



Planning Committee (South)

Tuesday, 24th May, 2022 at 2.30 pm

Conference Room, Parkside, Chart Way, Horsham

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

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 10
To approve as correct the minutes of the meeting held on 26 April 2022 (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 & Building Control and to take such action thereon as may be necessary:

- | | | |
|-----|---|---------|
| 5. | Appeals | 11 - 12 |
| | Applications for determination by Committee: | |
| 6. | DC/21/2206 Billingshurst Business Park, Stane Street, Billingshurst | 13 - 38 |
| | Ward: Billingshurst | |
| | Applicant: Dunmoore Group Ltd | |
| 7. | DC/21/0938 Hascombe Farm, Horn Lane, Henfield | 39 - 64 |
| | Ward: Bramber, Upper Beeding and Woodmancote | |
| | Applicant: Mr Ralph Gilbert | |
| 8. | DC/21/1815 St Crispins Church, Church Place, Pulborough | 65 - 80 |
| | Ward: Pulborough, Coldwaltham and Amberley | |
| | Applicant: Mr Jason Vince | |
| 9. | TPO - 1553 Stone Croft Wood, Frylands Lane, Wineham | 81 - 86 |
| | Ward: Cowfold, Shermanbury and West Grinstead | |
| 10. | Urgent Business | |
| | Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances | |

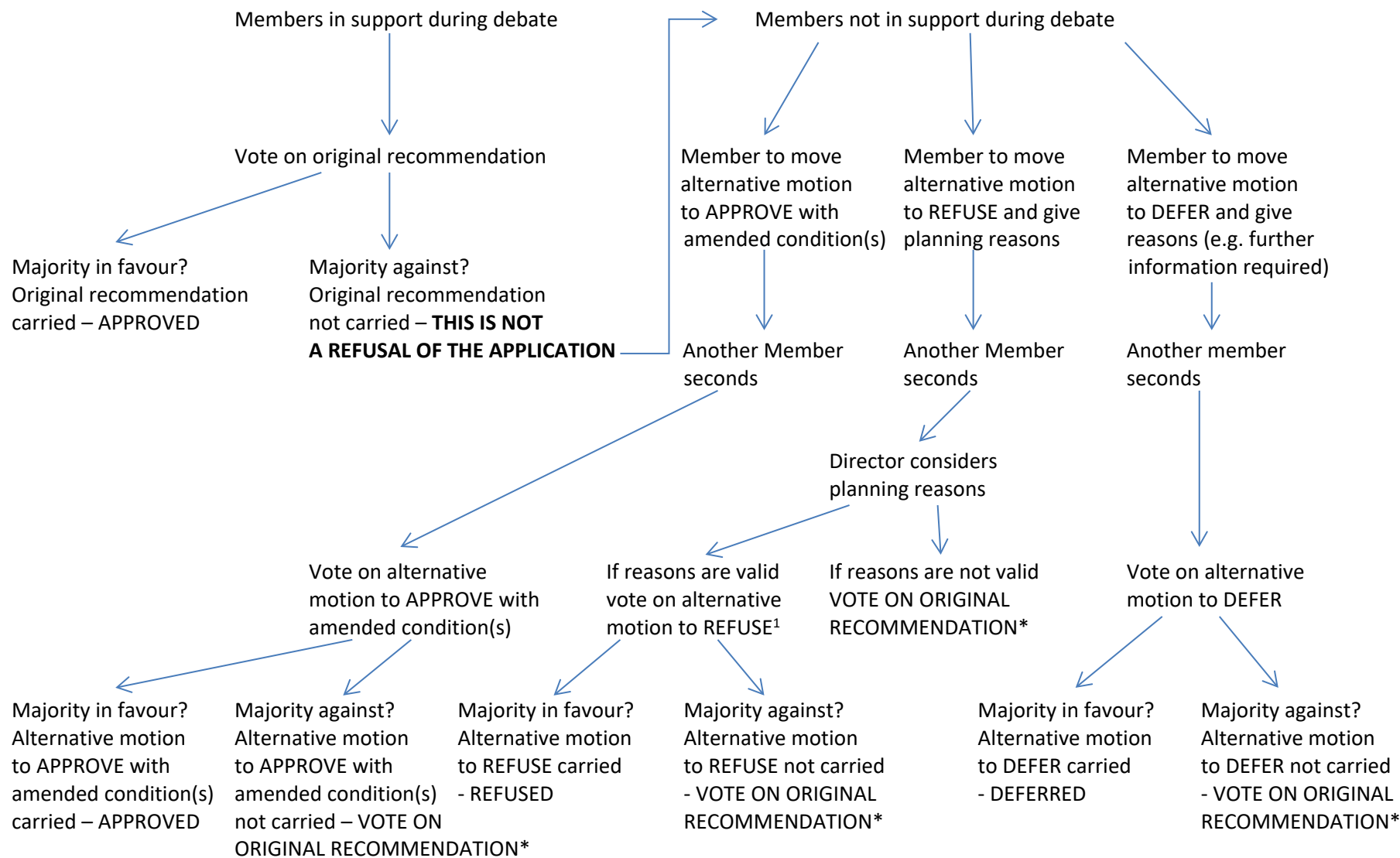
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

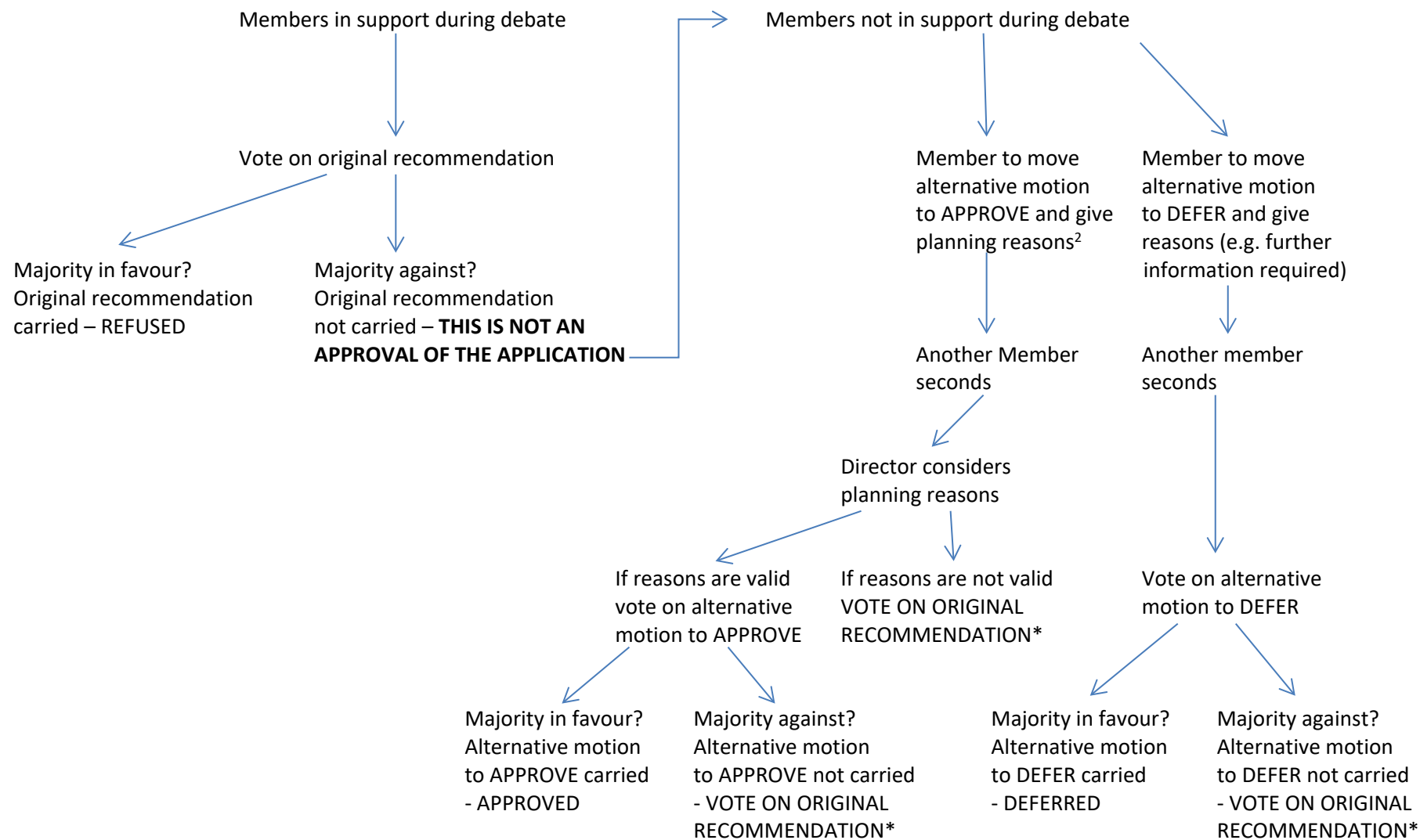
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

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

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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

Planning Committee (South)
26 APRIL 2022

Present: Councillors: Tim Lloyd (Chairman), Paul Clarke (Vice-Chairman), John Blackall, Chris Brown, Karen Burgess, Jonathan Chowen, Michael Croker, Joan Grech, Nigel Jupp, Bob Platt, Josh Potts, Kate Rowbottom, Diana van der Klugt and James Wright

Apologies: Councillors: Philip Circus, Ray Dawe, Lynn Lambert, Mike Morgan, Roger Noel and Jack Saheid

PCS/66 **MINUTES**

The minutes of the meeting held on 15 March were approved as a correct record and signed by the Chairman.

PCS/67 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/20/2607 Councillor Wright declared a personal interest in this item as he knew the farmer involved in the proposed offsetting measures. (6.12 of the Committee Report).

PCS/68 **ANNOUNCEMENTS**

There were no announcements.

PCS/69 **APPEALS**

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

PCS/70 **DC/20/2607 LAND AT DUCKMOOR, EAST OF BILLINGSHURST, BILLINGSHURST.**

The Head of Development and Building Control reported that this outline application sought to amend the reasons for refusal being considered under the current appeal by the Planning Inspectorate.

The outline application was for the erection of 83 residential units, landscaping, vehicular access, parking and associated infrastructure. All matters were reserved apart from access.

The application site was located at Land at Duckmoor, East of Billingshurst.

The site was located to the east of Billingshurst, to the west of Wooddale Lane comprising just over 6 hectares of agricultural land. The site consisted of three large fields with boundaries of hedges and trees outside of the Built Up Area Boundary. The site had not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan.

DC/20/2607 had been returned to committee to consider revisions for refusal which was subject to current appeal by the Planning Inspectorate and it was recommended that:

- (a) The current reasons for refusal relating to the principle of development and landscape harm, owing to the Council's lack of five year housing land supply should be withdrawn.
- (b) A new reason for refusal relating to the adverse impact of the development on the Arun Valley SAC/SPA and Ramsar sites should be introduced as the development had not demonstrated to be water neutral.

Members noted the planning history of DC/20/2607. Billingshurst Parish Council had objected to the application. Objections had been received from 20 different households and CPRE Sussex and Devine Homes PLC. No letters of support had been received.

Members discussed the matters raised in the Officers report and the current reasons for refusal and determined that the current reasons should be retained as part of the current appeal.

RESOLVED

That planning application DC/20/2607 will advise the Planning Inspectorate that it will be defending the refusal of planning permission on the following grounds:

1. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 and 182 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

2. The development, due to its location outside of the Built up Area Boundary and on a site not allocated for development within the Horsham District Planning Framework (2015), or an adopted Neighbourhood Plan, is

unacceptable. The provision of up to 83 residential units in this location, would conflict with the overarching strategy and hierarchical approach of concentrating development to the main settlements and managing development on edges of existing settlements in order to protect the settlement pattern, the rural character and landscape, as set out in Policies 1, 2, 3, 4 and 15 of the Horsham District Planning Framework (2015) and Policy Bill 1 of the Billingshurst Neighbourhood Plan. The proposed development is not essential to its countryside location and does not support the needs of agriculture or forestry. As such, the proposed development would be contrary to Policy 26 of the Horsham District Planning Framework (2015).

3. The proposed development, by reason of the size and scale of its outward extension of the settlement edge of Billingshurst beyond the confines of the existing development parcels, would have an urbanising influence in the countryside beyond Billingshurst and views into the undeveloped countryside, resulting in harm to the sense of place and countryside character and linkage between the countryside and the open space network created by the new development landscape strategy of the strategic allocation DC/15/0059 and woods to the west, as well as inappropriate and harmful to the hamlet scale and settlement characteristics of parcels H6 and H7, contrary to policies 25, 26, 31, 32, and 33 of the Horsham District Planning Framework (2015) and Policy Bill 2 of the Billingshurst Neighbourhood Plan.

4. Policy 16 of the Horsham District Planning Framework requires 35% affordable housing provision on developments of this size. Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure and offsite improvements including sustainable transport commitments, Public Right of Way resurfacing and link connection to the new development, and air quality mitigation Page 24 measures must be secured by way of a Legal Agreement. No completed legal agreement is in place and therefore there is no means by which to secure these Policy requirements or a requirement for the provision of 4 custom / self build units. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015) and Policy BILL 6 of the Billingshurst Neighbourhood Plan (2021)

The meeting closed at 3.36 pm having commenced at 2.34 pm

CHAIRMAN

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Planning Committee (SOUTH)

Date: 24th May 2022

Report on Appeals: 12/04/2022 - 11/05/2022



1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/21/2812	Lancasters Cottage Littleworth Lane Partridge Green Horsham West Sussex RH13 8EJ	22-Apr-22	Application Refused	N/A
DC/21/2299	Land South of Mayfield Nursery West Chilmington Lane Billingshurst West Sussex	27-Apr-22	Application Refused	N/A
DC/21/2648	Frithknowle Farm Picts Lane Cowfold Horsham West Sussex RH13 8AN	05-May-22	Prior Approval Required and REFUSED	N/A
DC/21/1599	St Josephs Abbey Greyfriars Lane Storrington West Sussex	06-May-22	Application Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/21/0720	Naldretts House East Street West Chiltington West Sussex RH20 2JY	Written Representation	13-Apr-22	Application Refused	N/A
DC/21/0748	Land To The South of Hilland Farm Stane Street Billingshurst RH14 9HN	Informal Hearing	14-Apr-22	Application Refused	N/A
DC/22/0032	27 Maple Road Billingshurst West Sussex RH14 9TS	Fast Track	29-Apr-22	Application Refused	N/A
DC/21/1069	28 Portway Steyning West Sussex BN44 3QF	Fast Track	04-May-22	Application Refused	N/A

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
— None within period —					



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 24th May 2022

DEVELOPMENT: Erection of a restaurant and takeaway with drive-thru facility (Sui Generis) together with customer car park, play area, and associated landscaping

SITE: Billingshurst Business Park Stane Street Billingshurst West Sussex

WARD: Billingshurst

APPLICATION: DC/21/2206

APPLICANT: **Name:** Dunmoore Group Ltd **Address:** Brightwalton House Brightwalton Newbury, Berkshire RG20 7BZ

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

By request of Councillor Brown

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The proposal seeks to erect a restaurant and drive-through facility comprising some 372sq.m of floorspace (comprising some 84sq.m of customer floorspace (approx. 100 seats) and the remainder back of house floorspace), with an external 'patio' seating area and a children's play area. The facility would be supported by 52 parking spaces, of which 2 are to be designated disabled spaces, and 2 further bays would be set aside for pending orders of the drive-through. Cycle parking bays would be provided by way of 4 hoops and there are 4 motorcycle bays shown.
- 1.2 Externally, the building appears as a series of 4 interconnected and stepped boxes, each volume and section is clad in a different material; dark grey engineering brick, random mix of timber-effect cladding panels, dark grey cladding panels and a weathered basalt effect cladding. The roof and any roof-mounted ventilation equipment is to be hidden behind a deep parapet upstand, some 6m to the top-most part.

- 1.3 The proposed restaurant and drive-through is proposed to be open 24 hours a day, 7 days a week. Some 65 full-time and part-time staff are anticipated to be employed at the site. The application was submitted as a mixed use Class E/Sui Generis use, however officers consider the application to be purely a Sui Generis use as it comprises a mix of both the restaurant element and the hot food take-away / drive-through component.
- 1.4 The site layout is to be organised as a one-way circulatory route through the car park to the drive-through facility, with the car parking also being a one-way loop. The drive-through lane splits into two on the western side with a central island, to house the canopies, menu-board and ordering points, before it re-joins again and passes the north-western side elevation of the building, the north-eastern rear elevation (drive-through windows), and the south-eastern elevation of the building, where the patio seating and play equipment is to be located.
- 1.5 The site layout shows 12no lighting columns at 4m in height with average illumination levels of 32.8lux to the car park and an average of 50lux to the drive-through lane, assumed to be required 24hours a day to match the proposed opening times.
- 1.6 The proposals include external seating with play equipment adjacent. The play equipment is shown to be a box-like system with roof, some 4.46m in height and some 3.8m to each side. Other structures within the site comprise the order points with a pebble-shaped GRP canopy roof to each, some 3m in height, along with a height restriction 'goal-post', of dark grey steel.
- 1.7 The associated landscape details have been amended during the course of the application to now include a grass perimeter strip alongside the A29, with 1.1m close-boarded fences with a single-species native hedge (to be maintained at a height of 1.2m) to the north, west and south boundaries. Some 9x new trees are shown around the outer edge of the site and 27x new various specimen shrubs are shown dotted around the grass and shrub border, with additional ornamental plants. The amended drawings also show 4 new planters to be included around the drive-through lane. The remainder of the site is to be hard-surfaced.
- 1.8 Separate signage applications have also been received and are being considered under:
DC/21/2193 – 15m internally illuminated totem sign
DC/21/2192 – Various internally illuminated fascia signs and booth lettering signs
DC/21/2194 – various way-finding signs within the site and a banner sign (4.82m wide x 2m high)

DESCRIPTION OF THE SITE

- 1.9 The application site comprises a parcel of land within Phase 1 of the new Billingshurst business park that lies immediately adjoining the new 4-arm roundabout and the entrance into the business park alongside the A29. This parcel of land has existing consent as part of the planning permission for the business park for the erection of 3 employment units amounting to some 1,160sq.m (GEA) of flexible B1c/B2/B8 floorspace (Units 1, 2a and 2b). The parcel lies at the northern end of Phase 1, directly at the entrance to the business park adjacent to the new roundabout and A29, and is broadly level. Stane Street / A29 runs along the western boundary, and the new estate road runs from the northern corner at the new roundabout around the eastern side of the parcel. Large electricity pylons run alongside the parcel's southern boundary, beneath which is an ecological enhancement corridor secured under the original planning permission.
- 1.9 Development of the wider business park is ongoing, with Units 3-13 (Phase 1), unit 14 (Phase 2), and a petrol filling station having been completed. Construction works are ongoing for a coffee shop at the site entrance, and a Lidl supermarket. The remainder of the Phase 2 land is fenced off.

