrolled pedestrian crossing would be unpleasant and frightening for the elderly, particularly as the road is unlit.
- Since the closure of the Broadbridge Heath bypass (A281) now almost impossible to cross A264 at Newbridge as traffic from roundabout is constant and fast (traffic survey identifies a speeding problem).
- Additional vehicular traffic caused by residents with cars or using minibuses, visitors, deliveries etc. will add to existing congestion along Lyons Road and A264 from Wickhurst Green, with no provision for filter lanes or control of right turn exit proposed.
- Ability for emergency services to reach site will be significantly impaired and could put lives at risk.
- Parking is already limited and the area around Wellcross Grange is private land.

Landscape Impact

- A dense area of housing, including a three-storey main building is overdevelopment with loss of visual amenity and resultant light pollution.
- Experience of using country footpaths (including FP1628) diminished.
- Felled trees will take years to mature.
- A beautiful natural area where many of the village community picnic, walk dogs and enjoy nature destroyed.

Aerodrome and Neighbour Amenity

- Slinfold aerodrome is an established registered privately owned airfield. Noise report from its owner demonstrates aircraft noise on future occupiers of development would be intrusive (as aircraft would pass over the development at low altitudes). Also public safety issue.
- Conclusions of aircraft acoustic tests and assessment of aircraft noise is unequivocal in concluding that the existing lawful use of Slinfold Aerodrome for flying activities weigh heavily against permission being granted
- Public safety would be put at risk and under certain conditions, noise levels from low lying aircraft operating at full power on take-off would be intolerable
• Proximity of development and its five-year phased construction and operational phase would result in loss of privacy and generate noise and disturbance onto existing neighbours.

Other matters

• Harmful to ecology as the development would cause further disruption to wildlife, including bats, and destruction of natural habitats
• Hard sell canvassing by applicant and poor publicity of application. This proposal is motivated by greed and to make a profit
• Negotiated adjustments have not overcome objections.
• Generation of council tax is not worth the harm.
• Shortage of care home staff in the area means suitable staff will be difficult to find.

Itchingfield Parish Council Objects for the following reasons:-

Overdevelopment in an area with marginal infrastructure which will be overwhelmed by additional pressures from the development. It is not in the Itchingfield Neighbourhood Plan which has reached Section 14. Site already been turned down for inclusion in the plan and considered undevelopable by HDC. Will provide negligible economic benefits and contrary to HDPF Policy 27. Developers cannot guarantee medical facilities as they are subject to constraints outside control nor the other on-site facilities, which will be subject to commercial constraints. Also issues regarding impact on Slinfo ld Airfield, which is local community asset.

Slinfo ld Parish Council Objects, for the following reasons:-

Insufficient local NHS and associated medical support infrastructure. Development of this size for this age demographic cannot be supported by existing NHS services. Horsham District recently ranked as having second worse provision for General Practitioners’ in England. RTA casualties frequently taken to Worthing and Southampton A&E as East Surrey gridlocked. Ambulance wait times some of the longest in UK. Of the local GP surgeries which would service this development, Southwater is not currently accepting new patients; Billingshurst has resorted to overflow containers and another local GP surgery failed CQC inspection. Local HASTE at Guildford cannot adhere to patient referral guidelines. Finding a NHS Dentist is virtually impossible. Would put unbearable strain on facilities already stretched to breaking point. Note comments by Horsham & Mid Sussex Clinical Commissioning Group

Insufficient local road and strategic road infrastructure. Due to demographics of age and site position the first choice of travel outside the site will be by car. Site poorly served by bus services. Only exit will require all traffic to exit onto already dangerous congested Five Oaks Road, which has one of the highest RTAs recorded in this part of West Sussex. In order to reach the nearest strategic road infrastructure; local shops; railway station; vehicles will have to turn right and add to the congestion caused by recent road improvements in Broadbridge Heath. Surrounding roads both local and strategic are already gridlocked at busy times with all the extra pollution which stationery traffic brings.

Ecological concerns. Ever increasing urbanisation to West of Horsham must be curtailed. Would set a very undesirable precedent for local ecology. Site borders River Arun arguably the single most important habitat for bats; birds; reptiles; and invertebrates in this area of the district. Flood plans also form vital linkages between fragmented habitat. Will add to already serious light pollution.

Climate Change. Site ideal position for solar thermal, PV and ground heat pump installations. Insufficient thought given to energy sustainably of the development.
Broadbridge Health Parish Council **Objects**, for the following reasons:-

**Insufficient local NHS and associated health support infrastructure.** Development unlikely to be supported by existing health service provision. Horsham and District was recently ranked as second worse provision for General Practitioners' in England. Road traffic accident casualties frequently taken out of area because A&E East Surrey hospital is gridlocked. Ambulance wait times there are some of the longest in the UK. Of the local GP surgeries likely to service this development, Southwater is not currently accepting new patients and Billingshurst has limitations on new admissions. NHS Dentist in this area is virtually impossible. This development would put considerable strain on already stretched facilities. Note the submitted Horsham & Mid Sussex Clinical Commissioning Group comments.

**Insufficient local and strategic road infrastructure.** Travel choice outside the site likely be by car. Site is poorly served by bus services. Only planned exit will require all traffic to exit onto already dangerously congested Five Oaks Road, one of the highest road accident rates recorded in this part of West Sussex. In order to reach the nearest strategic road infrastructure; local shops; railway station; vehicles will have to turn right and add to congestion during busy morning and evening travel periods, with surrounding roads both local and strategic often gridlocked at busy times, with extra pollution.

**Ecological Concerns.** Ever encroaching urbanisation west of Horsham cannot continue. This development would blur the distinction between the village and parish of Broadbridge Heath and those parishes of Itchingfield and Slinfold, with the development much closer to the village of Broadbridge Heath, despite being outside of its parish boundary. Would set a very undesirable precedent for local ecology. Site borders River Arun, a very important habitat for bats; birds; reptiles and invertebrates.

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 the 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;
- Accessibility and highway safety
- Environmental issues including flood risk and ecology
- Impact on Slinfold Aerodrome
Principle

6.2 The application site is located outside of any Built-up Area Boundary and 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 Policy 15 (Housing Provision) of the HDPF establishes the District housing need within the development plan period (2011-2031), identified as 16,000 homes.

6.4 HDPF Policy 18 (Retirement Housing and Specialist Care) relates specifically to the need for housing and extra care provision for elderly persons. This policy outlines that the granting of planning permission will provide for such accommodation including 'Continuing Care Retirement Communities' and retirement villages to meet the needs of the aging population, provided the development is located with good accessibility to local services to suit the needs of the elderly. This policy does not restrict such sites to being within Built-up Area Boundaries. The supporting text of the policy goes on to state that consideration be given to any site-specific constraints and the detail of the scheme. As such, the HDPF Policy framework provides that the principle of development on the site can be considered acceptable subject to the detailed considerations as set out below.

Need

6.5 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. The NPPF glossary defines “Older people” 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.”

6.6 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, as does the applicant’s own detailed evidence produced in support of the submitted planning application.

6.7 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-
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).

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.

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.

The applicant has advised that if planning is permitted for this proposal, the intent is to start on site summer 2021 and complete all phases within 4-5 years.

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 also recognised that the development may have the potential for a contribution to the local economy by providing employment opportunities.
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. 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.

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.

HDPF Policy 18 sets out a number of provisions for accommodation for the elderly outside the settlements. Whilst generally it seeks to direct it to within settlements, there are provisions whereby a need can be met outside such policy boundaries; Policy 18 seeks to apply locational criteria such as proximity to public transport or shops to decisions on residential and nursing accommodation for the elderly.

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 and in addition, it would include outreach domiciliary care to the wider community, further reducing the amount of travel. A care element of the proposal will provide for the frail not expected to leave a home unaccompanied, but normally 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.

This part of the countryside contains scattered development and traffic noise from the A264. However that there is a concentration of existing special needs and supported housing provision immediately adjacent to the site at Kerwin Court and Wellicross Grange therefore the proposed development would not appear out of context in this location.

Nevertheless, the site is part of a swathe of countryside on the edge of a settlement that is essentially rural in character. To that extent, the central section of the site will be replaced with buildings, and there would be some harm and conflict with the HDPF. Any harm would however be limited because the development itself would be relatively unobtrusive in terms of its impact upon the wider countryside. Viewpoints of the new development would be for the most part visually contained with boundary vegetation, which would provide a robust edge to the new development. In particular, a strong defensible boundary on the eastern side of the site would remain and the adjoining fields would continue to contribute to the rural environs within which the extended community would stand.

Whilst reliance on the nearby public rights of way (PRoW) may be an attractive walk for future occupiers, it involves a rather circuitous route of about 1.5 km along public footpaths to obtain access to the services and facilities at Broadbridge Heath. It is unlikely that it would appeal to the majority of new residents or that significant visitor pressure would ensue. Equally unappealing would be reliance on the Five Oaks Road. The applicants have
held discussions with Southern Water and a Statement of Intent has been supplied setting out how they plan to work together to deliver and manage alternative access across the site via a bridge over the River Arun to avoid future residents having to use the Five Oaks Road. Whilst this is a non-binding document and no formal agreement with Southern Water has yet been reached, it illustrates willingness to progress this element of the development based on the scheme envisaged.

6.21 It is likely that many people seeking to move into this type of accommodation in later life will choose a location where they have previously lived or where family connections exist rather than moving somewhere completely new. In your Officer’s opinion, the significant and growing need within the District makes it likely that residents of the district would occupy most of the units. 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.

6.22 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, together with a new clinical consultation/treatment suite that would be made available to both development occupants and the wider community.

6.23 The treatment rooms are designed to NHS space standards. They are made available for use by the public sector (i.e. NHS, CCG, GPs) which could be for a satellite surgery through to something like virtual GP, vaccination sessions, health checks, etc. If there is no interest by the public sector then there would be a reversion to private use, e.g. private healthcare, physiotherapy, etc. subject to interest from an operator. This is the likely outcome as IV have had little positive response from health authorities so far. The legal agreement secures this. This provision should ensure elements of residents’ everyday health and care requirements are met on site. The potential for existing local residents of the local area to utilise the new treatment facility is a welcome component of the scheme.

6.24 The package of community benefits to which members of the existing community would have formal access to are positive factors which will, to some extent, improve the level of integration with the existing village and to create more of a balanced community. The provision of facilities physically within the site including a restaurant, gym and treatment room 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 of socially integrate the new development into the community.

6.25 It is therefore considered that this proposal would make a positive contribution to the identified need for this type of accommodation, subject to consideration of any detrimental effect on environment, landscape and highway considerations and the extent to which it could be moderated. This conclusion is 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

6.26 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.
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’.

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.

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.

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’ were 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.

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%).

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, wellbeing suite, 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 provided.

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.
Having given the issue of Use Class detailed consideration, Officers accept 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. Having drawn that distinction your 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.

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.

Your Officers do also accept that the CCRC model would be very different in nature and operation when compared to a normal market housing scheme. The Inspired Villages 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 Inspired Villages to provide the essential care facilities, ultimately affecting the quality of life and range of services provided on site.

The developer now proposes an on-site offer of 28 affordable housing units. This is equivalent to 20% of the total number of units. The 21 units will be distributed across the phased development, with nine units provided in each of the three phases. 21 of the units would be subject to a cascade mechanism whereby they will be first offered for affordable rent, a rent that does not exceed 80% of the open market rent. Seven further units would be subject to a cascade mechanism whereby they will be first offered for shared ownership (at either 50% or 75% open market value). Should there be no interest in the affordable rental/shared ownership then after 12 months of the build out, the unit may be offered for sale at a discounted sale price, a price that does not exceed 80% of the open market sales value. Covenants will ensure the units remain available at discounted sale price in perpetuity. The mechanism for this will be a clause in the legal agreement, similar to that used at the North Horsham development.

Those who purchase an affordable housing unit at discounted sale price will need to be in housing need, and aged 65 years or more, and have demonstrated a requirement for a Minimum Care Package through a Qualifying Person Assessment. All the affordable housing units will be prioritised for those with a local connection. This will be at District level for the discounted sale price units and at Parish level for the affordable rent units. The precise details are set out in the next section of this report.

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. Your officers recognise 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.

Your officers accept 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, your officers have approached Saxon Weald, and given Inspired Villages experience as a national operator exposed to RSLs across the country, 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. In the absence of a RSL the affordable housing will be managed by Inspired Living Ltd. 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, officers are of the view that the affordable housing offer is acceptable to meet the requirements of Policy 18.

Section 106 Agreement

6.41 Detailed negotiations between the applicants and Officers have taken place to 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 years 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
- Wellbeing checks, such as blood pressure, Organised rehabilitation, either physical or mental, following a hospital visit or health event
- Assistance with functions such as feeding and bathing
- Access to services includes 24 hr emergency response
- Daily group exercise class
- Three cooked meals a day from a fully equipped and staffed restaurant, which can be taken in the dining room or in the resident’s own home (individual meals are charged separately)

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 as currently drafted would provide a list of contributions/obligations that have been tested against the CIL regulations and your Officers are satisfied that the 3 tests are met. This legal undertaking would properly control the use as a CCRC planning unit.

6.46 A planning obligation will be that an Affordable Housing Scheme is approved by HDC Head of Housing in liaison with the West Sussex Extra Care Lead Officer before commencement of development. This will establish:
- location of affordable units and timing for their delivery;
- type, number of bedrooms and number of intended occupants of each affordable unit;
- Floor plans showing internal floor space of each affordable unit and any special adaptations;
- terms on which preference will be given to those with local connection whilst any affordable unit is available for affordable rent;
- terms of the cascade mechanism as detailed below.

6.47 All affordable units would be the subject of a cascade mechanism. In the first instance, 21 units would be offered for affordable rent (not exceeding 80% of the open market rent) and 7 would be offered for shared ownership (at either 50% or 75% open market value). The open market and open market rent values will be agreed at the cost of the applicant, between the Owners and the District Council in liaison with West Sussex Extra Care Lead, assessed in general accordance with the Appraisal & Valuation Manual of the Royal Institute of Chartered Surveyors.

6.48 The shared ownership properties will only be for qualifying persons prioritised for people with a local connection (as per the current draft s106 terms for the market discount affordable units) and subject to residents meeting this criteria can purchase 50% or 75% of the property with the remaining share to be held indefinitely by the applicant company also subject to a Resale Covenant. All of the shared ownership units will be offered for sale and not rent. In the case where a resident purchases 50% there will be rent to pay on 25% of the property. In the case where a resident purchases 75% there will be no rent payable on the remaining 25%. 100% service charge and Deferred Management Fees will be applicable.

6.49 Those who rent an affordable rent unit will need to be:
- in housing need (they live in unsuitable housing conditions and/or are unable to afford suitable housing at open market prices either to rent or to buy)
- a Qualifying Person (they are aged 65 years or more and 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).

6.50 The affordable rent units will be prioritised for those with a local connection to Broadbridge Heath, Itchingfield and Slinfold Parishes. This could be someone who:
- Currently lives or has lived in those Parishes for 6 out of the last 12 months, or 3 out of the last 5 years;
- Has immediate family living in those Parishes for at least 5 years;
- Has a permanent contract of employment of those Parishes;
- Is a member of the armed forces or former service personnel (within 5 years of their discharge), or a bereaved spouse or civil partner of a member
- Has other significant connections to the Parishes

6.51 Should there be no interest in the affordable rental unit, after 12 months of marketing (commence 6 months before completion of the relevant phase and end 6 months after completion), the unit may be offered for sale at a discounted sale price (not exceeding 80% of the open market sales value). The open market sales value will be agreed at the cost of the applicant, between the Owners and the District Council in liaison with West Sussex
Any affordable unit sold at a discounted sale price will be subject to a resale covenant scheme to ensure the unit remains available at a discounted sale price in perpetuity. The mechanism for this will be a cause in the legal agreement, similar to that used at the North Horsham development.

Those who purchase at discounted sale price will need to be:
- in housing need (they live in unsuitable housing conditions and/or are unable to afford suitable housing at open market prices either to rent or to buy)
- a Qualifying Person (they are aged 65 years or more and 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).

The affordable units offered at a discounted sale price will be prioritised in the first instance for residents of Horsham District for a period of 3 months. This could be someone who:
- Currently lives or has lived in the district for 6 out of the last 12 months, or 3 out of the last 5 years;
- Has immediate family living in the district and who has done so for at least 5 years;
- Has a permanent contract of employment in the district;
- Is a member of the armed forces or former service personnel (within 5 years of their discharge), or a bereaved spouse or civil partner of a member; or
- Has other significant connections to the district.

If after a period of 3 months no person with a district connection has reserved to purchase, then the owners are entitled to market any unsold affordable units on the wider market to persons qualifying for the affordable need (officers consider it is not necessary to limit this to the housing market area).

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;
- making financial contributions towards highway improvements and upgrading of the PRoW network (to be detailed out later in this report);
- to secure access to various on-site facilities for the benefit of future residents and the wider community;
- and village transport service for future residents and wider community with transport to Broadbridge Heath and Horsham including Horsham Train Station.

This will be agreed between the Council’s legal department and the applicant’s solicitors prior to issuing the decision notice if members are minded to agree with the Officer’s recommendation to approve the planning application.

The Council and NPPF recognises the historic environment is an irreplaceable resource. Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting.
Designated Heritage Assets

6.59 The Grade II Listed Lyons Farm House on Lyons Road demonstrates a visual and historic functional relationship that is fairly removed from Wellcross farm, especially given the separation of across A264 and intervening buildings and landscaping, so it is judged that no harm would arise onto the setting of this designated Heritage Asset, which is the nearest to the application site.

Non-Designated Heritage Assets

6.60 Paragraph 197 of the National Planning Policy Framework sets out that the effect on the significance of a non-designated heritage asset should be taken into account in determining applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.61 The Historic Environment Record managed by West Sussex County Council identifies Wellcross Grange and Lower Barn as non-designated heritage assets. Wellcross Farm Cottage is not identified in the H.E.R. but this does not preclude it from being considered a non-designated heritage asset. Following the Council’s Conservation Officer’s site visit in May, he confirms that Wellcross Grange does retain architectural and historic interest that would meet the criteria for inclusion on the local list and therefore should be considered a non-designated heritage asset. It remains clearly recognisable as a late nineteenth or early twentieth century domestic revival country house. Wellcross Farm Cottage has been altered and extended and its architectural interest has been diluted. However, it remains recognisable as an ancillary estate building with a historic functional relationship with Wellcross Grange. For this reason it reinforces an understanding of the extent of the country house estate and forms a group with Wellcross Grange. It should be considered a non-designated heritage asset.

6.62 Lower Farm does appear to be substantially rebuilt following its conversion to residential use. Although parts of the nineteenth century outfarm may still exist, these would survive as archaeological features and do not amount to a perceptible historic building displaying architectural or historic interest. For this reason the Council’s Conservation Officer does not consider Lower Farm to be a non-designated heritage asset. Wellcross Lodge does have a visual and historic functional relationship with Wellcross Grange. However, the extent of piecemeal alterations have eroded its architectural interest and being a secondary building it does not possess enough historic interest to warrant it being considered a non-designated heritage asset in its own right. It does form part of a group with Wellcross Grange and Wellcross Farm Cottage.

6.63 In his professional experience, the Council’s Conservation Officer believes the methodology used by CGMS to produce the Built Heritage Statement follows good practice and he agrees with the conclusions. Having taken into consideration the view of the Council’s Conservation Officer, your officers have reached a balanced judgement as required by paragraph 197 of the NPPF; the impact resulting from the proposed development will be negligibly harmful to the significance of Wellcross Grange and a low level of harm to the significance of Wellcross Farm Cottage. This harm will be indirect as there are no physical impacts to either building only impact within their settings. The harm should be weighed against any benefits of the proposal, proportionate to the significance of the heritage assets.

Archaeology

6.64 The Council’s Archaeological Consultant has identified potential for archaeological remains to be present on site due to historic activity in the area along the river. A condition will address this.
Character and Appearance

Landscape Character

6.65 Although an Outline application, the applicant has provided sufficient detail for general landscape considerations, including the indicative landscape layout.

6.66 Horsham District Council have always been acutely aware of 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.

6.67 As part of the evidence base of the Local Plan Review, the Council has undertaken a new Landscape Capacity Assessment, published in Feb 2020. The site lies within the G2 Itchingfield and Barns Green wooded farmlands and the P1 Upper Arun Valley in the Horsham District Council LCA (2003). Because of the Moderate-High landscape value, the assessment concludes the overall landscape capacity for development in relation to the ‘developable’ area of the site adjoining the existing nursing homes is Low-Moderate, with No/Low capacity for the eastern side of the site along the river.

6.68 The submitted Landscape and Visual Impact Assessment (LVIA) confirms that the development would be visible in long, medium, and short distance views, and would result in residual minor adverse effect on the landscape character area. The Council’s Landscape Architect concurs with the findings of the LVIA.

6.69 Overall, it is accepted the development would result in minor adverse effect on the landscape character area, in which this site has been assessed as having low-moderate capacity for medium-scale housing development. Resultant effects on users of the footpath are acknowledged. On balance, this benefit is considered to outweigh this impact.

6.70 The Council’s Landscape Architect initially raised concerns with the indicative landscape arrangement in regard to the sensitivity of the inherent character of the site. Revised plans have been received in response to these comments with amendments that have addressed these issues sufficiently to overcome those original concerns, and the Council’s Landscape Architect raises no objection.

6.71 The proposed layout now incorporates landscape areas that reflect the character of the area (incorporating both wood and riverside character of the area) and opens up a watercourse and provides spaces which can offer multiple benefits (biodiversity, ecological enhancements as well as being a significant benefit for the new residents). The scheme also proposes footpath/cycleways linking the site to adjacent PRoW. The landscape is drawn into the development.

6.72 Members should note that the submitted landscape masterplan is indicative. At the reserved matters stage the final design of this area will be confirmed. However the landscape plans (and other supporting information) do set out a clear landscape strategy demonstrating mitigation and enhancement measures which are considered to preserve the landscape character of the area. Overall, the plans as revised provide suitable evidence that the provision of the development with the associated landscaping is capable of being provided to an acceptable level, with the final details to be confirmed at the reserved matters stage.

6.73 Although parts of the site demonstrate a rural character due to the adjoining undeveloped countryside, there are a number of suburbanising influences within its immediate context. These include the suburbanising presence of recent development at Broadbridge Heath, some elements of which are visible from locations within the site and by road noise.
associated with the busy Five Oaks Road adjacent to the site. The presence of built form and servicing associated with Kerwin Court, Wellcross Grange, Wellcross Farm, Slindford Aerodrome and the cluster of private residential dwellings with associated domestic curtilages, add further suburbanising influences. The rural character of the site is strongest adjacent to the River Arun and becomes increasingly impacted by suburbanising influences as you move southwards away from the river corridor.

6.74 It is also apparent that the original agricultural function and original farm layout of the site and what was once a larger Parkland setting associated with Wellcross Grange, has all undergone a number of changes over time. The land which forms the site has undergone considerable fragmentation in recent decades. The site has become more enclosed over the course of the 20th century, transitioning from an open parkland land use to one of smaller paddocks subdivided with additional hedgerows and fencing.

6.75 This has in turn changed the character of the site which has altered the extent to which it shares and displays and contributes towards key landscape features or characteristics with the overall landscape character. The field pattern is now small scale and subdivided into a number of parcels in varying ownerships and uses, with the fields to the north now used predominately for horiculture with the presence of stables, a manure and horse paddocks and other paraphernalia. Along the banks of the River Arun there is a large swathe of unmanaged bankside vegetation mainly comprising scrub with occasional overhanging alder and willow. Whilst the site has some tranquillity, it is somewhat impacted by the presence of the busy Five Oaks Road along its north-western boundary and the new residential development to the north east which has extended from Broadbridge Heath.

6.76 Formal landscaping proposals do not form part of the outline application through the Masterplan details submitted as part of the application do provide an indicative layout which includes broad landscaping proposals. These are in compliance with the Landscape Management guidelines for the Upper Arun Valley character area based upon the West Sussex Landscape Assessment, and include; promotion of natural watercourse management avoiding the introduction of engineered flood defences, creation of new wetland areas, reduction in the intensity extent and visual impact of horse grazing, and where possible enhance the wildlife potential of river banks by re-profiling in a sympathetic manner.

6.77 The applicant’s LVIA states the northern part of the site adjacent to the river shares some of the characteristics listed in the Horsham District Landscape Capacity Assessment but these become less apparent as you move southwards away from the river, with the southern half of the site being somewhat more enclosed and influenced by existing, suburbanising built form. Applying the assessment criteria from the Landscape Capacity Assessment of the application site shows that the site has some ability to accommodate development. The District Landscape Architect does not dispute this assessment.

6.78 The planting of additional native trees and hedgerows within the wider site, planting within the built development itself and waterside planting around any new aquatic environments certainly has the potential to enhance existing landscaping within the site and to aid in the screening and filtering of views of the proposed buildings, and so reduce the magnitude of change and resultant adverse visual effects, including from viewpoints. Nonetheless, there will still be a degree of adverse change and visual impact.

6.79 The applicants have agreed that a Landscape Management Plan for the management and maintenance of the site should be secured through a S106 agreement to ensure appropriate management of woodland and grassland in respects of its landscape, biodiversity and recreational value. Other details of hard and soft landscaping would need to be submitted at Reserved Matters stage.
It is concluded that the development would amount to minor adverse impact on the wider landscape character. However, balanced against enhancement to the riverside environment and its setting and existing PRoW network, it is considered the development would comply with HDPF Policies 25 and 26, and 32 and 33, in so far that they require new development to provide an attractive environment that would respect the character of the surrounding area.