BACKGROUND

- 1.10 The wider business park occupies former agricultural lands on a gently sloping site, set between a rural lane to the north (New Road), and the A29 / Stane Street to the western side. The southern side of the wider site borders agricultural / pasture fields, a now-redundant farm complex and a cluster of residential properties, whilst a PROW runs along the eastern boundary, which adjoins a large rural property (Hilland House).
- 1.11 Development on the wider site was approved in June 2019 as a hybrid application (DC/18/2122) comprising two phases:
- Phase 1, permitted in Full, was to include some 5,000sq.m of employment floorspace (B1c, B2 B8 use floorspace), promoted as being capable of being delivered swiftly following any permission being granted, thus addressing short-term employment needs within the local area.
 - Phase 2 of the site, permitted in Outline only, included the delivery of a petrol filling station (PFS) and a drive-through coffee shop, along with the provision of up to 14,075sq.m of further employment floorspace (B1c, B2 B8 uses).
- 1.12 At the time of consideration, the site lay some way north of the defined Billingshurst BUAB in a countryside setting and was therefore considered as a 'departure' application that was essentially contrary to the development plan at the time, being outside of the settlement boundary, in a rural area and not having been allocated for development.
- 1.13 Planning permission was granted on the grounds that an immediate need for employment floorspace (B1c, B2 and B8 uses) in the area had been demonstrated, with the proposal providing immediate delivery of up to 5,000sq.m of such employment floorspace in the first Phase. Furthermore, the site had an envisioned completion date of summer 2020, and therefore the applicant offered that the standard 3 year condition for commencement of development be reduced to 18 months for Phase 1 of the development.
- 1.14 The approved development in Phase 1 comprises 13 units, ranging in size from 268sq.m up to 501sq.m, allowing for flexible B1c/B2/B8 use. The units were arranged in four 'blocks' with Units 1 and 2 (subsequently amended to form three units: 1, 2a and 2b) located near the site entrance; and Units 3 to 13 arranged in three separate rows, facing a central 'courtyard' to be used for access, parking and turning. All units were to be of a similar in external appearance, with shallow pitched roofs (with roof lights) at maximum ridge heights of either 8.5m or 9m (and 7m to eaves). Externally, the units were proposed to be clad in a combination of metallic silver (RAL9006) horizontally laid composite wall cladding, and horizontally laid timber wall cladding.
- 1.15 The approved landscape to Phase 1 site includes a grassed verge, new native hedgerow around the perimeter, a 1.2m timber post and rail fence set back from the public highway alongside the A29, new trees, understorey buffer planting, and shrubs. At the time of original hybrid application DC/18/2122, these deep and well-landscaped buffer zones were considered to be essential in retaining the rural and verdant approach to the village and key to ensuring the development integrated successfully into the wider rural setting to the north of the village. They formed part of the original Landscape Visual Impact Assessment and were set out to avoid and mitigate the potential landscape impacts arising from the development.
- 1.16 At the current time, Units 3-13 in Phase 1 have been completed, along with associated infrastructure, the re-aligned A29, new 4-arm roundabout and parking. The associated landscaping within Phase 1 has been partially implemented, although it is noted to stop short of the current application site and does not include the approved new native hedgerow

alongside the A29 / western boundary. At the current time, of the 11 units built in Phase 1, three remain vacant.

- 1.17 By way of context, development within Phase 2, which was envisaged to accommodate larger warehouse-type units, has also commenced with Unit 14 and the Petrol Filling Station now complete and operational, ground works commencing on the drive-through coffee unit, and reserved matters consent granted for units 16 and 17 located along the southern side. Furthermore, the developable area of Phase 2 has also recently been subject to further planning consents to permit an additional 2,864sqm of floorspace to the eastern end of the site. A Lidl supermarket has also been granted within Phase 2, and is currently under construction.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 - Parking

Supplementary Planning Guidance:

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

RELEVANT NEIGHBOURHOOD PLAN

The Billingshurst Neighbourhood Plan has been formally 'Made' as from July 2021.

Policy BILL 1: Billingshurst Built-up Area Boundary

Policy BILL 3: Energy Efficiency and Design

Policy BILL 6: Integrated Infrastructure

Policy BILL 7: Retaining and Enhancing the Vitality and Viability of Billingshurst Village Centre

Policy BILL 10: Flexible Workspaces

Policy BILL 12: Protection and Enhancement of Key Movement Routes

Policy BILL 16: Multi-Value Sustainable Drainage Systems

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/18/2122	A Hybrid Planning application comprising: Detailed planning permission for up to 4,998sqm of B1c,B2 and B8 use floorspace, roundabout access junction from the A29, access, parking, servicing areas and associated landscaping (phase 1). Outline planning permission for up to 14,075sqm of B1c, B2 B8 use floorspace, petrol filling station with ancillary retail offer and drive through coffee unit, with all matters reserved except for access (phase 2)	Application Permitted on 10.06.2019
DC/19/1591	Non-material amendment to previously approved application DC/18/2122 (A Hybrid Planning application comprising: Detailed planning permission for up to 4,998sqm of B1c,B2 and B8 use floorspace, roundabout access junction from the A29, access, parking, servicing areas and associated landscaping (phase 1). Outline planning permission for up to 14,075sqm of B1c, B2 B8 use floorspace, petrol filling station with ancillary retail offer and drive through coffee unit, with all matters reserved except for access (phase 2)) Relating to additional rooflights, double width entrance door openings and loading door heights reduced.	Application Permitted on 30.08.2019
DC/19/1365	Variation of Condition 1 and 36 to previously approved application DC/18/2122 (A Hybrid Planning application comprising: Detailed planning permission for up to 4,998sqm of B1c,B2 and B8 use floorspace, roundabout access junction from the A29, access, parking, servicing areas and associated landscaping (phase 1). Outline planning permission for up to 14,075sqm of B1c, B2 B8 use floorspace, petrol filling station with ancillary retail offer and drive through coffee unit, with all matters reserved except for access (phase 2)) Amendments to Phase 1 units 6-9 to combine units 6 & 7, add a mezzanine level to new unit 6, and alterations to elevations.	Application Permitted on 03.10.2019
DC/19/2264	Non material amendment to previously permitted application DC/18/2122 (A Hybrid Planning application comprising: Detailed planning permission for up to 4,998sqm of B1c,B2 and B8 use floorspace, roundabout access junction from the A29, access, parking, servicing areas and associated landscaping (phase 1). Outline planning permission for up to 14,075sqm of B1c, B2 B8 use floorspace, petrol filling station with ancillary retail offer and drive through coffee unit, with all matters reserved except for access (phase 2). Amendments sought for a minor reposition of Units 6-9 and Units 3-5, extension of parking area, and replacement of internal roundabout to a T junction.	Application Permitted on 03.01.2020
DC/20/0171	Variation of condition 1 to previously approved DC/19/1365 (Variation of Condition 1 and 36 to previously approved application DC/18/2122). Amendments include the re-orientation and sub-division of Units 1 and 2 to create 3 separate units resulting in an overall increase of commercial floorspace in Phase 1 from 5,000m² to 5,300m². Amendments also include additional parking, changes to the vehicular access point, minor changes to the footprint of Units 3-5 following amendments approved under DC/19/2264, and revised location for sub-station in Phase 1.	Application Permitted on 28.05.2020

DC/21/2193	<i>15m internally illuminated totem sign</i>	<i>Pending Consideration</i>
DC/21/2192	<i>Various internally illuminated fascia signs and booth lettering signs</i>	<i>Pending Consideration</i>
DC/21/2194	<i>various way-finding signs within the site and a banner sign (4.82m wide x 2m high)</i>	<i>Pending Consideration</i>

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 Landscape Architect: Objection

[Summary]: The replacement of a larger buffer zone with a restaurant and drive thru unit with minimal planting and large parking needs in this prominent location is not supported on landscape grounds. The larger buffer zone at the entrance of the site is key to the integration and softening of the business park from Stane Street and crucial to securing a pleasant approach to the village. The initial concept landscape design for this site and the landscape strategy agreed upon are being amended to such a degree that it is difficult to recognise the principles of the original design.

The landscape proposals have been entirely watered down from those approved under DISC/19/0204 and DC/19/2264. There is no continuation of the landscape buffer adjacent to A29 Stane Street with very minimal planting proposed, providing little screening or softening of the proposed building. The approach to the village is now abrupt and harsh, in clear contrast with the mitigation measures and landscape principles that were considered necessary to reduce the assessed negative impact.

A close board fence is proposed around the boundary with hedging inside the fence line. This will introduce a much more stark and urban boundary treatment. New tree planting has been substantially reduced and the area of hard materials has increased resulting in the loss of the important landscape buffer that was secured previously.

Throughout all the reserved matters applications, the radical changes on this site to the overarching landscape strategy requires that any amendments to the masterplan must be re-assessed with an updated LVA and the impacts of these changes properly considered. The applicant has demonstrated through various applications that its stance is that the site is now a business park and that there is no necessary consideration of the landscape impact. This is unacceptable.

The scheme has not been appropriately assessed and is lacking information on the impacts the proposals will have on the landscape character and visual amenity of the area. The proposed layout is not sympathetic and does not protect, conserve or enhance the landscape and townscape character of the area and settlement characteristics. The proposals are therefore contrary to Policies 25, 32 and 33 of the HDPF.

3.2 HDC Environmental Health: Comment

Satisfied there will be no light trespass. However, the use of high level column mounted lighting, particularly on the southern boundary away from the street lights is questioned. Low level bollard lighting could be just as effective with less impact in terms of sky glow etc.

3.4 **HDC Economic Development:** Objection

[Summary]: The proposal results in the loss of 1,160 sq. metres of permitted commercial floorspace, with no justification for this loss.

Increased demand for drive-throughs since pandemic, but as most visits would be brief, it is not clear whether any surrounding and nearby businesses would benefit from the proposal. Although alternative sites are stated to have been assessed and deemed unsuitable or inviable, there has been nothing to address the loss of permitted employment land or why the drive-through must be located on land that has allocated B8 use. The relative short-term and long-term need for a drive-through facility vs B-use class space and sufficient employment land, is not discussed. This proposal results in the loss of employment land and is a diversion from the original approval, which would have catered for businesses looking to establish and grow within Horsham District and accommodated a more diverse range of employment floorspace at the site. The location of the business park is likely to be very attractive to new businesses; it gives them a road frontage and proximity to a sizeable market town. The applicant would need to demonstrate that there isn't the demand for traditional employment floorspace to justify the loss.

Interestingly, within the Planning Statement the applicant states that the provision of a proposed drive-through would "not" result in the loss of the development at the site, and that this would be expected to be accommodated within Phase 2. However, this is an expectation and not a commitment and is described as subject to market interest; the reference to Phase 2 does not provide any certainty that there would be a replacement for that loss in Phase 1.

Moreover, the approach in the economic strategy is not just about the number of jobs but the type and range. B-use class employment space would create a variety of skilled employment opportunities for local people and is also important for high-skilled job creation. Whilst this proposal would create some employment opportunities in the local area, if we want to give people the opportunity to live and work in the District, there needs to be a range of opportunities and the economic need is more about higher paid / higher skilled jobs. However, the comparison made by the applicant between a B-use class offer and the McDonalds drive-through offer is made in the context of the *number* of jobs. We cannot verify the reliability of this methodology in the context of numbers and can only stress that it is not just about the number of jobs, but also the type and range.

3.5 **HDC Drainage Engineer:** No Objection

OUTSIDE AGENCIES

3.6 **WSCC Highways:** No Objection

[Summary]: The proposed site to be served by the new 4-arm roundabout serving business park. The application is supported by a Transport Assessment (TA), with TRICS data to support provision of 54 parking spaces (incl 2 x disabled and 2 x grill spaces). Peak demand is likely to be some 30 spaces on weekdays (12:00 – 13:00pm) and 34 spaces on a weekend peak (09:00 – 10:00am). The drive-through lane has the capacity for 20 vehicles. It is likely that most users would already be using the road network for other journeys and TA data reveals that proposed development would likely lead to a 'relatively small reduction in operational capacity' as a result of the drive-through.

Having assessed the supporting information within the TA the Highways Authority does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 111), and that there are no transport grounds to resist the proposal.

Conditions advised:

- Construction of car parking prior to use
- Construction Management Plan

3.7 **Southern Water:** Comment

[Summary]: No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. SUDS conditions advised.

PUBLIC CONSULTATIONS

3.8 **Billingshurst Parish Council:** Objection

'It was unanimously agreed that the Parish Council strongly objects to these applications for the following reasons:-

- Application is out of keeping with both the Design Statement for Billingshurst and the Neighbourhood Plan;
- Making use of this part of the site for a McDonald's restaurant will frustrate endeavours to promote units for local businesses. As the masterplan has evolved, there has been a decided shift away from the original concept to the current trade and retail park masterplan. The local business units are now proposed to be built on what was the amenity space which was, presumably, allocated as such because it was not developable. Given that this is the case, the last remaining site within the park for local business units, is the site of the now proposed McDonald's;
- Members are aware that Dunmoor plan to appeal the refusal of permission for the enterprise units in what was formerly the "amenity area" but, having reconsidered the reasons for refusal, agree with HDC's assessment of that proposal;
- Great concern over cardboard and plastic generation and the very likely increase in the amount of litter which will affect all areas of the village;
- Traffic, if allowed to build up, will undoubtedly cause obstructions on the A29. Reference was made to the McDonald's site at Buck Barn which has caused frequent highway obstruction;
- Members questioned whether the traffic calculations given to support the application take into account all traffic on the whole site (including the petrol filling station, coffee drive-thru, trade and retail counters) or just that serving the McDonald's?
- Application is contrary to HDPF Policies 12 and 13 as it does not respect the historic character of the village and is outside the defined village center boundary; HDPF Policy 7 which encourages the development of small units for small, start-up and move-on businesses;
- The sequential assessment has used old bank sites which are not remotely comparable. If no sites are suitable then how is locating outside the built-up area justifiable?
- Planning Committee members have noted how much the retail and trade park has moved away from the original proposal which they were supportive of. The current plan, however, gives no expansion opportunities at all for local businesses.'

3.9 Some 438 letters of representation have been received in response to this application, from 385 separate addresses. Most are from within the district, but letters from addresses in Ockley, Wisborough Green, Kirdford, Ifold, Fittleworth, Plaistow, Petworth, Cranleigh, Cawley and Yapton have also been received.

3.10 124 letters of support have been received:

- Job creation and opportunities in current economic difficulty - growing community
- Job creation for young people - potential part time jobs whilst studying
- Good place for teenagers as other towns are 30 minutes' drive
- Much needed food outlet for the area - less travelling needed to other outlets

- Town needs to move on – ideal location for this
- Good choice from village considering new development and keeping up with the future of the village
- Additional facilities such as this needed especially given expansion of the village
- Diversification of businesses in area
- Not enough choices locally for a quick bite to eat
- Good food offer
- Local expansion of village needs to be supported by increased / diverse businesses – including Lidl / Morrisons / Costa – also moving to trade estate
- No more adverse impact than petrol forecourt already permitted on estate
- McD's good at cleaning rubbish / providing bins in area
- Litter issue with general population – not specific to McD's
- Green and ethical company
- Potential to relieve pressure on Buckbarn site
- Would not cause a traffic issue where it is sited
- Buck Barn already busy, so this would offer an alternative to visit – take pressure off Buck Barn and relieve traffic congestion around that site
- Trade park already there, so ideal location
- Will bring a much needed boost to the retailers of the village
- Local offers that can be accessed without a car
- Drive-through is good for disabled drivers
- No harm to residents owing to distance from houses
- Cost-effective option
- Potential to bring down prices of other takeaways

3.11 303 letters of objection have been received:

- Traffic – reference to issues at the Buckbarn (A24) site where traffic frequently backs up causing obstructions and queues. Concern that this could happen, backing up onto the A29, with roundabout already causing 'gridlock' during busy times, so potential for additional traffic to McD's would worsen situation, also references to similar traffic situations at Shoreham, Woking, Chichester branches. Should close drive-through lanes until traffic clears
- Cumulative impact of trade park traffic along with that of approved Lidl and proposed McD's needs to be taken into account, using same roads
- New roundabout often causes tailbacks at peak periods – McD's will worsen situation
- Cumulative impact from customers using Lidl, proposed McD's and Morrisons, PFS and Costa also need to be taken into account
- Increase in traffic with 'destination eateries' – people travelling further to reach McD's
- No provision for staff to park on site – likely to increase parking in other areas of the estate or local roads – or within site itself rendering parking not accessible for customers (believed to yield some 102 staff at the site)
- TRICS data needs assessment as is based on smaller store than being proposed – likely to be much higher trip generation
- Design of parking system is one-way, with any vehicles queuing for drive-through effectively blocking the ability to access or depart the parking bays
- Impact on Okehurst Lane with increased traffic along Stane Street – junction already difficult to exit, so traffic slowing measures needed
- Increased danger to horse-back riders, dog-walkers, hikers, cyclists and pedestrians in the area – becoming urban in character
- Expectation that 60% of the visits will be using drive-through – thus creating vehicular traffic

- Concerns with TRICS and modelling provided as part of application – more than 837 daily trips likely to be generated
- Environmental damage of packaging
- Promoting mass produced beef which is causing harm globally
- Adverse impact on Water Neutrality - will increase water usage
- Adverse impact of night-time lighting on wildlife / bats
- Idling cars waiting for drive-through
- Loss of wildlife habitat
- Drive-through would continue to encourage population to get into cars and drive to food outlet and grocery shops outside of the village rather than walking to local shops
- High carbon footprint of McD's – contrary with increasing sustainability demands
- Litter – need litter patrols up to 10 miles away – existing problems in the area of packaging from the Buck Barn McD's which is 4 miles away – disappointing strategy submitted – increased cost to others needed to clear up
- Antisocial behaviour increase – place for teenagers to hang out
- Detrimental overall impact not outweighed by a few more jobs created
- Harmful odours from cooking 24/7
- Light pollution distressing to those who seek a quiet rural lifestyle / location to live – existing illumination from other units at the trade park already bright and an eyesore
- Not in keeping with design principles in Parish Design Statement
- Lack of landscape / screening
- Increased litter will attract pests and vermin
- There should be support for local business, not global organisation
- Trade park approved with smaller start up / industrial units – proposal would remove three of those units which were desperately needed in the district
- Proximity to another McD's in Buck Barn a few miles away
- Negative impact on local high street businesses – draw trade away and likely lead to closures and empty units within village
- Provision of a 24/7 food outlet – not needed in local area – already served by multiple small food and take-away outlets
- Larger than average McD's (100-seater)
- Claim to serve 'local need' (mainly 16-24 year olds) but local area has higher population of older people – therefore not serving 'local need' – more needed and wanted by residents of Horsham, not Billingshurst, better suited to a Horsham location
- Creation of jobs argument flawed when many local hospitality outlets are struggling to find part-time workers
- Increasing obesity issue
- Other amenities needed, such as police station, school, Dr's surgery
- Other McD's are closing due to poor profits – prefer a local farm shop or café take on the premises
- Already large multi-national companies in the (trade) park, so local brand should be considered instead
- Increased burden on council services (litter / refuse collection)
- Impact to character of 'village' – already being harmed by increasing housing estates and large industrial units
- Increase in noise along A29
- Application includes proposal for 12m high totem sign - out of character and unnecessary
- Overdevelopment
- Unsociable noise problems
- Highly visible location is a business need for McDs
- Commercialisation of a small village