**Layout and Design**

HDPF Policies 32 and 33 also 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.

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 and floor area, bulk and height of the built form of the development.

As highlighted earlier in the report, following revisions the proposal now provides an appropriate form of development and a suitable transition between the former settlement boundary and the open countryside, taking account of the setting and context of the River Arun. This includes the creation of landscaped areas in and around the built form that help bring the surrounding countryside/landscape character into the scheme.

It is considered the existing use and buildings on the site edged in red itself are of limited architectural interest either in their own right or in connection with adjacent non-designated heritage assets or their settings. Nor does the present horseculture make good use of the riverside setting. The proposal would make a much better use of 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.

The proposed scheme is successful in avoiding a ‘gated community’ and appropriately prioritises people over cars (conducive with a development aimed at an aging population). The 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 are acceptable. This design follows the advice of Sussex Police ‘Secure By Design’ in ensuring good surveillance and improved visibility. These elements now respond appropriately to the landscape context of the site and its surroundings, including the character of Broadbridge Heath. This includes from views along Five Oaks Road obtained over the existing road bridge to the proposed buildings on the application site. From this viewpoint, the development as indicatively shown would represent a gradual transition between the built environment of Broadbridge Heath and the wider countryside.

Wellcross Grange is a considerable 3 storey structure built during the late Victorian period as a replacement for the historic farmhouse that previously stood on the site. Kerwin Court is located south and directly adjacent to the site. It is formed with a complex of relatively modern buildings predominantly single storey in height. The buildings occupy a considerable footprint.

The new proposal takes reference from both these buildings in terms of the footprint, form and height of each of the individual buildings that make up the new development. As previously reported under the heritage section of this report, the arrangement and spacing and architectural design approach of the new development is considered to preserve and
ensure the clear legibility of the locally distinctive vernacular building form of Wellcross Grange and the significance of this and other surrounding non-designated heritage assets.

6.88 There is a network of local public footpaths providing links across the landscape to surrounding roads. The closest, PROW 1628, is a footpath which runs south east away from Five Oaks Road directly to the south of the site, Kerwin Court and Wellcross Grange. It offers close up views of certain parts of the site. This links with a bridleway which runs from Broadbridge Heath in a south westerly direction and offers glimpsed views of small sections of the site from the east.

6.89 From certain viewpoints from outside and within the site, the imposing bulk and footprint of the main building would be noticeable; in terms of height, mass and footprint it exceeds the proposed terraced house blocks elsewhere on the site. This is a consequence of its operational care provision, with bedrooms accessed off central corridors. Positioned close to an existing nursing home, its appropriate design has helped break up the overall bulk effectively; the elevations and roof are highly articulated with a combination of two and three storey elements with hips and gables, along with the use of an appropriate palette of materials. Overall, the building as indicatively shown would provide an active frontage in a central position within a layout that has enough of a sense of spaciousness to ensure the development would not be detrimental to the local character.

6.90 Whilst the final design and layout is subject to change in subsequent reserved matters applications, the submitted plans have established the parameters for future development, which is now acceptable in terms of relevant HDPF policies, subject to detailed considerations at reserved matters.

Accessibility and Highway Safety

6.91 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.

Accessibility and traffic movements

6.92 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.

6.93 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. It is noted the nearest bus stop on Lyons Road is located some 110 metres from the new vehicular access.

6.94 The C2 use requires every unit to be occupied by someone in need of care. The submitted transport statement has predicted vehicle trips anticipated as a result of the development, based on site specific data from retirement village developments and TRICS data associated with care homes. TRICS highway 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.

6.95 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 as part of the S106 agreement, including the provision of a dedicated minibus service
to link the development to Broadbridge Heath, Horsham town centre, the railway station, and other destinations. The minibus would be free for residents and their visitors and staff. A free service for residents is likely to make use of the minibus a more appealing proposition and the potential for local residents to also use the service increases the sustainability of the existing settlement to some extent.

The applicant has also put forward a financial contribution to local highway improvements and enhancement measures to improve integration of the site with the wider area and to address wider sustainability issues, within the legal agreement to the sum of £20,000. As the works have not yet been costed and costs agreed with WSCC, this sum will be built up to £50,000 if the improvement works listed costs more, and this would be index linked. The works are listed below:

- Slightly further north of the new vehicular access, a new pedestrian crossing across Five Oaks Road allowing pedestrian connectivity to bus stops on Five Oaks Road and Lyons Road
- From this crossing, footpath surface on north side of Five Oaks Road that leads to the bus stops adjacent to Newbridge Nurseries will be replaced and improved
- New pedestrian crossing with refuge island created to provide pedestrian links from this improved footpath to the bus stop on south side of Five Oaks Road.
- Bus stops on both sides of Five Oaks Road upgraded to include bus shelter with seats. Bus stops on Five Oaks Road are 480 metres from the new vehicular access and staff and visitors could use it.
- New pedestrian crossing south of Five Oaks Road and Lyons Road junction, near Wellcross Lodge. This will allow pedestrians to cross Five Oaks Road and reach existing bus stops on Lyons Road. Bus stops on Lyons Road are located 110 metres from the new vehicular access, shown on drawing 13808.
- A separate sum of £35,000 would secure upgrading of the PRoW network (detailed later in this report)

Certain commitments on this list to improve site accessibility go above and beyond the requirements of WSCC Highways. Your officers believe that the threshold test of HDPF Policy 18 requiring specialist older persons accommodation to be accessible ‘by foot to local services and the wider public transport network’ is justification to secure improvement to site accessibly. For HDC Officers, the initial lack of pedestrian and cyclist improvements from the site access northwards was cause of significant concern, even accounting for the provision of the demand responsive taxi/minibus service to be provided. Following negotiations, the developer has agreed to improve the footpath surface on the north side of Five Oaks Road and reach the PRoW network east, and to work with Southern Water to provide a footbridge connection (see below). Your officers believe such commitments would suitably improve pedestrian infrastructure and satisfy the CIL tests for legal agreements given policy 18.

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.

At the time of writing, an option for improving accessibility to the site is to provide a footbridge over the River Arun, which would enable a direct pedestrian connection from the proposed development on the west side of the river to the amenity space on the east side. From there onward, a pedestrian route requiring the use of land controlled by Southern Water would be provided with connections to the bus stops on the A264, Newbridge Nurseries and Broadbridge Heath village centre. This route would avoid people having to use the A264.
Southern Water has confirmed the principle of having a pedestrian route running through land under their ownership but as this is subject to internal consultation, agreement of acceptable commercial terms, and Board approval, it is not feasible to address within the timescales of this planning application. The bridge provision is reliant on the use of third party land, and therefore a planning condition is not in the view of your officers, an appropriate mechanism to secure it nor can it be required as an obligation in the legal agreement.

Instead, your officers suggest an appropriate solution is to include a clause within the legal agreement to accompany the planning permission that secures reasonable endeavours from the developer to deliver the route (and bridge) within 1 year of obtaining permission from Southern Water, in accordance with plans and details submitted and approved in writing by the Local Planning Authority. The applicant has demonstrated efforts so far to reach agreement with Southern Water.

At the time of writing Southern Water has confirmed the Head of Terms issued by the developer have been agreed in principle by the Commercial Property Manager, following initial feedback with Southern Water’s Operations Team that there were no major issues raised and the proposal was approved. As noted, this is subject to board approval, a process that has started and can vary from a week up to a couple of months. Once this is approved, Southern Water will instruct their legal team to carry through to completion. Members should however note that the current draft Heads of Term for the legal agreement attached to the planning permission allows for the delivery of this within 1 year from permission.

These efforts go some way towards reducing the degree of harm identified on sustainability grounds. Such measures are sufficient, from a highway capacity and safety perspective, for Local Highway Authority to consider the proposal would not have a severe or detrimental impact. Subject to the imposition of conditions and a legal agreement securing all the reasonable and necessary mitigation and enhancement measures, in transport terms this proposal is in accordance with relevant policies.

Site Access and highway safety

This application seeks detailed consent for the access to the site. The proposal comprises a new access to the site from the A264 Five Oaks Road, including a system of internal roads, footpaths, and driveways. This main access will be used for construction purposes during the development build-out phases. In addition, a secondary emergency access to the site will be provided, utilising the existing Wellcross Farm Cottage access from Five Oaks Road. The main concern from WSCC Highways is that residents might use this existing access to walk to Newbridge Nurseries and so be required to cross the road twice, including at the point of the access, considered by the Highway Authority to be unsafe due to the limited visibility at this point along the Five Oaks Road. To overcome this, it is recommended this access will be fitted with gate or barrier to prevent non-emergency access by residents or visitors to the proposed development. Pedestrian desirability to use the access would be diminished if the bridge link over Southern Water land were to be realised. In support of the application the submission is supported by reports; a Transport Statement, speed survey data, parking requirement information and Stage 1 Road Safety Audit.

The stage 1 RSA designers’ response confirms that suitable visibility can be achieved from the new access onto the A264, and that suitable signage and crossing points would be provided as part of the detailed design. WSCC Highways agree with the findings of the Stage 1 RSA. WSCC Highways have confirmed that the access to the site would have acceptable visibility, and not cause safety concerns for users of the highway; the layby issue is no longer relevant as the access proposals and pedestrian connections to the
Lyons Farm bus stop are amended and the overrun of the centre line has been discussed with the applicant and an approach agreed to address the recommendation of the auditor. Therefore, the principle of the method of access from this part of the street is accepted in compliance with this Policy.

Internal layout and servicing, and Parking

6.106 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. However, given the level of detail submitted, the plans are considered to establish the layout’s broad parameters.

6.107 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.

6.108 Bin stores are discreetly designed and located as far as practicable. Waste collection will be part of the overall management and maintenance plan for the development.

Public Rights of Way (PRoW)

6.109 Public footpath FP1628 runs along the south-west edge of site and then onwards past Wellcross Grange and to the east. This links to Bridleway 1630, providing onward connection north to Broadbridge Heath village centre.

6.110 The WSCC PRoW team desired outcome is for FP1628 to be widened to three metres and upgraded to a bridleway with surface improvement and additional fencing, secured at the applicant’s expense. However, as the existing public right of way crosses third party land securing this is uncertain. As a minimum, WSCC PRoW believe it would be beneficial to provide an all-weather surface along the existing footpath of walks. This would be a benefit to the local area and would help to enhance the enjoyment of the countryside. WSCC suggest a figure of £35k would be appropriate for a 2 metre wide surfaced footpath. The applicant has agreed to meet this sum.

Other Environmental Issues

Drainage and Flood Risk

6.111 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.

6.112 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. However, following negotiations between the Council and the developer, the entire built development, including all the dwellings and the attenuation tanks for the drainage, is now sequentially arranged so it is located in Flood Zone 1, which is the land categorisation which is at lowest risk of flooding and outside of
the functional floodplain in accordance with the Environment Agency’s Flood Zone
designations. Because the built development is outside of Flood Zones 2 and 3, the
primary mitigation measure for the site is the raising of finished floor levels of the buildings
to the equivalent of a modelled 1:1000 year flood level. This modelling has taken into
account climate change.

6.113 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. It is proposed to
dispose of surface water by means of a drainage strategy to direct surface water to the
River Arun at a rate commensurate with the pre-development greenfield flow and foul water
to the nearest adoptable sewer, which is within the site. This strategy will consist of a mix of
sustainable drainage techniques (permeable block paving, swales, filter drains, and cellular
storage). Details are required to ensure a satisfactory scheme is achieved and that it will be
maintained and managed appropriately during the lifetime of the development. The new
wetland areas do not form part of any surface water balancing facility, and the scrapes are
below existing ground levels, with no land raising.

6.114 As highlighted by the comments from the Lead Local Flood Authority, there is no objection
to the principle of what is proposed however further detailed calculations are required to
demonstrate the proposals are sufficient to deal with surface water drainage. Further
information regarding the details of foul drainage is also required by the Drainage Authority.
It is reasonable and necessary to secure the full details via suitably worded planning
conditions. These Officers have considered the proposals to be 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

6.115 The bulk of trees are to be retained. The loss of some young to semi mature trees of no
particular or exceptional merit along the west boundary, is balanced against the large
number of mature trees around the site edge. A number of trees with a Tree Preservation
Order (TPO) are located on and adjacent to the site entrance close to the southern site
boundary. All development that requires ground excavation appears placed outside of the
root protection area of any retained trees, with the closest tree situated at a distance of 13
metres from the proposal; a reasonable distance and in compliance with the British
Standard. The position of dwellings and communal areas appear situated at a good
distance from any large trees to be retained, thus reducing likelihood of future residents
pressure to perform in appropriate surgery or removal.

6.116 Two sections of Hawthorn hedge to be removed to allow for pedestrian access between the
northwest and southeast sections of the site; this is reasonable and should not have a
detrimental effect on the retained hedges according to the Council’s Arboricultural Officer.

Amenity Impacts

6.117 HDPF Policy 33 grants permission for development that does not cause unacceptable
harm to the amenity of the occupiers/users of nearby properties and land.

6.118 Objectors have raised concerns about the impact of noise and disturbance from traffic and
people using the site. There are two elements of the potential impacts to local residents,
the construction phase and the completed scheme.

6.119 Dealing with the construction phase, local residents living in and around site would be
affected by general noise and disturbance associated with construction works, in particular
by the construction traffic/site deliveries. Use of conditions restricting working hours and a construction management plan would mitigate such impacts.

6.120 For the completed scheme, local residents will experience noise and disturbance impacts associated with the introduced accommodation on this site, including car movements, and based on the indicative layout, outlook and privacy of neighbours would be impacted. However, the indicative layout shows separation distances between the proposed accommodation and existing neighbouring buildings are sufficient to avoid significant loss of outlook and harmful overbearing. This, together with the indicative building orientations, is sufficient to avoid harmful overlooking and, for the same reason, unacceptable loss of privacy. Obscure glazing is to be addressed when the final layout and design is known. In terms of future residents, the majority in the care home may spend much time in their rooms and look out of windows onto amenity space that allows for a pleasant outlook. Residents would have secure and sheltered sitting outdoor areas; the quality of communal facilities means more active residents would spend less of their time at their bedrooms windows.

Aerodrome

6.121 The potential impact of development on operations at the unlicensed Slinfold Aerodrome, a private airstrip some 100-150m southwest of the site, is a material planning consideration. Impacts cover both noise and safety from planes taking off and landing over part of the site. The owner of the aerodrome has stated the runway is used annually by approximately 1,000 movements (500 take-offs and 500 landings), which take place over 10 months of the year due to weather and ground conditions being less suitable in the winter. The aerodrome have advised in their representation that 1025 flights took place in 2015 (420 of which in the 3 summer months), and that this has reduced steadily since to 462 in 2019 (data to November; 189 in the 3 summer months). There are businesses and residential properties that are closer to the runway than the proposed development and the Council’s Environmental Health has no evidence that complaints have been made about noise. Road traffic noise associated with the busy A264 has been identified as an existing source of noise across the site.

- Safety

6.122 Safeguarding refers to the process of consultation between Local Planning Authorities and aerodromes aimed at ensuring safe flight of aircraft while taking off and landing or flying in the vicinity. An ‘Airfield Safeguarding Procedure’ document (dated December 1998) was included in a 2011 certificate of lawful use of Slinfold Aerodrome (DC/11/1130). However no formal record is held by the Council that this procedure was agreed. A technical note on aerodrome safeguarding by York Aviation has been submitted by the applicant in support of their application. In the opinion of York Aviation, the 1998 Airfield Safeguarding Procedure document is not considered to reflect current guidance as the accompanying map is very basic in nature and is not devised in accordance with current guidance; its standards are based on CAP 428 criteria simplified and modified whereas current guidance is CAP 738 Safeguarding Aerodromes. It is understood the safeguarding Co-ordinator stated on the document is no longer in business, but the aerodrome owner has been consulted on the application by the Council and a representative under their instruction has provided a response. The weight to be attached to this 1998 procedure document is therefore very limited.

6.123 Due to prevailing wind directions, around 60% of take-offs and landings are to the southwest with the remaining 40% to the northeast over the easternmost part of the application site. Based on the 2019 flight data this would mean some 184 take-offs to the northeast over a year, of which some 75 would be in the peak 3 summer months. In assessing physical safeguarding (the physical objects that might infringe the area known as Obstacle Limitation Surface), the York Aviation technical note concludes that the proposed
development would be compliant with aerodrome safeguarding criteria in terms of the Obstacle Limitation Surface set out in the Civil Aviation standards document CAP 168 Licensing of Aerodromes. Slinfold Aerodrome is unlicensed and so not need to adhere to the ‘gold standard’ criteria set out CAP 168, yet it has been demonstrated there would be compliance with this best practice. The submitted Massing Strategy drawing indicates the building scale to be 2 and 2.5 storey (10 and 11 metres at their highest) so the development does not infringe the OLS of the runway at Slinfold. The building storeys would be secured in the parameters plans to be complied with as part of any reserved matters application.

6.124 Engine failure soon after take-off does also need to be taken into account by aerodrome operators and pilots alike. However, as the York Aviation technical note sets out, the recommended 30 degree splay for considering the area of risk is already partly occupied by existing properties. While the proposed development does occupy an area of the assessment splay, there would remain other areas to the east and north on the opposite side of the A262 road that pilots could consider in the event of a failed take-off. The York Aviation technical note notes that there have been 2 non-fatal aircraft incidents at Slinfold, both resulting from aircraft failing to take-off at the end of the runway facing south. If replicated facing north, the existing buildings at the end of the runway would have been impacted first, if at all.

- Noise

6.125 The developer has assessed the issue of aircraft noise in an acoustic report submitted with the application. The aerodrome owner has submitted their own noise report in support of their objection and undertook aircraft acoustic tests at Slinfold Aerodrome on 21st May 2020. Noise from air traffic has been identified as a potential source of adverse impact on the proposed accommodation. On days experiencing a handful of aircraft movements the noise amounts to an Observed Adverse Effect (OAE). The noise on the busiest day amounts to a Significant Observed Adverse Effect (SOAE). The three aircraft tested ranged in noise impact by 20db, therefore some aircraft are fairly quiet falling well below the 50db threshold referred to in the aerodrome’s noise assessment. The SOAE is in relation to the busiest days when taking off to the north (in reality very few days a year given only 40% take-offs go north); or a larger plane model than normal taking off. The OAE is considered by the Council’s Environmental Health Officer to be more representative of ‘normal’ conditions.

6.126 In such circumstance, the Local Planning Authority is in agreement with the objector that planning practice guidance is to mitigate and reduce to avoid this occurring. The key issue is the level of activity at the airstrip and how this translates to noise impacts on the development site. Whilst mitigation could be avoided in the form of sound insulation to the buildings and the provision of mechanical ventilation, the Local Planning Authority recognises that, as asserted by the objector, outdoor space could not be protected from aircraft noise. The Council’s Environmental Health officer has, however, assessed both reports and has concluded that whilst there will be several days in the year when such adverse effects may occur (both OAE and SOAE), this does not prohibit residential development of the site. Taking the figure of 17 take-offs quoted for the busiest flight day the cumulative duration of the overflight would still not be very long.

6.127 Overall, taking into consideration both noise assessments submitted, it is not considered that the noise environment in and around the site created by activity at the aerodrome is sufficient to warrant the refusal of permission. It is acknowledged that on occasion noise from multiple take-offs and/or larger plans will create a noise environment that amounts to a Significant Observed Adverse Effect. However, this must be understood in the context of the overall level of activity at the site and the number of take-offs that would cross the site. As set out above, the 2019 data shows 189 flights took off in the main 3 summer months of activity, amounting to an average of 2 per day. Given the maximum number of flights in one
day was recorded as 17 in 2018, it is clear that there will be many days with no flights. Furthermore, only 40% of flights would take off northbound over the eastern part of the site given the prevailing wind direction, meaning the 189 take-offs reduces to 75 (averaging less than one per day). Finally, it should be noted that a take-off event is of short duration, less than a minute, meaning any disruption that would fall into the Significant Observed Adverse Effect would be very short-lived.

6.128 Accordingly it is not considered that the day-to-day environment for occupiers of the development would be significantly disrupted in any meaningful, intrusive or prolonged manner by noise from aircraft, or that any such disturbance would amount to a matter that would require separate controls over activity at the aerodrome.

**Future capacity**

6.129 Whilst there are no planning constraints that would prevent Slinfold from increasing movements back to historic levels or rotary craft flying, it is necessary to consider what may drive this. The aerodrome’s capacity is largely limited by its hanger capacity estimated by York Aviation to be between 5 to 10 light aircraft, and the average level of flying undertaken by them. From the logbook data in the aerodrome owner’s report, annual and 3-month summer flight activity has been declining since 2015. Based on the logbook data, there are only a small number of visiting aircraft using Slinfold.

6.130 From their understanding of the market, and the drivers of growth, York Aviation consider the trend of decline seen at Slinfold as typical of the wider declines in recreation flying seen at smaller unlicensed aerodromes and grass strips, spurred by rising costs and older pilots retiring. They anticipate that any significant growth is unlikely.

6.131 In summary, it is considered that the development will be impacted by noise on busiest flight days but for the majority of the time aircraft noise will not be significantly intrusive and there will be many days when few flights or even no flights occur. Overall, the impact of noise from aircraft on residents (and any associated risk to the operation of the aerodrome) is not considered significant or sufficient to warrant the refusal of permission.

**Ecology and Biodiversity**

- **Appropriate Assessment**

6.132 The development site lies 10.7m northeast of The Mens SAC and within 15km of Ebernoe Common SAC, this is within the 12km wider conservation area identified for Barbastelle bats in the Sussex Bat SAC protocol. This requires significant impacts or severance to flight lines and foraging areas to be considered for development proposals. The proposal would result in some hedgerow loss within the site and habitat loss which could alter the availability of foraging and commuting routes for Barbastelle. Accordingly, the Council’s consultant Ecologist has completed a Habitat Regulations Assessment Appropriate Assessment Record (AA). Additionally, the Arun Valley SAC, SPA and Ramsar is approximately 14.8 km to the south west of the site.

6.133 Following a request from Natural England for further information on bats associated with the nearby The Mens SAC and Ebernoe Common SAC, specifically barbastelle bats and whether or not they will be impacted by the proposed development, a period of static bat surveys were carried out by the applicant’s ecologist in May 2020 on the site, which has informed and updated the AA. A total of 7561 bat passes were recorded during the survey period, comprising at least six species. Of these, Barbastelle were only recorded at the river corridor location, with a maximum of 11 passes over 8 nights (0.1% of total bat passes per species). There was no Barbastelle activity recorded during the remaining 10 nights. Overall, pipistrelles were the most frequently recorded bat species, accounting for approximately 73% of the total recordings.
6.134 The results of this survey demonstrate the river corridor is an important foraging and commuting corridor for bat species, including Barbastelle. The highest level of activity was recorded along the river corridor, with a total of 6581 bat passes recorded, accounting for 87% of the total calls recorded. There was limited bat activity along the central hedgerow (just 7% of overall bat activity on site and no Barbastelle) and the roadside location recorded the least amount of bat activity. The central hedgerow and road side accounted for just 7% (557 calls) and 6% (425 calls), respectively. No Barbastelle bats were recorded using the hedgerows which will be impacted by the development for either the new access route or small gaps created in the central hedgerow for walkways. Given the habitats on site and the limited number passes recorded of Barbastelles, the BWB bat survey report concludes that the site is not considered to be part of the core habitat (it favours woodland) for the local barbastelle population. The Council's Ecologist has confirmed that in spite of the rarity of the species, given the low level of activity recorded, this site is not considered of importance beyond a site level to the local population of Barbastelle using it. It is agreed that the site is not considered to form part of their core habitat. Sections of hedgerow to be lost on site have been surveyed in May 2020 and it is considered that there are no negative impacts on Barbastelle bats. Connectivity and foraging habitat will be enhanced through the planting of new hedgerows/ treelines on site and a woodland screen to the north of the site.

6.135 The Wellcross development site is not within the key conservation area for the Sussex bat SAC sustenance zone and no key flightlines for these bats will be affected. It will not result in significant impacts or severance of bat flight lines within the identified 12km wider conservation area for the bat SACs. As it has been shown that the development will lose or sever any foraging or commuting routes for Barbastelle bats, and that lighting away from the River Arun will be controlled during and post construction, it can be concluded that this development is not likely to result in any significant impacts to Barbastelle bats or The Mens SAC.

6.136 The mitigation package has been re-assessed to ensure it is sufficient to avoid an adverse effect on the integrity of the population of Barbastelle bats from The Mens SAC. Proposal plans for the riparian zone allow for the retention and enhancement of the river corridor and its dark corridor/habitats are maintained as proposed. It includes new species rich structural planting along the northern boundary on the far side of the River Arun, around Wellcross Farm Cottage and the pumping station, the restoration and enhancement of the nearside floodplain with wildflower meadow, and the creation of the proposed wetland areas. These are likely to increase bat foraging opportunities for insect prey along the riparian zone, which will help mitigate any negative impacts from the small areas of habitat loss elsewhere on the site. The development itself will be set well-back from the river corridor and it should not be impacted by light-spill from the residential properties. The quantity of central hedgerow to be lost will be kept to a minimum with only the new access route or small gaps for walkways, and the roadside trees scheduled for removal have already been surveyed and categorised as having low potential to support roosts. A programme of woodland management is proposed along the roadside edge to create a more diverse age structure. The assessment of trees scheduled to be removed by the development for bat Potential Roost Features recorded none, and no further survey work is required for trees with low potential to support roosting bars.

6.137 These measures have been embedded within the development to be secured as part of any planning consent and are considered appropriate to avoid adverse effects on the integrity of the interest features (Barbastelle bats) at The Mens SAC from the development alone. Having considered the proposed avoidance and mitigation measures proposed, Horsham District Council concludes that the project will not have an Adverse Effect on the integrity of habitats listed in the AA, either alone or in combination with other projects. Having made this appropriate assessment of the implications of the project for the site in view of those sites' conservation objectives, and following consultation with Natural
England, the authority can agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017. As the mitigation has been considered after HRA screening, this HRA Appropriate Assessment is in line with the People over Wind CJEU Court ruling.

- Other Priority Habitats and Species

6.138 A site specific Ecological Assessment (addendum, BWB, Jan 2020) was also submitted in support of the development, and from this, a series of recommendations were made in response, including a reptile survey and dormouse EPS licence application to Natural England to secure adequate mitigation measures for dormice on-site and maintain the favourable conservation status of both species. The woodland along the northern boundary and central hedgerow were identified as Priority Habitat. The Council's consultant Ecologist confirms the submitted assessment provides enough information for determination.

6.139 From this submitted evidence, the Council's Ecologist is also certain of the likely impacts on protected and priority species and habitats, and that appropriate mitigation measures are to be secured. These protective measures for key species and habitats include a precautionary approach to site clearance and ground works, further inspections to identify the status of any roosts and setts, a post-determination reptile mitigation strategy informed by best practice survey guidelines, a sensitive lighting strategy to ensure a dark corridor is maintained in which barbastelle bats may forage and commute, namely the areas of woodland and river corridor, phased removal of trees/vegetation and landscape management measures.

6.140 A key mitigation measure is the restoration of the stretch of the River Arun and new areas of woodland planting and riparian landscaping and wetland scrapes adjacent to the river as a result of the developer engaging with the Arun and Western Streams Catchment Partnership. The measures for bats will also provide additional habitat for dormice. Biodiversity enhancements should be secured to deliver measurable net gain through planning conditions recommended by the Council's Ecologist, and further enhancement works are also identified for the proposed works, including boxes for bats and birds and enhancements to existing and planting of new habitat.

6.141 In accordance with the Conservation of Habitats & Species Regulations 2010 (as amended), it has been concluded that subject to the mitigation measures being proposed are implemented, protected species and habitats will be protected, whilst features of the proposed development would maintain the green infrastructure across the site and some cases enhance biodiversity. It is necessary and appropriate to secure the mitigation measures via suitably worded conditions to ensure there are no significant adverse impacts to these protected species and habitats, in accordance with the NPPF.

- Restoration of the River Arun

6.142 In consultation with the Arun & Rother Rivers Trust and the Environment Agency the existing condition of the stretch of the Arun that runs through the application site has been assessed. The following is a summary of the current situation:

6.143 Varying widths of the river are providing a range of ecological habits and differing water movements; a good variety of damselfly species were observed; the northern bank of the river has more variety of habitats and water movement; the southern bank is somewhat more denuded due to the presence of grazing horses in the paddocks; the existing bend in the river warrants being made a distinctive feature of the site; the river profile indicates extensive dredging leading to undercutting of the river banks; and in one location the river bank has been eroded and widened by horses.
In response, a strategic approach to the enhancement of the river was agreed with the following recommendations: Condition of the river will greatly improve simply if horses removed from adjacent land; southern section of river to be managed to maintain its current vegetative corridor as an ecological zone (minimal human activity); northern section of river to be sympathetically enhanced to improve amenity and ecological value (more human interaction); enhancement of existing river section widened by horses will improve water management; introduction of adjacent fragmented wetland areas will greatly enhance riparian corridor; an above ground SuDs feature adjacent to the proposed development will manage site water run-off, protecting water quality in the proposed wetlands and existing river; enhancement of existing Green Infrastructure, across the opposite side of the river with development of existing ecological habitat and allow residents to fully appreciate the river; and development of floodplain, wildflower meadow with seed from Wakehurst Place, Sussex.

The proposals include the enhancement of the northern section of the river, sympathetic regrading banks and the creation of adjacent wetlands to development biodiversity. In view of the site's proximity to Slinfold Aerodrome, the proposed wetlands would be developed in consultation with an ecologist to manage a potential increase in waterfowl and larger bird species. Seating platforms will be introduced to encourage recreation, observation and potentially fishing activities. A wildlife pond, inaccessible to residents, is proposed adjacent to the northern boundary of the site to encourage wildlife species. The southern section of the river would be managed and enhanced. This area would be less accessible to residents to minimise disturbance to wildlife and act as a backdrop the proposed wildflower meadow interspersed with orchard trees.

This restoration initiative of the River Arun is very much aligned with three of Horsham District Council’s environmental initiatives; replacement of trees that are lost due to Ash Dieback Disease; increase of Nature Recovery Network in association with Wilder Horsham; and increase of tree canopy linked to climate change and carbon storage.

Contaminated Land

An Environmental Site Investigation and Risk Assessment Report was submitted with the application. No significant risks to sources to ground or surface waters were identified through remedial works were deemed necessary to address risks to human health. This could be controlled by condition.

Climate Change and Air Quality

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:

- River restoration and integration of SUDS and green infrastructure to manage flood risk
- Dedicated refuse and recycling storage capacity
- Opportunities for biodiversity gain
- Cycle parking facilities
- Improved pedestrian links
- 17 Ultra Low Emission Vehicle (ULEV) charging bays along with the passive provision of EV infrastructure and electricity supply to all other parking spaces.
- Design to BREEAM V Good Standard

Your officers recognise the reduction in car emissions through electric car charging provision and other measures, and the use of renewable energy are important
considerations in mitigation against the effects of climate change within the district and elsewhere, and in furthering the ambitions of the Council’s Green Agenda. In this scheme of 169 parking spaces proposed on-site, at least 17 ULEV charging spaces will be provided. Passive provision of EV infrastructure and electricity supply to all other parking spaces will also be included. At 10%, this is a shortfall of the WSCC standards that require 47 spaces but your officers also recognise communal parking areas are more costly to provide charging points for. Importantly, the EV charging points will be part of a wider package of mitigation measures under the Council’s adopted Air Quality Emission Reduction Guidance 2020. This includes the passive provision of EV infrastructure and electricity supply to all other parking spaces, a travel plan, and use of ultra-low emission service vehicles. The County standards are themselves ambitious and the technology is still expensive, especially for developments with majority communal parking courts such as this proposal. On balance, your officers believe the charging provision to be acceptable, and are seeking agreement from the developer to a site wide strategy to address air quality by means of a planning condition.

6.150 An Energy Statement has been submitted, which sets out various commitments, including fabric first approach to meeting energy targets, low energy services design including intelligent controls, LED lighting and communal heating with high efficiency and low Carbon plan, and design to BREEAM V Good standard. The report sets out the approach to be taken at detailed design stage to consider options for use of renewable energy on the development.

Mineral and Waste Management

6.151 The site is in a Brick Clay Resource 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. Your officers are also satisfied the proposal sufficiently minimises waste generation, maximises opportunities for re-using and recycling waste, and include waste management facilities.

Environmental Impact Assessment

6.152 The development as originally submitted has been considered against the Environmental Impact Town and Country Planning Regulations, and it is not considered that a specific EIA is required in this instance.

Conclusion

6.153 After very careful consideration of all the evidence submitted your Officers are satisfied the proposal, subject to the detailed S106 agreement, does fall within Use Class C2 and would be in accordance with HDPF Policy 18 in providing a specialised form of housing to meet the needs of an aging population. In your Officer’s view, the available information demonstrates that substantial levels of care accommodation are needed both now and throughout the Plan period and that the proposal would help address the demographic evidence of this need for elderly accommodation in the District, with a policy compliant provision of affordable housing.

6.154 The site is on the edge of the settlement boundary of Broadbridge Heath and within an area designated for policy purposes as countryside. It would also involve new residents, most of whom would be at least 60, being grouped together on a single large site rather than dispersed throughout the existing community. These factors count against the proposal in terms of its physical integration with the existing village and its existing mixed and balanced community. Although the development would amount to minor adverse impact on the wider landscape character, balanced against enhancement to the riverside environment and its setting and the existing PRoW network, it has been demonstrated that
weight afforded to this localised harm is countered by Policy 18, which does not require a location within the settlement. Your Officers have taken account of the community benefits offered, which has the potential to increase levels of integration with the existing community. Therefore, the principle of the development is accepted.

6.155 The application seeks outline planning consent, with details relating to scale, appearance, design and landscaping reserved. The specific details of the proposal and the package of the benefits offered can, in combination, be shown to mitigate its effects on the local area and therefore it can be demonstrated to be general compliance with local planning policies. It has been demonstrated site access can be achieved safely and, according to the Highway Authority, would not cause harm to the operation use of the existing highway network, having regard to the detailed travel plan proposed, the range of facilities to be provided on site, and the reduced car ownership amongst residents of the development. The proposal would not amount to an adverse impact on existing residents’ amenity. Operational safety of the aerodrome would be within safeguards and noise from flight take-offs would not be so significant to warrant the refusal of permission, with its impacts capable of being mitigated to some degree by way of a condition imposed at outline for a noise mitigation strategy to be submitted with any future reserved matters application. Appropriate ecological mitigations and enhancements have been recommended, which the Council’s Ecological Consultant has agreed to. Precise details relating to landscaping will be agreed in detail at the reserved matters stage.

6.156 Your Officers have carefully assessed the weight that should be given to each of these considerations and have concluded that, on balance, the benefits associated with the proposal outweigh any identified harm. On balance therefore, your Officers recommend that this application for the development of the site be approved, subject to the detailed list of planning conditions and the completion of the necessary s106 legal agreement.

7. RECOMMENDATIONS

7.1 To approve outline planning permission, subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

Conditions:

1. Approved Plans

2. **Time limit:** The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last reserved matters as defined in condition 3 (below) whichever is the later.

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

3. **Outline Consent Condition:**

   (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, and the landscaping for each phase of the development (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development within that phase is commenced.

   (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, and the landscaping for each phase of the
development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

(d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

4 **Parameter Plans Condition:** Prior to or in conjunction with, the submission of the first reserved matters application, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved Phasing Plan.

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

5 **Parameter Plans Condition:** The submission of reserved matters applications pursuant to the outline application hereby approved shall demonstrate substantial compliance with the following parameter plans to fix the development principles, unless otherwise agreed to and approved in writing by the Local Planning Authority:

   04 REV E – Landscape Strategy received 20 January 2020
   SK005 S2 REV P1 – Wetland Scrape Levels date received 16 January 2020
   2738-006 REV E Proposed Site Plan date received 20 December 2019
   2738-009 REV A Massing Strategy date received 20 December 2019
   2738_002 REV E Parameters Plan date received 20 December 2019
   2738_001 REV C Location Plan date received 16 September 2019
   H-02 REV P2 Main and Construction Access date received 16 September 2019
   H-05 REV P1 Emergency Access date received 16 September 2019

Reason: To enable the Local Planning Authority to control the development in detail and to ensure compliance with the parameter plans established within the outline consent throughout the development of the applications site.

6 **Reserved Matters Condition:** The submission of reserved matters applications pursuant to the outline application hereby approved shall demonstrate that all ecological and biodiversity mitigation and enhancement measures and/or works required for each Phase shall be carried out in accordance with the details contained in the Ecological Impact Assessment (EcIA) by BWB dated August 2019 and the Ecological Addendum (BWB, January 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

7 **Reserved Matters Condition:** The reserved matters applications pursuant to the outline planning application hereby permitted shall be accompanied by a Noise Mitigation scheme against external noise. The scheme shall have regard to the recommendations set out in the Peter Moore Assessment of aircraft noise Report reference 191001/2 dated 27 May 2020. The approved sound attenuation works shall be completed before the dwellings are occupied and be retained thereafter.

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

8 **Reserved Matters Condition:** The reserved matters applications pursuant to the outline planning application hereby permitted shall be accompanied by a Landscape and Ecological Management Plan (LEMP). The content of the LEMP shall include the following:
   a) Description and evaluation of features to be created and managed (i.e. bats, dormouse and badger).
   b) Ecological trends and constraints on site that might influence management (i.e. bats, dormouse and badger).
   c) Aims and objectives of management.
   d) Appropriate management options for achieving aims and objectives.
   e) Prescriptions for management actions.
   f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
   g) Details of the body or organisation responsible for implementation of the plan.
   h) Ongoing monitoring and remedial measures.

Where the reserved matters relate to a phase of the development hereby permitted, the LEMP may relate to that individual phase.

The LEMP(s) shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objective of the LEMP(s) are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP(s) shall also detail the long-term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility for all communal landscape areas. The landscape areas shall thereafter be managed and maintained in accordance with the approved details unless otherwise agreed to in writing by the Local Planning Authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
Reserved Matters Condition: The reserved matters applications pursuant to the outline planning application hereby permitted shall be accompanied by a lighting design scheme for each phase. The schemes shall identify those biodiversity features on site that are particularly sensitive for nocturnal species (in particular bats, dormice and badgers) and that are likely to cause disturbance along important routes used for roosting, shelter, foraging and / or commuting; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species using their territory both during construction and operation.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Pre-commencement condition: The following approved works within each phase to clear vegetation on site shall not in any circumstances commence unless the local planning authority has been provided with either of the following in relation to that phase:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 authorizing the specified activity/development to go ahead; or
b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

Pre-commencement Condition: No development within a phase shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles in that part of the site, has been submitted to and approved in writing by the local planning authority, to be guided by appropriate surveys and good practice guidance.

The Reptile Mitigation Strategy shall include the following.

a) Results of presence / absence reptile surveys.
b) Purpose and conservation objectives for the proposed works.
c) Review of site potential and constraints.
d) Detailed design(s) and/or working method(s) to achieve stated objectives.
e) Extent and location/area of proposed works on appropriate scale maps and plans.
f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
h) Persons responsible for implementing the works.
i) Details of initial aftercare and long-term maintenance of the Receptor area(s).
j) Details for monitoring and remedial measures.
k) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

12 **Pre-commencement condition:** Prior to commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) may relate to the development hereby permitted as a whole, or specific phases.

The CEMP (Biodiversity) shall include the following:

a) Risk assessment of potentially damaging construction activities.
b) Identification of “biodiversity protection zones”.
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP(s) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

13 **Pre-commencement condition:**

1. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and before any reserved matters are agreed.

3. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: This matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

14 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CMP shall be implemented and adhered to throughout the entire construction period unless otherwise
agreed to and approved in writing by the Local Planning Authority. The CMP shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders, if required),
- hours of works,
- A site compound plan,
- details of public engagement both prior to and during construction works,
- Noise and dust mitigation, including vibration from any groundworks

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of existing neighbouring dwellings during construction in accordance with Policy 33 of the Horsham District Planning Framework (2015), and to conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, and the Wildlife & Countryside Act 1981.

15 **Pre-Commencement Condition:** No development shall commence within each phase until a drainage strategy detailing the proposed means of foul water disposal to serve that phase 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).

16 **Pre-Commencement Condition:** Notwithstanding details previously submitted, no development within a phase shall commence until a detailed surface water drainage scheme for that phase including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme (to be submitted with reserved matters applications), and shall be designed so as to prevent the discharge of water onto the public highway. The surface water drainage scheme for each phase shall subsequently be implemented prior to first occupation of that phase in accordance with the approved details and thereafter retained as such.

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

17 **Pre-Commencement Condition:** No phase of the development shall commence until precise details of the existing and proposed external ground levels and finished floor levels of the development within that phase in relation to adjacent datum points on land adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details, unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
**Pre-Commencement Condition:** No phase of the development shall commence until a Biodiversity Mitigation and Enhancement Layout for that phase, providing the finalised details and locations of the mitigation and enhancement measures contained within the Ecological Impact Assessment (EcIA) by BWB dated August 2019 and the Ecological Addendum (BWB, January 2020), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures for each phase shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

**Pre-Commencement Condition:** Prior to the commencement of development of each phase of the development hereby permitted the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of the site shall each be submitted to and approved, in writing, by the local planning authority:

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

b) A site investigation scheme for each phase, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken within each phase.

The development shall be completed in accordance with the approved details, unless otherwise agreed to and approved in writing by the Local Planning Authority.

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

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

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

**Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

22 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled MAIN AND CONSTRUCTION ACCESS -A264 FIVE OAKS ROAD and numbered H-02 rev P2. The works shall be undertaken in strict accordance with the approved detailed, and shall thereafter be maintained as such, unless otherwise agreed to and approved in writing by the Local Planning Authority.

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

23 **Pre-Occupation Condition:** No part of the development shall be first occupied until the access restrictions to the existing Wellcross Cottage/A264 access has been provided on site in accordance with the approved plans and details submitted and approved to the Local Planning Authority before provision. Thereafter, the access once provided shall not be used by residents, staff or visitors of the development, including deliveries, other than for emergency access.

Reason: To ensure that the emergency access is suitable for its intended purpose in the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework.

24 **Pre-Occupation Condition:** No dwelling shall be first occupied until the car parking serving the accommodation/facilities of the relevant phase of the development has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in the interests of road safety and in accordance with Policies 40 and 41 of the Horsham District Planning Framework.

25 **Pre-Occupation Condition:** No dwelling shall be first occupied until covered and secure cycle parking spaces serving the accommodation/facilities of the relevant phase of the development have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with Policies 40 and 41 of the Horsham District Planning Framework.

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

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

27 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
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).

28 Regulatory Condition: All works shall be executed in full accordance with drawings:-
1164-KC-XX-YTREE-TreeSurvey-REV E date received 16 September 2019
1164-KC-XX-YTREE-TR01 REV C Tree Removal Plan date received 20 December 2019
1164-KC-XX-YTREE-TCP01 REV E Tree Constraints Plan date received 16 September 2019

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

INFORMATIVES

Works within the Highway – Implementation Team
The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Temporary Developer Signage

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

A Surface Water Drainage Statement is a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems. An Advice Note and a proforma for the statement can be found using the following link https://www.horsham.gov.uk/planning/development-management.

Riparian Buffer Advice:
If your development site includes a watercourse or water-dependent habitat, such as wet woodland or floodplain marsh, you must always seek to conserve and enhance these habitats and where possible provide new similar habitats.
Watercourses should be left with an appropriately sized, development-free buffer zone on both sides of the channel. Usually, a minimum of 5 metres on both sides of the watercourse will be required.
Riparian owners should seek to protect and enhance the watercourses on their land and carry out any Water Framework Directive actions in line with the South East River Basin District Management Plan.
(Refs; Planning Policy Guidance (PPG) & Horsham District Planning Framework Policy 24).

Background Papers: DC/19/1897
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A. Additional representation received from Prime UK Land Ltd.

This representation consists of 4 documents: a letter to Councillors, a letter reviewing Transport and Highways matters, mitigation measures related to the development proposal, and visual aids.

Officer Comment: Officers have carefully read the content of these documents received 30 July 2020, and consider there to be four main issues material to the determination of this application to update Members on. All other matters raised in these documents are either already appropriately addressed in the officer report, or are not material to the consideration of this application.

1. The three proposed pedestrian crossings on A264 Five Oaks Road.

The southernmost pedestrian crossing was submitted with the application and assessed by WSCC Highway Authority as being appropriate to make the development acceptable. The other two pedestrian crossing point further north along the A264 Five Oaks Road are subsequent additional crossing points offered by the applicant to improve the site accessibility. For the avoidance of doubt, WSCC Highways confirm that neither of these are deemed essential to make the development acceptable in the views of the Highway Authority. The development is to provide an on demand shuttle service that would help meet the requirements of NPPF 2019 para 108 regarding the uptake of sustainable transport given the type of development and its location.

However, the Highway Authority has provided updated comments on these two additional crossings and vehicular access:
Northern Crossing Point close to Newbridge Nurseries

This is a proposed footway leading from our site along the southern side of Five Oaks Road leading to the bus stops north of Newbridge garden centre. The proposal also includes a pedestrian refuge island. The provision and crossing point would complement a proposed footway across third party land (Southern Water). This has been subject to a stage 1 road safety audit and a designer’s response has been completed with the responses to the points being accepted by the auditors in May 2020.

Crossing point north of the new vehicular site access

The crossing point promoted here has not been subject to a stage 1 RSA, as identified above its provision is not deemed as essential for the development to be acceptable in highways terms. Should the crossing point be secured it would be subject to a stage 2 RSA at detailed design stage.

Vehicular Access

A stage 1 RSA has been undertaken and a designer’s response agreed that address the issues raised by the auditor and as such the agreed measures will be incorporated should the design progress.

All 3 pedestrian crossings, including agreement of their detail and Road Safety Audits in consultation with WSCC Highways Authority, will be secured in the S106 legal agreement as Officers advise that they satisfy the relevant legal tests. Appropriate weight should be given to the offer of the crossing point north of the site access as its deliverability is dependent on the RSA outcome.

2. Ecological impact from the footbridge not addressed.

The bridge and connecting footpath do not need to be lit. It is likely elderly residents will not walk back when it is dark and use the shuttle bus instead. As no lighting is proposed, the Council’s consultant Ecologist has confirmed that she does not foresee any ecological issues if this footbridge comes forward as planned. The bridge will be designed alongside the river enhancement to enhance riparian ecology via the suggested Landscape and Ecological Management plan condition.


The concerns of Slinfold aerodrome regarding potential bird strike were addressed in the applicant’s Landscape and Visual Impact Assessment Rev A Dec 2019. The submitted drawings support the comments that the proposed wetlands are only intended to be excavated shallow ‘scrapes’ in areas across the floodplain to attract wildlife. The Council’s consultant Ecologist notes that given their shallow nature, some of these will dry out completely in the summer, while others remain wet all year round. They have been designed to be wetland habitat rather than bodies of open water to attract wildfowl. This is supported by the comment that the Environment Agency did not want them to be deep to avoid storage of water in the floodplain of the River Arun. The Council’s consultant Ecologist has confirmed that she does not believe that there will be an increased risk of bird strike due to mitigation embedded into the design of the wetlands.

4. Whether Access is reserved or not and how heritage assess harm is addressed in the officer report.

The development description and para 1.2 is clear that Access is not reserved and is for consideration. For absolute clarity under condition 1, the permission will be subject to the same approved plans as listed in Condition 5.
How heritage harm is addressed is matter for planning judgement as officer has done. In terms of this assessment, the report refers to ‘negligible harm’ at para 6.63 and that this will be weighed against the development benefits. This weighting has taken place by officers in the report conclusion albeit express reference to this harm is not directly mentioned. For absolute clarity, the concluding para of the officer report that addresses the weighting exercise is set out below with amended text in bold, and Members are asked to have consideration of this in their determination of this application:

6.155 The application seeks outline planning consent, with details relating to scale, appearance, design and landscaping reserved. The specific details of the proposal and the package of the benefits offered can, in combination, be shown to mitigate its effects on the local area, **including the identified negligible harm to heritage assets**, and therefore it can be demonstrated to be general compliance with local planning policies.

B. Additional consultation response from Southern Gas Networks received:

Southern Gas Networks comment that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

**Officer Comment:** In the event of planning approval this advice will be added as an informative
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TO: Planning Committee (North)
BY: Head of Development
DATE: 4 August 2020

Change of use from residential dwelling to mixed-use purposes comprising a residential living unit and as a community meeting facility. Demolition of existing structures and erection of part single storey, part two-storey rear extension with associated internal alterations and two-storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed car parking.

DEVELOPMENT:

SITE: Stafford House Bonnetts Lane Ifield Crawley West Sussex RH11 0NX
WARD: Colgate and Rusper
APPLICATION: DC/20/0882
APPLICANT: Name: Hasnain Mohsin Address: Stafford House, Bonnetts Lane Ifield RH11 0NX

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation have been received within the consultation period raising material planning considerations contrary to the recommendation of the Head of Development.

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT
1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought in respect of a material change of use, alterations and extensions to Stafford House to form a mixed use residential unit and meeting centre serving the religious and social needs of the Shia Muslim community.

1.3 This application has been submitted following the dismissal of a planning appeal\(^1\) made in relation to a previous refusal of planning permission in respect of application reference DC/18/1584.

1.4 The planning permission sought is identical, in terms of the proposed use, to that previously considered pursuant to reference DC/18/1584. The proposed physical alterations and extensions to Stafford House are similar to those previously considered, comprising of the formation of an Imam’s flat at first floor level, a two-storey extension beyond the north-west elevation of the dwelling and a link-detached hall/meeting room.

\(^1\) APP/Z3825/W/19/3226651 - (September 2019)
1.5 A lean-to car-port structure beyond the north-east of Staffords House would be removed, together with two detached storage sheds. An existing conservatory beyond the south-east elevation would also be removed; the removal of which was not previously considered in connection with DC/18/2584.