- 3.12 The following neutral comments have also been received:
- If permission is granted – need an EV charging station as not many nearby
 - Access needs to be managed appropriately – perhaps a potential no right turn road markings within estate roads to ensure traffic queues from within the site and not onto public highway
 - Signage should be appropriate to rural location
 - Location could be managed with good planting
 - Waste / Litter needs appropriate management – make sure management empty bins, enough bins, litter picking from a wider radius than the stated 150m
 - Should be eat-in only with controlled opening hours – not 24/7

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 As set out above, full planning permission was granted in 2019 on Phase 1 of the wider site for the provision of up to 5,000sq.m of employment floorspace for uses within the B1c, B2 and B8 use classes only (DC/18/2122). This was later increased to some 5,300sq.m of floorspace, with Units 1, 2a and 2b at the front of the site consented to form some 1,160sq.m of employment floorspace.
- 6.2 At the time of the original hybrid application on the Hilland Farm site (DC18/2122), the case was argued by the applicant on the grounds of the delivery of employment floorspace within the district falling significantly short of the identified need both in qualitative and quantitative terms, taking into account consented and delivered floorspace at that time. The hybrid proposal was therefore promoted on the grounds of being able to immediately deliver some 5,000sq.m of B1c/B2/B8 employment floorspace, with a further 14,000sqm of similar floorspace to follow in Phase 2. The site was considered to be attractive benefitting from easy and direct access to the A29 / highway network, with new pedestrian and cycle links to the nearby village, and be able to provide modern and fit-for-purpose buildings which would allow existing businesses in Billingshurst to expand and relocate, including those nearest the station.
- 6.3 The main planning considerations balanced at that time were the delivery of the needed employment floorspace, part of which was envisaged to be delivered within a short time-frame, and the conflict with the strategic aims set out by the Local Plan, recognising that the site was an unallocated site, outside of the defined village BUAB and rural in nature and context, with resulting harm having been identified to the rural setting.
- 6.4 In considering the planning balance at the time (April 2019), the Council's Planning Committee recognised the lack of employment floorspace delivery within the district aligning to the district's economic growth strategy, compared to the level of residential development that had taken place, not only locally, but across the district. Members therefore considered

that the delivery of the promised employment development, particularly the anticipated short time-frame for Phase 1, would result in an overall benefit to the local area, and would help address a district-wide need for this type of employment floorspace (B1c, B2 and B8)

- 6.5 Since the permission was first granted in June 2019, the Built Up Area Boundary of Billingshurst has been extended to include the entire development site (Phases 1 and 2), following the formal adoption of the Billingshurst Neighbourhood Plan in July 2021, with the partially built site now considered as an 'existing employment area' in terms of planning policy.
- 6.6 In this instance, the nature of the wider development site (Business Park) is acknowledged, with the application parcel having received permission for the creation of 1,160sq.m of B1c (industrial processes capable of being carried out within a residential area without detriment), B2 (industrial processes not falling within B1 use class) and B8 (storage and distribution) floorspace, supported by parking provision. The likely traffic generation in relation to the consented uses was considered as part of the approved scheme, as were wider drainage, lighting, and noise issues, and the ability for the site layout to sit within deep perimeter landscape borders thus mitigating the identified landscape harm within the wider rural context of the site.
- 6.7 The key considerations in this application therefore relate to whether the proposed development of a drive-through restaurant facility on this parcel, in place of the consented B1c, B2 and B8 employment uses, would be appropriate within the context and reasoning for the original development of this site, the setting of the wider business park, and the landscape context. Whilst a Sequential Assessment has been submitted by the applicant, this is not considered to be relevant as the proposed development is not considered to fall under a retail use (new Use Class E). Further considerations must also be had to the traffic generation of the proposed use, as well as the visual integration of the proposed development into the site and wider setting. HDPF policies 2, 3, 97, 9, 24, 25, 31-33, 35-38 and 40 and 41 are therefore relevant.

Loss of Employment Floorspace

- 6.8 The NPPF at Paragraph 81 states that:
81. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
- 6.9 At Paragraph 83, it states that
83. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 6.10 The business park site now comprises an Existing Employment Site in terms of local planning policy, therefore falling to be considered against the employment policies of the HDPF. Policy 7 sets out the overarching economic growth strategy, which references in its supporting text to the evidence of a shortfall of employment floorspace to meet future needs over the plan period to 2031. The strategy focusses on protecting existing key employment sites and allowing for the 'smart growth' of existing employment sites. Policy 9 provides further detail

on employment development, with the supporting text referring to the need to protect valued employment and commercial sites, whilst enabling sites that are no longer economically viable to be considered for other appropriate uses. Policy 9 as a result states that the redevelopment of employment sites must demonstrate that the site is no longer needed or viable for employment use.

- 6.11 'Employment 'site' is not defined within the HDPF, however Policies 7 and 9 were formulated in response to Economic Growth Assessments (EGAs) prepared in 2014 and updated in 2015 and 2016, which focussed on the need for B1, B2 and B8 employment floorspace only, as is common practice and consistent with the NPPF. These EGAs have since been superseded by the North West Sussex EGA prepared in January 2020, which focuses again on the delivery of B1, B2 and B8 employment uses only. In this context, whilst Policies 7 and 9 refer to employment sites in the general, the policy aims are to ensure the delivery and retention of B1, B2 and B8 uses.
- 6.12 Background documents prepared to inform the Local Plan Review reveal that the consented floorspace within Hilland Farm would help address a likely shortfall in the provision of B-class employment floorspace in the district (Northern West Sussex EGA Update Final Report – Jan 2020), reflecting a strong localised need for industrial uses, particularly new, modern and fit-for-purpose premises, which are capable of enabling existing businesses to expand as well as attracting new businesses within the locality. Active economic growth in the district is specifically sought by way of B-class uses, with existing and consented floorspace afforded protection by way of the above planning policies.
- 6.13 As further background, the Horsham District Economic Strategy 2017-2027 identifies a '*limited supply of space in both the office and industrial / warehouse sector*', leading to the need to provide new sites and protect those already in existence. The Strategy also finds that residents in the local area often need to travel outside of the district to find higher paid jobs in order to be able to afford to live in the district.
- 6.14 As set out above, the original hybrid application DC/18/2122 was granted in significant part based on the benefit of the swift delivery of the Phase 1 B1c, B2 and B8 floorspace within an 18-month period following permission, thus quickly contributing towards meeting the identified quantitative and qualitative local and district employment floorspace shortfall. Although the consented units 1-3 on the application parcel are not built out, and there has been no commencement of any works within this parcel, there is no justification to suggest that the site is not and would no longer be required for the consented B1c, B2 and B8 floorspace, particularly in light of the recent permissions granted within the wider Phase 2 site area for purpose-built B1c, B2 and B8 floorspace. There have been no marketing details submitted in relation to this parcel, only the applicant's claim that the site's prominence results in it '*not being suitable for many traditional employment uses*' with more interest from these operators stated to be expressed in the Phase 2 area of the wider business park.
- 6.15 Using the standard Offpat Employment Densities Guide (2010), the consented use classes within the approved application parcel would likely generate the following employment densities:
- B1c – 1 employee per 47sq.m (NIA of some 929sq.m) - 20 employees
 - B2 – 1 employee per 36sqm (GIA of some 1093sq.m) - 30 employees
 - B8 – 1 employee per 70/80sq.m (GEA of some 1160q.m) 14-16 employees
- As explained by the Council's Economic Development team, these uses would generate opportunities for higher paid / skilled jobs that would assist in reducing the existing high levels of out commuting experienced in the district.
- 6.16 By comparison, the same Offpat Employment Densities Guide (2010) considers the following standard employee/floorspace ratio for the nearest equivalent A3 restaurant/cafe use:
- A3 – 1 employee per 18sq.m (NIA of some 316sq.m) – 18 employees

However, this is not considered a true reflection of likely job creation in this case, as the Planning Statement for this drive-through food offering states that some 65 Full and Part-Time positions would be created based on 24 hour opening hours.

- 6.17 The submitted Planning Statement seeks to balance the loss of the B-class employment floorspace (some 1,160sq.m) with the proposed provision of a new restaurant and Drive-through facility (some 342sq.m). It states that the employment floor space is expected to be delivered within Phase 2 of the site where outline consent exists for up to 14,075sq.m for B-class employment floorspace, and that, when compared with the average employment densities of these approved B-class units, the proposed development is envisaged to provide a higher number of full and part time jobs, thus boosting local employment opportunities by way of a reliable employer. Furthermore, whilst the Planning Statement recognises that these jobs might not offer the range of skills and variety that is sought by way of the Council's Economic Strategy, the training and learning opportunities, and career progression offered are cited by the applicant as benefits to weigh in the overall balance.
- 6.18 It is noted that many of the public representations received in response to this application, also cite potential job creation as a benefit arising from this proposal, particularly for younger age groups. This benefit is acknowledged, however, and as explained in the comments received from the Council's Economic Development team, in terms of the Economic Strategy (2017) the consented use classes of B1c, B2 and B8 would provide a more diverse employment offer with longer-term benefits, leading to higher paid and more skilled job opportunities and reducing out commuting from the district. Further, the provision of a drive-thru offer would not be the only source of local job opportunities for the younger age group in the area, with the adjacent Lidl site now under construction providing up to 40 FT/PT jobs (as stated under DC/21/0321), alongside the adjacent petrol station and coffee outlet also under construction.
- 6.19 Whilst reference to the overall job creation arising as a result of the proposed development is noted, the proposal has still failed to address the localised need for B-class employment floorspace, with this proposal resulting in the loss of some 1,160sq.m of consented B-class employment floorspace that was to provide flexible units of between 268sqm and 501sqm. It is noted that the Planning Statement and a further Employment Note claims the B-class floorspace is to be replaced within Phase 2 of the site, which would be within the consented 14,075sqm and therefore resulting in a net loss overall. This is a similar argument that supported the application for a Lidl store in the wider site, however the Lidl store application referenced a plan that demonstrated that the lost floorspace was able to be designed into the remaining Phase 2 land in full to ensure no net loss of approved employment floorspace. The Employment Note refers to mezzanines totalling 1,407sqm having been granted in principle in Phase 2, along with the extra 3,150sqm recently granted in the eastern buffer, to offset the loss of the 1,160sqm at the application site. However, the mezzanine floor areas are to form part of the overall consented floorspace of 14,075sqm in Phase 2 and are not additional, whilst the 3,150sqm in the buffer zone are detailed in the Lidl submission to also form part of the same 14,075sqm. Furthermore based on available evidence it would reduce the overall business would could be accommodated across the site.
- 6.20 The original hybrid development on this site was expressly submitted and permitted to meet a quantitative and qualitative shortfall in this type of B-class floorspace within the district in a short time-frame, with this forming the pivotal argument in the consideration and grant of DC/18/2122. Therefore, the subsequent loss of this floorspace undermines the rationale for development on this site and the delivery of this type of employment provision to meet the district's needs.
- 6.21 The applicants Planning Statement further argues that the application site is '*not suitable for many traditional employment uses who do not require an exposed road frontage or direct connectivity to the road network. Consequently, much of the interest from traditional employment uses (other than trade counter) has been in the Phase 2 area of the site*'. This

statement conflicts with the advice of the Council's Economic Development team that the road frontage is an attractive element of the proposals for future occupants. In any case, the landscape design required to make the business park acceptable included deep landscape buffers to the A29 road frontage specifically intended to diminish the exposure of the site, therefore the applicants arguments against the original proposals for this site do not reflect the original intention to screen this site from wider views with deep landscape buffers when permission was granted.

- 6.22 The proposals therefore would result in the loss of consented B-use employment floorspace on his site, floorspace that was granted to meet a specific immediate need as argued and promoted by the applicants in 2018/9. The ability of this site to meet this immediate need was considered a benefit that supported the consented development as a departure from development plan policy. No viability case has been presented by the applicants to support this loss, and indeed the continued need for employment floorspace is being pursued by the applicants at appeal on the adjacent land to the business park to the southeast. Accordingly the loss of the consented employment floorspace in the context of why the business park was granted consent only three years ago has not been demonstrated. As a result, the proposal would fail to accord with the provisions of policies 7 and 9 of the HDPF.

Design, Appearance and Landscape setting

- 6.23 The District's built heritage, landform and landscape character, as well as the physical aspects of the townscape character and the built environment is expected to be conserved, protected and enhanced, and green infrastructure networks are to be maintained and enhanced under HDPF policies 2, 25, 31, 32 and 33.
- 6.24 The NPPF at Paragraph 130 states that Planning decisions should ensure that developments 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, while not preventing or discouraging appropriate innovation or change. At Paragraph 135, the NPF states that '*The quality of approved development is not materially diminished between permission and completion, such as by way of changes being made to the permitted scheme*'.
- 6.25 Reference is had to the overall masterplan and 'vision' that was presented as part of the original hybrid application for this wider development site. Phase 1 of the development was designed in conjunction with a comprehensive hard and soft landscaping scheme, with the approved landscape scheme incorporating deep perimeter planted buffers, new trees and native hedgerows, defined in the inner side of the native hedgerow by a rustic-style post and rail fence. This approved landscape layout and strategy was considered to mitigate the landscape harm arising as a result of the development, and provide for soft edges to the site.
- 6.26 At depths of between 9m – 13m the landscaped edges to the application site as consented, offered a soft transition between the rural area and the consented development, retaining the landscape setting on the northern approach to the village along the A29. The buffer planting was also to re-plant a new native mixed hedgerow to replace that which had been lost due to the re-alignment of the A29 in this location with some 34 new semi-mature and mature trees providing a head-start in the eventual screening of the development.
- 6.27 The application site lies at the northern edge of the Phase 1 site, where it forms a prominent corner site, both within the context of the business park and within the setting of the A29 on its south-ward approach into village. It lies head-on when traveling south along the A29 towards the village. Given the intended openness of the open corridor under the pylons, the site would therefore effectively be visible from all sides, notwithstanding the approved landscape planting.

- 6.28 The proposed development seeks a building footprint which is smaller than the employment floorspace approved in this parcel (some 372sq.m compared with the consented GEA of 1,160sq.m), and with a height that steps up from 3m to 5.8m (compared to a consented height of some 9.5m). The overall height and massing of the proposed building would therefore be smaller than the approved building (DC/20/0171), which was to have a cohesive appearance with the other units within Phase 1 of the site.
- 6.29 However, the proposed building on this site would be located close to the site's northern boundary, thus increasing its visual prominence to the wider setting, over and above the consented scheme. It is also noted, that the drive-through lane would occupy an area of the site that had previously been included within the planted buffers that were envisaged to provide the overall landscape setting of the business park. As proposed, the perimeter of the site would now to be defined by a 1.1m high close-boarded fence, with a single-species hedge planted on the inner side, to be maintained at a height of some 1.2m. Overall, the proposed scheme proposes a greater ratio of 'developed' footprint within the site, including both building and parking / hard-standing areas, compared to the consented scheme.
- 6.30 As a result, officers are concerned that the current proposal offers no meaningful visual screening to the site when viewed from the A29, nor indeed from the estate roads within the business park. Amended landscape details have been received, but these fail to offer any more than substantive enhancements to the site and fail to incorporate the promised landscape buffer planting to the development parcel in question.
- 6.31 The proposal is therefore considered to erode the carefully designed landscape buffers of the consented scheme, particularly at this highly visible part of the site, which lies on one of the main approaches into the village. The approved and envisioned landscape buffers were identified within the original LVIA as mitigating some of the landscape harm arising from the resultant development, providing this part of the overall site with an attractive landscape quality. Officers consider that this would be directly undermined by way of the current proposal, diminishing the important landscape mitigation and reducing the overall landscape design benefits in a manner that conflicts with the clear expectations set out under Paragraph 135 of the NPPF.
- 6.32 Further concern is expressed at the visual 'clutter' that would be inevitably associated with the development, with signage applications also subject to concurrent applications, including in-site way-finding signage, road-side banners, illuminated fascia signs and a 15m high illuminated totem sign (applications DC/21/2192, DC/21/2193 and DC/21/2194). Although these are subject to separate considerations, officers conclude that the resulting proposed development would be highly prominent and would represent a stark urbanised development in this transitional location.
- 6.33 The proposal is noted to operate over a 24-hour trading cycle. This is considered to conflict with the wider business parks operational hours, which are restricted to hours of use and external lighting (generally between 07:00 – 23:00 Mon-Sat and 09:00 – 16:00 Sun / BH). The PFS and coffee drive-through units, located alongside each other, are though noted to have been granted the potential to operate over a 24-hour cycle. The extension of street-lights up and along the re-aligned A29 and into the western entrance of New Road is noted, but these, owing to the new technologies used, create a very localised pool of light during with the lighting to the business park restricted during curfew hours (generally 23:30 – 06:30). Both the PFS and coffee-drive-through are subject to hours and levels of illuminations as part of approved signage and external lighting, which have been imposed in order to maintain the wider semi-rural character of the location.
- 6.34 Whilst officers recognise the inevitable change in character that has resulted in the localised context of the development site following the consents granted across the site, it is important to maintain the rural character on this northern approach to the village, which is largely by way of the landscape-led approach and original masterplan vision that was promised. This

site may now be located within the BUAB of Billingshurst, and be located within the confines of a business park, but that is in itself not a reason to allow such a harmful erosion of the wider rural essence and principles that underpinned the permission for the business park. It is still considered appropriate and necessary to refer to the robust landscape-led approach that underpinned the fundamental design proposal approved three years ago as part of the original hybrid application, where the landscape harm was then considered to be 'capable of being sufficiently mitigated' by way of layout and careful design, such as the deep landscaped buffers. Indeed the applicants submission for the business park makes reference in multiple areas to '*high quality landscaping*', with '*care taken to site buildings away from the site boundaries behind generous landscaped buffer planting*' to provide '*an attractive new business park in the edge of Billingshurst...one which is screened from and integrates well with its surroundings*' and to '*create an attractive approach to the village*'.

- 6.35 The current application proposal would position the building close to the parcel's northern boundary, exacerbating the resulting prominence of the proposed development, which, along with the close-boarded fence, lack of external landscape screening, and associated signage would harm the area's setting, visual character and quality. Furthermore, the associated artificial illumination arising from 24-hour trading cycle, beyond that which was approved within the confined area of the PFS and coffee-drive-through, the hard-edged site boundary facing the A29 and estate roads, associated signage and car park illumination would all depart from the important landscape principles that supported the development of the business park, and lead to a significant urbanisation of this rural edge site.
- 6.36 Overall, the proposal is considered to lead to a significant deterioration in the landscape principles that justified the grant of permission for the business park, resulting in adverse visual harm that conflicts with Policies 2, 25, 31, 32, and 33 of the HDPF.