1.6 The proposed development would increase the gross-internal area (GIA) of Stafford House to 479m$^2$, relative to 176m$^2$ at present, and the gross-external area (GEA) to 189m$^2$, relative to 111m$^2$ at present. The proposal would provide for increased and enhanced community facilities, including three open-plan spaces for meeting, educational and worship purposes, dedicated male, female and disabled WCs, storage spaces, a communal kitchen-space and preparation room for bodies to be ceremonially washed and prepared prior to off-site burial.

1.7 The proposal would seek to widen the existing highway access onto Charlwood Road to the south-west, to replace existing hardstand areas (utilised for parking/turning purposes) with tarmac and to introduce ‘Terram Geotextile’ mesh sheeting infilled with shingle and seeded grass to grassed areas at the south-eastern extent of the site as an improvement to existing parking arrangements. Two metre ‘close boarded’ fencing is proposed to be provided to the full length of the site perimeter.

1.8 The proposal now before the Authority seeks to respond to the reasons for dismissal, providing further commentary as to the methods of acoustic assessment and analysis, in addition to providing clarification as to consideration given to alternative premises. Of note, the submitted information details that attempts have been made to secure alternative premises, along with consideration of an offer to purchase the neighbouring residential property (Daisy Cottage). An additional acoustic report has been commissioned that addresses the Inspectors comments, the existing conservatory to the side elevation is to be demolished and a 2 metre high close-boarded fence is to be erected to the north, east and south boundaries, along with conifers planted to the eastern side of the access, to ‘bolster’ the existing vegetation to screen the car parking area. In addition, a list of events and maximum attendee numbers in the calendar year for 2018 has been submitted, although this information was provided to the Inspector at the appeal stage.

DESCRIPTION OF THE SITE:

1.9 The application site comprises of Stafford House, a detached two-storey property occupying a generous plot situated to the east of the junction between Charlwood Road and Bonnetts Lane. The site benefits from a pre-existing access onto Charlwood Road, with vegetated boundaries (mainly within the highway verge) against Charlwood Road and Bonnetts Lane. A single dwelling (Daisy Cottage) is found to the adjacent north-east of Stafford House, with open-field land to the south and east of the site in addition to opposite across Charlwood Road.

1.10 The site is close to the administrative boundary of Horsham District, which lies some ~150m to the south-east, and is found within proximity to the neighbourhood of Langley Green within Crawley Borough. The site is found beyond a defined built-up area, as such, constitutes a countryside location in planning policy terms.

PLANNING HISTORY:

1.11 The application site has been subject to several applications in the preceding decade, with a previous use of the site for combined community and residential use considered pursuant to reference DC/11/1350. As outlined within the Committee Report dated 6 December 2011, this application sought permission for the use of the ground floor of the existing residential dwelling for occasional, low-key use, up to three days per week, for approximately 30 people. The supporting statement outlined that, in addition to the normal residential use of the premises (which would consist of the Imam’s residence), the weekly events would comprise of Sunday School classes for children between 9am and 12pm one day per week, and two
weekday events for families on Tuesdays and Thursdays between 6pm and 9pm. As described within the supporting documentation, it was stated that an additional meeting may occur during 6pm and 9pm for special events and two one-day events during the months of Muharram and Ramadam within the Islamic calendar.

1.12 In connection with application reference DC/11/1350 it was concluded that the site was appropriately located relative to services and infrastructure within Crawley Borough, notwithstanding the remoteness to services and amenities within Horsham District, in a location appropriate to serve the Shia Muslim community. It was recommended, therefore, that permission be granted, subject to a legal agreement restricting the number of events, timing of events and number of attendees. This legal agreement was not signed, however, with the application being withdrawn.

1.13 Planning permission was subsequently sought under application references DC/17/1827 and DC/18/1854 for a comparable mixed residential-community use, though, with extensions to Staffords House and increases in the number and frequency of events relative to those considered in connection with reference DC/11/1350. The later of these applications (reference DC/18/1854) sought to overcome the stated reasons for refusal in connection with reference DC/17/1827 through the submission of additional documentation, including the submission of a Noise Survey and Assessment report (NSA).

1.14 Planning permission sought in respect of reference DC/18/1854 was refused on the following grounds:

"The change of use of the property as proposed, when considered in totality alongside the proposed extension, would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015)."

1.15 In dismissing the subsequent appeal the Inspector considered that insufficient justification, including the consideration of alternative sites, had been provided for an intensification of use in this location with reference to the limited harm considered to local character (Paragraph 24 of the appeal decision letter). The Inspector, further, considered that there were unresolved issues with judgements made by the appellant from the findings of the submitted Noise Survey and Assessment (NSA), and therefore insufficient justification in relation to noise impact had been provided (Paragraph 46 of the appeal decision letter). Overall, notwithstanding the recognised social and religious benefits to the Shia Muslim community, it was not considered such considerations would outweigh the degree of resultant harm, therefore, warranting the appeal to be allowed. (Paragraph 48 of the decision letter).

1.16 Following the dismissal of the appeal made pursuant to reference DC/18/1854, an enforcement notice has been served (reference EN/19/0433) requiring the cessation of the use of Stafford House as a meeting centre and place of worship, together with associated paraphernalia, and the return of the premises to use as a single dwellinghouse.

1.17 The proposal now before the Authority seeks to respond to the reasons for dismissal, providing further commentary as to the methods of acoustic assessment and analysis, in addition to providing clarification as to consideration given to alternative premises.

1.18 It is recognised that Section 70C of the Town and Country Planning Act 1990 bestows a discretion upon the Local Planning Authority to decline to determine a planning application where the grant of such permission would be in respect of any part of the matters specified within the enforcement notice as constituting a breach of planning control. It is, however, noted that the proposal now before the Authority entails some changes in terms of demolition of an existing conservatory and additional landscaping relative to the scheme previously
considered. Further justification for the proposal in direct response to the comments of the Inspector is additionally available. It is not considered that the discretion bestowed under Section 70C of the Act should operate to preclude the consideration of factors deemed of material relevance to the application previously determined, including in relation to the methods of acoustic assessment and consideration of alternative sites.

2. **INTRODUCTION**

2.1 **STATUTORY BACKGROUND**

2.2 **RELEVANT PLANNING POLICIES**

2.3 **National Planning Policy Framework**

2.4 **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 11 - Tourism and Cultural Facilities
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 41 - Community Facilities, Leisure and Recreation

2.5 **RELEVANT NEIGHBOURHOOD PLAN**

The Pre-Submission Neighbourhood Plan underwent regulation 16 consultation between 24.02.2020 and 27.04.2020. An independent examiner has been appointed to review and test the Pre-Submission plan for soundness, and has recently sought clarification from the qualifying body and Council by way of a note received 29.06.2020.

2.6 As the Pre-Submission Neighbourhood Plan has not yet been formally tested for soundness against the National Planning Policy Framework (2019), and unresolved objections remain against individual policies of the emerging plan. It is, accordingly, considered that the relevant policies of the Pre-Submission plan would attract limited weight at this time.

2.7 The relevant policies of the emerging Neighbourhood Plan are listed below:-

RUS1 – Spatial Plan
RUS3 – Design
The most recent and relevant planning history relating to the site is as follows:

**RS/37/58** Residential development at 2 houses per acre
(From old Planning History)  
Application Refused on 12.11.1958

**RS/35/93** Erection of annexe  
Site: Stafford House Bonnetts La Ifield  
Application Refused on 20.09.1993

**RS/8/94** Erection of 2 polytunnels and a farm store  
Site: Stafford House Bonnetts La Ifield  
Application Permitted on 18.05.1994

**RS/72/00** Variation of condition 4 of rs/8/94 to allow a garden/farm shop  
Site: Stafford House Bonnetts Lane Ifield  
Application Refused on 06.12.2000

**RS/11/01** Conversion of buildings to dwelling & garage retention of access removal of hardstanding to form paddock  
Site: Stafford House Bonnetts Lane Ifield  
Application Permitted on 11.04.2001

**RS/33/03** Double garage and workshop  
Site: Stafford House Bonnetts Lane Ifield  
Application Permitted on 27.06.2003

**DC/04/0227** Conversion and extension of building to form dwelling  
Application Refused on 22.04.2004

**DC/05/0689** Change of use to HMO (used for rent to low income persons who rent a single room with ensuite facilities together with communal kitchen and eating facilities) and 2-storey extension.  
Application Refused on 18.05.2005

**DC/05/1429** Change of use of land to airport parking for 55 cars  
Application Refused on 01.09.2005

**DC/05/2353** Change of use from residential dwelling to bed and breakfast  
Application Refused on 02.12.2005

**DC/05/2354** Retention of entrance gates  
Application Refused on 30.11.2005

**DC/11/1350** Change of use to a mixed use comprising residential unit and meeting rooms  
Application Withdrawn on 27.08.2014

**DC/17/1827** Change of use from residential dwelling to mixed used residential unit, religious meeting hall and place of worship. Erection of part single storey part two storey rear extension with associated internal alterations and two storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed landscaping.  
Application Refused on 11.01.2018
DC/18/1584  Change of use from residential dwelling to mixed-use residential unit, religious meeting hall and place of worship. Demolition of various structures and erection of part single storey, part two storey rear extension with associated internal alterations and two storey meeting hall with glazed link to extension. Alterations to existing access and proposed car parking.

Application Refused on 09.11.2018

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 HDC Environmental Health: Comment

Environmental Health noted that this new submission does not appear to present any new information for Environmental Health to consider. The Local Planning Authority was advised to rely upon previous comments made in connection with ref: DC/18/1584.

Comments made previously in connection with ref: DC/18/1584 are provided below:-

"The former Annex 1 to PPG23 Pollution prevention guidance (withdrawn in December 2015) advised that in respect of pollution (including noise) causing statutory noise disturbance, the test is not fixed, but relies upon consideration of a range of factors including the character of the locality. The granting of planning permission of any type may change the character of the locality, and therefore raise or lower the standard for statutory nuisance in the area. Statutory nuisance is not intended to secure a high level of amenity but is a basic safeguarding standard intended to deal with excessive emissions. Nuisance does not equate to loss of amenity; significant loss of amenity will often occur at lower levels that would constitute a statutory nuisance. It is therefore important for planning authorities to consider properly loss of amenity from emissions in the planning process in its wider context, and not just from the narrow perspective of statutory nuisance.

The Acoustic Assessment submitted, whilst adequate in theory, makes several assumptions and relies heavily on the proposed works being completed and mitigation measures being implemented at all relevant times.

If the change of use is to be approved, the following matters will need to be subject to condition:

- Hours of construction limited to 08.00 – 17.00 Monday until Friday, 09.00 – 13.00 Saturdays and no activity on Sundays or Bank Holidays.
- No live, amplified or recorded sound shall be performed or played in the open air.
- Prior to the commencement of the use, full details of measures to ensure the sung/spoken prayers shall not exceed 90dBA within the premises including details of any volume control unit and the design of the speaker array. The information should be prepared by a competent person, and shall be submitted to and approved in writing by the planning authority.
- A management plan must be submitted to this authority and approved in writing for the day-to-day activities on site. This must include, but is not restricted to:
  - Traffic management
  - Limiting to a maximum number of 80 delegates
- Ensuring that the recommendations of the Noise Survey and assessment recommendations are adhered to, i.e. keeping certain doors and windows closed during prayer sessions, encouraging people to leave the site quietly.

- A management plan must be submitted to this authority and approved in writing for the night time vigils on site. This must include, but is not restricted to:
  - Traffic management
  - Limiting to a maximum number of 30 delegates
  - Ensuring that the recommendations of the Noise Survey and assessment recommendations are adhered to, i.e. keeping certain doors and windows closed during prayer sessions, encouraging people to leave the site quietly.

- A management plan must be submitted to this authority and approved in writing for the special activities on site. This must include, but is not restricted to:
  - Traffic management
  - Limiting to a maximum number of 80 attendees
  - Ensuring that the recommendations of the Noise Survey and assessment recommendations are adhered to, i.e. keeping certain doors and windows closed during prayer sessions, encouraging people to leave the site quietly.

- The storage of bodies on the premises prior to a funeral will require refrigeration plant which is not detailed in the application or the noise report. Details of any plant to be installed at the property must be submitted to and approved in writing before installation.

- A management plan for the storage of bodies must be submitted to, and approved in writing by the Authority."

3.3 HDC Environmental Health (Residential Team): Objection
The Residential Team sought to raise concern regarding the internal arrangement of the imam’s flat at first floor level with regard to means of escape and adequate protection from fire with regard to the provisions of the Housing Act 2004, Housing Health and Safety Rating System. It was, therefore, advised that the internal layout of the flat be altered so as to accommodate a compliant means of escape.

A scheme for noise insulation for the first floor flat, so as to limit noise transmittance to an acceptable standard, was further recommended

3.4 HDC Arboriculture: No comments received.

OUTSIDE AGENCIES

3.5 WSCC Highways: No objection
The Local Highways Authority (LHA) considered that the existing vehicular access was of sufficient geometry to accommodate the anticipated level of vehicular activity, accounting for the minor widening works proposed, with acceptable sightlines of 140m and 131m demonstrated to the west and east respectively.

The LHA considered that it would have been beneficial for more information to be provided in respect of anticipated trip-generation, however, the LHA further noted that the proposal is below thresholds requiring further technical highways assessment in the form of a Transport Statement, Travel Plan and Road Safety Audit. The Green Travel Plan submitted in support of the application was, however, considered concordant with LHA guidance for smaller businesses.

The LHA recognised that the site could accommodate up to the parking of 80 vehicles, with a degree of double-parking, though to an extent which was deemed manageable. The LHA noted that this parking capacity was previously deemed acceptable, and found no reason to reach an alternative conclusion.
In accordance with updated LHA parking standards and the Government’s ‘Road to Zero’ Strategy, it was considered that 12 active and 48 passive electric vehicle charging points should be provided to the development. Alternatively, justification should be provided for a lesser degree of provision.

Conditions were recommended to secure relevant details and the delivery of cycle parking facilities, access alterations and car-parking in addition to the implementation of the submitted Green Travel Plan.

3.6 **Crawley Borough Council**: No objection
Crawley Borough Council considered that the proposal would be located in a relatively sustainable location, with most members of the Shia Muslim community residing in Langley Green, a short distance from the application site. Subject to the implementation of a Green Travel Plan, as submitted, and a car-parking strategy the highways impacts of the proposal were considered acceptable in relation to Crawley.

It was, further, considered that the proposed facilities would support the Shia Muslim community, mostly residing within the administrative area of Crawley Borough, and that, therefore, the proposal would provide significant religious and social benefits to Crawley residents. Crawley Borough Council, further, advised that the Council were not aware of alternative sites available and suitable for the proposed use.

3.7 **Southern Water**: No comment.

PARISH COUNCIL CONSULTATION

3.8 **Rusper Parish Council**: Objection
On grounds of increased traffic within a rural locality, concerns regarding detrimental effects on neighbouring property, proximity to two-road junction and inappropriateness of development in a countryside location.

PUBLIC CONSULTATIONS:

3.9 235 letters of representation have been received in connection with the proposal, of which 175 sought to support the proposal and 59 sought to object to the proposal. A single letter, neither in objection to or support of the proposal was further received.

The main material comments received in support of the proposal can be summarised as:
- Proposal would support the needs and continued growth of the Shia Muslim community;
- Community has encountered difficulty attaining a permanent community facility for a period of approximately 3 decades;
- No other permanent community facility or place of worship for the Shia Muslim community is available in Crawley as an alternative;
- The proposed facility would be well-located relative to the community it would serve;
- The lack of a permanent facility has placed financial and logistical strains on the Shia Muslim community;
- Other religious facilities, of various faiths and denominations, are already present in the vicinity of the application site;
- The needs of the Shia Muslim community are separate and independent to the needs of the Sunni Muslim community, which is served by pre-existing facilities in the vicinity;
- The proposed facility would benefit education and youth development;
- The proposal would promote social cohesion and increase awareness and understanding of the Shia Muslim faith and community;

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2 West Sussex County Council – Guidance on Parking at New Developments (August 2019)
- Additional information submitted in support of this application overcomes previous objections;
- Noise mitigation measures are already in place to limit the degree of noise disturbance;
- Traffic management measures in place to regulate parking arrangements and maintain highway safety;
- Majority of members visit the facility by foot;
- Centre is used for worship for a short period throughout the year;
- Cooking and food preparation activities at the site are minimal;

The main material comments received in objection to the proposal can be summarised as:
- Concern regarding the proliferation of religious facilities in the area, of varying faiths and denominations, with regard to the cumulative effect of such development on highway safety/operation, local tranquillity and character;
- Concern regarding the effect of development on the rural qualities and character of Bonnetts Lane and its surroundings;
- Proposal would detrimentally affect the amenities of neighbouring occupiers in terms of overshadowing, overlooking, noise and odour disturbance;
- Insufficient need demonstrated for the proposed facility;
- Concerns regarding potential for external lighting and light intrusion;
- Potential for detrimental effects on local wildlife, protected species and biodiversity;
- Concerns regarding effects of development on local parking conditions, highway safety and operation;
- Concerns regarding noise impact of proposed use;
- Concerns regarding potential for increased pollution;
- Increased pressure on local services and amenities;
- Concerns regarding arboricultural impacts of proposed development;
- Insufficient detail as to flood risk and mitigation;
- Concerns regarding design quality and appearance of proposed built-development;
- Concerns regarding accuracy and reliability of hypothetical model of acoustic assessment;
- Parking layout within application site would appear impractical/impossible;
- No pedestrian footpath on Bonnetts Lane;
- Existing noise activities, including use of percussion, voice and loudspeakers is significant;
- Staggered arrangement of junction between Bonnetts Lane, Ifield Green and Charlwood Road is dangerous;
- Lack of detail on existing attendance numbers and lack of control over future attendance numbers;
- Non-compliance with spatial strategy and countryside protection policies of development plan;
- Few persons currently access site by foot or cycle;
- Impacts on disabled access via pedestrian footway on Charlwood Road;
- Proposal has not overcome previous reasons for refusal;
- Enforcement notice served on premises should be upheld;
- Concerns regarding accuracy and legitimacy of the applicants search for an alternative premises.

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 issues in the consideration of this application are:
- The principle of development;
- The effects of development on highway safety and operation;
- The effect of development on the amenities of nearby occupiers;
- The impacts of development on local character and appearance;

**Principle of development:**

**Location:**

6.2 The application site is located beyond a defined built-up area, constituting a countryside location for the purposes of planning policy. Sporadic residential, commercial and community development can be identified to the north and north-west of the site along Bonnetts Lane and Charlwood Road respectively, with an increase in built-development to the near south-east marking the urban-rural transition at the fringe of Crawley.

6.3 Policy 26 of the Horsham District Planning Framework (HDPF) seeks protect the countryside against inappropriate development. Proposed development must be essential to its countryside location, and in addition, support the needs of rural enterprise, promote quiet informal recreational use or enable the sustainable development of rural areas. Development proposals must not, either individually or cumulatively, result in a significant intensification of overall activity in the countryside and protect key features and characteristics of its respective landscape setting.

6.4 Policy 42 of the HDPF seeks to promote positive measures in support of a socially inclusive and adaptable environment, allowing for users to meet their long-term needs. Particular account will be given to the need to address the specific needs of minority, faith and community groups in addition to the needs of young people.

6.5 Policy 43 of the HDPF provides that new or improved community facilities will be supported to meet the identified needs of local communities. Policy 43, further, provides that sites located outside of defined built-up areas will be supported where this is the only practicable option and where a suitable site well-related to an existing settlement exists.

6.6 Paragraph 92 of the NPPF provides that planning policies and decisions should positively plan and seek to satisfy community needs through the provision of social, recreational and cultural facilities, including, meeting places and places of worship, in order to enhance the sustainability of communities and residential environments.

6.7 The application site is remote from services and amenities within Horsham District, however, is proximate to the urban area of Crawley and the respective services and amenities provided within the neighbouring Borough of Crawley. As observed during the Officer’s site visit the site is accessible from the neighbourhood Langley Green to the south by means of a metalled and street-lit pavement, where the majority of the centre’s existing and expected users are understood to reside. The site is found in proximity to bus stops on Charlwood Road, with the ‘21 Metrobus’ service appearing to serve on a two-hourly basis Monday-Saturday.

6.8 It is recognised that the site is located beyond a defined built-up area, though, as previously considered in connection with reference DC/11/1350 and by the Inspector in connection with the appeal pursuant to reference DC/18/1583 (paragraph 15 of the Inspector’s decision letter), the proposal would be considered suitably located in terms of sustainable access and in relation to the community it would serve.
Intensity of use – local character and tranquillity:

6.9 This application is accompanied by a schedule of events and prayer meetings to be held at Stafford House, based on meeting/events held in 2018. This schedule suggests that the proposed facility would hold weekly prayer meetings on Thursday evenings (18:30-21:00), to be attended by some 75 persons including children, together with Friday afternoon prayer meetings (12:00-14:00) to be attended by not more than 30 persons.

6.10 The submitted schedule, further, lists additional events on a more occasional basis in celebration or commemoration with a greater anticipated attendance of 120-175 persons (indicated as approximately 62 events), often between the hours of 19:00 and 22:00 / 23:00, with two events listed as finishing at 00:00 and one event listed as finishing at 02:00. In addition, 7 events are listed on the schedule indicating an anticipated attendance of 250 persons; with timings of between 19:30 and 23:30, although one event is listed as finishing at 02:00.

6.11 As clarified within the submitted Design and Access Statement, the proposed facility will not hold daily prayer meetings in line with the core prayer times for Muslims, as would be expected of a Mosque. Furthermore, notwithstanding timings listed on the submitted schedule of events, the Design and Access Statement explains that it is the applicant’s intention for the timings listed within the applicants suggested conditions to be considered.

6.12 The applicant proposes the use of the facility for community purposes be restricted to the hours of 07:30-23:00 Monday to Friday and 10:00-23:00 on Saturdays, Sundays and Bank Holidays. The applicant, further, proposes use of the premises for two overnight vigils per year, and that the use of the body preparation room not be restricted by means of an hours of use condition.

6.13 Relative to the proposal considered pursuant to reference DC/11/1350 the proposal would represent a significant intensification of use in terms of the anticipated number of attendees. The applicant, within the submitted Design and Access Statement, advances that there is no justification for a condition seeking to restrict attendance numbers, as to do so would convey no beneficial environmental effect or preserve the amenities of neighbouring occupants, with reference to the submitted Noise Survey and Assessment and anticipated visual effects of the proposed use.

6.14 As considered by the Inspector at paragraph 22 of the appeal pursuant to reference DC/18/1584, however, the increased intensity of use is not abstract and would result in an increase in comings and goings together with a significant number of vehicles parked at the site. The Local Planning Authority would not benefit from control over the upper-limit of attendees, which may or may not increase with time. The Inspector, consequently, considered that the intensity of use together with the visual effects of increased parking would prove uncharacteristic with the rural qualities and character of the application site and its broader setting.

6.15 In response to the comments of the Inspector the applicant has sought to reason that parking areas south-east of Stafford House would rarely be at capacity, that the increased number of vehicle movements would prove imperceptible in the context of the highway network and that the visual impacts of parking are overcome through the introduction of enhanced boundary treatments.

6.16 It is considered that the nature, frequency and intensity of the proposed use forms an integral part of the proposal to be assessed and directly informs an understanding of its resultant effects on local character. Policies 25 and 26 of the HDPF seek to ensure development takes account of the characteristics of its countryside setting, including tranquillity and sensitivity to change, and to avoid a significant increase in activity.
6.17 According to the details of events currently provided by the applicant, the proposed community centre would see regular attendance by up to 75 persons, with not infrequent further events for 120-175 persons often taking place over consecutive days. As the applicant has not ventured a maximum limit as to the number of attendees, true attendance figures could be higher or lower than as anticipated on the submitted schedule of events. The proposed hours of use, furthermore, would not limit the number or frequency of events or meetings, which could lawfully occur at any point during the consented hours of use were permission to be granted. Assuming that the submitted schedule of events is representative of the timing, frequency and anticipated event attendance, the intensity of such a use would be deemed significant.

6.18 Notwithstanding the visual impacts of the proposal, which will be discussed in a separate section of this report, it is not considered that the proposed use would prove so inconsequential so as to have no material effect upon the rural character of its setting. The timing of scheduled events would fall outside of ‘peak’ traffic hours, and likely to give rise to tidal vehicle movements involving the arrival and departure of vehicles shortly prior to and following scheduled meetings and events. While it is recognised that the applicant maintains the majority of expected users would arrive at the site by means other than the use of the private vehicle, and has submitted a Green Travel Plan to promote modes of sustainable transport, the Local Planning Authority would ultimately hold limited control over the chosen mode of transport by attendees. Given the anticipated number of attendees it would, in any instance, be expected that the proposed use would give rise to a significant number of vehicle movements, which would have more pronounced effect on local character during evening hours following 21:00 and 23:00 hours where events often come to a close.

6.19 Other than the effects of noise on the living conditions of neighbouring occupants, which will also be discussed in a separate section of this report, the proposal would likely affect some change in the character of the local acoustic environment. Comings and goings associated with the proposed facility, including vehicle movements, the opening and closing of car-doors and outdoor conversations would inevitably arise in connection with the proposed use. Pressure to use the outdoor spaces of the application site for meeting/community purposes may, further, arise during summer months, with it, overall, considered unrealistic that all noise activities would be contained within the built fabric of Stafford House or always mitigated against. As recognised by the Inspector at paragraph 44 in connection with the appeal pursuant to reference DC/18/1583 some recognition must be given to human fallibility, and the extent of mitigations which could be reasonably enforceable (with reference to the provisions of paragraph 55 of the NPPF).