Residential Amenity Impact

- 6.37 Proposed developments are expected to be designed in such ways that they don't give rise to unacceptable harm to neighbouring / nearby amenities, as required by HDPF policy 33.
- 6.38 The nature of the wider approved development across both phases of the site is noted, with the southern, eastern and northern boundaries having associated neighbouring properties. Insofar as the application site is concerned, there are no directly adjacent residential properties that would be likely to be affected in an adversely harmful way as a result of the proposal. Furthermore, insofar as occupiers of adjoining land are concerned, those immediately adjoining the application site remain of a commercial nature within the business park site boundaries.
- 6.39 In conclusion, the proposal is not considered to give rise to adverse issues in terms of noise, odour and light, compliant with Policy 33 of the HDPF.

Highways Impact

- 6.40 The Local Highways Authority (WSCC) has reviewed the proposal, along with the submitted Travel Plan and Transport Assessment (TA), noting the context of the wider consented scheme and that the proposed development would be served by way of the new 4-arm roundabout that has been formed on the A29 at the business park entrance. The TRICS assessment submitted has been carried out in accordance with the TRICS Best Practice Guidance 2021, and the TA also includes reference to the traffic likely to be generated by the other committed development, which may not have been fully built-out as yet as well as other local development beyond the site itself. The submitted details therefore represent a fully informed view of the likely impact on the public highway / new roundabout using appropriate methodologies.

- 6.41 The extrapolated data forecast some 837 daily arrivals and 834 departures from the site based on evidence from other McDonalds sites, and shows a likely peak demand at the site for some 30 parking spaces (weekdays between 12:00 – 13:00) and 34 spaces (weekends between 09:00 – 10:00am). The drive-through lane is stated to have a waiting capacity of some 20 vehicles, which is considered sufficient to avoid queuing traffic out of the site. This capacity is measured only from the end of the customer car park, therefore in reality the capacity of the site is much greater as discussed below.
- 6.42 Many of the public representations reference traffic, parking and congestion issues experienced at the Buck Barn site some 8.5km to the west of the current application site, which is also operated by a McDonalds drive-through restaurant. The site at Buck Barn has some 29 parking spaces, including 1 disabled space, and a further 2 dedicated 'grill spaces' for waiting customers of the drive-through. The drive-through facility at Buck Barn has a waiting capacity before the first of two tandem order points of 1 vehicle before there is a conflict with other site users on the petrol station forecourt. Waiting vehicles must access the drive-through lane alongside traffic associated with the petrol station, car wash and forecourt shop (Coop). Along with the many representations referring to this site and the frequent congestion, officers also refer anecdotally to the frequent congestion seen at this site.
- 6.43 Reference is made in public representations to the following other sites which are stated to experience traffic congestion. In response to these, officers have carried out a very brief assessment, based on available images and maps, and local knowledge:
- Shoreham McDonalds: Officers research indicates there is waiting on site for around 9 vehicles (45m) before the two side-by-side order points, 24 parking and disabled spaces and 3 'grill spaces'. The site accessed off the public highway (not an A-road) close to a railway level crossing and with limited space between site access and drive-through lane. Queues frequently extend onto the highway outside the site at peak times.
 - Burgess Hill McDonalds: Officers research indicates there waiting for around 6 vehicles (28m) before the first of two tandem order points, with 23 parking and disabled spaces and 3 'grill spaces' beyond. The site is accessed off an access to an adjacent public car park with limited space between the site access and drive-through lane, and limited space from the site access to a roundabout that serves the site and adjacent car park. Queues frequently extend onto the highway roundabout outside the site at peak times.
 - Woking McDonalds: Officers research indicates this is a new site with limited details available, access apparently off a service road to a supermarket delivery bay. The drive-through lane appears to accommodate 4 waiting cars (40m) before (x2) order points.
- 6.44 In contrast, the proposed application site would accommodate the drive-through lane some way into the site itself, with a distance between the estate road and order point of some 94m, estimated to accommodate some 19 waiting vehicles clear of the estate road (and some 32 vehicles when including the distance to the serving hatch), with a further distance of around 70m before the junction between the private estate roads and the public highway network. Importantly, when compared to the above other sites, in the event of long queues customers would be able to easily park in the car park instead, or divert to the estate roads, thereby limiting further any risk of queuing customers interrupting the flow of the A29.
- 6.45 In assessing the likely impact arising from this proposal, the Local Highways Authority has considered the ability for the existing public highway network and access junctions to accommodate the increased traffic. The conclusion is that the traffic flows and impact to the junctions would be increased, but would continue to operate within the theoretical capacity, thus not raising any concerns of a 'severe' impact as set out under para 111 of the NPPF, and that there are therefore no transport grounds to resist the proposal.
- 6.46 The Local Highways Authority have also responded directly to a number of resident concerns around the proposed development, in particular concerns over the credibility of trip rates, waiting time at the service counters, and lengths of queues that would result. Whilst further

information was sought from the applicant to verify their data and address more directly the concerns raised, this information has to date not materialised. In any case, the Local Highways Authority have been clear that this data was not necessary for them to form a clear view on the proposals using the TRICS data available to them as part of their own assessment. In terms of the trip generation generally, it is estimated that some 75% of trips to the proposed development would be 'drop-in' trips, occasioned by vehicles already on the highway network, with the remaining 15% being 'new' trips on the highway network, and thus not leading to an envisaged adverse and severe impact, particularly when considered against the backdrop of the wider consented business park development, which includes the coffee-shop drive-through, the PFS and forecourt shop and recent approval for the food supermarket.

- 6.47 Having taken the advice of the Highways Authority, which includes their careful consideration of the concerns raised by a number of objectors on the grounds of unrealistic data and assumptions, the proposal is considered to accord with the provisions of policies 40 and 41 of the HDPF which require, amongst other matters, safe and suitable vehicular access and adequate parking facilities. Paragraph 111 of the NPPF sets out that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network are severe'. Based on the evidence submitted and the advice of the Local Highways Authority in the context of the representations received, the proposals are considered Paragraph 111 compliant.

Other Matters

Litter

- 6.49 One re-occurring concern raised as part of the public representations remains the issue of litter generated by way of the proposed development, not only the impact in the immediate locality, but also the more distant effect caused by way of careless disposal following the use of the drive-through facility. Whilst planning cannot be used to address inherent bad behaviour of patrons, the submitted Litter Management Plan commits to a litter assessment being drafted during the first few weeks of opening and then subject to regular review. This would set out a strategy to undertake litter picking within a minimum 150m radius of the site.
- 6.50 In the event of approval, a condition would be advised to seek further details on the litter management strategy to be implemented at the site, whereby the frequency and radius of litter picks can then be agreed.

Drainage and Flood Risk

- 6.51 It is noted that when the initial outline application across the wider site was considered (under DC/18/2122), it was supported by a Flood Risk Assessment and a Surface Water Drainage Statement, acknowledging that the larger site lay within a Flood Zone 1, which is identified by the Environment Agency (EA) as land with a very low risk from tidal or river flooding. The EA did not previously consider the site to be at any risk of Surface Water Flooding (under DC/18/2122).
- 6.52 It has previously been acknowledged, however, that there would be an increased risk from surface water flooding, largely on account of the increased areas of hard-surfacing and development / buildings. The proposal is accompanied by a Surface Water Drainage Statement, setting out the use of a 403sq.m attenuation tank under the parking area to ensure no increase in flood risk above the previously consented scheme.
- 6.53 Suitable conditions were applied to the works within both phases of the wider development, to ensure details are submitted in relation to the disposal of foul and surface water, and ongoing maintenance of any SUDS features in order to comply with the provisions of the

NPPF and HDPF policy 38, and these are therefore suggested to be applied again in the event of approval.

Archaeology and Heritage

- 6.54 The wider site has already undergone a programme of archaeological trial-trenching and no significant deposits would be impacted by the proposed variations to the approved scheme. As such, the Council's Archaeological Consultant has raised no objection to the proposed changes.
- 6.55 Given the intervening distances involved between the application site and the nearest listed building (Sumners Place, some 350m north), there is no resulting visual interconnectivity between the site and the heritage asset. The proposed development would have a negligible impact on the setting of this heritage asset. This was the view expressed when the original hybrid application was first considered under DC/18/2122, and there have been no material changes to the intervening landform or planning policies to arrive at a different conclusion now.

Air Quality

- 6.56 Paragraph 181 of the NPPF and Policy 24 of the HDPF seek to maximise opportunities to improve air quality through the effective mitigation of impacts caused by new development. The application site is not located within either of the District's two Air Quality Management Areas (AQMA's), but due to the most common source of air pollution in the Horsham District coming from vehicle emission, developments which have the potential for traffic increases (such as the one proposed) are required to make reasonable endeavours to minimise emissions. The Council's 'Planning Advice Document: Air Quality and Emissions Reduction' recommends that all developments carry out an Air Quality Assessment.
- 6.57 Accordingly, the applicant has submitted an Air Quality Assessment Report, which seeks to assess the potential local air quality impacts associated with the proposed restaurant drive-through, acknowledging the consented employment development. Although there is no AQMA in Billingshurst, the proposed development would increase traffic flows in the area and, as such, the development fits within the 'Major' development category set out in the Air Quality and Emissions Reduction Guidance (2021). The guidance requires a damage cost calculation to be completed.
- 6.58 The proposed mitigation measures include the provision of vegetative plantings to absorb dust and pollution and the provision of 2no EV charging points at the site, along with a Travel Plan to incorporate measures aimed at promoting and delivering sustainable transport. The submitted Air Quality Mitigation Plan arrives at a 5-year Damage Cost Calculation of £8,822.
- 6.59 It has previously been found that mitigation measures relying on vegetative plantings at the site would be of limited benefit, and the provision of EV charge points would be required in any event by way of the WSCC parking guidance, which at the current rate requires 37% of the spaces to be provided with active EV charge points. In order to ensure that the proposed development is acceptable in terms of its impact on air quality, further mitigation measures would be required to reduce the reliance on planting, with a recommendation that the mitigation plan for the proposed development is integrated with wider mitigation plans for the business park.

Climate Change

- 6.60 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.
- 6.61 At this stage, climate change measures have been identified insofar as long life-cycles of the cladding materials, locally sourced materials, the use of pre-fab solutions to minimise waste and thermal fabric of the building compliant with Building Regs (DAS).
- 6.62 In addition, there would be a requirement for the provision of EV charging points at the site, thus contributing towards climate change mitigation. Furthermore, matters relating to the reduction of water consumption at the site are discussed in more detail under 'Water Neutrality', but would also reduce the impact the development has on climate change, in accordance with local and national policy. These elements would be conditioned appropriately to ensure the measures are achievable, delivered and retained on site.

Land Contamination

- 6.63 Information was submitted at the hybrid application stage regarding potential ground contamination across the wider site, mainly from historic agricultural uses of the land. Further investigations were required to confirm the extent and nature of potential contamination, details which were secured and discharged by way of conditions imposed on DC/18/2122; (1) the submission of a scheme to deal with the risks associated with contamination which should include a preliminary risk assessment, a site investigation scheme, and a remediation strategy, and (2) a verification plan to demonstrate that the works are complete. Conditions are recommended to stop works if any unidentified contamination is found during development, and to prevent the import of untested or unsuitable soils to the site.

Water Neutrality:

- 6.64 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.65 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.66 The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates, having an existing / previous agricultural grazing use. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide strategic water neutrality solution. The existing baseline of water consumption at the site is reasonably minimal, comprising the provision of fresh water to drinking troughs used at the grazing site. It has not been used to offset the proposed development. However, the applicant has referred to the approved use of the site for some 1,160sq.m of employment floorspace, whereby there would be a potential daily demand of some 524litres, based on an average of 1 employee per 53.3sq.m of floor area (22 employees), an average across the three consented use classes permitted by way of the hybrid scheme (DC/18/2122). This is a credible starting point for the baseline water consumption of the site, with the existing consent considered a viable fallback given pre-commencement conditions have been discharged to enable its delivery in the event this application is not consented.

- 6.67 Officers have investigated the submitted Water Neutrality Statement (WNS), and note that the proposed development would result in an likely daily water demand totalling some 4,797l/p/d, with data extrapolated from 5 similar metered sites, and using low-flush fittings, with occupancy rates based on the transport statement (45 staff and 1,742 daily customers). However, the WNS goes on to claim that there is a 'good certainty' that many of the daily customers would be resident within the Water Neutrality Zone (WNZ) – estimated at some 1,340 (77%), and that some 35.4 staff would travel in from within the WNZ.
- 6.68 On this basis, the submitted WNS argues that of the likely daily water demand of 4,797l/p/d (customers and staff), some 6,456.4l/p/d would be displaced from other locations within the wider WNZ, with a further 2,556.7l/p/d likely to be yielded from rainwater harvesting from roofs and hard-standing areas within the site. No specific information on rainwater harvesting tank size or requirements have been provided in respect of the proposed development on this parcel.
- 6.69 The submitted WNS therefore takes the baseline of the consented scheme, and uses other metered sites to arrive at a potential water budget for the site. It is argued that the proposed development would achieve water neutrality by virtue of rainwater harvesting capacity and staff and patrons most likely to be displaced from homes / places of work within the WNZ, thus being able to off-set potential water use at the site against their existing place of work / residence (mealtimes, WC use and drinks). The worked figures arrive at a water budget of some -4,834.1l/p/d based on the above.
- 6.70 Officers consider these assertions to be highly assumptive and therefore fundamentally flawed, as there is no guarantee that all of the potential employees would be drawn from existing places of work within the designated water zone, and that their vacancies would not be replaced by further staff resulting in a continued water consumption requirement, nor indeed that some 77% the customer base would be drawn from water supply zone, who would otherwise be eating meals at home and drawing their water use from existing residential properties. In any case, there is no evidence that domestic water consumption would alter, with residents already equally able to consume at other premises in the supply zone instead, including at places of work and leisure.
- 6.71 Officers therefore do not consider that a robust and credible WNS has been presented to demonstrate with the necessary degree of certainty required by the Habitat Regulations that water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions is capable of being achieved. Accordingly, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Planning Balance

- 6.72 Planning law and the NPPF requires decisions to be made in accordance with the development plan, unless material considerations are sufficient to justify a departure. The development plan in this case constitutes the HDPF and Billingshurst Neighbourhood Plan. The most important policies for the determination of this application are considered up-to-date and therefore the NPPF Paragraph 11d 'tilted balance' is not engaged in decision making for this application.
- 6.73 The proposal would offer a range of economic and social benefits that are considered to weigh in favour of the scheme in the planning balance, namely:
- Creation of some 65FTE jobs with associated training and qualification opportunities
 - Provision of an anchor tenant at the business park supporting linked trips and supporting businesses wishing to locate to the trade park

- Embedded sustainable construction
- The site is also located in a sustainable location within a business park within the recently expanded Built Up Area Boundary to Billingshurst, as so would not result in the loss of countryside land.

6.74 Further benefits in respect of the following matters have been cited, however they are not considered direct benefits of developing this particular site, and/or are expectations of planning policy:

- Association with and support of the Ronald McDonald House Charities which encourages young people to lead more active lives by way of sports funding and which supports families of children in hospice or hospital care
- Sustainable support for British and Irish farms
- Location on a sustainable existing transport network
- No identified impact to the vitality of Billingshurst High Street;
- Location within business park

The delivery of 342m² employment floorspace is cited as a benefit, however this would be at the expense of the loss of some 1,160sqm of B-use employment floorspace already permitted on the site.

6.75 The proposal does though result in direct conflict with a number of development plan policies. The proposal would result in the loss of consented employment floorspace contrary to the express reasoning that justified the grant of the business park as a departure from the development plan. Furthermore, the development would not deliver the wide and deep planted landscape verges that were an important justification and mitigation for the business park, instead offering a significant reduction in landscaping. Furthermore, the associated artificial illumination arising from 24-hour trading cycle, beyond that which was approved within the confined area of the PFS and coffee-drive-through, the hard-edged site boundary facing the A29 and estate roads, associated signage and car park illumination would all depart from the landscape principles that supported the development of the business park, and lead to a significant urbanisation of this rural edge site. The result is a development that would harmfully erode the landscape setting of the application site and rural approach to Billingshurst, and significantly diminish the consented visual setting of the wider development site. The resultant conflict with Policies 7, 9, 25, 32 and 33 of the HDPF weighs significantly against the proposals.

6.76 Furthermore, the proposals have not sufficiently demonstrated with a sufficient degree of certainty that an adverse impact on the Arun Valley SAC/SPA and Ramsar habitat sites can be mitigated through achieving water neutrality. Consequently, the proposals also conflict with Policy 31 of the HDPF and paragraphs 180 and 182 of the NPPF, and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

6.77 Taken altogether, the provision of potentially some 65 FTE jobs is a material benefit of the proposals, however this is not considered to outweigh the harm that would be afforded by the loss the consented and much needed B1c/B2/B8 employment provision that justified the development of the business park in the first instance, and the associated significant deterioration in the landscape mitigations at the business park that would arise. The absence of a successful mitigation strategy to avoid harm to the integrity of the Arun Valley SAC/SPA and Ramsar habitat sites further weighs heavily against the proposals. The application. The development is therefore considered to be contrary to Policies 7, 9, 25, 31, 32, and 33 of the Horsham District Planning Framework (2015) and is recommended for refusal on this basis.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
All Other Development	323.5	0	323.5
		Total Gain	323.5
		Total Demolition	323.5

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

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 That planning permission be refused for the following reasons:

1. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).
2. The proposed development, by virtue of the layout, site coverage and lack of qualitative and quantitative soft landscaping, would lead to the significant erosion of the beneficial and wide landscape buffers and perimeter margins that were expected to be delivered by way of the consented scheme on this site. The proposed development would therefore lead to adverse harm to the setting and character of the edge of village location, contrary to the provisions of policies 2, 25, 31, 32 and 33 of the Horsham District Planning Framework (2015).
3. The proposed development would lead to the loss of B1c/B2/B8 employment floorspace as secured and justified under the consented business park, resulting in the loss of floorspace identified to help meet the immediate local and wider district employment needs, contrary to Policies 7 and 9 of the Horsham District Planning Framework (2015).