6.20 It is, therefore, considered that the proposed use remains of a significant intensity which would result in conflict with policies 25 and 26 of the HDPF, which, *inter alia*, would seek to preserve the rural quality and character of the countryside.
Alternative sites:

6.21 In the determination of the appeal pursuant to reference DC/18/1583 the Inspector considered that insufficient substantive evidence had been provided to justify the intensity of use proposed in this location (Paragraph 24 of the decision letter).

6.22 In coming to this determination the Inspector recognised the difficulty the applicant had encountered in obtaining bookings suitable for religious adherences, and the inappropriateness of existing facilities catering for the Sunni Muslim community, who observe differing tenets and customs (Paragraph 23 of the decision letter).

6.23 Following from the appeal determination the applicant has sought to provide further evidence as to the alternative sites considered. In support of this application the applicant has provided details of a pre-application enquiry with Crawley Borough Council (reference CR/2018/8545/PRA, April 2019) where the neighbouring Authority indicated it would unlikely support a prospective use of an office building at Priestly Way as a meeting/religious meeting centre.

6.24 The applicant has, furthermore, provided various email/text correspondence with existing centres available for hire and regarding the acquisition of the neighbouring property, Daisy Cottage.

6.25 The response of Crawley Borough Council suggests that the neighbouring Authority is not aware of the availability of any suitable premises. A preceding response from Horsham Council Property Services in connection with reference DC/18/1583 suggested that the Council was unaware of any Council owned property available for the proposed use.

6.26 The further details and correspondence now made available to the Local Planning Authority is, however, far from comprehensive. Correspondence with existing off-site venues appears to be in relation to single hires, represents a very limited snapshot of potential correspondence and seems to suggest at least some availability elsewhere.

6.27 The submitted Design and Access Statement explains that the continued purchase of Daisy Cottage was considered to be unviable at the asking price sought, though, it is recognised that a representation received from the owners of Daisy Cottage has sought to call into question the accuracy of this version of events. In the absence of agreement the Authority is unable to comment on the reasons informing the breakdown of this process, though, it is considered unlikely that the Authority would come to an alternative conclusion as to the appropriateness of a use of this intensity in relation to the use of an adjacent site in the alternative.

6.28 With the exception of a single pre-application enquiry, it is considered that there is limited evidence or commentary available to the Authority to demonstrate the rigorous interrogation of possible sites for a permanent facility in either Crawley Borough or Horsham District in the alternative, including whether sites were discounted for reasons of availability, suitability or viability. Accordingly, it is not considered that the applicant has sufficiently demonstrated that the application site represents the only practicable option, for the purposes of consideration against Policy 43 of the HDPF.

6.29 Overall, it is accepted that the proposal constitutes a community facility which would support the needs of the Shia Muslim community. Policy 43 of the HDPF would operate to support such community facilities, though, such support is not unconditional, nor does this policy of the development plan operate to override any other aspect of the development plan, including policies 25 and 26 of the HDPF, which seek to ensure that development is appropriate in intensity, character and scale to its respective setting. Notwithstanding the location and proximity of the application site relative to the community it would serve, the proposal would represent a significant intensification of use, which would be considered detrimental to the
rural qualities and character of its respective setting contrary to policies 25 and 26 of the HDPF.

**Visual Impact:**

6.30 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

6.31 As observed during the Officer’s site visit the site perimeter is largely defined by means of fencing up to an approximate height of 1.8m, though, vegetation within the highway boundary affords a significant degree of screening from both Bonnetts Lane and Charlwood Road, with the site some distance set-back from the metalled highway. The proposal would seek to reinforce boundary treatments through the introduction of boundary fencing to 2m in height.

6.32 The proposed extensions to Stafford House are of a domestic character, appearing as a linked-outbuilding and two-storey extension to the main property. These extensions would constitute a significant increase in both the gross-internal area and footprint of Stafford House, though, are capably accommodated within the application site.

6.33 While the comments of the Inspector are noted at paragraph 22 of the decision letter in respect to the visual impact of proposed parking arrangements, it is not considered that the proposal would prove of material detriment to the visual amenities of its surroundings in compliance with policies 32 and 33 of the HDPF.

**Parking, Highway Safety and Operation:**

6.34 Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district.

6.35 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.

6.36 The proposal would make use of a widened pre-existing access and seek to provide enhanced parking facilities within the site through the provision of tarmacked hardstanding and membrane mesh allowing for the parking of vehicles to the south-east of Stafford House.

6.37 A Green Travel Plan has, further, been submitted seeking to encourage sustainable modes of travel to the site and car-sharing. The submitted plans detail the provision of cycle-parking facilities, though, do not detail active or passive provision for the charging of electric vehicles.

6.38 The Local Highways Authority (LHA) has reviewed the proposal and has sought to raise no-objection on highways grounds. The LHA considered that the proposal would not unacceptably impact on highway safety or result in a severe cumulative effect on the operation of the highway network. Off-street parking capacity for the proposed development was, further, deemed acceptable. Subject to the conditions as recommended by the LHA, which would secure the implementation and delivery of electric vehicle charging points, a Green Travel Plan and cycle storage, the proposal would be deemed compliant with policies 40 and 41 of the HDPF and considered that the Authority could not substantiate a reason for refusal on highways grounds.
6.39 It is recognised that concerns have been raised in respect of the informal parking of vehicles on the highways verge, in addition to the effects of such informal parking on disabled access and amenities of neighbouring occupiers. It is, however, considered that sufficient parking capacity has been demonstrated within the confines of the application site, accordingly, the proposal would be deemed compliant with Policy 41 of the HDPF in this regard.

Amenity:

6.40 Policy 33 of the HDPF inter alia provides that development will be required to ensure a design that avoids unacceptable harm to the occupiers/users of nearby property and land with sufficient regard to the sensitivity of surrounding development.

6.41 Paragraph 127(f) of the NPPF provides that planning policies and decisions should ensure development creates places that are safe, inclusive and adaptable, promoting a high standard of amenity for existing and future users.

6.42 In dismissing the preceding appeal the Inspector disagreed with appellants argument that the proposal would not result in unacceptable harm to neighbouring occupiers, in terms of noise impact, as a matter of scientific fact (Paragraph 35 of the appeal decision letter).

6.43 The Inspector’s report considers the submitted Noise Survey and Assessment in detail (paragraphs 25-46), raising individual concerns with the methods and models relied upon within the Noise Survey and Assessment to conclude that the proposal would not adversely influence the living conditions of neighbouring occupants. The Inspector specifically considered that individual and intermittent noise events, not accounted for within ‘average’ measurements, could result in intrusive noise likely to affect the behaviour of neighbouring occupants (paragraph 36 of the decision), the likelihood of increased disturbance arising in connection with larger events (paragraph 38 of the decision) and the methods relied upon to demonstrate an acceptable level of noise disturbance to occupiers at Daisy Cottage (paragraphs 40-42 of the decision).

6.44 In response to the stated reasons of dismissal, the applicant’s consultant acoustician has provided a detailed commentary against paragraphs 25-46 of the Inspectors report. This statement seeks to provide additional clarification as to the standards and methods relied upon, though, further seeks to rebut the Inspectors considerations.

6.45 Assessment in the manner that he did, with the conclusions reached considered a reasonable and valid interpretation of the data available and of the effects of development on nearby occupiers.

6.46 Even were the Authority to find the Inspectors analysis invalid in respect of the calculations reached in respect of relevant daytime and night-time noise levels at the closest façade and within the bedrooms of Daisy Cottage, questions would remain as to the implications of increased numbers of attendees beyond the 70-80 persons in attendance during the survey, and the efficacy and fallibility of mitigation measures.

6.47 The proposal does seek to remove a conservatory beyond the eastern elevation of Stafford House in order to limit the escape of noise, and to limit main operational hours from 07:30-23:00 Monday to Friday and 10:00-23:00 Saturdays, with the exception of two overnight vigils per year. As is suggested within the submitted schedule of events the proposed use would likely see celebratory/commemorative events attended by between 120-175 persons on a more than occasional basis up until 23:00 hours, with attendees likely departing the site following this time, and overnight vigils to ~02:00/03:00 hours also anticipating the greatest attendance of ~250 persons. In the absence of certainty regarding attendee numbers it is not considered that conditions requiring the removal of the conservatory and seeking to control hours of use would necessarily mitigate noise impact to an acceptable standard.
6.48 The applicant has, further, suggested conditions seeking to ensure that windows within the northern elevation of Stafford House are kept close when the facility in use for community purposes, and a condition requiring the submission and approval of a scheme seeking to manage the emission of noise such that the proposal would not contribute to the existing sound level. The former of these conditions was suggested to be unreasonable by the Inspector in the preceding appeal determination (paragraph 44 of the decision letter). The later condition is reliant upon the proposal not affecting a change in local sound conditions, which may not prove possible in operation were the development to be permitted.

6.49 Overall, while the Noise Survey and Assessment and further commentary received in response to the Inspectors report have been fully considered, it is not considered that the proposal now before the Authority constitutes a sufficient change in circumstance to warrant an alternative conclusion to that previously reached by the Inspector. It remains considered that the proposed development, entailing a significant intensification of use, and its associated noise impact would fail to adequately preserve the amenities of neighbouring occupiers from unacceptable harm, contrary to Policy 33 of the HDPF.

Conclusions and Planning Balance

6.50 The proposed development would constitute a community facility and would support the needs of the Shia Muslim community. It is recognised that there is a regional and local demand for such a facility, and it is understood that comparable existing facilities are some distance from the site in London. These considerations do attract positive weight in the planning balance.

6.51 The proposal, however, would represent a significant intensification of use, not essential to a countryside location which would detrimentally influence the character of its respective setting and the amenities of neighbouring occupants. It is, further, considered that insufficient justification has been provided to allow for a recognition of the application site as the only practicable option for the proposed use, for the purposes of Policy 43 of the Horsham District Planning Framework (2015). Overall, the proposal is considered contrary to policies 2, 25, 26 and 33 of the Horsham District Planning Framework (2015), with factors weighing in favour of the grant of planning permission not considered to outweigh the identified harm. It is, subsequently, recommended that planning permission be refused for the reasons outlined below.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

<table>
<thead>
<tr>
<th>Use Description</th>
<th>Proposed</th>
<th>Existing</th>
<th>Net Gain</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Wide Zone 1</td>
<td>378.9</td>
<td>145.3</td>
<td>224.6</td>
</tr>
<tr>
<td><strong>Total Gain</strong></td>
<td><strong>224.6</strong></td>
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</tr>
<tr>
<td><strong>Total Demolition</strong></td>
<td></td>
<td></td>
<td><strong>9</strong></td>
</tr>
</tbody>
</table>

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

6.55 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

7.1 It is recommended that the application is refused for the following reason:

1. The change of use of the property as proposed, when considered in totality alongside the proposed extension, would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/11/1350, DC/17/1827 and DC/18/1584

Appendix 1: Appeal Decision Notice – APP/Z3825/W/19/3226651
Appeal Decision
Site visit made on 10 August 2019

by Thomas Bristow BA MSc MRPI
an Inspector appointed by the Secretary of State
Decision date: 03 September 2019

Appeal Ref: APP/Z3825/W/19/3226651
Stafford House, Bonnetts Lane, Ifield RH11 0NX
• The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
• The appeal is made by Hasnain Mohsin of Millat-E-Jaffaria (registered charity No 295830) against the decision of Horsham District Council.
• The application Ref DC/18/1584, dated 30 July 2018, was refused by notice dated 9 November 2018.
• The development proposed is described on the application form as the ‘use of premises for mixed use purposes comprising a residential living unit and as a community meeting facility for Shia Muslims’.

Decision
1. The appeal is dismissed.

Preliminary matters
2. There is a detailed planning history to Stafford House, as noted in the Council’s officer report associated with application Ref DC/18/1584. I understand that the land associated with it was formerly more extensive, incorporating outbuildings which have subsequently become Daisy Cottage (the nearest dwelling to the appeal site, now in separate ownership). My decision, however, focusses squarely on the acceptability of the development proposed. It does not address whether or not any development undertaken or proposed to date was, or is, authorised. The exception is where that has a bearing on the acceptability of the proposal.

3. The Council explains that application Ref DC/11/1350 made in respect of the site previously was deemed to be withdrawn. I understand that resulted from the failure to agree the terms of an agreement under section 106 of the Town and Country Planning Act 1990 as amended (the ‘1990 Act’) which would have set limits on the number of attendees and timing of the community use then proposed. The Design and Access Statement (‘DAS’) related to this scheme explains that was as a result of the potential for such restrictions to unduly fetter use of the premises relative to the varying needs of the community. As I understand it the authorised use of Stafford House is as a dwelling, albeit that it has been used for community events.

4. The DAS also advocates that the proposal be allowed ‘without undue controls over activity levels and numbers of events etc.’. It would not be appropriate for me to seek to modify the development in such a way that would make it
substantially different from that set out in the application.\textsuperscript{1} A condition has however, been advanced that would limit the times that community use and events may occur.\textsuperscript{2} That is to accord with the approach taken in the Noise Survey and Assessment (\textquoteleft NSA\textquoteright).\textsuperscript{3} I will return to that matter. I note at this stage, however, that no similar limitation on the number of attendees has been suggested as acceptable.

5. I acknowledge some flexibility is necessary to provide for a community centre that would meet the needs of the Shia Muslim community, that the operation of churches may not be limited by planning conditions or obligations, and that there is a role for self-regulation with neighbours. On the first point there is a list of religious observances and community events before me, and the confines of the building would play a role in limiting the number of attendees. Whilst I accept the second point in general terms, no specific examples have been brought to my attention, and many churches and other religious establishments were established before modern planning requirements. Whilst uses often integrate or coexist without recourse to formal processes, the absence of limitations may, in itself, cause friction or poor relations between new and established uses (in the absence of clarity as to what is acceptable, or not).

6. The appellant explains, in counterpoint to some who have made representations, that the proposal is not for a mosque. Whilst both a mosque and the development proposed would likely represent a mixture of use classes D1 and C3, there is a terminological and cultural difference. A mosque potentially suggests a more intensive use, wider catchment area, and differential impacts (for example associated with calls to prayer). I have therefore used the appellants description of the proposed facility in their supporting statement, namely a community centre.

Policy context

7. Each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding a review underway, in this instance the development plan includes policies of the Horsham District Planning Framework (adopted 27 November 2015, the \textquoteleft HDFP\textquoteright). Stafford House falls within the Parish of Rusper, close to the administrative boundary of Crawley Borough Council. The latter aligns with the River Mole a short distance away, around 170 metres to the south.

8. The Parish was, on 18 February 2016, designated as an area for the purposes of preparing a neighbourhood plan. However I understand that work is yet to reach a sufficiently advanced stage such that it may be accorded significant weight. I have also had regard to various other material considerations including the National Planning Policy Framework (\textquoteleft NPPF\textquoteright), the Planning Practice Guidance (\textquoteleft PPG\textquoteright) and to the provisions of the Equality Act 2010 as amended (the \textquoteleft 2010 Act\textquoteright), notably section 149.

9. Policies in the development plan, and also those in the NPPF, pull in different directions. HDFP policy 42 \textquoteleft Inclusive Communities\textquoteright, criterion 6, sets out that

\begin{itemize}
  \item \textsuperscript{1} Planning Practice Guidance Reference ID: C1e-012-20140306.
  \item \textsuperscript{2} Condition 1 of the Supplementary Statement supporting application Ref DC/18/1584.
  \item \textsuperscript{3} Noise Survey and Assessment, undertaken by Acoustic Associates, Ref J2477, dated 17 July 2018.
\end{itemize}

\url{https://www.gov.uk/planning-inspectorate}
particular account will be taken of the need to address requirements stemming from the 'specific needs of faith and other community groups'. HDPF policy 43 'Community Facilities, Leisure and Recreation' also broadly accords in-principle support to the provision of new or improved community facilities. NPPF paragraph 92 sets out how planning should plan positively for community facilities, including places of worship. Religion or belief is a protected characteristic under the 2010 Act, in respect of which steps should be taken to meet associated needs (section 149(3)(b)).

10. Nevertheless such support is not unqualified. HDPF policy 42 is prefaced with support being accorded to 'positive measures', with reference made in NPPF paragraph 92 to community facilities enhancing the 'sustainability of communities'. HDPF policy 43, criterion 2, expresses a preference for community facilities being located within built-up areas (other than where that is impractical), i.e. in line with the spatial hierarchy for the District set via HDPF policy 2 'Strategic Development'. Section 149(1)(c) of the 2010 Act sets out that I must have due regard to the need to foster 'good relations' between those who share a relevant protected characteristic and others.

11. Moreover no one element of the development plan, or of the NPPF, automatically outweighs any other. HDPF policy 2 seeks also to manage development around the edges of existing settlements, including to protect the rural character and landscape. That is amplified and effected via HDPF policies 25 'The Natural Environment and Landscape Character' and 26 'Countryside Protection'. The latter explains that 'any proposal must be essential to its countryside location' and that it should not lead to a 'significant increase in the overall level of activity in the countryside'. In brief HDPF policies 32 and 33 seek to ensure that development integrates appropriately with its surrounding context, visually and in respect of the living conditions of those nearby. As refined via the PPG in respect of noise in particular, NPPF paragraphs 170 and 127 similarly set out that planning should recognise the intrinsic character and beauty of the countryside and seek to ensure a 'high standard' of amenity for existing and future users.

Main issues

12. The main issues are whether or not it has been demonstrated that (i) the location proposed is justified, with particular regard to the effect of the development proposed on local character and appearance, (ii) the proposal would have an acceptable effect on the living conditions of the occupants of Daisy Cottage in relation to noise. If I find that harm would result in respect of either or both main issues, I will then gauge whether other material considerations are nevertheless sufficient to justify allowing the appeal.

Reasons

Location

13. Stafford House is a substantial detached property which appears turn-of-the-century in origin, or earlier, set within a spacious and broadly level plot of some 0.2ha. The property has been altered and added to over time, including via a conservatory projecting beyond its eastwards side elevation and a lean-to area to the rear extending close to the common boundary with the plot of Daisy

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4 Notably Reference ID: 30-005-20190722.

https://www.gov.uk/planning-inspectorate
Cottage. Stafford House is accessed via Charlwood Road, which to the south becomes Ifield Road (rather than via Bonnetts Lane). The former projects north-westwards into the rural surroundings of Crawley beyond the established extent of the town, broadly demarcated by the River Mole.

14. On account of the proximity of Crawley, and of Gatwick Airport to the north-east above Langley Green, there are various hotels and leisure uses, including other faith centres, relatively nearby. There is a pavement by the appeal site running to Ifield, streetlighting, and two well-served bus stops close by. However the appeal site is clearly beyond what is recognisably urban, where development becomes more sporadic. Charlwood Road here is flanked by established hedgerows and mature trees and therefore has a semi-rural character. There is an open field opposite the appeal site which, it appeared, is given over to grazing. There are only occasional buildings dotted about nearby northwards of the appeal site along Charlwood Road. Bonnetts Lane is essentially rural in character, being enclosed by vegetation and trees (and does not benefit from the connectivity or amenities of Charlwood Road).

15. I understand part of the rationale for the Council’s in-principle support for application Ref DC/11/1350 was on the basis that the appeal site is ‘appropriately placed’ with reference to proximity to Crawley and in terms of accessibility. The appellant has also indicated that around 80% of the local Shia Muslim community reside in Langley Green, as opposed to other areas of Crawley. I note the concerns of nearby residents regarding the intensity of traffic and highway safety. However there is nothing to indicate other than that vehicular access to the site would be safe and suitable, improved access is proposed, and the appeal site is well set-back from the carriageway such that there is good visibility of oncoming traffic. Notwithstanding subsequent reasoning regarding potential numbers of attendees, the effects of additional vehicular movements associated with a community centre here given the surrounding context would likely be of little significance. In terms of accessibility, the scheme may reasonably be described as suitably located.

16. The proposal would entail significant alterations and additions to Stafford House in order to provide additional and better appointed space and facilities for gatherings, ceremonies and religious instruction. The lean-to area would be removed, as would certain outbuildings. The original building would be extended by way of a two-storey side extension projecting towards Bonnetts Lane. Via a glazed link that extension would connect with a new two storey building set forwards of the principal elevation of Stafford House. The footprint and ridgeline of the new building would be broadly comparable with those characteristics of the existing property, and would be set at an acute angle to it (responding to the curve of the appeal site by the adjacent junction). Permeable surfacing would be laid to enable around 80 vehicles to be parked on site, access widened, and boundary features and trees either retained or augmented.

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5 Currently served by Southdown PSV’s No 257 service, and Metrobus No 2 (as detailed in the Green Travel Plan).
6 Council statement of case, paragraph 7.8.
7 Albeit that the source data for that map is not readily identifiable.
8 Plans 1574.3/01 and 1574.3/02.
9 I understand that would assume the function of a marquee that has previously been installed on site.

https://www.gov.uk/planning-inspectorate
17. Stafford House is well set back within its plot such that it is only partially visible from Charlwood Road. The topography is relatively flat, and the appeal site bounded by mature trees and established vegetation. The extension and new building have evidently been designed so as to reduce their prominence and to tie in with the design of the existing property. They would be tucked towards the north-westerly boundary of the site, and the new building would partially obscure Stafford House as extended.

18. There are a range of property sizes nearby, and a number along Bonnetts Lane have a greater visual presence than would be the case of the development proposed (by virtue of their siting and less substantial boundary features).\textsuperscript{10} Whilst HDFP paragraph 9.18 sets out that rural areas of the District are important elements of its overall character, the appeal site is not within a landscape that is formally designated in that respect. On account of the transitory role the area plays relative to Crawley and its surroundings, most views of the development proposed are likely to be fleeting.

19. Nevertheless the proposal would substantially add to the floorspace and scale of Stafford House. The Council gives the extent of that change as from 176 sqm internal floorspace presently to 488 sqm proposed, an increase of some 277%. The appellant contends a more accurate metric is gross external area, which is instead stated to be 239 sqm presently compared to 491 sqm proposed (still more than double, representing an increase of some 105%).

20. That is notwithstanding that I am told that the previous application Ref DC/11/1350 was made on the basis that the ground floor of the premises ‘was adequate to serve the needs of the community, and that it was likely that no more than 30 people would use the property at any one time’.\textsuperscript{11} As the development proposed would project closer to Charlwood Road near a bus stop with widened access, the increased bulk resulting from the scheme is nevertheless likely to be perceptible. That would inevitably reduce the openness of the site, thereby impinging upon the contribution that the appeal site has to the semi-rural character around Crawley. However those physical changes would, in themselves, be slight and are therefore not determinative.

21. Nevertheless the proposal would enable a significant increase in the intensity of use likely to occur here, or to be able to occur. That is whether considered relative to the established use of the site or the proposal in 2011 referenced above. The list of events before me gives attendance typically of around 30 to 75 individuals. However that number rises to 120 in several instances, to 175 in relation to others, and to 250 on a very few occasions. As noted above the appellant has not ventured an upper limit in terms of attendees, and the number of attendees may increase in time (or not).

22. That increased intensity is not solely numerical or abstract. It will result in an increase in comings and goings at a relatively prominent juncture of the highway network, as well as a significant number of vehicles parked within the appeal site at any one time. That will have a visual effect out of character with a rural, or in this case semi-rural, location which is inherently more tranquil; I was unable to identify other sites nearby where such extensive parking is

\textsuperscript{10} Including Maxey Cottage, Wester House and Parkholme.
\textsuperscript{11} Council statement of case, paragraph 7.10.
located as close to a pavement as is proposed here. The other instances of more prominent buildings referred to above along Bonnetts Lane appeared to be dwellings, or originally such, with commensurate levels of parking. The intensity of use combined with visual effects would be uncharacteristic, particularly in contrast to the open fields opposite and nature of Charlwood Road and Bonnetts Lane described above.

23. As set out above HDPF policy 43, criterion 2, expresses a preference for community facilities being located within built-up areas (other than where that is impractical). HDPF policy 25 acts as a counterpoint in explaining that ‘any proposal must be essential to its countryside location’. I acknowledge that Millat-E-Jaffanya has searched for some time for a permanent facility, as opposed to renting other spaces with associated difficulties in securing bookings sufficiently flexible to align with religious observances. Notwithstanding the representations of some, I also note that other facilities in and around Crawley cater principally for Sunni Muslims, who hold different tenets and observe differing customs.

24. However there is no substantive evidence before me of the other locations or facilities that have been considered relative to this proposal and discounted for whatever reason (whether that is their practical availability, or financial viability), for example those more centrally located within Langley Green. Aside from brief references in the DAS and supporting supplementary statement, there is no thorough explanation of the actions taken to identify potential alternatives over time. The evidence before me falls short of justifying the intensity of development proposed in this particular location in planning terms with reference to the harm, albeit limited, to local character that would result. I therefore conclude that the location of the proposal conflicts with the relevant provisions of HDPF policies 43 and 26.

Daisy Cottage, noise

25. Any use has the potential to generate noise, however some have greater potential than others. By consequence there are separate provisions for addressing noise which amounts to being prejudicial to health or a nuisance. The appellant aptly describes such provisions as a ‘backstop’. However noise and disturbance may still be adverse without being so severe as to amount to a statutory nuisance, and therefore also relevant to planning.

26. Development plan policy 33 ‘Development principles’, amongst other requirements, sets out that development shall not result in ‘unacceptable harm to the amenity of occupiers/users of nearby property and land’, including in respect of noise. Similarly paragraph 170(e) of the NPPF sets out that planning should avoid individuals being subject to ‘unacceptable levels’ of noise. The PPG explains how noise which affects the behaviour of neighbours in ostensibly minor ways should be mitigated and reduced to a minimum. Industry-standard metrics assist in that respect. However, inevitably, they cannot account for the character of a particular environment. Even relatively small changes in the surrounding context may have a significant perceptive effect.

12 Generally parking provision is more substantially set back from the highway network, such as at Trivells Hotel to the west or by Crawley Rugby Club to the south, mitigating its effect on character.
13 Under the Environmental Protection Act 1990.
14 Reference ID: 30-005-20190722
27. The nearest facing elevation of Daisy Cottage is some 12.5 metres away from a brick wall topped with close-boarded fencing demarcating the boundary with Stafford House. That would provide for some degree of attenuation. The space between it and Daisy Cottage is largely driveway, with outside space around that property on all sides. The nearest elevation of Daisy Cottage contains no windows, albeit that the appellant's NSA has modelled, theoretically, a window in that location. That is a precautionary approach, noting that there is a casement and vent window serving a living room close by the a south-eastern elevation of Daisy Cottage (from which a line may be drawn at an acute angle to the rear elevation of Stafford House).

28. The NSA indicates that, between 1800 on 8 June 2018 and 1200 on 14 June 2018, the $L_{eq}$ background daytime and night time (2300-0700) sound level recorded here was 48 dBA and 34 dBA respectively. The former is relatively high, reflecting in part the surrounding context of Charlwood Road, Bonnetts Lane and Gatwick Airport. Those are averages drawn from 15 minute periods or increments of study; figures two and three of the NSA, however, show that many individual increments were significantly above that level.

29. With reference to British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings ("BS8233"), the NSA explains that guideline values for noise experienced in living rooms and bedrooms during the day should be $35\text{L}_{eq, 16h}$ (dB), falling to $30\text{L}_{eq, 16h}$ (dB) during the night for bedrooms. The comparable values for acceptable levels of noise in external amenity space are given as between 50 and 55 $\text{L}_{eq, 16h}$ (dB). I note that BS8233 figures are averaged over a longer, or different, time period than 90 minutes used in the NSA. Therefore the latter gives a more sensitive analysis than indicated by standard metrics.

30. However the figures given above appear to be for 'continuous anonymous noise'. That is noise generated by sources such as road traffic, which inherently draws the attention less than music, speech or intermittent sounds. The community centre would primarily generate the latter. In such circumstances BS8233 recommends that the noise criteria referred to above should be reduced, the NSA adopting a 5 dB reduction in that context. The NSA further states that Annex G of BS8233 suggests that, if windows are partially opened for ventilation, 'the insulation of the building envelopment would be reduced to approximately 15dB'.

31. Within the acoustic study period, Stafford House was used for evening prayers and a shared meal, which included amplified sound. Measurements were taken more frequently during that event in recognition of potential fluctuations in sound intensity, i.e. in five minute increments. Measurements were taken in positions ST1 and ST2 shown in NSA appendix A. NSA section 3.3 gives the results of the short-term survey, whereby the level varies at ST1 between 52 and 54 dBA, with a peak five minute interval reading of between 52 and 56 dBA.

32. The comparable figures for ST2 vary respectively between 47 and 49 dBA with a peak five minute interval reading of between 49 and 52 dBA. Applying the highest five minute interval figures via computer modelling, the NSA explains

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15 Adjusted to be free-field, i.e. to discount the effect of sound reflection from nearby surfaces.

https://www.gov.uk/planning-inspectorate
that the closest façade of Daisy Cottage would be subject to noise of around 37 dBA directly resulting from the community use of Stafford House, with the reading at the nearest façade containing a bedroom window being 35 dBA. With 15 dB of attenuation from a partially open window the resultant sound levels experienced within Daisy Cottage are given in section 4.3 of the NSA as $L_{eq,5min}$ 22 dBA and 20 dBA.

33. Those figures are below the 35 $L_{Aeq,16hr}$ (dB) recommended in BS8233, even if adjusted by 5 dB for intermittent rather than anonymous noise. The NSA further contends that because of the differential between the observed $L_{90}$ background daytime sound level of 48 dBA and night-time figure of 34 dBA, any noise resulting from activities in Stafford House would effectively be effaced by that which is already present. Using a logarithmic calculation, the NSA forecasts that the use of the site for parking of 80 vehicles, potentially a rare occurrence, would increase the noise generated by 4 dB at most, thereby resulting in noise at the façade of Daisy cottage of around 41 dBA and 39 dBA.

34. Certain measures to mitigate the potential effects of noise have also been suggested. The development proposed would effectively draw the community use further away from Daisy Cottage, including via removal of the lean-to structure (which I am told is used from time-to-time for food preparation presently). An internal door to the conservatory would be provided, and there would be greater sound attenuation by virtue of the design and location of the hall/meeting room forward of the principal elevation of Stafford House.

35. The NSA also advances that for the women’s meeting room, I understand intended to be within Stafford House as it stands and as extended, additional measures could be taken in respect of requiring speakers to face in a certain direction, limits on sound amplification and that ‘doors windows to the northern façade would need to remain closed and only used in the event of an emergency’. Subject to those measures, the appellant contends that it has been demonstrated ‘as a matter of scientific fact’ that adverse effects would not arise, in terms of noise, to the occupants of Daisy cottage. I disagree.

36. Not unreasonably the NSA is reliant on average noise measurements, whether over 15 or 5 minutes periods. Inevitably that cannot account for episodic noise likely to arise in practice, for example vehicle manoeuvring, entering and exiting vehicles, and conversations within the grounds of Stafford House (all of which have the potential to exceed the observed background sound level of 48 dBA and potentially the highest 5 minute average of 56 dBA recorded at position ST1 in the short term study). As noted in BS8233 intermittent noise, particularly that related to speech, inherently diverts attention. There is no substantive justification before me as to why a noise reduction figure of 5 dB in reflection of those differential qualities is appropriate, as opposed to another figure. Notwithstanding averages, in my view, the proposal has the potential to result in occasional intrusive noise, i.e. that which is likely to affect the behaviour of the occupants of Daisy Cottage.\footnote{With reference to PPG Reference ID: 30-005-20190722.}

37. To some extent the NSA is also self-referential. As set out in section 3.2, the long-term measurement of baseline noise levels here occurred during a period where events were held at Stafford House. The ‘background sound level’ of 48
dBa therefore appears to take account of noise already arising from community use. It cannot reasonably be argued that the noise generated from the development proposed is inherently justified relative to a background position which already is subject to some uplift from community use. Moreover the positions for monitoring long-term noise measurements and short term measurements are not the same, such that the figures are not directly comparable.

38. The NSA study period included an event attended by some 70 to 80 people, which I am told is typical of numbers. However the list before me detailing the anticipated schedule of events and attendees, indicates that although attendance at regular prayers is predominantly estimated at around 30 to 75 individuals, that number rises to 120, 175 and 250 on certain occasions. Those numbers are inconsistent with the NSA, and I have set out above that the proposal would represent a significant increase in intensity of use, without limit on the number of attendees. The potential for noise and disturbance is likely, although not precisely, to increase in line with the number in attendance.

39. Based on that list, most events would occur between 0630 and 2200, although occasional events would run as late as 0300. Some community use is therefore proposed to occur during the night-time, i.e. outside of 0700 to 2300 as defined in the NSA. The appellant has suggested foregoing community use commencing before 07000, notwithstanding that may fetter the ability to use the facility flexibly (as was unresolvable in respect of the 2011 application). There is some merit in that suggestion, and I acknowledge that fewer individuals would attend events such as vigils extending into the night than other events, thereby moderating the potential for adverse effects to arise.

40. However, within the terms of the NSA, the baseline figure that should be sought of bedrooms during the night is 30 $L_{Aeq,16hr}$ (dB), reduced by 5dB to 25 $L_{Aeq,16hr}$ (dB) on account of the quality of noise that would result. I am told, based on modelling software that with a 4 dB increase resulting from additional parking, the noise at the façade of an elevation containing a bedroom window of Daisy Cottage would likely be 39 dB. Appreciating that noise is measured on a logarithmic rather than linear scale, within the terms of the NSA the resultant level, even given 15 dB of attenuation from a partially open window, would result in an expected internal sound level in a bedroom of Daisy Cottage of 24 dB. Whilst episodic, that is at the threshold of acceptability, particularly noting my reasoning above regarding the concerns I have with the premise of the NSA (in terms of the numbers of attendees and justification for a 5 dB intermittent noise reduction).

41. Furthermore the 15 dB attenuation provided by a partially open window referenced in Appendix G of BS8233 relates to a worked example, as is indicated by the word reduced 'to' rather than 'by'. The associated footnote explains that circumstances may 'vary significantly depending on the window type and the frequency content of the external noise'. In my view it cannot consequently be applied as prescriptively as the NSA suggests.

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17 In that context, incidentally, the use of the term 'background noise' does not fully reflect that such a measurement will have included intermittent noise as well as continuous autonomous noise.

18 That may cut both ways as the long term, evening position set out in Appendix A of the NSA is furthest from the proposed parking area within the appeal site, but also closer to Bonnetts Lane and therefore likely to be affected by greater noise from passing traffic.
42. I accept that the main area of garden space associated with Daisy Cottage lies other than immediately adjacent the common boundary with Stafford House. Nevertheless peak five minute interval readings for modelling point ST2 next to the boundary between the two properties reached as high as 52 dBA, compared to the assessed baseline of 48 dBA. Whilst the boundary wall, fence and distance would provide some attenuation, when a 5 dB reduction for intermittent noise is applied that level of noise exceeds the 50 to 55 \( L_{Aeq, 7} \) (dB) recommended for external amenity space (albeit with the recommended time \( T \) unspecified in that instance).

43. There is some contextual noise from highways and Gatwick Airport; at the time of my site visit planes were taking off broadly east to west, with the flight path tracking close by. However in my view, whilst clearly audible, flights and vehicle movements are part of the baseline auditory context to the site by virtue of their mechanical white-noise quality. They are therefore likely to be less significant than the peaks and attention-directing qualities of noise likely to arise by virtue of the development proposed. I also note that Daisy Cottage falls in the direction of the prevailing wind, which is not the case of Gatwick Airport to the north-east. That may have some differential effects in terms of carrying sound.

44. Mitigation could reduce the potential for adverse effects. However such measures are reliant on a number of actions being taken on a day-to-day basis, many of which are unlikely to be adhered to simply by virtue of accident or human fallibility, others are likely to be unenforceable, and some are unreasonable.\textsuperscript{19} In the first category fall actions such as ensuring amplification is directed away from Daisy Cottage. In the second are proposals such as ensuring that the internal door to the conservatory remains shut, and that noise limits in respect of amplification are adhered to. Requiring that all eight north facing windows and both doors in that elevation are closed other than in emergencies would likely be unreasonable, for example by limiting natural ventilation during hot weather.

45. There are various factors that would, or if implemented via appropriately-worded conditions were the development otherwise acceptable, mitigate the potential for adverse effects to result to the occupants of Daisy Cottage in relation to noise. However for the above reasons, given the unquantified intensity that would result from the proposal, and the shortcomings with the evidence before me, it has not been demonstrated that the proposal would ensure a high standard of amenity. By contrast the proposal has the potential to result in intrusive noise which cannot in my view be suitably mitigated or reduced to a minimum based on the evidence before me. I therefore conclude that the proposal would conflict with the relevant provisions of HDPF policy 33 and NPPF paragraph 170(e).

46. The appellant further contends that the Council objected to the scheme on unfounded grounds, or gave scant consideration to NSA, notwithstanding that the onus is generally on the appellant to provide sufficient evidence in support of a proposal.\textsuperscript{20} That is effectively a challenge to their substantive handling of

\textsuperscript{19} Notwithstanding the appellant’s position that all comply with the requirements in NPPF paragraph 55.

\textsuperscript{20} Section 62(3)(b) of the Town and Country Planning Act 1990, subject to section 62(4A).
the case. However inherent in my reasoning above is that there are unresolved issues with the NSA, not intrinsically in its own terms, but in the judgements placed upon its findings in so far as they relate to justifying the development proposed. Similarly the appellant’s argument that the proposal is better situated here than in a more close-knit urban location, where there is the potential for adversely affecting a greater number of individuals, effectively argues against the proposition that the scheme would be acceptable. Moreover, as set out above, there is limited evidence before me of the consideration that has gone into alternative locations.

Other matters

47. There are many representations before me attesting to the value of the space proposed and of the work of the Charity since its establishment in 1987.21 I accept the practical challenges entailed in securing appropriate facilities, understand that the nearest comparable centre is quite some distance away in south London, and acknowledge that the proposal would clearly be beneficial to the Shia Muslim community in terms of provision to enable religious observances and celebrations. I do not treat those benefits lightly. In theory adverse effects on local character and to living conditions may, on balance, be acceptable in the event that there is robust justification for development being necessarily situated in a particular location.

48. However in this instance, that is not the case. There are shortcomings with the justification for the intensity of the community centre, its potential effects in respect of noise to the occupants of Daisy Cottage, and little of substance before me in respect of alternatives in support of this proposal being essential within the terms of HDPF policy 26. I cannot therefore reach a finding that the other material considerations in favour of the proposal are sufficient to outweigh the harm that would result.

Conclusion

49. For the above reasons, having taken account of the development plan as a whole, the approach in the NPPF, and all other relevant considerations including the provisions of the 2010 Act and the representations made in respect of the proposal, I conclude that the appeal should be dismissed.

Thomas Bristow
INSPECTOR

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21 Including from the Prevent Co-ordinator of Crawley Borough Council who refers to there being extremely limited community centre availability in the area.
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AGENDA ITEM 7 – DC/20/0882

Stafford House, Bonnetts Lane, Ifield

One letter of support from Henry Smith MP has been received, stating:
‘Although this site is just outside of my constituency I am supportive of the Shia Muslim community having a Crawley area base and hope this application can meet noise and traffic requirements to be granted’.

An additional 7 letters of representation, comprising of five letters of support and two letters of objection have been received.

The main material grounds for support in these additional representations are:
- Absence of a local facility and need for such a facility in order to satisfy religious and educational needs;
- Benefits of the proposal in respect of the mental health and well-being of attendees;

The main material grounds for objection can be summarised as:
- Concerns regarding highway safety and adequacy of existing road layout;
- Need for a site visit by Local Highways Authority officers.
- Effects of development on local character

Further material comments from the applicant have additionally been received, seeking to provide clarification as to the intended operating hours for the proposed facility (in response to paragraphs 6.11 and 6.12 of the committee report) and in respect of the safety standards of future occupants of the Imam’s accommodation.

Highway Safety and Operation:

The effects of development on highway safety and operation are considered at paragraphs 6.34-6.39 of the committee report, with the proposal, overall, considered acceptable with reference to the effects of development on highway safety and operation.

It is acknowledged that a further representation has been received seeking to question the methodology of this analysis, with specific reference to the lack of a site visit undertaken by Local Highways Authority staff and the inadequacy of existing road layouts. As clarified by the Local Highways Authority, however, accident records available do not suggest that recorded collisions are attributable to road layout. No previous objection on grounds of highway safety or operation pursuant to ref: DC/18/1584 (and the ensuing appeal), DC/17/1827 or DC/11/1350 has been raised, with no significant change in access arrangements for the proposal facility or highway layout since these previous determinations.
Hours of Operation and Frequency of use:

By way of an email received 30.07.2020 the applicant has sought to question the hours of use stated at 6.11 and 6.12 of the committee report, namely 07:30-23:00 Monday to Friday and 10:00-23:00 Saturdays, Sundays and Bank Holidays together with two overnight vigils per year.

The applicant has sought to clarify that the requirements of the Shia Muslim community are as described within the submitted schedule of events (as summarised at paragraphs 6.9 and 6.10 of the committee report), with no intention to operate a 7-day use in practice. The applicant has sought to highlight that, were all scheduled events/meetings to take place, the proposed facility would not operate on more than 175 occasions per year.

The hours of use stated at paragraphs 6.11 and 6.12 of the committee report reflect the conditions proposed by the applicant’s planning advisor, acting as agent for the applicant, at page 31 of the submitted design and access statement. It is recognised that the facility, like many community uses, will not be in constant use during the hours stated at paragraphs 6.11 and 6.12. The application has been assessed having full regard to the submitted events schedule and the analysis at paragraphs 6.13-6.20 is therefore considered to remain valid. A condition restricting operational hours solely to the precise time and duration of the meeting/events as detailed on the submitted schedule of events would not therefore overcome the harm identified.
PLANNING COMMITTEE REPORT

TO: Planning Committee North
BY: Head of Development
DATE: 4th August 2020
DEVELOPMENT: Conversion of existing semi-detached dwelling into 2No. flats including part demolition of existing dwelling. Erection of 2No. semi-detached dwellings (amended description 06/04/20).
SITE: Norfolk Lodge Care Home 9 Norfolk Road Horsham West Sussex RH12 1BZ
WARD: Denne
APPLICATION: DC/20/0576
APPLICANT: Name: Mr Paul Aylett  Address: Norfolk Lodge Care Home 9 Norfolk Road Horsham West Sussex RH12 1BZ

REASON FOR INCLUSION ON THE AGENDA: At the request of Councillor Haigh and Denne Neighbourhood Council.

RECOMMENDATION: To resolve to grant planning permission subject to expiration of the public consultation period and delegation to the Head of Development to consider any representations received as a result of that consultation.

1. THE PURPOSE OF THIS REPORT
1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 This application seeks the conversion of the semi-detached dwelling at 9 Norfolk Road into 2 self-contained flats. The conversion includes the demolition of the modern extension to the rear of the property accessed via Chichester Terrace, making space for the erection of two, three bedded semi-detached properties with private gardens and two off street parking spaces accessed from the existing dropped kerb on Chichester Terrace.

1.3 The built form of the pair of new dwellings would measure a total length of 10.8 metres and a total depth of 9.8 metres. The proposal would incorporate a slate pitched roof to a ridge height of 5.8 metres and an eaves height of 8.24 metres. The properties would be rendered finished with a feature bay window to the front elevation, together with the front door with small porch canopy, and two sash windows to the first floor. Each dwelling would provide a kitchen, downstairs WC and lounge/dining room with bi-fold doors to the private rear gardens. Upstairs would have three bedrooms, an en-suite shower room and a family bathroom.

1.4 The two flats formed from the conversion of the original semi-detached property would each have their own private entrance. External alterations would be limited to the addition of a side entrance door and the removal of one window. The one bededroom flat would be located on Page 99
the ground floor with a new entrance way created to the side of the property on Chichester Terrace. The flat would have a kitchen, sitting room, shower room and bedroom and would have a Gross Internal Floor Area (GIA) of 46 square metres. The second flat would have two bedrooms and be accessed via the existing entrance way on Norfolk Road. The flat would be split level with the master bedroom and bathroom situated in the roof space on the second floor and include two bedrooms, a bathroom, a kitchen and a sitting room. This flat would have a GIA of 87 square metres. The density of development on the site as a whole would be 84 dwellings per hectare.

DESCRIPTION OF THE SITE

1.5 9 Norfolk Road (known as Norfolk Lodge Care Home) is situated on the corner of Norfolk Road and Chichester Terrace and occupies a plot some 35 metres deep. The properties within the area are mostly two-storey Victorian style properties with relatively uniform frontages and varying rear projections. The site is located a short (6 minute) walk from the mainline Train Station and the retail and service offer of Horsham Town Centre. Immediately to the north east of the site on Chichester Terrace is The Capitol theatre and to the rear is Sussex House.

1.6 The application site is currently vacant. The site was vacated in October 2019 by the previous user ‘Sussex Health Care’. The building operated as a supported living service for people with disabilities or a substance misuse problem living in the community with some support from qualified staff to live an as independent life as possible. The site became unviable for the user as it was not a part of the provider’s core business and the facility was very small, requiring substantial investment to remain fit for purpose. The residents have been successfully placed elsewhere is more suitable accommodation and attempts to find a similar provider to take the service on were unsuccessful.

2. INTRODUCTION

STATUTORY BACKGROUND


RELEVANT PLANNING POLICIES

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

2.3 National Planning Policy Framework (NPPF)

2.4 Horsham District Planning Framework (HDPF)
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 13 - Town Centre Uses
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 27 - Settlement Coalescence
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 40 - Sustainable Transport
Policy 41 - Parking
RELEVANT NEIGHBOURHOOD PLAN

2.5 The Horsham Blueprint Business Neighbourhood Forum is a designated body of the Unparished Area of Horsham Town. The Forum comprises of representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. The Horsham Blueprint Business Neighbourhood Forum's Neighbourhood Plan area was approved in June 2015. In accordance with the Neighbourhood Planning Regulations 2012 (as amended), the forum must be re-designated every five years to allow the process of Neighbourhood Plan preparation to continue. The consultation on the forum re-designation ends on 29 July 2020, having commenced on 17 June.

PLANNING HISTORY AND RELEVANT APPLICATIONS

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

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Description</th>
<th>Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>HU/244/95</td>
<td>Conservatory extension</td>
<td>Permitted</td>
<td>30.11.1995</td>
</tr>
<tr>
<td>HU/76/94</td>
<td>Residential care</td>
<td>Permitted</td>
<td>19.07.1994</td>
</tr>
<tr>
<td>HU/482/64</td>
<td>Proposed extension to provide bedsitters dining,</td>
<td>Permitted</td>
<td>03.03.1964</td>
</tr>
<tr>
<td></td>
<td>kitchen and bathroom</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 Conservation**: No Objection
The Conservation Officer raised some concerns over the initial design of the semi-detached properties. These comments led to positive amendments where the Conservation Officer states that he is ‘...happy with the increase in detail and architectural interest. The new dwellings will fit more attractively in the street’.

3.3 **HDC Environmental Health**: No Objection
Conditions recommended in relation to:
- Contamination
- Demolition and Construction Phases (waste removal/ noise and dust/ hours of demolition and construction)
- No exterior floodlighting

3.4 **HDC Housing**: No Objection
I cannot comment on the loss of specialist housing for disabled people as I do not have any knowledge of the demand for these placements, the housing register only deals with general needs properties and low level retirement housing. The planning statement does seem reasonable, especially as the residents have been placed elsewhere and is was a small facility that need substantial investment.
3.5 WSCC Highways: No Objection

Parking & Access
Two spaces will be provided at the north eastern extent of the site to serve the 2 x 3 bed houses. These spaces are accessed via an existing dropped crossing. It is not clear if these spaces will be allocated one per dwelling or remain unallocated. In any event it would be anticipated that two houses of this size in this location would attract the parking demand of 4 spaces. It is likely that the shortfall in demand will be made up from occasional visitor parking which could be accommodated on street or in an a nearby paid for provision.

It would be anticipated that two flats of this size in this location would attract the parking demand of 3-4 spaces. Given no off street parking is provided all this demand would need to be accommodated on street or in an a nearby paid for provision.

Controlled Parking Zone Team
The loss of a parking space within this zone is undesirable. The existing parking zone is under pressure and currently oversubscribed to permits. Therefore any new residents will not be likely to get a permit in the short to medium term. (received prior to parking amendments)

Parking – EV
In the interests of sustainability and as result of the Government’s ‘Road to Zero’ strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for new homes. Based upon current EV sales rates within West Sussex, active charging points should be provided for a minimum of 20% of all proposed parking spaces. Ducting should be provided to the remaining 80% of parking spaces to provide ‘passive’ provision for these spaces to be upgraded in future. Due to the small scale nature of this proposal, the anticipated provision of active EV spaces for this development would be 1 space and should be provided in accordance with the above WSCC guidance and Horsham Local Plan policy. Details of which can be secured via a suitably worded condition.

Parking – Conclusion
On balance it would be anticipated that the proposed will generate a small degree of on street car parking demand. Consideration needs to be given that the existing use would have generated a parking demand. It’s not unreasonable to conclude that that use would also have generated a small degree of on street car parking demand. On balance it would not be considered that a small degree of on street car parking demand would result in a highway safety concern. The LPA may wish to consider the local amenity issues.

Conditions recommended relating to Car parking spaces, cycle parking and Electric Vehicle Charging Spaces.

Sustainability
The site is located in a highly sustainable town centre location. It is well located in close proximity to local services, amenities and employment opportunities. The site is accessible by sustainable modes of transport and future occupiers will not be reliant in the use of a private motor vehicle. All dwelling should be provided with a secure and covered cycle parking provision which have been demonstrated on the latest proposed ground floor plans.

Conclusion
The Local Highways Authority does not consider that the proposal would have and 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.
3.6 Southern Water: No Objection
The exact position of a public sewer and water distribution main must be determined on site by the applicant. Condition advised to secure details / adequacy of surface water discharge to local watercourse.

PARISH/NEIGHBOURHOOD COUNCIL CONSULTATION

3.7 Denne Neighbourhood Council: The Neighbourhood Council originally objected on the lack of information provided with the application (party wall issues/ roof heights/ parking and access). Following amendments, objections remain on insufficient parking grounds and potential unacceptable loss of light to number 7 Norfolk Road.