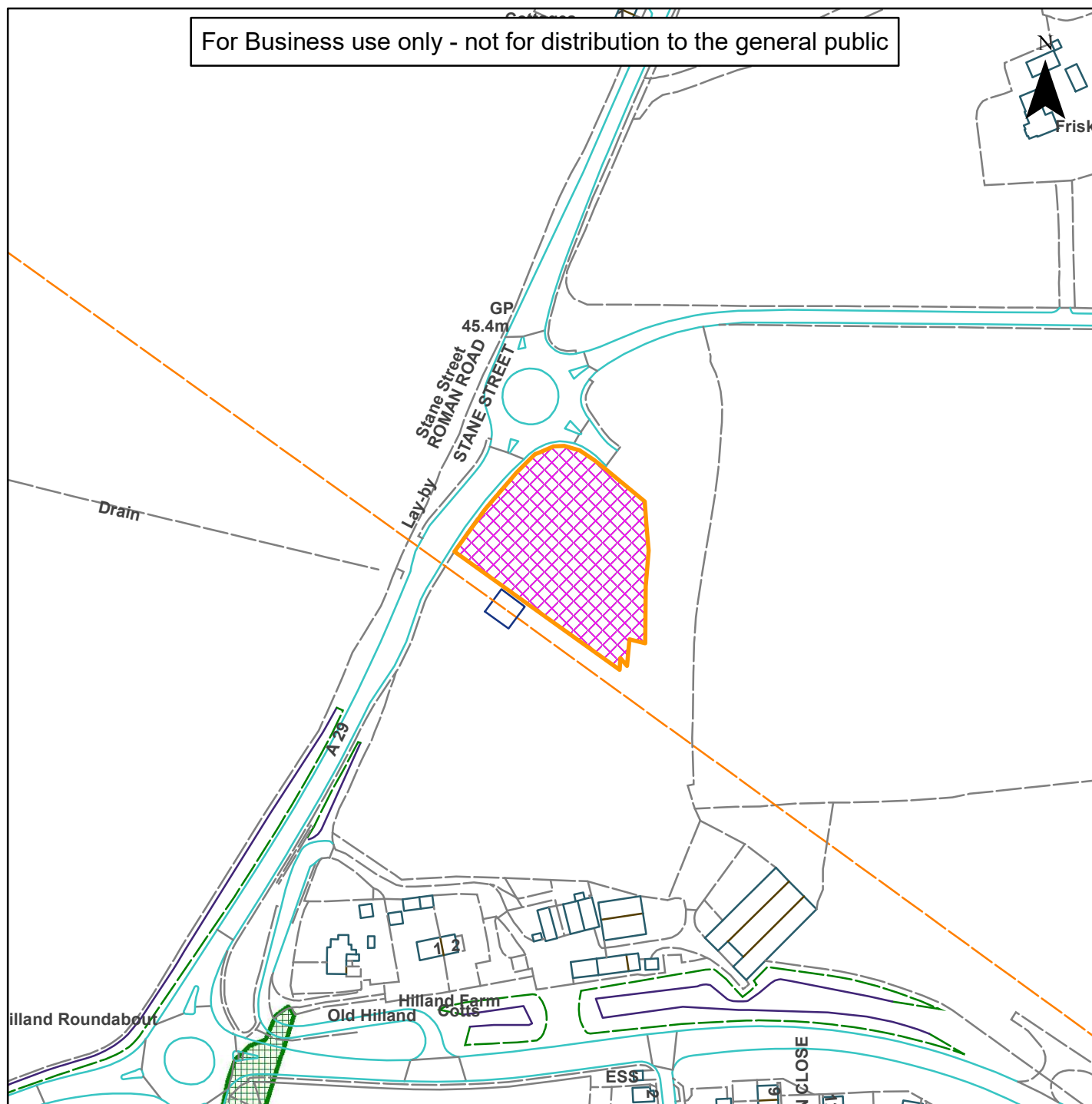
06) DC/21/2206

Billingshurst Trade Park, Stane Street, Billingshurst, West Sussex



Horsham
District
Council

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	13/05/2022
SA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 24th May 2022

DEVELOPMENT: Erection of extension to existing indoor riding arena to provide viewing area and pole barn for hay and storage purposes. Provision of tannoy system, circular horse walker, 2x all weather paddocks, additional parking area and associated works.

SITE: Hascombe Farm Horn Lane Henfield West Sussex BN5 9SA

WARD: Bramber, Upper Beeding and Woodmancote

APPLICATION: DC/21/0938

APPLICANT: **Name:** Mr Ralph Gilbert **Address:** Hascombe Farm Horn Lane Henfield West Sussex BN5 9SA

REASON FOR INCLUSION ON THE AGENDA: At the request of Henfield Parish Council.

Planning Committee South resolved to defer decision at the meeting of 15th March 2022 to allow for additional consideration of noise impacts.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. INTRODUCTION:

- 1.1 This application was considered at Planning Committee South on 15th March 2022 where members resolved to defer decision such as to enable further consideration of the noise impacts of the proposed development.
- 1.2 Subsequent to this resolution a meeting has taken place between officers, the applicant, local members and Henfield and Woodmancote Parish Councils to allow for a further understanding of the proposals, the applicants intentions, and the context of the application site.
- 1.3 The applicant, further, has confirmed willingness to accept certain conditions being attached to a prospective grant of planning permission such as to ameliorate the concerns previously raised.
- 1.4 This report will be confined to a consideration of acoustic impact specifically and advises of any further changes in circumstance subsequent to the resolution to defer at the committee meeting of 15th March. An updated list of recommended conditions, further to the original Committee Report, is also included within this report. The updated conditions list includes a revised condition limiting use of the proposed PA equipment to a maximum of 20-days per

calendar year and requiring full-details of the proposed sound-system, including the findings of a sound-test to be conducted on-site, such as to provide confidence that the proposed system would perform as modelled within the submitted Noise Impact Assessment.

- 1.5 The original Committee Report is included as an addendum to this report (addendum 1), which remains relevant, and considers a full range of material considerations relevant to the Officer recommendation.

2. FURTHER REPRESENTATION AND CONSULTATION RESPONSES:-

- 2.1 Subsequent to the resolution of Planning Committee South on 15th March 2022 the following further consultation responses have been received:-

2.2 Henfield Parish Council: No objection:-

Subsequent to a site visit and meeting with the applicant and the Case Officer, Henfield Parish Council responded to raise no objection to the proposed development. Henfield Parish Council noted the intention to operate up to 40 equestrian shows per-year, divided between indoor and outdoor arenas respectively with up to 40 shows per-year already approved.

The location of the arena where the new tannoy is proposed to be installed is considered far preferable to a neighbouring arena where tannoys are currently installed, being sited in a dip and surrounded by hedge which should act as a partial sound barrier. The existing arena was noted to be sited at the edge of the site and exposed to neighbouring fields and public footpaths.

The Parish Council, further, noted the limited nature of proposed announcements to support equestrian events, comprising of a 'bong' to announce the start of a round, and/or faults and announcements of the riders name and score at the close of a round. The Parish Council acknowledged that an event had been operated recently utilising tannoy equipment projecting from a neighbouring arena, and that no complaints were received from local people.

With this additional information available, Henfield Parish Council resolved to support the proposal, with any future noise problems capable of being addressed through Environmental Health activity.

Henfield Parish Council, further, noted that a number of planning applications have been made consecutively on the site, that in many cases these involve changing the location of components previously granted planning permission. It was considered that the various proposals would allow for a substantial uplift in car-parking within the site, reducing the risk of displaced parking demand elsewhere, and that an agreement pursuant to S.106 of the Town and Country Planning Act 1990 could provide sufficient protection to avoid the implementation of previously approved applications such as to avoid overdevelopment.

Henfield Parish Council, in addition, noted that a historic muck heap has been disposed of, that solar-panels and rainwater-collection systems have been installed and that the route of a public footpath within the site remains, though, a suitable alternative route has been provided avoiding equestrian paddocks.

Subject to the restrained use of tannoy systems and the use of a S.106 agreement to protect against overdevelopment Henfield Parish Council resolved to support the proposal.

- 2.3 An additional letter of representation in support of the proposed development has been received. The main material grounds for support can be summarised as:-

- Hascombe Equestrians inclusion to the showjumping calendar is integral to development the sport within the Region, with competitors ranging from junior to Olympic level;
- The site is currently a very popular training venue;
- It is a condition that all British Showjumping affiliated competitions have a PA system that is clear to hear in all arenas used for competition and warm-up;
- The ability for showjumping officials on the day to communicate to competitors in all areas for is paramount, including for the welfare of the horse and rider. The announcement of competitors to enter the arena and the results of those who have completed a round is a mandatory requirement and which contributes to fairness in competition.

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

3. ASSESSMENT

Acoustic Impact:-

- 3.1 This application was deferred to allow for further consideration of acoustic impacts at the meeting of Planning Committee (South) on 15th March 2022.
- 3.2 Policy 33 of the Horsham District Planning Framework (HDPF) (2015), *inter alia*, provides that development should avoid unacceptable harm to the amenities of nearby occupiers/users of land, including in respect of noise impact. Policy 24 of the HDPF, also, provides that developments should minimise exposure to, and the emission of, pollutants including noise and light pollution.
- 3.3 Paragraph 174 of the NPPF, *inter alia*, provides that planning policies and decisions should ensure that new development is appropriate to its location, taking account of likely effects (including cumulative effects) of pollution on health and living conditions. Development should mitigate and reduce to a minimum potential adverse impact resulting from noise and avoid development which gives rise to significant adverse impacts on health and the quality of life.
- 3.4 The Planning Practice Guidance (PPG) (2019)¹ in respect of noise acknowledges at paragraph 003 the need to consider the acoustic environment within decision-making, including whether or not a good standard of amenity can be achieved and the differing degrees of acoustic impact which may occur in conjunction with development. Consistent with the Noise Policy Statement for England (2010), Paragraph 004 of the PPG categorises the three observed effect levels (as descriptors as overall acoustic impacts upon persons) as:
- “Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
 - Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
 - No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.”
- 3.5 Paragraph 004 of the PPG acknowledges that the ‘level’ of observed effect is not solely contingent upon the intensity of a source of noise, but should be understood as a combination of multiple factors including noise exposure, the number of occurrences of the noise in a given period, the duration of the noise and the time of day the noise occurs. Paragraph 006

¹ <https://www.gov.uk/guidance/noise--2>

of the PPG advises that noise is more likely to result in an adverse effect during night, and that consideration further needs to be given to the number of noise events, the frequency and pattern of occurrence of the noise, together with its spectral content and general character. Paragraph 005 of the PPG, further, recognises that concern to be attributed to noise impact is not determined solely by audibility, but rather by an understanding of adverse behavioural and/or physiological responses to those affected by noise.

- 3.6 Paragraph 005 of the PPG, in respect of the categorisation of noise impact, identifies that noise may slightly affect an acoustic character of the area, but not to the extent that there is a change in quality of life, where 'no observed effect' and relevant mitigation measures should be considered. A 'lowest observed effect' should be considered where exposure causes small changes in behaviour and attitude, where consideration needs to be given to mitigating and minimising those effects. A 'significant observed adverse effect' would occur where noise exposure causes material changes in behaviour, such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is considered to be at, or above, the significant observed adverse effect level, NPPF paragraph 174 provides that that planning decisions should avoid such an effect occurring.
- 3.7 Existing guidance, therefore, is clear that development can effect a change in acoustic character without resulting in a significant level of exposure to individuals which would warrant a refusal of planning permission, with necessary consideration to be given to measures which might minimise or mitigate the adverse effects associated with acoustic impact where a 'low' degree of impact is considered.
- 3.8 The Noise Impact Assessment provided in accompaniment to this application models a low-acoustic impact associated with the introduction of public-address (PA) equipment as proposed. This conclusion is reached on the basis of a standard acoustic calculation undertaken pursuant to 'British Standards' (BS) 4142 and 8233 with regard to expected changes in noise-levels within external and internal amenity spaces relative to measured baseline values at the closest residential receptors. The submitted Noise Impact Assessment identifies that the anticipated change in noise levels would prove minor and within acceptable levels and tolerances for internal and external spaces respectively. An acceptable acoustic impact is considered to be achievable by limiting the output of the sound-system to 90 dB at 1m from each loudspeaker, and through the conduct of a sound-test as part of the commissioning of the sound system to verify the results of the Impact Assessment.
- 3.9 The response of the Council's Environmental Health team in conjunction with this application recognises that the proposed system is not likely to prove intrusive in terms of decibels, though, raises concern that the proposals will result in some disturbance to nearby residents given the atypical nature of noise and prospect of considerable periods of time. The Council's Environmental Health team consider that the proposals would prove acceptable if the PA system were utilised solely for purposes of announcement, limited to 90dB(A) at 1m and with operation limited to once per-month between the hours of 09:00 and 17:00.
- 3.10 Subsequent to the preceding resolution to defer decision at the meeting of Planning Committee (South) on 15th March the applicant has confirmed willingness to agree to a condition restricting the use of proposed PA equipment to a maximum of 20-days per-calendar year, and has sought to highlight that equestrian events would occur solely during day-time hours with the use of PA equipment limited to announcements necessary for equestrian competition. The applicant has explained that further limits on the frequency of proposed operation, below 20-days per-calendar year, would pose unreasonable constraint on the viability of the equestrian enterprise and upon Hascombe Farm as a venue for equestrian competition.
- 3.11 Paragraph 006 of the PPG confirms that, in considering relevant mitigations against acoustic impact, account should be taken of the socio-economic benefits derived from noise-

generating activity. NPPF paragraph 56, further, requires that planning conditions are kept to a minimum and, in addition, imposed only where necessary, relevant, enforceable, precise and reasonable in all respects. In light of these provisions it is necessary that the Authority balances the impacts of any mitigations designed to limit acoustic impact of proposed development against the socio-economic benefits of proposed development, and, further, considers whether specific mitigations to be secured by way of condition are necessary and reasonable.

- 3.12 As reasoned within the original committee report the proposal would provide support to the continued vitality and viability of Hascombe Farm and the social and economic benefits derived to the rural economy by maintaining employment opportunity as supported by the provisions of HDPF policy 10. The proposed provision of PA equipment is understood to be integral to the ability to operate equestrian competitions safely and in-line with the standards set by sporting bodies.
- 3.13 The submitted Noise Impact Assessment models a minor acoustic impact associated with the provision of PA equipment with regard to expected changes in local noise levels at nearby sensitive receptors, which is accepted by the Council's Environmental Health team. While it is acknowledged that concern has been raised in respect of the potential and frequency of PA equipment to be operated, and as an atypical source of noise, it is advanced that the proposed type of PA equipment and intended pattern of operation would not result in significant adverse effects upon quality of life such as to warrant a refusal of planning permission.
- 3.14 Conditions have been therefore recommended to:
- limit the use of PA equipment solely for use in conjunction with equestrian events,
 - limit the use of PA equipment solely for the purposes of announcements,
 - limit the use of PA equipment for up to a maximum of 20-days per-calendar year (as suggested by the applicant) and
 - subject to the submission and approval of a sound test to verify that sound levels remain as modelled within the acoustic assessment once the sound-system is set-up.

Subject to such mitigations it is considered that the operation of PA equipment would not result in unacceptable harm to the amenities of nearby occupiers/users of land in compliance with the requirements of HDPF policies 24 and 33 in addition to NPPF paragraph 174.

- 3.15 It is recognised that the proposed limit on the frequency of operation (20 days) is greater than the limit of 12-days (one day per month) suggested by the Council's Environmental Health team. It is, though, considered that the operation of PA equipment up to a maximum of 20-days per calendar year would still afford significant periods of respite to nearby occupiers. A further constraint on frequency of operation would be considered to adversely influence the viability and realistic operation of Hascombe Farm, together with the consequential scale of socio-economic benefits to be derived such as to call into question the reasonableness of such a condition. It is, further, considered that a limit requiring use on no more than 12-days per year (once per month) as suggested by the Council's Environmental Health team would not prove necessary to render the development acceptable in respect of its acoustic effects, contrary to the test set out within NPPF paragraph 56 in this regard.

Other Matters:

- 3.16 The applicant, during a site-meeting with local members, Henfield and Woodmancote Parish Council's and the Case Officer advanced an intention to operate PA equipment to support equestrian events, were this application to prove unsuccessful, through the assembly and disassembly of a platform to support PA equipment. It is understood that the applicants intention would be for such a platform to be erected beyond the perimeter of the main outdoor

arena, and on the understanding that such a temporary structure would not require planning permission.

- 3.17 Large sections of the application site are subject to planning conditions restricting the installation or operation of PA equipment without the prior consent of the Local Planning Authority. These include the main outdoor arena, judges-box and a lesser outdoor arena to the south-east by reason of condition 4 attached to ref: DC/11/0524 and condition 5 attached to ref: DC/15/0531 respectively. The applicant, further, has not referred to a relevant permitted development right bestowed by a permitted development 'Class' defined under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), such as to enable the lawful erection of a temporary structure intended to support PA equipment without the need for planning permission. It is not currently considered that the Local Planning Authority could conclude, on a balance of probabilities, that the prospective provision of a temporary structure to support PA equipment would prove a lawful form of development such as to assign weight to the claimed fallback position.
- 3.13 It is acknowledged that the response of Henfield Parish Council, subsequent to the preceding deferral, has highlighted the need to control previously approved development by way of S.106 agreement in order to avoid overdevelopment arising from the implementation of current applications and existing consents.
- 3.14 The Authority is presently considering five concurrent applications at Hascombe Farm. These applications, collectively, would replace stabling, administrative and ancillary facilities approved pursuant to ref: DC/15/0531, which is considered to remain extant.
- 3.15 Of the concurrent applications presently before the Authority, this application is considered to be the least likely to give rise to an increase in the intensity of activity at Hascombe Farm on an individual or cumulative basis, with the proposed facilities deemed to be acceptable in relation to the requirements of HDPF policy 26 in this regard as reasoned within the Committee Report attached at addendum 1.
- 3.16 Furthermore, the proposed facilities would partly occupy the same footprint as stable facilities consented pursuant to ref: DC/15/0531 such as to ensure that this application and the extant consent are not capable of cumulative implementation. While there may be a need to enter into a legal agreement pursuant to S.106 of the Town and Country Planning Act 1990 in respect of concurrent applications on the site, this is not considered to be the case for ref: DC/21/0938, where a legal agreement would not prove necessary to restrict cumulative implementation or avoid the adverse effects associated with an overdevelopment of the site.

4. **RECOMMENDATIONS:**

To grant planning permission subject to the following conditions.

Conditions:

1. Plans list
2. **Regulatory (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 (Slab Level) Condition:** Prior to the commencement of works pertaining to the construction of the approved pole-barn, paddocks, parking area and viewing platform above ground floor slab level a Biodiversity Enhancement Strategy shall be

submitted to an approved in writing by the Local Planning Authority. The Strategy shall address 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) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To secure a biodiversity gain and provide benefits to Protected and Priority Species/habitats in accordance with Policy 31 of the Horsham District Planning Framework (2015).

4. **Regulatory condition:** Prior to the commencement of works pertaining to the construction of the approved pole-barn and hay-store above ground floor slab level, fire-fighting apparatus shall have been installed in agreement with the West Sussex County Council Fire and Rescue Service.

Reason: In the interests of public safety and to prevent harm to future occupiers associated with the risk of fire in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

5. **Regulatory Condition:** The materials to be used in the construction of the development hereby permitted shall strictly accord with those prescribed at section 7 to the submitted application form, unless a schedule and details of alternative materials are submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of relevant works above ground-floor slab level.

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).

6. **Regulatory Condition:** The tannoy/public-address equipment hereby approved shall solely be used for public-address purposes in conjunction with the equestrian events approved pursuant to condition 6 of planning permission DC/15/0531, and operated only on event days. The approved public address equipment shall not operated in excess of 20-days per calendar year (inclusive) and shall be utilised solely for purposes of announcements.