PUBLIC CONSULTATIONS

3.8 A total of 12 letters of objection were received from 6 households and the Horsham Society. The nature of the objections can be summarised as follows:

- Inadequate and inaccurate plans
- Design should match Victorian character of the area
- Inadequate parking provision/ loss of on-street parking
- Party Wall issues
- Sewer runs under the property
- Over-looking, over-bearing, over-shadowing
- Over-development
- Loss of light
- Location of refuse storage adjacent to boundary wall.

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 HDPF states that the district has a distinct settlement pattern which should be retained and enhanced. It states that development will be permitted within towns and villages which have a defined built up area boundary where any development will be required to demonstrate that it is of an appropriate nature and scale to maintain the characteristics and function of the settlement in accordance with the settlement hierarchy set out within the policy. The application site is located within the main settlement area of Horsham, on previously developed land. The application does involve the loss of (now vacant) supported living housing for people with disabilities or a substance misuse problem. The site became unviable for the user as it was not a part of the provider’s core business and the facility was very small, requiring substantial investment to remain fit for purpose. The residents have been successfully placed elsewhere in more suitable accommodation and attempts to find a
similar provider to take the service on were unsuccessful. It is considered that this use has been successfully re-located and therefore no housing needs displacement concern with this application. This application is therefore considered to be appropriate for residential development subject to all other material considerations as set out below.

Design and Appearance

6.2 Policies 32 and 33 of the HDPF seek to promote development of high quality and inclusive design for all development in the district, ensuring that it is complementary of local distinctive character and heritage, integrating with their surroundings. Furthermore, these policies ensure that the scale, massing and appearance of the development is of high standard of design and layout and where relevant, relates sympathetically with the built surroundings.

6.3 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.

6.4 It is noted that there have been various amendments to the proposal and three public consultations undertaken. Initial concerns were raised over the design of the semi-detached properties, and the lack of detailing and appreciation of the character of the area. Following these concerns, the applicant worked with Officers to amend the plans, adding Victorian style bay windows to the ground floor, sash windows to the first floor and a slate roof with render finish. The design is now considered to appropriately reflect the form and vernacular of the nearby properties and will be an improvement in the streetscene to the existing modern style extensions. The ridge height of the new properties (8.24 metres) will remain lower than the original house (10 metres) and the building line will remain the same as existing.

6.5 Only minor changes are proposed to the original house to accommodate the two flats. This includes an additional entrance door to the side on Chichester Terrance and the removal of a first floor window. These amendments are considered to have a neutral effect on the character of the streetscene.

6.6 The proposed development is considered to reflect and reinforce the townscape character of the locality, with the siting and orientation of the dwellings considered to relate sympathetically to the built pattern and characteristics of the streetscene. The scale, mass and proportions of the dwellings are considered to appropriately reflect that of the immediate neighbouring properties, with the finish and appearance considered to reflect the build characteristics of the wider locality. As such, the proposal is considered to accord with policies 25, 32, and 33 of the Horsham District Planning Framework.

Impact on neighbour amenity

6.7 Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

Adjoining Residents

6.8 While acknowledged that the proposed development would introduce additional residential receptors into the area, it is recognised that the existing dwellings in Norfolk Road/Chichester Terrace, and other nearby streets, do share a mutual degree of overlooking due to the terraced and semi-detached higher density nature of the properties. In this case the
new dwellings will not be located any closer to the adjoining neighbour than the previous building, and there will now be a gap between the buildings, whereas the existing building is a continuous built form. The proposed dwellings will protrude 1 metre further to the rear than the existing building, but in this instance, this is considered to have only a minor additional impact on the neighbour at number 7, where there is already a degree of overshadowing due to their rear extension being right up to the rear boundary. The existing rear extension at the application site adjoins the neighbouring property and much of this will be removed. This rear extension houses a utility room and WC and the impact on the property is considered to be no greater than the existing situation.

6.9 Concern was raised over the accuracy of the plans in relation to the adjoining property at 7 Norfolk Road. The site was re-surveyed and new plans showing the full extent of the neighbouring property have now been submitted.

6.10 One first floor side window is proposed on each semi-detached property. These would be obscurely glazed and serve the bathrooms. Given the separation distance and the orientation of the dwellings, it is considered that only oblique views would be possible from the first floor windows on the rear elevation. Such relationship is not considered to result in any further material harm than the existing situation, and it is not therefore considered that the proposal would result in harm through overlooking or loss of privacy.

6.11 The proposed development is considered to accord with Policy 33 of the Horsham District Planning Framework (2015).

Future Occupants

6.12 The development would provide four new residential units that meet all minimum space standard requirements. On request, amendments were made to the internal layout of the two semi-detached properties to ensure all bedrooms meet the minimum National Space Standards. The internal floorspace for all proposed units are now considered to be acceptable.

6.13 Refuse and recycling storage is provided for each of the dwellings, along with secure cycle parking. The two semi-detached properties will provide private amenity space of 60 square metres and 95 square metres. No private or communal amenity space would be provided for the two flats however the lack of such provision is considered acceptable considering the sites location close to Horsham Park (some 150 metres). It is considered that the proposal would provide an acceptable standard of living for future occupants.

Highways and Parking

6.14 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 of the HDPF requires adequate parking facilities within developments. Chapter 9 of the NPPF sets out that ‘development should only be refused on transport grounds if there would be an unacceptable impact on highway safety grounds, or the residual cumulative impacts on the road network would be severe’.

6.15 The Local Highways Authority (West Sussex County Council (WSCC) Highways) accepts that the existing use would have generated trips in its own right, most likely from staff and for servicing. It is not anticipated that the proposed use as 4 dwellings will result in an overall material intensification of use at the site.

6.16 The proposed dwellings would utilise the existing dropped kerb access with two parking spaces provided to the serve the semi-detached properties within the site (one for each property). Following consultation with WSCC Highways, it is noted that the on-site parking demand for this development would not be met. As such, the proposals would result in a
shortfall and on-street or paid provision in a public or private car park may be required. It is noted that the surrounding road network is a controlled parking zone which requires parking permits. Parking permits are in high demand in this location and there would be no guarantee that new residents would be able to purchase one in the short to medium term. Although it is acknowledged that this proposal would not provide the amount of off-street parking spaces required under the West Sussex Parking Standards, the highly sustainable location of the site, well located in close proximity to local services, amenities and employment opportunities, together with the accessibility to sustainable forms of transport mean, it is reasonable to conclude that future occupiers will not be reliant on the use of a private motor vehicle. There are also surface car parks (North Street and BT Exchange) and the Piries Place multi-storey car park within easy walking distance.

6.17 Notwithstanding this shortfall, no overall objections are raised by WSCC Highways and the additional on-street parking would not have a detrimental impact on the visual amenities of the street scene given the controls already in place. The site is located within a highly sustainable Town Centre location, well situated for local services, amenities and employment opportunities and with easy access to sustainable modes of transport such as the train station, bus routes and cycle lane network. All dwellings will be provided with secure and covered cycle parking provision.

Climate Change

6.18 Policies 35, 36 and 37 of the HDPF require that development mitigates 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:
- Provision of refuse and recycling
- Immediate access to pedestrian and cycle links
- Close proximity to sustainable modes of transport

6.19 In addition to these measures, conditions are attached to secure the following:
- Water consumption limited to 110 litres per person per day
- Refuse and recycling storage
- Cycle parking facilities
- Requirement to provide full fibre broadband site connectivity
- Electric Vehicle Charging Point

6.20 Subject to these conditions the application will suitably mitigate its impact on climate change in accordance with local and national policy.

Other Matters

6.21 A final consultation is currently being carried out which is due to expire on the 27 July. This consultation does not introduce any additional changes but does include some additional details regarding the existing adjoining property that were not surveyed before.

Conclusions

6.21 The proposal would represent an appropriate form of development, situated in a highly sustainable town centre location, in part utilising an existing building and on previously developed land. The proposals would be in-keeping with the character of the surrounding streetscene and have no detrimental impact on the amenities of the adjoining occupiers, or the existing parking and highways configuration within the locality. The proposal is therefore considered to accord with national and local planning policies and is recommend for approval
subject to expiration of the public consultation period and delegation to the Head of Development to consider any representations received as a result of that consultation.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

<table>
<thead>
<tr>
<th>Use Description</th>
<th>Proposed</th>
<th>Existing</th>
<th>Net Gain</th>
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</thead>
<tbody>
<tr>
<td>District Wide Zone 1</td>
<td>345</td>
<td>175</td>
<td>170</td>
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<td></td>
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<td></td>
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<tr>
<td><strong>Total Gain</strong></td>
<td></td>
<td></td>
<td><strong>-8</strong></td>
</tr>
<tr>
<td><strong>Total Demolition</strong></td>
<td></td>
<td></td>
<td><strong>178</strong></td>
</tr>
</tbody>
</table>

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

7.1 To resolve to grant planning permission subject to expiration of the public consultation period and delegation to the Head of Development to consider any representations received as a result of that consultation, and subject to the following conditions:

1 A list of the approved plans

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 take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

   i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)

   ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

   iii. suitable provision for the control and mitigation of noise and dust.

   iv. details of the removal of clearance debris and construction waste from site.

   The approved details shall be adhered to throughout the construction period.

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

8 **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
- A written outline soft specification, including ground preparation, cultivation and other operations associated with plant and grass establishment
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

9 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with approved drawing number 1925_020 Rev A. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 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 rear garden or side 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:** 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).

12 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been made for that dwelling (or use) in accordance with drawing number 1925_010 Rev E. 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).

13 **Pre-Occupation Condition:** The buildings hereby permitted shall not be occupied until the window(s) at first floor, side elevation on Plan 1925_016 Rev B have been fitted with obscured glazing. The window(s) shall be fixed shut/non-openable. Once installed the obscured glazing shall be retained permanently and the window fixed shut/non-openable thereafter.
Reason: To protect the privacy of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14 **Regulatory Condition**: No works for the demolition or 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

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

15 **Regulatory Condition**: If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

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

16 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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

17 **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, C and D of Part 1 of Schedule 2 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 control the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/20/0576
Norfolk Lodge Care Home, 9 Norfolk Road, Horsham

Scale: 1:1,250

Organisation | Horsham District Council
Department | 
Comments | 
Date | 23/07/2020
MUA Number | 100023865

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**PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North  
**BY:** Head of Development  
**DATE:** 4th August 2020  
**DEVELOPMENT:** Retention and completion of horse walker with barn shelter and adjacent turnout pen  
**SITE:** Beckley Stud Reeds Lane Southwater Horsham West Sussex RH13 9DQ  
**WARD:** Southwater North  
**APPLICATION:** DC/20/0613  
**APPLICANT:** Name: Mr L Middleton  
Address: C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Councillor Vickers

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

1. **THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

1.2 The application seeks retrospective planning permission for the retention of a circular horse walker (in situ) and turnout pen, and planning permission for the construction of an open sided barn over the horse walker measuring 20m x 18m (360sqm). The barn has an eaves height of 3.15m and a ridge height of 5.38m. Materials comprise timber clad elevations with a tiled roof.

1.3 Permission is also sought for a turn out pen measuring 22m x 18m (396sqm) enclosed by a 1.8m high close boarded fence.

**DESCRIPTION OF THE SITE**

1.4 The application site comprises two separate parcels of land (combined site area of 756sqm) within the north east corner of the wider site boundaries of 'Beckley Stud,' a commercial equestrian site located to the north east and 0.4km from the village of Southwater,. The site is accessed via Reeds Lane which is off of the south side of Coltstaple Lane. The wider site accommodates commercial equestrian stables, and a mobile home within a site that comprises approximately 3.25 hectares (8 acres) of land, set out in individual paddocks with post and rail fencing.

1.5 Permission has previously been granted for the stables and a mobile home under application reference DC/17/2048 which was for the proposed change of use of the existing...
equestrian facilities to combined equestrian and charitable use and the retention of the mobile home and re-sited timber clad container. More recently a 60 metre by 30 metre sand school has been granted permission (DC/18/1826). The layout of the current site is linear in form running parallel with the eastern boundary of the site comprising 4 stables, storage and a mobile home. As detailed above, in August 2019 permission was granted for the re-siting of the stable buildings (DC/19/0278) and subsequently in February 2020 for the re-siting and replacement of the mobile home (DC/18/1622).

1.6 A separate application (DC/20/0615) is under consideration for the retention of a bund located to the far north western boundary of the site. A further separate application comprising a Certificate of Lawfulness (CLE) is also under consideration under planning ref: DC/20/0755 to establish the lawfulness of the existing fencing and gate with brick piers (comprising 1.8m high sliding gate and 2m high brick piers) at Beckley Stud, along with a 1.8m - 2m high fence along the eastern boundary of the site (set back by 8.85m -9.3m from Reeds Lane) and 1.5m – 1.8m along the northern boundary of the site (set back 12m from Coltstaple Lane). The planning merits of the use and activities on site are not part of the CLE application and neither are they relevant to this submission.

1.7 Coltstaple Lane runs along the northern boundary of the site and Southwater Street runs along the western boundary. The eastern boundary of the site is parallel to Reeds Lane where the existing access point is located serving the field. There are listed buildings ‘Kings Farm’ to the north and immediately adjacent to the application site on the north side of Coltstaple Lane, and another known as ‘Newfoundout East’ located to the south east of the site.

1.8 The site is located outside any defined built up area boundary and therefore is identified as countryside. A right of way is located to the south of the site but not immediately adjacent to the site. The site is located within Flood Risk Zone 1 where the risk of flooding from rivers or surface water run-off is low.

2. INTRODUCTION

STATUTORY BACKGROUND


RELEVANT PLANNING POLICIES

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

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 10 - Rural Economic Development
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 40 - Sustainable Transport
Policy 41 - Parking
2.4 **Southwater Parish Design Statement (2008)**

**RELEVANT NEIGHBOURHOOD PLAN**

2.5 The **Southwater Neighbourhood Development Plan (2019-2031)** has been through examination and the Examiner published his report of the 15 May 2020. Whilst the neighbourhood plan is not yet ‘made’ it carries increasing weight. Relevant policies are as follows:

SNP1 - Core Principles  
SNP16 - Design  
SNP17 - Site Levels  
SNP18 - A Treed Landscape

2.6 **PLANNING HISTORY AND RELEVANT APPLICATIONS**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/19/0278</td>
<td>Demolition of existing stable and erection of stables</td>
<td>Application Permitted on 06.08.2019</td>
</tr>
<tr>
<td>DC/18/1826</td>
<td>Erection of a 60m x 30m sand school.</td>
<td>Application Permitted on 09.11.2018</td>
</tr>
<tr>
<td>DC/18/1622</td>
<td>Removal of existing mobile home and positioning of new mobile home (retrospective). Construction of 1.8m fencing along eastern/southern boundaries along with brick pillars and gates to entrance (retrospective). Proposed construction of 1.5m high fence along eastern/northern boundaries.</td>
<td>Application Permitted on 17.02.2020</td>
</tr>
<tr>
<td>DC/17/2048</td>
<td>Proposed change of use of existing equestrian facilities to combined equestrian and charitable use. Retention of mobile home and re-sited timber clad container</td>
<td>Application Permitted on 08.03.2018</td>
</tr>
<tr>
<td>DC/16/1069</td>
<td>Retrospective application for the erection of 4 stable blocks forming 10 stables and creation of hard standing</td>
<td>Application Permitted on 27.07.2016</td>
</tr>
<tr>
<td>DC/14/2407</td>
<td>Proposed creation of a small scale private equestrian yard - Five stables and sand school, revised application further to DC/14/1645</td>
<td>Application Refused on 20.04.2015</td>
</tr>
<tr>
<td>DC/14/1645</td>
<td>Erection of stable building comprising 8 stables and 2 foaling boxes, feed hay and tack rooms with wash down and store areas and a sand school for private use (affects the setting of a Listed Building)</td>
<td>Application Refused on 06.10.2014</td>
</tr>
</tbody>
</table>

3. **OUTCOME OF CONSULTATIONS**

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

3.2 **INTERNAL CONSULTATIONS**

3.2.1 **HDC Landscape Architect**: No Objection

3.3 **HDC Conservation**: No Objection

3.4 **HDC Environmental Health**: No Objection

3.5 **OUTSIDE AGENCIES**

3.5.1 **WSCC Highways**: No Objection

3.6 **Southern Water**: No Objection
3.7 **Agricultural Adviser**: No objection. The proposed horse walker, covered barn and turnout barn are appropriate equine facilities and are of an appropriate size relative to the nature and level of the applicant’s commercial equestrian activity.

PARISH COUNCIL

3.8 **Southwater Parish Council** – Object as there is a breach of normal planning procedures. The Parish Council is disappointed this (these) applications have been brought up for regularisation.

PUBLIC CONSULTATIONS

3.9 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**

6.1 The main issues in this case are considered to be:-

- The principle of the development in this location;
- The impact and scale of the development on the character and visual amenities of the countryside, including the neighbouring Grade II listed buildings;
- The amenities of neighbour and future occupiers; and
- Parking and highway safety issues.

**Principle**

6.2 Policy 10, Rural Economic Development, of the HDPF states that development in the countryside should be appropriate to the countryside location and contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside.

6.3 Policy 26 of the HDPF states that outside built up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. In addition, proposals must be of a scale appropriate to its countryside character and location, and would not lead, either individually or cumulatively to a significant increase in the overall level of activity in the countryside and protects and/or conserve, enhances key features and characteristics of the landscape character in which it is located. The strategy for Rural Economic Development reinforces the government’s commitment to encouraging sustainable rural business whilst maintaining the quality and special character of the countryside as set out in Paragraph 28 of the National Planning Policy Framework.

6.4 Policy 29, Equestrian Development, states that ‘Development for equestrian related development will be supported provided that it can be demonstrated that the re-use of existing buildings on site for related equestrian use is not appropriate before new or
replacement buildings are considered; the proposal would be appropriate in scale and level of activity, and be in keeping with its location and surroundings, and where possible is well related to existing buildings; and the proposal should where possible be well related to a bridleway network.

6.5 The principle of the wider use of the site for commercial equestrian purposes was established under DC/17/2048 (Proposed change of use of existing equestrian facilities to combined equestrian and charitable use. Retention of mobile home and re-sited timber clad container). A restrictive condition was imposed in regards to the siting of the mobile home for a temporary three year period, until 8 March 2020. A subsequent application was made under DC/18/1622 and a further permission has recently been granted for the siting of a new mobile home until 4 February 2023 (restrictive condition 2). Planning permission has also been granted for the erection of a 60m x 30m sand school under DC/18/1826 in November 2018 and more recently for the demolition of the existing stables and erection of new stables under DC/19/0278 in August 2019. The current application seeks planning permission for the retention of the horse walker, and construction of an open barn shelter over and a turn out pen to the north of the former ‘HOPE’ Therapy Centre in the north east quadrant of the wider site (this use having been relocated from the site, and the structure itself to be removed imminently).

6.6 The Council Agricultural Adviser has been consulted, RAC considers that the proposed horse walker, covered barn and turnout barn are appropriate equine facilities and are of an appropriate size relative to the nature and level of the applicant’s commercial equestrian activity. They are considered to meet the appropriate exercise and training requirements for the horses on site. In this respect, RAC considers it is compliant with the NPPF and Local Plan Policy in Policy 29 of the Horsham District Planning Framework. It is noted for information purposes that the Agricultural Report submitted with the previous planning application (DC/18/1622) confirmed that the equestrian business at Beckley Stud has altered from a breeding and racehorse recuperation to only the breeding of Show Hunter horses and ponies.

6.7 The current application seeks retrospective consent for the retention and completion of horse walker with barn shelter with a turnout pen enclosed by a 1.8m high close boarded fence. There are no other buildings on the site that could accommodate a covered horse walker required for exercising and training horses including warming up and cooling down before and after exercise. The proposed barn over the horse walker is open sided to the front and has a shallow pitched roof measuring 5.38m to the ridge and 3.15m to the eaves. The horse walker with barn shelter with a turnout pen would be appropriate to the countryside location, with the small-scale nature of the commercial enterprise considered to be of a low impact which would not significantly increase the level of activity on the site. It is therefore considered that the proposed use of the site would be appropriate in this location and would accord with Policies 10 and 26 of the HDPF.

6.8 The proposed horse walker, open barn over and turn out pen are considered to be appropriate development within the rural context of the countryside and as such are considered to be acceptable in principle subject to a thorough assessment against all other relevant policies within the HDPF.
Character and Appearance (including impact on the setting of the Listed Buildings)

6.9 Policies 32 and 33 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensures that it will complement locally distinctive characters and heritage and that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, is locally distinctive in character, respects the character of the surrounding area, and uses high standards of building materials, and finishes.

6.10 The proposed horse walker, barn shelter and turn out pen as described above are considered acceptable within the context of the wider equestrian site and are suitable in terms of the size, scale and appearance. It is considered that they would not result in an over intensity of the existing use of the site. In this respect the proposals are considered to accord with the requirements of Policy 32 and 33 of the HDPF.

6.11 Policy 34 of the HDPF sets out the Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. There is a listed building known as ‘Kings Farm’ to the north of the application site, located on the north side of Coltstaple Lane. There is another known as ‘Newfoundout East’ located to the south east of the site and well separated from the application site. The significance and setting of these listed buildings is not considered to be affected by the application proposals given their distance and inter-visibility between them and the application site.

6.12 The Council’s Landscape Officer has been consulted and has advised that following a site visit to assess the site in the contest of the proposals (including the mound (bund) which is subject to a separate application under DC/20/0615), that the horse walker, barn shelter and turnout pen and fence subject to the current application sits in a well screened location and where visible will be seen in the context of the existing equestrian use of the site with apparatus like fences, buildings, horse transport vehicle, etc. and it is considered that they will not harm the visual appearance of the landscape. It is therefore considered that any assessed harm to the landscape character of the area is localised and is not considered to be significant in planning terms therefore, the proposals are considered to accord with the requirements of Policy 25 of the HDPF.

Impact on neighbouring amenity

6.13 Policy 33 of the HDPF states that development should, amongst other things, respect amenities of neighbouring properties and the locality.

6.14 The proposed horse walker, barn shelter over the horse walker and turn out pen located within the north east corner of the application site are considered to be appropriate equine facilities within the countryside, and would be viewed in the context of the existing equestrian use of the land. The size and scale of the development is considered appropriate when considered in relation to the stables as previously granted on site, and the overall equestrian activities and existing authorised development on the site. The boundary of the site comprises mature trees and hedging to the northern and eastern boundaries of Beckley Stud and as such there is some natural screening between the application site and the nearest neighbours.

6.15 The nearest neighbour to the site is Kings Farm and Beckley Farm on the north side of Coltstable Lane. The evolution of the equestrian site to include the above is not considered to result in either a development or level of activity that would result in any appreciable harm to neighbouring amenity, particularly with regards noise and disturbance to local residents above that which currently exists. The proposal would be viewed in the context of an equestrian use of the land, with a stable block adjoining to the east. It would not be unusual for a horse walker, barn shelter, or turn out pen to form part of an equestrian
development. It is considered that there is sufficient separation distance (approx. 65m to the nearest residential dwellings to ensure that there would be no loss of private amenity arising from the activities that take place on the site which already have authorised use for equestrian purposes.

6.16 The retention of the horse walker, barn shelter and turn out pen as described when viewed in conjunction with the equestrian use of the site is considered appropriate to the countryside location and therefore would not appear out of keeping with the surroundings. The proposal is considered to be of an appropriate form and finish which given the presence of some screening to the northern and eastern boundaries and the nearby residential properties, would not appear either unduly prominent or incongruous within the rural landscape character of the area. As such, the proposal is considered to accord with policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

Highways

6.17 West Sussex County Council Highways have been consulted and they have advised that The Local Highways Authority 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. The application is therefore considered to accord with HDPF Policy 41 Parking which states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users.

Conclusions

6.18 Whilst it is acknowledged that the site activities and development have evolved over time and there is concern regarding the retrospective nature of applications submitted over time and in regards to the use of the site, and to the incremental changes that have/are taking place, this not a reason to refuse the current application as the site does have permission to operate as an equestrian use, with planning permission DC/17/2048 granting consent for a change of use of the existing equestrian facility to combine equestrian and charitable use, and the retention of the equestrian elements as described above and as sought relate to the current use.

6.19 The development for which permission is sought (retrospectively in part) is considered to be of a use, scale, form and appearance that is appropriate and sympathetic to the countryside location. The proposals would not result in any significant or appreciable harm to the amenities of neighbouring properties and is considered to accord with policies 25, 26, 29, 32, 33 and 34 of the HDPF 2015.

7. RECOMMENDATIONS

7.1 To approve planning permission subject to the following conditions:

1. **A list of the approved plans**

2. **Pre-Commencement (Slab Level) Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

   Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
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TO: Planning Committee North
BY: Head of Development
DATE: 4th August 2020
DEVELOPMENT: Retention of bund (retrospective)
SITE: Beckley Stud Reeds Lane Southwater Horsham West Sussex RH13 9DQ
WARD: Southwater North
APPLICATION: DC/20/0615
APPLICANT: Name: Mr L Middleton Address: Beckley Stud Reeds Lane Southwater Horsham West Sussex RH13 9DQ
REASON FOR INCLUSION ON THE AGENDA: At the request of Councillor Vickers
RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the retention of a bund located to the far north western boundary of the Beckley Stud site. The bund is 2.5m tall at its highest point and measures 34.7m in length and 7m in width. The bund was created by the Applicant to shield the horses from noise from moving traffic on Kings Lane immediately to the west.

DESCRIPTION OF THE SITE

1.3 The application site comprises land within the North West corner of the wider site boundaries of ‘Beckley Stud,’ a commercial equestrian site located to the north east and 0.4km from the village of Southwater. The site is accessed via Reeds Lane which is off of the south side of Coltstaple Lane. The wider site accommodates commercial equestrian stables, and a mobile home within a site that comprises approximately 3.25 hectares (8 acres) of land, set out in individual paddocks with post and rail fencing.

1.5 Permission has previously been granted for the stables and a mobile home under application reference DC/17/2048 which was for the proposed change of use of the existing equestrian facilities to combined equestrian and charitable use and the retention of the mobile home and re-sited timber clad container. More recently a 60 metre by 30 metre sand school has been granted permission (DC/18/1826). The layout of the current site is linear in form running parallel with the eastern boundary of the site comprising 4 stables, storage and a mobile home. As detailed above, in August 2019 permission was granted for
the re-siting of the stable buildings (DC/19/0278) and subsequently in February 2020 for the re-siting and replacement of the mobile home (DC/18/1622). A separate application (DC/20/0613) is under consideration for the retention of a circular horse walker (in situ), with construction of an open sided barn over the horse walker measuring 20m x 18m (360sqm) and a turn out pen measuring 22m x 18m (396sqm) enclosed by a 1.8m high close boarded fence.

1.6 Coltstaple Lane runs along the northern boundary of the site and Southwater Street runs along the western boundary. The eastern boundary of the site is parallel to Reeds Lane where the existing access point is located serving the field. There are listed buildings ‘Kings Farm’ to the north and immediately adjacent to the application site on the north side of Coltstaple Lane, and another known as ‘Newfoundout East’ located to the south east of the site.

1.7 The site is located outside any defined built up area boundary and therefore is identified as countryside. A right of way is located to the south of the site but not immediately adjacent to the site. The site is located within Flood Risk Zone 1 where the risk of flooding from rivers or surface water run-off is low.

2. INTRODUCTION

STATUTORY BACKGROUND


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

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 10 - Rural Economic Development
Policy 24 - Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 37 –Sustainable Design and Construction

2.3 Southwater Parish Design Statement (2008)

RELEVANT NEIGHBOURHOOD PLAN

2.4 The Southwater Neighbourhood Development Plan (2019-2031) has been through examination and the Examiner published his report of the 15 May 2020. Whilst the neighbourhood plan is not yet ‘made’ it carries increasing weight. Relevant policies are as follows:

SNP1 - Core Principles
SNP16 - Design
SNP17 - Site Levels
2.5 **PLANNING HISTORY AND RELEVANT APPLICATIONS**

<table>
<thead>
<tr>
<th>Application ID</th>
<th>Description</th>
<th>Date Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/19/0278</td>
<td>Demolition of existing stable and erection of stables</td>
<td>06.08.2019</td>
</tr>
<tr>
<td>DC/18/1826</td>
<td>Erection of a 60m x 30m sand school</td>
<td>09.11.2018</td>
</tr>
<tr>
<td>DC/18/1622</td>
<td>Removal of existing mobile home and positioning of new mobile home (retrospective). Construction of 1.8m fencing along eastern/southern boundaries along with brick pillars and gates to entrance (retrospective). Proposed construction of 1.5m high fence along eastern/northern boundaries.</td>
<td>17.02.2020</td>
</tr>
<tr>
<td>DC/17/2048</td>
<td>Proposed change of use of existing equestrian facilities to combined equestrian and charitable use. Retention of mobile home and re-sited timber clad container</td>
<td>08.03.2018</td>
</tr>
<tr>
<td>DC/16/1069</td>
<td>Retrospective application for the erection of 4 stable blocks forming 10 stables and creation of hard standing</td>
<td>27.07.2016</td>
</tr>
<tr>
<td>DC/14/2407</td>
<td>Proposed creation of a small scale private equestrian yard - Five stables and sand school, revised application further to DC/14/1645</td>
<td>20.04.2015</td>
</tr>
<tr>
<td>DC/14/1645</td>
<td>Erection of stable building comprising 8 stables and 2 foaling boxes, feed hay and tack rooms with wash down and store areas and a sand school for private use (affects the setting of a Listed Building)</td>
<td>06.10.2014</td>
</tr>
</tbody>
</table>

3. **OUTCOME OF CONSULTATIONS**

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

**INTERNAL CONSULTATIONS**

3.2 **HDC Landscape Architect**: No Objection

3.3 **HDC Conservation**: No Objection

3.4 **HDC Environmental Health**: No Objection

**OUTSIDE AGENCIES**

3.5 **WSCC Highways**: No Objection

3.6 **WSCC Minerals and Waste**: Comment. Given the applicants assertion the bund is an engineering operation ancillary to the equestrian use of the site, and noting the limited volume of material contained within the bund (circa 1000 tonnes), in this case it seems unlikely that the development would likely be considered wholly or mainly for the recovery or deposit of waste (i.e. a County Matter). Regardless, if the bund has been created from waste, the development should be considered against Waste Local Plan, Policy W8. That being the case, importantly, there would be need to demonstrate that the bund is created from suitable clean inert waste materials, that it would deliver clear benefits, and that no more waste material than necessary has been used to deliver that benefit.

**PARISH COUNCIL**
3.6 **Southwater Parish Council** – Objection. There is a breach of normal planning procedures. The Parish Council is disappointed this (these) applications have been brought up for regularisation.

PUBLIC CONSULTATIONS

3.7 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**

6.1 The main issues in this case are considered to be:-

- The principle of the development in this location;
- The impact and scale of the development on the character and visual amenities of the countryside, including the neighbouring Grade II listed building;
- The amenities of neighbour and future occupiers; and
- Parking and highway safety issues.

**Principle**

6.2 Policy 26 of the HDPF states that outside built up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. In addition, proposals must be of a scale appropriate to its countryside character and location, and would not lead, either individually or cumulatively to a significant increase in the overall level of activity in the countryside and protects and/or conserve, enhances key features and characteristics of the landscape character in which it is located. The strategy for Rural Economic Development reinforces the government’s commitment to encouraging sustainable rural business whilst maintaining the quality and special character of the countryside as set out in Paragraph 28 of the National Planning Policy Framework. Although limited information has been submitted to justify the need for the bund, given its modest scale and the wider equestrian use of the site, the principle of a small bund can be considered acceptable in this instance subject to assessment against all other relevant policies within the HDPF.

6.3 Policy 29, Equestrian Development, states that 'Development for equestrian related development will be supported provided that it can be demonstrated that the re-use of existing buildings on site for related equestrian use is not appropriate before new or replacement buildings are considered; the proposal would be appropriate in scale and level of activity, and be in keeping with its location and surroundings, and where possible is well related to existing buildings; and the proposal should where possible be well related to a bridleway network.'
6.4 The principle of the wider use of the site for commercial equestrian purposes was established under DC/17/2048 (Proposed change of use of existing equestrian facilities to combined equestrian and charitable use. Retention of mobile home and re-sited timber clad container). A restrictive condition was imposed in regards to the siting of the mobile home for a temporary three year period, until 8 March 2020. A subsequent application was made under DC/18/1622 and a further permission has recently been granted for the siting of a new mobile home until 4 February 2023 (restrictive condition 2). Planning permission has also been granted for the erection of a 60m x 30m sand school under DC/18/1826 in November 2018 and more recently for the demolition of the existing stables and erection of new stables under DC/19/0278 in August 2019.

6.5 The current application seeks planning permission for the retention of a bund in the north-west quadrant of the site measuring 2.5m tall at its highest point, 34.7m in length and 7m in width. The bund was created by the Applicant to shield the horses from moving traffic on Kings Lane adjacent to prevent startle. No noise assessment has though been submitted to demonstrate the level of harm that the adjacent rural road generates or the level of mitigation that the bund would achieve. The current retrospective application for the bund is related to the existing authorised equestrian operations on site as set out above, and also to planning application Ref: DC/20/0613 being sought concurrently with this application, it is not in itself a form of equestrian development.

Character and Appearance including the Listed Buildings

6.6 Policy 25 advises that the Natural Environment and Landscape Character seeks to protect important and protected landscape against inappropriate development. Policies 32 and 33 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensures that it will complement locally distinctive characters and heritage and that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, is locally distinctive in character, respects the character of the surrounding area, and uses high standards of building materials, and finishes. The bund measures 2.5m tall at its highest point and measures 34.7m in length and 7m in width. The bund will soften as it further grasses over. It is advised by the agent that the earth bund has been formed with soil materials from within the site. In order to ensure that the materials used to construct the bund are inert materials a condition is recommended requiring further investigative and verification reports be submitted.

6.7 The Councils Landscape Officer has been consulted and has advised that following a site visit to assess the site in the contest of the proposals that the mound (bund) although visible through the vegetation from the highway and nearby public footpaths, is seen in the context of the existing equestrian use and is not consider to significantly harm the enjoyment and rural qualities of the countryside. The site sits in a well screened location and where visible will be seen in the context of the existing equestrian use of the site with apparatus like fences, buildings, horse transport vehicle, etc. and it is considered that it will not harm the visual appearance of the landscape.

6.8 The proposed bund is not a naturally occurring element within the countryside and is a manmade engineered structure, however it well screened by existing trees and hedgerows as such its visual appearance would be of limited given its size and scale. The proposed bund when viewed in conjunction with the equestrian use of the site and related paraphernalia is not considered to result in any appreciable harm to the visual amenities of the countryside location and would not appear unduly prominent within the immediate surroundings or the wider countryside. It is therefore advised that any assessed harm to the landscape character of the area is considered very localised and is not considered to be significant in planning terms therefore, the proposals are considered to accord with the requirements of Policy 25 of the HDPF.
Policy 34 of the HDPF sets out the Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. There is a listed building known as ‘Kings Farm’ to the north of the application site, located on the north side of Coltstaple Lane. There is another known as ‘Newfoundout East’ located to the south east of the site and well separated from the application site. The significance and setting of the listed buildings is not considered to be affected by the application proposals given their distance from it. The proposals are not therefore considered to conflict with Policy 34 of the HDPF.

Impact on neighbouring amenity

Policies 32 and 33 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensure that it will; complement locally distinctive characters and heritage, contribute to both the buildings and spaces and integrate well with their surroundings, is locally distinctive in character and respects the character of the surrounding area.

It is not considered that the bund would have any impact on the private amenities of neighbouring occupiers given its size the location and distance from neighbouring dwellings and it would not result in any loss of private amenity. As such, the proposal is considered to accord with policies 32 and 33 of the Horsham District Planning Framework (2015).

Highways

As the earth bund is located within the site, it does not restrict visibility or have an impact on highway safety on nearby Kings Lane. The bund does not affect parking provision nor does it compromise the ability for vehicles to turn on-site.

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.

Waste

WSCC Minerals and Waste (WSCC M&W) have been consulted and they have advised that the application site is located within the Weald Clay and Horsham Stone minerals safeguarding area. As a non-residential development on site of less than 3ha, the development meets the exemption criteria as set out in WSCC Minerals and Waste Safeguarding Guidance. Accordingly, significant mineral sterilisation would not occur. West Sussex Waste Local Plan (April 2014)

WSCC M&W have advised that it is unclear what material has been used for the construction of the bund (e.g. inert waste/waste soils). Given the applicants assertion the bund is an engineering operation ancillary to the equestrian use of the site, and noting the limited volume of material contained within the bund (circa 1000 tonnes), it seems unlikely that the development would likely be considered wholly or mainly for the recovery or deposit of waste (i.e. a County Matter). It has been advised that if the bund has been created from waste, the development should be considered against Waste Local Plan, Policy W8. That being the case, importantly, there would be need to demonstrate that the bund is created from suitable clean inert waste materials, that it would deliver clear benefits, and that no more waste material than necessary has been used to deliver that benefit. Provided that the LPA is satisfied this is that case, the MWPA raises no objections.
6.16 The Council Environmental Health Department have been consulted and they have advised that as the application is retrospective in nature, should planning permission be granted a suitable condition should be imposed to ensure that within 2 months of any permission being granted the developer submit details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. It is advised that the assessment should be undertaken by a suitably qualified and competent person and that full details be submitted to and approved in writing by the local planning authority. Any soils not suitable for the proposed use will be required to be removed from site. Additionally, a written verification report will be required, to be submitted with the above assessment, 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.

Conclusions

6.17 The development (bund) for which planning permission is sought retrospectively, is not considered to result in any appreciable harm to the visual amenities or landscape character of the countryside by virtue of its limited size, scale and discrete location, and is considered to be acceptable within the wider context of the equestrian site in which it is located. The proposals would not result in any significant or appreciable harm to the amenities of neighbouring properties and is considered to accord with policies 25, 26, 29, 32, 33 and 34 of the HDPF 2015.

7. RECOMMENDATIONS

7.1 To approve planning permission subject to the following conditions:

1. **A list of the approved plans**

2. **Regulatory Condition:** Within 2 months of this permission being granted the developer shall submit 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. Any soils not suitable for the proposed use shall be removed from site. A written verification report shall be submitted with the above assessment 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).

Background Papers: DC/17/2048
DC/20/0613
DC/20/0615
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TO: Planning Committee North
BY: Head of Development
DATE: 4th August 2020
DEVELOPMENT: Demolition existing residential accommodation and barn. Erection of 1No. dwelling.
SITE: Warnham Lodge Farm Mayes Lane Warnham Horsham West Sussex RH12 3SG
WARD: Itchingfield, Slinfold and Warnham
APPLICATION: DC/20/0667
APPLICANT: Name: Mr and Mrs R Pavey Address: Warnham Lodge Farm Mayes Lane Warnham Horsham West Sussex RH12 3SG

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT
1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the demolition of an existing residential annexe to Warnham Lodge Farm, a double height barn with single storey addition (which benefits from prior approval for conversion to a single dwelling) and a store, and the erection of a two storey dwelling. The proposed dwelling would have 5 bedrooms and a gross internal floor area of 443.6sqm.

1.3 The proposed dwelling would comprise a border oak design in a traditional rural design with brick walling at ground floor level, and oak framing above. The roof would consist of play clay tiles. Other materials would include three courses of roof tiles to window heads and the addition of an Oak door with arched head.

1.4 A detached triple garage with store above, accessed by an external staircase, is proposed to the south east of the proposed dwelling. The garage will be clad with timber and has been designed to match the main dwelling house in scale, form, design and materials.

1.5 The development proposals would utilise the existing, separate access from Northlands Road to the south. A permeable gravel turning area is proposed as part of the development.
DESCRIPTION OF THE SITE

1.6 The application site (approx. 0.49 ha) is located to the south of main Warnham Lodge Farm house, located within the wider historic Warnham Lodge complex. The application site is not located within any defined built up area and is therefore considered to be situated within the countryside. The application is located 1.4km north of Warnham and 3.1km south west of Kingsfold. The application site is not a listed building and is not located within a conservation area. The site is accessed via an existing access track which runs from south to north from Northlands Road. It is noted that the site slopes down from the north towards the south and west.

2. INTRODUCTION

STATUTORY BACKGROUND


RELEVANT PLANNING POLICIES

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

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 30 - Protected Landscapes
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 40 - Sustainable Transport
Policy 41 - Parking

Supplementary Planning Guidance:

2.4 Warnham Parish Design Statement 2007

RELEVANT NEIGHBOURHOOD PLAN

2.5 Warnham Neighbourhood Development Plan – 26 June 2019

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/04/2141 Retention of new feed store and provision of new access Application Refused on 24.11.2004
DC/05/0036 Erection of stable block Application Permitted on 03.03.2005
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**: No Objection, subject to conditions

3.3 **Ecology**: No Objection subject to conditions

3.4 **HDC Tree Officer**: No objection

OUTSIDE AGENCIES

3.5 **WSCC Highways**: No Objection subject to conditions. 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.

PARISH COUNCIL

3.6 Warnham Parish Council – No objection

PUBLIC CONSULTATIONS

3.7 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

6.1 The main considerations material to this application relate to:

- The principle of development
- The impact on the visual amenities of the countryside
- The amenities of the occupiers of adjoining properties
- The existing parking and traffic conditions in the area
- The quality of the resulting residential environment for future occupiers

**Principle of Development:**

6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.

6.3 Policy 3 of the HDPF seeks to locate appropriate development, including infilling, redevelopment and conversion within built-up area boundaries, with a focus on brownfield land. Policy 4 of the HDPF relates to settlement expansion and is clear at Section 4.1 that where development lies outside the settlement boundary it will only be supported where the site is allocated within a Local Plan or Neighbourhood Development Plan. Policy supports development in the countryside only where such development is essential to its countryside location.

6.4 The site is not allocated for development under the provisions of the Horsham District Planning Framework 2015 (HDPF) or a Neighbourhood Plan, nor is it essential to a countryside location. As such the introduction of new residential development on the site would be considered as contrary to the strategic approach to housing across the District, with significant conflict with Policies 3, 4 and 26 of the HDPF, and thus would represent a departure from established countryside protection policies.

6.5 It is however recognised that the permission granted under the prior approval application granted under DC/17/2591 represents a viable and realistic fall-back position for the applicant and that a dwelling can be implemented on the site even in the event that this application were not successful. This is a material consideration in the determination of this current planning application. The presence of a prior approval for a dwelling, which could still be implemented, represents a viable and realistic fall-back position were the current application to be refused. A refusal of the current application would not therefore prevent the introduction of additional residential units on the site, with this current application proposing a single dwelling as did the earlier prior approval.

6.6 It is therefore considered, subject to detailed considerations, that refusal of the application on the basis of the conflict with policies 3, 4 and 26 of the HDPF would not be warranted and would not prevent a dwellinghouse from being created on the site. On this basis the principle of development is considered acceptable, subject to detailed considerations as set out below.

**Design and Appearance**

6.7 Policies 32 and 33 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensure that it will; complement locally distinctive characters and heritage, contribute to both the buildings and spaces and integrate well with their
surroundings, is locally distinctive in character and respects the character of the surrounding area.

6.8 The proposed dwelling would have a similar footprint to the buildings to be demolished and it is not considered that the size of the dwelling and garage would be disproportionate to the existing buildings on the site. The proposal represents an improvement in design on the alternative arrangement which comprises the single storey annex and conversion of the barn under the Prior Approval consent. Conditions can be used to control the appearance of the building, site and its landscaping such that the resultant development would have an improved impact on the rural character of the site and wider area than the fall-back option.

6.9 The proposed dwelling would be relatively well screened by the existing levels of landscape screening which would reduce the visual prominence of the new dwelling which would be relatively well concealed from public views, albeit that the deciduous nature of the trees would render the dwelling more visible during winter months. Some views of the site would be seen from Northlands Road, however, some form of domestic built form would likely be visible if the existing consent for conversion of the barn that benefits from the Class Q Prior Approval consent were implemented. The proposed dwelling is considered to be of a high quality design and appropriate in terms of its scale that sits comfortably within its site and is not an overly prominent feature in the landscape. In this respect, the development proposals is considered to accord with Policies 32 and 33 of the HDPF

Heritage

6.10 It is noted that ‘Sands’ a residential property to the south on the opposite side of Northlands Road, is a Grade II* listed building. However, given the separation distance, topography and existing landscaping, between the application site and the listed building it is not considered that the proposed development would have any impact on the setting of this listed building.

Impact on neighbouring amenity

6.11 Policies 32 and 33 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensures that it will complement locally distinctive characters and heritage and that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, is locally distinctive in character, respects the character of the surrounding area, and uses high standards of building materials, and finishes.

6.12 The nearest dwelling to the application site is Warnham Lodge Farm, approximately 90m north of the application site but located within the boundaries of the wider site. It is not considered that the proposed dwelling would result in any adverse or appreciable harm to private amenities given the distance from Warnham Lodge Farm. The applicant’s currently live in Warnham Lodge Farm, and as such they have been mindful of the relationship between the existing and new dwellings in order to preserve private amenity.

6.13 In this respect, the development proposals is considered to accord with Policies 32 and 33 of the HDPF
6.14 Policies 40 and 41 of the HDPF states that development should provide a safe and adequate access, suitable for all users.

6.15 The proposed residential dwelling would not result in any greater amount of vehicle trips over the existing agricultural use, and the dwelling is not anticipated to result in a material intensification of use onto Mayes Lane.

6.16 The application form states that 5 parking spaces are proposed to serve the new dwelling, 3 of these will be within the proposed garage. The WSCC Car Parking Demand Calculator would expect at least 3 spaces to be provided for 4+dwelling in this location. The proposed garage measures circa 8.85 x 6 m (3rd bay is obstructed by the proposed w.c). It should be noted that under the revised WSCC Car Parking Standards any garage that has the minimum requirements of 6 x 6m, as outlined in Manual for Streets (MfS) counts as one parking space towards the proposed parking provision. Nevertheless, the LHA is satisfied that the remaining spaces can be accommodated onsite. The driveway appears to be of sufficient size to allow vehicles to turn and egress in forward gear onto Mayes Lane.

6.17 The current West Sussex Parking Standards (2109) require that all new residential developments provide 28% of parking spaces with active electric vehicle (EV) charging points. Due to the small scale nature of this proposal, this equates to one space which is to be secured by condition.

6.18 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. In this respect, the development proposals is considered to accord with policy 41 of the HDPF.

Ecology:

6.19 The Councils Ecology Consultants have been consulted and they have advised that having reviewed the Preliminary Ecological Appraisal (John Wenman Ecological Consultancy, February 2020) and the Bat Emergence Survey and Mitigation Strategy (John Wenman Ecological Consultancy, February 2020) supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species, particularly bats and identification of outline mitigation and that they are satisfied that there is sufficient ecological information available to allow determination of the application.

6.20 It is advised that the above assessments should be secured and implemented in full. These include the protection of the native species-rich hedgerow along the eastern survey site boundary and the scattered mature broadleaved trees (SBW1 and SBW2) which should be protected during construction to provide continued suitable habitat for protected and notable species such as bats, nesting birds, amphibians and reptiles, in line with the recommendations set out in the report. Further survey is required to confirm the status of the roost(s) within the converted barn, and to determine if any other roosts are present. This is necessary to conserve and enhance Protected and Priority Species particularly bats. As mentioned in these reports, a European Protected Species licence will be required for the works to proceed.

6.21 In terms of biodiversity net gain, the enhancements proposed will contribute to this aim. Subject to the imposition of conditions to secure the above, there are no objections raised. In this respect, the development proposals is considered to accord with Policy 31 of the HDPF.
Trees and Landscaping:

6.22 The proposals involve the loss of 3 Norway Spruce Trees near to the eastern corner of the proposed garage (identified as group G5 on the Tree Protection Plan (Appendix A - Rev B March 2020) but they are of little amenity value and are not subject to any TPO’s therefore there are no objections raised from the Council’s tree officer. In this respect, the development proposals is considered to accord with policy 33 of the HDPF.

Climate Change:

6.23 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 seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Dedicated refuse and recycling storage capacity
- Opportunities for biodiversity gain
- Air source heat pump

6.24 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 mitigation and enhancement
- Cycle parking facilities

6.25 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusions

6.26 The proposal provides for a similar overall footprint to the barn and annexe accommodation to be demolished, and is of a suitable design superior to the outcome that the alternative fall-back prior approval consent would provide for. On this basis the proposed development is considered to be acceptable as a departure from the established countryside protection policies within the HDPF. The proposal is appropriate with respect to potential impact on residential amenity and highway safety. In this respect, the development proposals is recommended for approval subject to the conditions as listed below.

7. RECOMMENDATIONS

7.1 To approve planning permission subject to the following conditions:

1 Plans list

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

   **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990.
3 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention in the Arboricultural Impact Assessment/Method Statement (Ref: jwmb/rpt1/wifi/AIAAMS, 28th February 2020) shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 ‘Trees in Relation to Design, Demolition and Construction - Recommendations’ (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

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

4 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

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

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

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.
The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority. 

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

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

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

6 Pre-Commencement Condition: The following works to demolish the building shall not in any circumstances commenced unless the local planning authority has been provided with either:

- a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.


7 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).

8 Pre-Commencement (Slab Level) Condition: No development above ground floor slab level of any part of the development hereby permitted shall take place until 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).
9 Pre-Commencement (Slab Level) Condition: A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans;
d) persons responsible for implementing the enhancement measures;
e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015).

10 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 (including biodiversity bat sensitive lighting scheme with provision of appropriate lighting contour plans, Isolux drawings and technical specifications)

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. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

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 and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

11 Post-Occupation Condition: Upon the occupation of the building hereby permitted the existing building(s) indicated on plan D1826.1 shall cease to be used for any purpose whatsoever and within a period of 1 month thereafter such existing
building(s) shall be demolished (including the removal of foundations) all materials arising from such demolition removed from the site and the site of the demolished building restored in accordance with details of landscaping which have been submitted to and approved in writing by the Local Planning Authority prior to demolition works commencing.

Reason: The retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

12 **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).

13 **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).

14 **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby permitted, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on plan D1826.1i and shall be thereafter retained as such.

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

15 **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).

16 **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).
17 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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

19 **Regulatory Condition:** All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal (John Wenman Ecological Consultancy, February 2020) and the Bat Emergence Survey and Mitigation Strategy (John Wenman Ecological Consultancy, February 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.


20 **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, C, D, E, or F Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage 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 size of dwelling and location within rural setting in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/20/0667  
DC/17/2591