Reason: In the interests of amenity and to ensure nearby residential occupiers benefit from respite from possible noise disturbance in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. **Regulatory Condition:** The tannoy/public-address equipment hereby approved shall be positioned and orientated as denoted on the approved site master-plan (plan ref: 2018-3, rev E). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), any change to this arrangement will require the express consent of the Local Planning Authority by way of formal application.

Reason: in the interests of amenity, and to ensure control over potential sources of noise, ensuring an acceptable level of noise disturbance to nearby occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. **Pre-Occupation Condition:** Prior to the first use of the public-address equipment hereby approved, full specifications of acoustic equipment to be installed, together with the findings of a sound-test conducted on site shall be made available and approved by the Local Planning Authority in writing. The approved equipment shall not exceed 90 dB(A) at 1m, and shall be subsequently installed as approved. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), any change to the components of the approved public-address system will require the express consent of the Local Planning Authority by way of formal application.

Reason: In order to verify that an acoustic performance of 90 dB(a) at 1m is achievable, in the interests of amenity, and to ensure control over potential sources of noise, ensuring an acceptable level of noise disturbance to nearby occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9. **Regulatory Condition:** The hard surface to the parking area hereby approved shall either be constructed making use of porous materials or provision shall be made to direct surface water-run off from the approved parking area to a permeable/porous surface located within the application site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy 38 of the Horsham District Planning Framework (2015).

10. **Regulatory Condition:** The development hereby permitted shall solely be used for equestrian purposes ancillary to the occupation and use of Hascombe Farm, Horn Lane, Henfield, BN5 9SA.

Reason: To ensure a form of development appropriate and essential to this countryside location in accordance with Policy 26 of the Horsham District Planning Framework (2015).

11. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no external lighting and/or floodlighting shall be installed or stationed within the application site except without the express consent of the Local Planning Authority by way of formal application.

Reason: in the interests of local character and to ensure the intrinsic qualities and integrity of the adjacent International Dark Skies Reserve in accordance with policies 25, 30, 32 and 33 of the Horsham District Planning Framework (2015).

12. **Regulatory Condition:** The proposed development shall be undertaken in full accordance with the ecological 'technical note' (Derek Finnie Associates, ref: 213390, September 2021), and the recommended ecological mitigations, methods and precautions.

Reason: To conserve and enhance protected and Priority species and 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 and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015).



Horsham District Council **ADDENDUM 1 - PLANNING COMMITTEE REPORT**

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 15th March 2022

DEVELOPMENT: Erection of extension to existing indoor riding arena to provide viewing area and pole barn for hay and storage purposes. Provision of tannoy system, circular horse walker, 2x all weather paddocks, additional parking area and associated works.

SITE: Hascombe Farm Horn Lane Henfield West Sussex BN5 9SA

WARD: Bramber, Upper Beeding and Woodmancote

APPLICATION: DC/21/0938

APPLICANT: **Name:** Mr Ralph Gilbert **Address:** Hascombe Farm Horn Lane Henfield West Sussex BN5 9SA

REASON FOR INCLUSION ON THE AGENDA: At the request of Henfield Parish Council.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.6 Planning permission is sought for various equestrian works, including:
- the provision of an enclosed viewing area as an extension to an existing indoor riding arena,
 - the erection of a hay barn for storage purposes,
 - a horse walker,
 - the provision of 2x 'all weather' pens,
 - a tannoy/public-address (PA) system to support equestrian events and
 - the formation of an additional 28x 12m parking area.
- 1.7 Revised plans were received on 16.02.2022, omitting additional stabling and an external viewing platform originally featured within the original submission. These elements of the original proposal, therefore, no longer form part of this submission.
- 1.8 Proposed equestrian facilities are located within the extent of the existing Hascombe Farm. Proposed all-weather paddocks and a circular horse walker would be formed to the south of the main parking area adjacent to six existing all-weather paddocks at a distance approximately 60m set-back from Horn Lane.

- 1.9 The proposed pole-barn would be positioned at the eastern extent of the holding, arranged to occupy a footprint extending to 28m in length along the eastern site boundary. The proposed barn would, further, extend to a maximum height of 5.5m with an eaves height of 4.4m.
- 1.10 The proposed viewing platform would be provided as an extension to the south of the main indoor riding arena, supported above existing water-storage tanks at first floor level by a series of steel columns/supports. The proposed extension would mirror the roof-form of the existing riding arena, projecting ~6.8m to the south. The proposed viewing platform would be accessed by way of external staircase.
- 1.11 Additional parking facilities are to be formed to the south of the indoor riding arena (and proposed extension), to comprise of an area of hardstanding measures 28x12m.
- 1.12 Proposed tannoy systems are to be sited at the perimeter of the external riding arena/ménage approved pursuant to ref: DC/15/0531 at the southern extent of the holding and existing equestrian yard. The proposed tannoy system would consist of 7x speakers set to the western perimeter of the outdoor arena, positioned to the north and south of the judges box and at the north-eastern corner of the outdoor arena
- 1.13 This application is submitted concurrently with application refs: DC/21/1707 and DC/21/1140, seeking consent for the formation of staff/holiday let accommodation and office facilities respectively in addition to the conjoined applications SDNP/21/05852/FUL and DC/21/0917 for the formation of additional stabling within the South Downs National Park. While made concurrently with this application, these applications are not functionally linked with the current proposal, which can be determined on its own merits.

DESCRIPTION OF THE SITE

- 1.14 This application pertains to Hascombe Farm, a commercial equestrian centre located to the south of Horn Lane within a countryside setting ~1.3km east of Small Dole and ~1.8km south-east of Henfield.
- 1.15 The existing centre is well-developed, benefiting from two-main indoor riding arenas/stables, positioned centrally within the holding, and smaller stables/administrative facilities at the north-eastern extent of the holding. The main site-access is located at the north-western extent of the holding, leading to a large parking/turning area where, in addition, two mobile homes are currently stationed as approved pursuant to ref: DC/18/2418.
- 1.16 The southernmost extent of the site is formed of a large ménage (approved pursuant to ref: DC/15/0531) encompassed by slight embankments featuring Leylandii planting. The site, further, benefits from a well-vegetated boundary to its northern extent (separating the site from Horn Lane) and lesser hedgerows to its western and eastern boundaries, within which a number of mature trees are located.
- 1.17 The site is bounded by farmland to the east and west and to the South Downs National Park to the south, within which a number of equestrian paddocks associated with Hascombe Farm are located. Public right of way (PROW) 2739 passes from the north-west to the south of the site at an approximate distance of 150m.
- 1.18 The site benefits from planning permission DC/15/0531 which restricts the number of events at the site to 40 days per calendar year by way of condition 6. Condition 6 defines events as being competitive show jumping, dressage, eventing, carriage driving, and western riding.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
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
Policy 42 - Strategic Policy: Inclusive Communities
Policy 41 - Community Facilities, Leisure and Recreation

Henfield Neighbourhood Plan (HNP 2021)

Policy 1 – A Spatial Plan
Policy 4 – Transport, Access and Car Parking
Policy 9 – Community Infrastructure
Policy 10 – Green Infrastructure and Biodiversity
Policy 12 – Design Standards for New Development

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/1707	Erection of 4no two-storey terraced residential cottages to be used for holiday lets or staff accommodation.	Pending Consideration
DC/21/1140	Erection of a two-storey detached office building (Use Class E).	Pending Consideration
DC/21/0917	Construction of a stable block.	Pending Consideration
SDNP/21/05852/F UL	Construction of a stable block	Pending Consideration
DC/18/2418	Retrospective application for the siting of two permanent mobile homes.	Application Permitted on 26.04.2019

DC/15/0531	Construction of equestrian facilities	Application Permitted on 11.12.2015
DC/14/2324	Construction of stable block of 9 boxes	Application Permitted on 28.01.2015
DC/14/1011	Construction of horse walker/lunge pen	Application Permitted on 22.07.2014
DC/14/0847	Change of grass arena to an all weather outdoor arena	Application Permitted on 17.06.2014
DC/11/0524	Replacement judges box	Application Permitted on 16.08.2011
DC/10/0344	Outdoor jumping arena (Certificate of Lawful Development - Existing)	Application Permitted on 15.06.2010
DC/08/2625	Retention of a show jumping arena	Application Refused on 24.02.2009
DC/07/2347	Retention of a Sandschool	Application Permitted on 08.04.2008
HF/29/99	Realignment of sand school and erection of a cover Site: Royal Leisure Centre Horn Lane Henfield	Application Permitted on 28.06.1999
HF/68/95	Erection of new bungalow & granny annexe, foaling box, observation box & relocation of stables Site: Royal Riding Stables Horn Lane Henfield	Application Permitted on 07.05.1996
HF/78/93	Retention of judge's box for use on show days only Site: Royal Leisure Centre Horn La Henfield	Application Permitted on 21.01.1994
HF/80/90	Removal of two outbuildings and extension to indoor school buildings Site: The Royal Centre Horn La Henfield	Application Permitted on 14.11.1990
HF/49/65	Chalet caravan and riding school. Comment: Appeal against conds 3 & 4 allowed 29/6/66 (From old Planning History)	Application Permitted on 29.06.1966

3. OUTCOME OF CONSULTATIONS

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

3.2 HDC Environmental Health: No objection, subject to conditions:

The Council's Environmental Health team, subsequent to the receipt of a Noise Impact Assessment, considered that the proposal would not prove significantly intrusive in terms of decibels. Some possibility of harm was considered given the locality and the atypical nature of noise associated with the external speaker system, which would result in some disturbance to nearby occupiers, especially if to be used for considerable periods of time. The Council's Environmental Health Team recommended that proposed equipment not be used in excess of 12 occasions per-year and limited to achieve 90 dB(A) at 1m as assessed within the submitted Noise Impact Assessment.

3.3 WSCC - Highways: No objection

"No objection is raised to the application. The site is anticipated to generate a similar level of trips as those assessed and consented under application ref: 15/0531."

3.4 WSCC – Fire and Rescue: No objection, subject to conditions

The Fire and Rescue Service identified that the closest hydrant was located at a distance of 280m, advising that the supply of water for firefighting purposes, in respect of commercial premises, should be within 90m.

It was recommended that a condition be attached to any grant of consent requiring the submission and approval of details, together with the installation of any necessary fire-fighting apparatus, prior to the first occupation of such development.

3.5 Ecology: No objection, subject to conditions

The Council's consultant ecologists responded to advise that the ecological information submitted in support of this application was sufficient to provide certainty to the Authority in respect of the likely impacts of development upon Protected and Priority species. It was considered, subject to appropriate mitigations and biodiversity enhancement works, to be secured by way of condition, the proposed development can be made acceptable. The Council's consultant ecologists, further, drew attention to the Natural England Position Statement of September 2019, and the need to demonstrate water-neutrality in order to overcome a holding objection.

3.6 South Downs National Park Authority: Comment

The National Park Authority noted that the application site is located to the adjacent north of the National Park Boundary, comprising of an established equestrian yard/riding centre. The National Park Authority considered that, although the amount of built form would be increased by virtue of the proposals, these are unlikely to have any material impact upon the National Park or its setting.

3.7 Henfield Parish Council: Objection

Henfield Parish Council object to the proposal by reason of conflict considered in relation to HDPF policies 6.3, 33.2, 29.2 and 24.1. The Council, further, considered the application should be linked to DC/15/0531 and raised concerns regarding access to and the reinstatement of public footpaths.

3.8 **Woodmancote Parish Council:** Objection

Woodmancote Parish Council object to this application by reason of the overdevelopment of the site, noise pollution associated with the proposed tannoy system, light pollution and increased traffic movements.

PUBLIC CONSULTATIONS

16 letters of representation, from 15 independent addresses, were received in connection with the proposal. 13 letters of objection were received in objection to the proposal with 3 letters received in support.

The main material grounds for objection can be summarised as:-

- Concern with regard to the noise impact of the proposed development and its effects upon the living conditions of nearby occupiers;
- Concern with regard to the noise impact of the proposed development and its impact upon wildlife;
- Concern with regard to the possible impacts of light pollution upon the South Downs National Park;
- Concern with regard to the possible impacts of light pollution upon wildlife;
- Concern with regard to the potential for increased traffic and resultant effects upon highway safety and operation;
- Concern with regards to the potential intensification of use and resultant effects upon local tranquillity;
- Concern with regards to the adequacy of existing fire-fighting infrastructure on site to support the proposed development;
- Concern with regard to the risk of increased surface water flooding resulting from the proposals;
- Concern with regard to the absence of professional acoustic assessment in connection with the proposed tannoy system;
- Concern with regard to the lack of clarity in the proposed number of events and intended number of events to be split between outdoor and indoor arenas;
- Clearance of land to accommodate the proposed development would detrimentally impact upon existing wildlife;
- Concern that the existing access and proposed parking facilities are not adequate to support equestrian events and may risk the safety of highways users;
- The site is visible from public footpaths;

The main material grounds for support can be summarised as:-

- Hascombe Farm has been operated as an equestrian facility for many years now;
- New investment will enhance existing facilities and provide additional benefits to the equestrian community;
- There is a lack of equestrian facilities in the south-east;
- The proposed would provide employment for local people and bring direct and indirect revenue to the local area;

Other material comments received, neither in objection to, or support of, the proposed development were:-

- Consideration should be given to the installation of an electronic display system in the alternative to a tannoy system;
- Access via public footpaths in the vicinity of the site should be maintained;

- Consideration should be given to the use of a 'silent disco' type system in the alternative to a tannoy;
- Clarification as to intended hours and days of operation is needed.

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 The application site is located beyond a defined built-up area, therefore constituting a countryside location for the purposes of planning policy in accordance with paragraph 4.7 of the Horsham District Planning Framework (HDPF) (2015), and where countryside protection policy set-out at HDPF policy 26 applies. In this context, in accordance with HDPF policy 26, it would be expected that development, *inter alia*, be essential to this countryside location and not lead to a significant increase in overall activity on an individual or cumulative basis.
- 6.2 Policy 29 of the Horsham District Planning Framework (HDPF) (2015) pertains to equestrian development. This policy provides that equestrian development will be supported where existing buildings on site cannot be re-used before new or replacement buildings are considered, where appropriate to the locality and in terms of scale and level of activity, and, where possible, well related to the bridleway network.
- 6.3 Policy 10 of the HDPF provides that sustainable rural economic development will be supported, in order to generate local employment opportunities and socio-economic benefits to local communities. Policy 10 provides that development which maintains the quality and character of the area, whilst sustaining productive socio-economic use, will be supported in principle. Development should be appropriate to its countryside location and must, contribute to sustainable farming enterprise, or in the instance of other countryside-based enterprises, contribute to the wider rural economy and be contained within suitably located buildings, within an established rural industrial estate or result in substantial environmental improvement. Policy 10, further, requires that car-parking requirements should be accommodated satisfactorily within the immediate surrounds of proposed development, unless an alternative logical solution is proposed.
- 6.4 Policy 1 of the Henfield Neighbourhood Plan (HNP) (2021) operates to support the spatial strategy of the development plan in seeking to support development beyond defined settlement boundaries where appropriate in location to national and local planning policy.
- 6.5 Hascombe Farm is an established equestrian centre which has operated on a commercial basis for a number of decades. On the basis of preceding planning records planning permission was granted pursuant to ref: HF/49/65 for the creation of a riding school, with subsequent eventing, stabling and riding infrastructure provided in the mid/early 1990s. More recently, planning permission has been granted for the retention of staff accommodation (DC/18/2418), the provision of additional stabling, riding arenas and administrative facilities (refs: DC/15/0531, DC/14/2324 and DC/0847) and a judges box (DC/11/0524).

- 6.6 The current condition of the site reflects these incremental changes over time with the current operation considered of a relatively significant scale. Planning permission was previously granted pursuant to ref: DC/15/0531 for the erection of 6x stable blocks, an operations office, a storage barn, all weather paddocks and an outdoor arena. This consent has been partly implemented through the construction of the outdoor arena, and is deemed to remain extant, though, stabling, administrative and storage facilities subject of this preceding consent have not yet been implemented.
- 6.7 The proposals would seek to provide additional infrastructure and facilities designed to support the existing equestrian operation, including additional storage, horse exercise/turn-out facilities, parking and a tannoy system to support equestrian events to be conducted on the ménage at the southern extent of the holding. It should be noted, however, that consent is not sought in respect of the holding of equestrian events as subject of preceding applications. Planning permission granted pursuant to ref: DC/15/0531 authorises up to 40 equestrian events per calendar year, including show-jumping, dressage, eventing, carriage driving and western riding, and this current application does not seek to amend this.
- 6.8 The provision of supporting infrastructure/facilities within the context of an established equestrian use is considered to represent an acceptable form of development, in-principle. Equestrian related development can reasonably be described as essential to a countryside location, while the proposed storage, exercise, parking and PA systems are not considered to give rise to a significant intensification of use in the context of the existing centre and with regard to the scope and scale of works permitted pursuant to ref: DC/15/0531.
- 6.9 The proposed development would support the continued operation of Hascombe Farm, and would be considered to provide social and economic benefits by sustaining employment opportunity and a viable equestrian enterprise.
- 6.10 Subject to consideration in all other material respects it is considered that the proposal would comply with the requirements of HDPF policies 10, 26 and 29 and can be supported in principle.

Character, Design and Appearance:

- 6.11 Policies 25 and 26 of the HDPF seeks to protect the natural environment and landscape character of the District, including the landform, development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.
- 6.12 Policy 30 of the HDPF provides that the natural beauty and public enjoyment of the High Weald AONB and South Downs National Park will be conserved and enhanced, with opportunities to promote an understanding and/or the enjoyment of their special qualities promoted. Development within, or close to, protected landscapes will be supported where it can be demonstrated that there will be no adverse impacts upon the natural beauty and public enjoyment of these landscapes and any relevant cross-boundary linkages.
- 6.13 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.
- 6.13 The proposed development comprises of multiple elements situated within different parts of the application site. The most significant aspect of the proposal, in visual terms, is considered the provision of a pole-barn for the storage of hay and equipment. This structure would be

positioned along the eastern site boundary to the east of an internal-access road, being provided to a moderate eave/ridge height.

- 6.14 As observed during the officers site visit the proposed pole-barn would be provided to replace an existing silage clamp, blockwork store and open-air hay-store. The building, further, would be positioned on a pre-existing area of hardstand bounded by a retaining wall and Leylandii planting to the rear.
- 6.15 The proposed pole-barn is of a utilitarian design, form and scale, making use of timber-weatherboard clad elevations and fibre-cement roofing. While it is not considered that the proposed pole-barn possesses any particular design merit, the utilitarian character of this structure is largely representative of its intended function and considered typical to equestrian and agricultural development. The proposed pole-barn is situated within the confines of the existing yard located opposite existing facilities which would screen the pole barn within westerly views from PROW 2793.
- 6.16 To the east there are no designated public rights-of-way in the vicinity of the site, with Bramlands Lane found in excess of 530m to the east, separated by a number of intervening fields and hedgerows. While it is considered that the possibility of distant views cannot be fully discounted, these are unlikely to be prominent in this instance, with the proposed pole-barn likely viewed against the backdrop of existing equestrian facilities.
- 6.17 The siting of the proposed pole barn, further, would preserve existing mature trees to the adjacent east with no encroachment beyond the confines of the existing equestrian yard. Overall, it is considered that the proposed pole-barn would not detrimentally influence the character and appearance of its surroundings, or the setting of the South Downs National Park.
- 6.18 The proposed extension to the indoor riding arena, accommodating a viewing platform, would extend to the south to the existing indoor arena. The proposed platform would be visible from PROW 2793 to the south-west, though, is considered of a scale proportionate to the existing arena and which would largely mirror the character of the existing arena, being provided to the same roof-form and making use of matching materials. It is considered, therefore, that the proposed extension would appear appropriate in terms of its scale, character and design.
- 6.19 Proposed parking and all weather-paddock facilities, in addition to the proposed horse-walker, are not considered to represent a significant form of development in the context of the existing yard. The proposed horse walker would not exceed 4m in height, and would not prominently feature above established vegetation to the eastern and northern site boundaries. Proposed all weather paddocks and parking facilities are, substantially, ground level fixtures well contained within the confines of the existing site and equestrian yard.
- 6.20 Overall, it is considered that the visual impacts of proposed development would not negatively impact upon from the quality or character of their surroundings, or detract from the special qualities of the South Downs National Park. The proposals, therefore, are considered compliant with HDPF policies 25, 26, 30, 32 and 33 in these regards.

Tranquillity

- 6.21 It is recognised that a number of representations have sought to raise concern with the effects of proposed development upon local tranquillity, with particular regard to the potential for a change in the acoustic character of the site and its surroundings.
- 6.22 The proposed introduction of a pole barn for storage purposes, all weather paddocks, parking, a viewing platform and horse walker, by reason of their nature, would not be considered to adversely influence local tranquillity and/or acoustic character, with the proposals, overall, not considered to represent a significant intensification in activity.

- 6.23 The proposed introduction of a tannoy/PA system to support equestrian events does represent the main noise-generating component of the proposals and would give rise to a change in acoustic character when equestrian events are in progress. The proposed PA equipment would be provided to the western perimeter of the outdoor arena, positioned to the north and south of the judges box and at the north-eastern corner of the outdoor arena, comprising of 7x speakers as outlined at paragraph 3.2.5 of the submitted Noise Impact Assessment.
- 6.24 Equestrian events, however, could lawfully be held in accordance with preceding consents and are likely to generate some level of noise derived from audiences and vehicle movements. The applicant has confirmed that proposed acoustic equipment will be utilised to announce upcoming horses and riders, not being used for the playing of music. It is not expected, therefore, that proposed acoustic equipment will be in constant use during events, while a maximum of 40 events per calendar year could presently be held in accordance with condition 6 attached to planning permission DC/15/0531. The proposal seeks no change in the number of equestrian events, and therefore, significant periods without any acoustic impact would remain outside of events days. Subject to a condition limiting the use of acoustic equipment for purposes solely associated with equestrian events and preventing the playing of music it is not considered that the effects of proposed development upon local acoustic character and tranquillity would prove significant, or amount to conflict with HDPF policies 25, 26, 30, 32 and 33. The acoustic effects of proposed development upon the living conditions of nearby occupiers will be assessed under a separate section of this report.

Lighting

- 6.25 The application site is located within a rural context and within proximity to the South Downs National Park and corresponding International Dark Skies Reserve. The proposals, however, do not seek to introduce external lighting/floodlighting, while the potential future introduction of lighting can be controlled by way of appropriately worded condition. Subject to such a condition, therefore, the proposals would not be considered to negatively impact upon local character or the intrinsic qualities of the International Dark Skies Reserve with regard to the use of lighting.

Amenity:

- 6.26 Policy 33 of the HDPF, *inter alia*, seeks to ensure that proposed development does not result in unacceptable harm to the amenities of nearby occupiers/users of land, in terms of privacy, the receipt of natural light and/or disturbance.
- 6.27 The application site is found within a highly rural context, which, with the exception of Caffyns Cottage and Nettle Cottage to the adjacent north-east of Hascombe Farm, is in excess of 280m separated from nearby residential properties on Horn Lane, Oreham Common and Bramlands Lane. With regard to the nature of proposed development it is not considered that the proposals would adversely influence the receipt of natural light by nearby residential property, or the level of privacy enjoyed by residential occupiers.

Noise Disturbance

- 6.28 Policy 24 of the HDPF *inter alia*, provides that developments should minimise exposure to, and the emission of, pollutants including noise and light pollution.
- 6.29 Paragraph 174 of the NPPF, *inter alia*, provides that planning policies and decisions should ensure that new development is appropriate to its location, taking account of likely effects (including cumulative effects) of pollution on health and living conditions. Development should mitigate and reduce to a minimum potential adverse impact resulting from noise and

avoid development which gives rise to significant adverse impacts on health and the quality of life.

- 6.30 The proposed provision of additional parking, paddocks, a pole barn and viewing-platform extension are not considered to be make a material adverse contribution to local noise levels such as to result in unacceptable harm to the living conditions of nearby occupiers/users of land.
- 6.31 The main noise-generating component of the proposal is the introduction of a tannoy/public-address system intended to support equestrian events conducted on the outdoor arena at the southern extent of the holding. The applicant has confirmed that the proposed equipment will be utilised for the purposes of announcements and will not be utilised to play music.
- 6.32 In support of this application a professionally conducted Noise-Impact Assessment (NIA) has been conducted, which models that the proposed equipment would not significantly increase local sound levels above an established baseline or increase sound levels to nearby residential premises above desirable ambient levels within habitable rooms. The submitted NIA models a slight increase within external amenity spaces when the proposed equipment is in operation, though, at a level well within adopted guidelines for outdoor amenity spaces. In light of the submitted NIA it is considered that the proposed acoustic equipment would result in slight adverse effects to the amenities of nearby occupiers when in operation.
- 6.33 The comments of the Council's Environmental Health team are acknowledged, however, it is considered that a condition restricting the use of tannoy/PA equipment to 12 occasions per-year would prove unreasonable in the context of the 40 events which can currently be lawfully conducted at the holding under condition 6 of planning permission DC/15/0531. Even in the instance of 40 events per year, nearby occupiers would continue to benefit from significant periods of respite when proposed equipment is not in operation.
- 6.34 The proposed equipment would not be operated during night-time hours, while conditions are recommended limiting the use of equipment solely for the purposes of announcements and in conjunction with scheduled equestrian events. In combination with a condition requiring the use of equipment assessed within the submitted NIA, it is not considered that the proposal would result in significant harm to the living conditions of nearby occupiers contrary to HDPF policies 24 and 33 in addition to NPPF paragraph 174.

Parking, Highway Safety and Operation:

- 6.35 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.
- 6.36 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.
- 6.37 The proposal does not seek any change to existing access arrangements, with no evidence before the Authority that the point of existing access onto Horn Lane is operating unsafely, or that the proposals would exacerbate a highway safety concern.
- 6.38 Hascombe Farm can lawfully operate equestrian events, notwithstanding the proposal currently before the Authority. The proposed introduction of supporting equestrian infrastructure/facilities is not considered to give rise to a significant intensification in expected vehicle movements, as similarly considered by the Local Highways Authority. No

unacceptable effects upon highway safety are considered in this instance, neither would the proposal result in a 'severe' impact upon the operation of the highway network contrary to the requirements of HDPF policy 40 and NPPF paragraph 111.

- 6.39 Hascombe Farm already benefits from a large parking area at its north-eastern extent, capable of accommodating a large number of horse-boxes and cars. The proposed provision of additional parking capacity to support equestrian events and existing facilities would be deemed to warrant beneficial consideration in relation to the requirements of HDPF policy 41.
- 6.40 The proposals would not materially influence access to the public rights of way network, which are not directly or indirectly impacted by the proposals.

Ecology:

- 6.41 Policies 25 and 31 of the HDPF seek to protect the natural environment and landscape character of the district. Protected habitats and species will be protected against inappropriate development, and opportunities to enhance green infrastructure and biodiversity will be encouraged.

Biodiversity and Protected Species:

- 6.42 In support of the proposed development the applicant has provided a professionally prepared 'technical note' in response to ecological matters, which seeks to appraise the ecological condition of the site and the likely effects of proposed development upon local species and habitats. The submitted report considered that the site held negligible potential for protected species, and corresponding habitats, with no site-specific ecological constraints to proposed development considered. The submitted report has been reviewed by the Council's consultant ecologists, and has been found to provide sufficient confidence to the Authority in respect of effects of development upon protected species and habitats, with the proposals considered acceptable in ecological terms subject to conditions requiring appropriate mitigation and designed to secure biodiversity enhancement. The proposals, therefore, would be considered compliant with the requirements of HDPF policies 25 and 31 in these regards.

Habitat Sites – Water Neutrality

- 6.43 The application site falls within the Sussex North Water Supply Zone (the Supply Zone) where mains-water is supplied by way of groundwater abstraction within the Arun Valley. The Local Planning Authority received a 'Position Statement' from Natural England in September 2021, advising that the effects of existing groundwater abstraction cannot be objectively demonstrated to be compatible with the conservation objectives of a number of habitat sites. The habitat sites named within the Natural England position statement include the Arun Valley SAC, SPA and Ramsar sites.
- 6.44 Within its Position Statement of September 2021, Natural England advise that decisions on planning applications should await the development of a water-neutrality strategy on a strategic basis. In the current absence of a strategic solution to achieving water-neutrality, Natural England advise that individual plans and projects, where it is critical that these proceed, must demonstrate net-neutrality in respect of the use of mains-water such as to avoid contribution to the known adverse effect upon the integrity of Arun Valley habitat sites by reason of water-use.
- 6.45 The Authority has sought to undertake a screening assessment pursuant to the requirements of regulation 63(1) of the Protection of Species and Habitats Regulations (2017) (as amended). Subsequent to the receipt of amended plans on 16.02.2022, stabling originally featured within this application has been omitted. The remaining components of

the proposal would not increase equestrian, staff or residential occupancy within the Supply Zone, neither would the proposals provide for a specific installation demanding the use of mains-water. In this instance, therefore, it is considered that the Authority can reasonably 'screen-out' the possibility of significant effect upon habitat sites with sufficient certainty that the proposals would not demand the use of mains-water such as to contribute to the known adverse effect upon Arun Valley sites associated with the effects of groundwater abstraction.

- 6.46 It is considered, therefore, that the proposal would comply with the requirements of the Species and Habitat Regulations, and corresponding requirements contained with HDPF policy 31 and NPPF paragraphs 179 and 180.

Drainage:

- 6.47 HDPF policy 38 requires that, where required, proposed development adheres to the national sequential and exception tests for flood risk, further, recommending that appropriate drainage infrastructure is incorporated with a preference to the use of sustainable drainage systems (SUDS).
- 6.48 The application site is located within Flood Zone 1, designated as an area at minimal strategic risk of fluvial, surface water or groundwater flooding. The proposed development, further, is of a type and scale where a site-specific flood-risk assessment would not be expected in accordance with the requirements of NPPF paragraph 167.
- 6.49 Appropriate conditions can be utilised to require the use of porous materials to the proposed parking area, or for provision to be made for surface water-run off to be directed to a permeable area within the site. Other additional structures and facilities subject of this application are not of a significant scale, with the proposed viewing platform extension and pole-barn to be provided to pre-existing areas of hardstand. Subject to the use of conditions, therefore, it is not considered that the proposals would provide for a significant change in the surface-water drainage characteristics of the site and its surroundings, or would exacerbate flood-risk elsewhere.

Other Matters:

- 6.50 The comments of the Fire and Rescue Service in respect of distance to fire-fighting apparatus are noted. It is, though, considered that necessary fire-fighting equipment to mitigate against the risk of harm from fire can be secured by way of appropriately worded condition.

Conclusion:

- 6.51 The proposed development would provide supporting facilities and infrastructure to the established equestrian use at Hascombe Farm. It is considered that the proposals would provide socio-economic benefits through support afforded to the existing enterprise, its continued viability and the wider rural economy in accordance with HDPF policy 10. It is, further, considered that the provision of equestrian facilities can reasonably be regarded as appropriate to this countryside location, with the proposals not considered to represent an intensification of use in the context of the existing site and preceding planning history.
- 6.52 The proposed development, further, would be considered of an appropriate type, scale, siting and design, which would not harmfully impact upon the character and appearance of its surroundings, in addition to the special interest of the South Downs National Park and corresponding International Dark Skies Reserve, in compliance with the requirements of HDPF policies 25, 26, 30, 32 and 33.

- 6.53 Subject to conditions to limit the use of the tannoy/PA system, it is not considered that the proposed development would result in unacceptable harm to the living conditions of nearby occupiers/users of land, with regard to the receipt of natural light, level of privacy and acoustic disturbance, nor would unacceptably impact upon the safety of highways users or the operation of the highway network as required by HDPF policies 40 and 41.
- 6.54 Subject to the incorporation of appropriate conditions it is considered that the proposal would deliver a biodiversity gain, with no harmful impact upon protected species, habitats or habitat sites, in accordance with HDPF policies 25 and 31.
- 6.55 It is, overall, considered that the proposed development is compliant with all relevant development plan policy and is recommended for approval accordingly, subject to the conditions listed below.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
All other development	365	0	365
		Total Gain	365
		Total Demolition	0

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

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

To grant planning permission subject to the following conditions.

Conditions:

1. Plans list
2. **Regulatory (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 (Slab Level) Condition:** Prior to the commencement of works pertaining to the construction of the approved pole-barn, paddocks, parking area and viewing platform above ground floor slab level a Biodiversity Enhancement Strategy shall be submitted to an approved in writing by the Local Planning Authority. The Strategy shall address 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) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To secure a biodiversity gain and provide benefits to Protected and Priority Species/habitats in accordance with Policy 31 of the Horsham District Planning Framework (2015).

4. **Regulatory condition:** Prior to the commencement of works pertaining to the construction of the approved pole-barn and hay-store above ground floor slab level, fire-fighting apparatus shall have been installed in agreement with the West Sussex County Council Fire and Rescue Service.

Reason: In the interests of public safety and to prevent harm to future occupiers associated with the risk of fire in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

5. **Regulatory Condition:** The materials to be used in the construction of the development hereby permitted shall strictly accord with those prescribed at section 7 to the submitted application form, unless a schedule and details of alternative materials are submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of relevant works above ground-floor slab level.

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).

6. **Regulatory Condition:** The tannoy/public-address equipment hereby approved shall solely be used for public-address purposes in conjunction with the equestrian events approved pursuant to condition 6 of planning permission DC/15/0531, and operated only on event days. The approved equipment shall not be used to play music at any time.

Reason: In the interests of amenity and to ensure nearby residential occupiers benefit from respite from possible noise disturbance in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. **Regulatory Condition:** The tannoy/public-address equipment hereby approved shall be positioned and orientated as denoted on the approved site master-plan (plan ref: 2018-3, rev E). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), any change to this arrangement will require the express consent of the Local Planning Authority by way of formal application.

Reason: in the interests of amenity, and to ensure control over potential sources of noise, ensuring an acceptable level of noise disturbance to nearby occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. **Regulatory Condition:** The tannoy/public-address equipment hereby approved shall consist of the components specified at section 3.2.5 of the submitted Noise Impact Assessment (Southdowns Environmental Consultants, ref: 2441W-SEC-00001-02, February 2022) and shall not exceed 90 dB(A) at 1m. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended),

any change to these components will require the express consent of the Local Planning Authority by way of formal application.

Reason: in the interests of amenity, and to ensure control over potential sources of noise, ensuring an acceptable level of noise disturbance to nearby occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9. **Regulatory Condition:** The hard surface to the parking area hereby approved shall either be constructed making use of porous materials or provision shall be made to direct surface water-run off from the approved parking area to a permeable/porous surface located within the application site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy 38 of the Horsham District Planning Framework (2015).

10. **Regulatory Condition:** The development hereby permitted shall solely be used for equestrian purposes ancillary to the occupation and use of Hascombe Farm, Horn Lane, Henfield, BN5 9SA.

Reason: To ensure a form of development appropriate and essential to this countryside location in accordance with Policy 26 of the Horsham District Planning Framework (2015).

11. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no external lighting and/or floodlighting shall be installed or stationed within the application site except without the express consent of the Local Planning Authority by way of formal application.

Reason: in the interests of local character and to ensure the intrinsic qualities and integrity of the adjacent International Dark Skies Reserve in accordance with policies 25, 30, 32 and 33 of the Horsham District Planning Framework (2015).

12. **Regulatory Condition:** The proposed development shall be undertaken in full accordance with the ecological 'technical note' (Derek Finnie Associations, ref: 213390, September 2021), and the recommended ecological mitigations, methods and precautions.

Reason: To conserve and enhance protected and Priority species and 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 and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015).

07) DC/21/0938

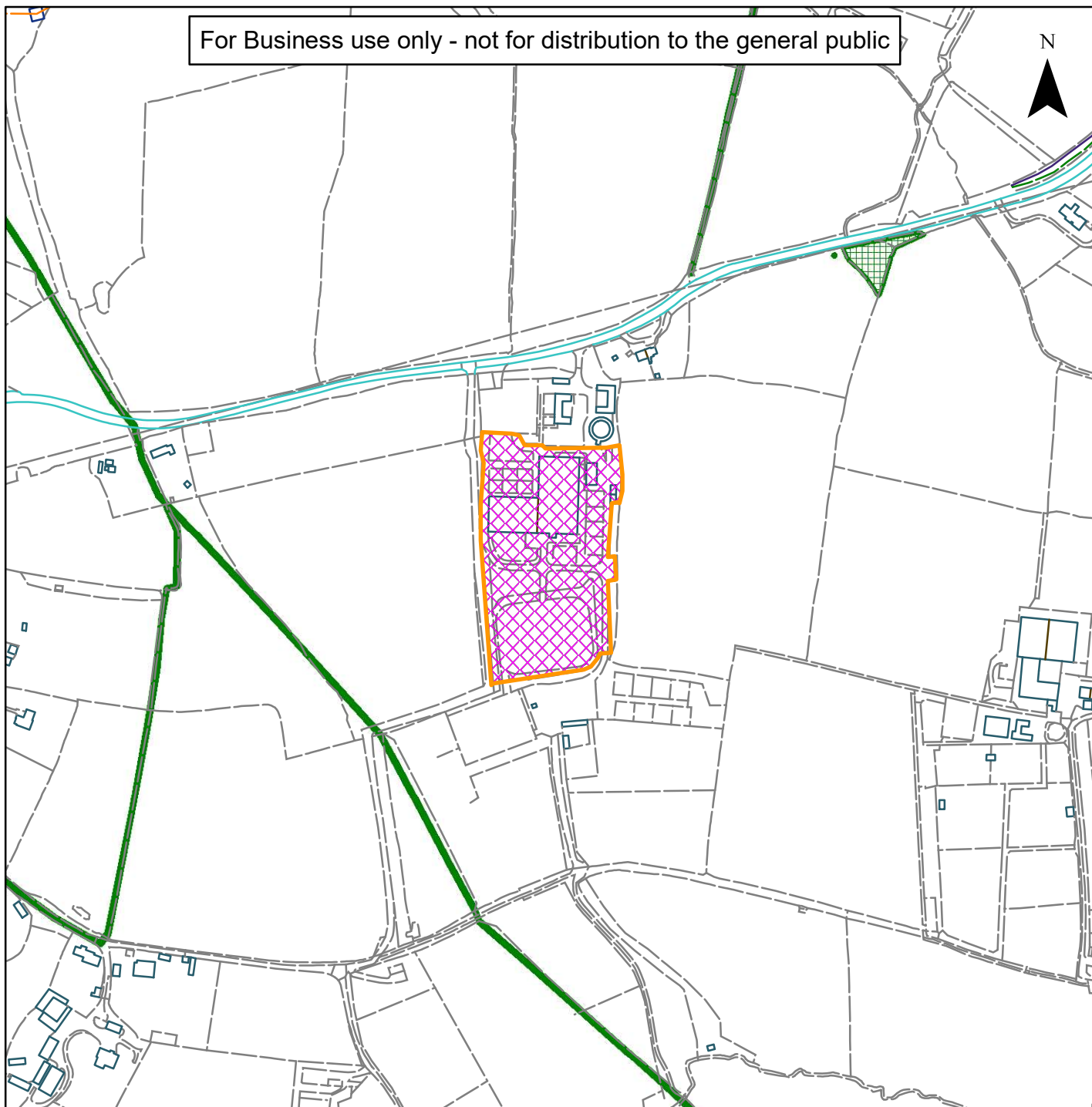


Horsham District Council

Hascombe Farm, Horn Lane, Henfield, West Sussex, BN5 9SA

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Scale: 1:5,000

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Organisation	Horsham District Council
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Comments	
Date	13/05/2022
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 24th May 2022

DEVELOPMENT: Demolition of existing church buildings and erection of No.7 dwellings with associated access, parking, and landscaping.

SITE: St Crispins Church Church Place Pulborough West Sussex RH20 1AF

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/21/1815

APPLICANT: **Name:** Mr Jason Vince **Address:** The Old Mill Kings Mill Lane South Nutfield RH1 5NB

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

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the demolition of the existing church and the erection of 7x two-storey dwellings, comprising 5x three bedroom dwellings and 2x four bedroom dwellings. Plots 1 and 2 form a pair of semi-detached dwellings towards the west of the site facing Church Place, with Plots 3-5 adjacent to the east facing the street as a terrace of three dwellings. Plots 6 and 7 form another pair of larger semi-detached dwellings to the north-west of the site. Plot 2 would benefit from 2x tandem parking spaces, accessed via Church Place. The Plots 2-5 would be served by a communal parking area within the centre of the site with 9 spaces and 2 visitors' spaces, to the rear of Plots 1-5 (to the front of Plots 6 and 7), and would be accessed via the existing access serving the cul-de-sac to the rear. Plots 6 and 7 would each benefit from an attached open carport to their side elevations with an additional parking space to its front. The parking area would also feature a bin collection point, and would be planted with grassed verges, hedging, and planting.
- 1.2 Plots 1 and 2 would be composed of a multi-stock brick facing to all elevations at ground floor level with contrasting quoining, with a hung tiled facing to the first floor, and a pitched roof with side facing gables finished in plain clay tiles. Plots 3-5 would comprise a similar

appearance, though without the tile hanging at first floor mid-level horizontal brick band detailing and a slate roof. Plots 6 and 7 would comprise a similar material make-up to plots 1 and 2, though features a much steeper pitch to the roof with a larger front facing gable to the front of plot 6, 4x rear half-dormers (2x each) and a hipped roof to the side additions hosting the carports at ground floor level.

DESCRIPTION OF THE SITE

- 1.3 The application relates to an existing church sited on the northern side of Church Place, Pulborough. The site comprises a parking area to the front of the site, with pedestrian access from the street and vehicular access to the rear shared with a cul-de-sac serving The Hermitage, Charnwood, Ovingdean, and The Hoops. The site extends to the north-west, running along the northern boundary of the adjacent property to the west, Milton. The north-western boundary of the site lays adjacent to the railway. The existing church comprise a simple rectangular planform with a small extension to the northern elevation, modest open porch to the side, hosting a pitched roof with side facing gables finished in slate tile. The building is composed of red brick to the front and rear elevations, and painted roughcast render to the sides. The site is located within the built-up area boundary, abutting the countryside further west, and is wholly within the Pulborough (Church Place) Conservation Area. The surrounding area is varied in character, composed of a mix of detached and terraced dwellings of varying ages and styles.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 27 - Settlement Coalescence
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
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

RELEVANT NEIGHBOURHOOD PLAN

Pulborough Neighbourhood Plan (regulation 16)

The Pulborough Neighbourhood Plan is at post-examination stage, and therefore carries significant weight. The following policies are therefore considered to carry significant weight in the determination of this application:

Policy 1 – A Spatial Plan for the Parish

Policy 13 – Community Facilities

Policy 15 – Design

PLANNING HISTORY AND RELEVANT APPLICATIONS

PL/54/51

Roman catholic church
(From old Planning History)

Application Permitted on
05.12.1951

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 Arboricultural Officer: Comment – advised alternate construction methods to pathways to the north of the site.

HDC Conservation: No Objection – suggested conditions

HDC Environmental Health: No Objection – suggested conditions

HDC Drainage Engineer: No Objection – suggested conditions

OUTSIDE AGENCIES

WSCC Highways: No Objection – suggested conditions

Ecology Consultant: Objection – Further to our request for further information (22/12/2021), we have still not received any survey reports to assess the bat species using the site or their levels of activity although the Ecological Appraisal Report (Wychwood Environmental Ltd, January 2021) identified that the site has potential to support foraging bats.

Southern Water: No Objection

Historic England: No Comment

Archaeology Consultant: No Objection – suggested conditions

HDC Landscape Consultant: Comment – suggestions to amend layout and planting. Suggested conditions.

Natural England: Comment (standing advice)

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites.

Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS

3.2 **Pulborough Parish Council** *objects* to the proposal on the following grounds:

- This constitutes overdevelopment in a conservation area and is out of keeping with the character of the area;
- The site is not included in the Pulborough Neighbourhood Plan, which is at an advanced stage, and which identifies this area as an open space/local green space;
- Access issues - There are concerns about extra traffic as Church Place is essentially a single track road with few safe passing places; Safe egress and ingress to/from the A29 is of concern due to poor visibility in both directions, volume of traffic including HGVs and speed of traffic;
- The January ecological survey was conducted at an inappropriate time – assessment of newt activity should take place in June.
- Access on to the A29 is very dangerous due to poor visibility in both directions and the volume/speed of oncoming traffic; The Council questions the validity of the traffic survey, which was undertaken during the pandemic when traffic volumes were low;
- Church Place is narrow, and additionally has vehicles parked along one side of the road due to lack of parking in the area;
- There will be increased traffic resulting from the already approved planning application for the new dementia unit at the Anchorage Care Home;
- The site is in a conservation area, with historic buildings situated nearby;
- It is believed that the gas pipe serving the area has not been sited deep enough into the road;
- There are flooding and sewerage capacity problems in the area;
- The application constitutes overdevelopment in a conservation area and is out of keeping with the character of the area;
- This site is not allocated for development in Pulborough Neighbourhood Plan, which carries significant planning consideration weight having passed independent examination: Pulborough Neighbourhood Plan in fact excludes any development within a conservation area.

3.3 58 letters of representation received from 26 separate addresses (6 of which were received outside of the consultation period) *objecting* to the proposal on the following grounds:

- Greenfield site development
- Adverse loss of biodiversity
- Loss of community asset
- Does not form part of the neighbourhood plan
- Cumulative development impacts
- Overdevelopment
- Insufficient sewage connections
- Increased local parking pressures
- Loss of general amenity
- Resultant increased congestion

- Harm to pedestrian users
- Harm to the character of the Conservation Area
- Adverse climate change implications
- Restricted access for emergency vehicles
- Resultant overlooking
- Loss of trees / planting
- The site is of archangelical interest
- Adverse effect on listed buildings
- Developers have no right of access to the site

3.4 1 letter of representation received outside of the consultation period *neither objecting to nor supporting* the proposal, stating:

- Existing building could be converted
- Site could be used for resident parking

3.5 11 letters of representation received from 11 separate addresses *supporting* the proposal for the following reasons:

- The proposal is well-designed
- Additional housing is needed
- The proposal will enhance the Conservation Area
- Re-use of brownfield land

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 Policies 2 and 3 of the Horsham District Planning Framework state that the district has a distinctive settlement pattern, which the framework seeks to retain and enhance. Development within the built-up area boundaries is accepted in principle, and that appropriate development, including infilling, within the built-up areas will be prioritised.

6.2 The site is located within the built-up area of Pulborough. Pulborough is defined by Policy 3 as a small town / larger village, with a good range of services and facilities, with strong community networks and local employment provision, together with reasonable rail and bus services.

6.3 Given the location of the site within the built-up area boundary of Pulborough, the principle of development is considered acceptable, subject to all other detailed material planning considerations as discussed below.

6.4 It is noted that the proposal would result in the loss of the church. Policy 43(3) of the Horsham District Planning Framework states that proposals that would result in the loss of sites and

premises currently or last used for the provision of community facilities or services, leisure or cultural activities for the community will be resisted unless equally usable facilities can be conveniently provided nearby. It will be necessary to demonstrate that continued use of a community facility or service is no longer feasible, taking into account factors such as; appropriate marketing, the demand for the use of the site or premises, its quality and usability, and the identification of a potential future occupier. Where it cannot be demonstrated that such a loss is surplus to requirements, a loss may be considered acceptable provided that:

- a) an alternative facility of equivalent or better quality and scale to meet community needs is available, or will be provided at an equally accessible location within the vicinity; or
- b) a significant enhancement to the nature and quality of an existing facility will result from the redevelopment for alternative uses on an appropriate proportion of the site.

- 6.5 Policy 13 of the post-examination Pulborough Neighbourhood Plan supports proposals to improve the viability of an established community use by either the extension or partial redevelopment of existing buildings, provided the design of the scheme and the resulting increase in use are appropriate in design terms and will not harm the amenities of adjoining residential properties. The site is referred to in the policy of the draft plan version ('10. Roman Catholic Church and accompanying car park'). However, following consultation of the plan, representation was received about this inclusion as part of the policy. At Paragraph 88 of the Examiner's report (dated 18 September 2021), it is noted:

'I understand from the representations that the Roman Catholic Church and its car park has closed and the site has been put onto the market. I therefore do not consider that it is appropriate to retain its status as a community facility.'

- 6.6 The application was accompanied with a statement from The Catholic Diocese of Arundel & Brighton. The statement confirms that the Catholic church has faced a significant reduction in clergy numbers. As a result of this, the bishop has undertaken a strategic review of provisions within the Diocese and has concluded that there is a need to rationalise the number of churches in a small number of Parishes (such as Pulborough) so that the faithful can continue to be accommodated with greater efficiency. As such, churches will be centralised around major towns in the region, thus consolidating the workload of the priests for their congregation. Given the steady decline in regular worshippers in Pulborough, it is no longer viable or sustainable for the Diocese to continue to serve the Parish from St Crispin's Church – the decision was therefore taken to close the church in October 2019. The statement from the Diocese continues, stating that the Parish would be served by nearby churches in neighbouring settlements, such as St Gabriel's in Billingshurst, which is a much larger church and thus is capable of taking on the worshippers from Pulborough.
- 6.7 A marketing report was also received in support of the application, which concludes that the condition of the building is 'most suited' for church use, given its basic specification. Whilst another Class F.1 planning use could occupy the site, the report identifies that a number of improvements to the building would be needed. The report concludes that whilst this is appropriately reflected in the building's valuation, this has reduced the appeal for the building to be used for alternative community uses. The site was marketed from February 2021, and the majority of the enquiries for the site were for residential re-development, with only one enquiry relating to non-residential use as a training centre. However, the offer received for this enquiry was significantly lower than the market value and not pursued.
- 6.8 Having considered these circumstances the loss of St Crispin's church is considered to be acceptable in planning terms, as nearby facilities will be able to accommodate the needs of the Parish. As such, the proposal is considered in accordance with Policy 43 of the Horsham District Planning Framework and Policy 13 of the Neighbourhood Plan.

- 6.9 The Parish's objection regarding the site's allocation as a local green space within the post-examination neighbourhood plan is noted. However, the site has no such allocation within the plan.

Design and Appearance:

- 6.10 Policy 32 of the Horsham District Planning Framework states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the Horsham District Planning Framework states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.11 The site layout illustrates a pair of semi-detached dwellings and a terrace of three dwellings facing Church Place, with pedestrian access to the front within modest front garden curtilages, planting, and a grassed verge, with Plot 2 benefitting from vehicular access and parking from the street. The existing access to the site, which leads to the cul-de-sac to the rear serving four existing dwellings, opening on a communal parking area for Plots 1 and 3-5, visitor parking, and Plots 6 and 7.
- 6.12 The proposed layout is considered logical, and would utilise the site in a way which makes an efficient use of the land, with reasonably sized dwellings and curtilages. Plots 1-5 facing the street emulates development on the street, with Plots 6 and 7 set behind the street. Whilst it is noted that the neighbours immediately adjacent to the site comprise a much larger planform on a more generous curtilage, the prevailing character of the area is mixed, with some properties facing the street, and some with a far more modest footprint and curtilage. Overall, the proposed layout is considered to suitably follow and adhere to the character of development within the wider surrounding area.
- 6.13 The proposed dwellings would all comprise two-storeys with varying styles and sizes. Revisions were sought (received 30.11.2021) to include more visual detail and interest to better integrate their appearance within the Conservation Area. The chosen material composition and style is considered acceptable within this setting, offering a varied design that would not appear out of context.
- 6.14 With the above in mind, the proposed development is considered suitably scaled and designed, that would not appear out of character within this setting, and would thus accord with Policies 32 and 33 of the Horsham District Planning Framework.

Trees and Landscaping:

- 6.15 Policy 25 of the HDPF relates to the Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which:
1. Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.
 2. Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.
 3. Maintains and enhances the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible.
 4. Conserve and where possible enhance the setting of the South Downs National Park.

- 6.16 The proposal incorporates the re-landscaping of the site which is currently predominantly laid hardstanding, with additional planting and boundary treatments to the new dwellings, in addition to the removal and retention of a number of trees within the site.
- 6.17 Plots 1-5 would be sited towards the southern side of the site facing Church Place, which is currently laid to hardstanding. The dwellings would benefit from a modest front garden curtilage with pedestrian paths and additional planting / hedging. Each dwelling would also benefit from a reasonably sized rear garden curtilage. The rear of the plots facing the street would back on to the proposed parking court. In order to soften the appearance of the parking area, hedging has been proposed to the rear boundaries. The area to the north-west where Plots 6 and 7 are to be sited is currently heavily planted / foliated with a mix of species, and save for an existing storage shed, currently remains largely undeveloped. A number of trees within this area would be removed, including:
- G2 – group of young birch ash and goat willow (classified: C)
 - G4 – mixed evergreen shrubs (classified: C)
 - T2 – common hazel (classified: C)
 - T3 – goat willow (classified: C)
 - T5 – plum tree (classified: U)
 - T7 – apple tree (classified: C)
 - T8 – goat willow (classified: U)
 - T9 – goat willow (classified: C)
 - T10 – sycamore (classified: U)
- 6.18 The remaining trees would be retained (classified as grade C or higher), and appropriate tree protection measures would be incorporated to ensure their long-term retention. Some trees close to the boundary outside of the site (within the ownership of The Hermitage to the north) would be subject to root pruning within the site. Following consultation with the Council's Arboricultural Officer, it was concluded that alternate methods of construction should first be considered prior to root pruning, as this may result in some long term damage to these trees. Alternative methods of construction such as geotextile surfaces or above ground construction would ensure that the trees are not harmed. However, Officers are satisfied that this matter could be adequately controlled by way of condition in the event that permission were to be granted. Furthermore, the Council's Arboricultural Officer concluded that the trees to be removed (listed above) are not of any particular merit. As such, no objection is raised on arboricultural grounds.
- 6.19 Following consultation with the Council's Landscape consultant, it was concluded that the proposed development would result in minimal visual harm to the visual amenity and landscape quality. However, a number of recommendations were suggested, including (in summary):
- Relocation of planting to the front of Plots 1-4
 - Potential for additional tree planting on the site
 - Incorporate a wider variety of tree species
 - Incorporate a wider variety of hedge species
 - Replace boundary treatments to plot 5 with a brick wall
- 6.20 The above suggestions from the Landscape consultant are not insurmountable, and thus Officers are satisfied that these minor alterations to the scheme could be incorporated with the detailed landscape scheme by way of condition, in the event that permission were to be granted. As such, no objections are raised on landscape or arboricultural grounds.

Heritage Impacts:

- 6.21 The Council recognises that the historic environment is an irreplaceable resource which should be conserved for its own sake for the benefit of future generations. 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. Chapter 16 of the National Planning Policy Framework (NPPF) follows this statutory provision and seeks to positively manage changes to the historic environment to ensure sufficient flexibility whilst conserving the important and irreplaceable nature of the designated asset.

- 6.22 Policy 34 of the Horsham District Planning Framework states that the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets, stating that development within a Conservation Area will only be permitted if the proposal would preserve or enhance the Conservation Area. Development affecting the setting of a listed will not be permitted which would have an adverse impact on the setting or special architectural character or appearance of a listed building.
- 6.23 The site is located wholly within the Pulborough (Church Place) Conservation Area, and is sited adjacent to a Grade II listed dwelling, Ramblers. Overall, the scale and proportion of Plot 1-5 reflect the cottages on the opposite side of Church Place and village dwellings more generally. However, initial concerns were raised with regards to the detailing of certain architectural features. Revisions were received following a meeting between Council Officers and the applicant, which are now reflective of traditional village dwellings and will reinforce the character of the conservation area and will not harm the setting of the adjacent listed buildings.
- 6.24 The Council's Senior Conservation Officer, however, remains concerned regarding the outlook for Plot 6 and 7, which would directly face the service road and parking area that serves the site. These concerns are noted. Whilst it is appreciated that this outlook may not be desirable, this is not considered so significant a reason to warrant refusal on these grounds alone. As above, the layout logically and efficiently utilises the site, and provides adequate amenity space for the dwellings, whilst avoiding harm to neighbouring amenities (detailed below).
- 6.25 In addition to the above, the site is also located within the Pulborough Historic Core archaeological notification area. As such, the site has a high archaeological potential. The site is currently mostly developed, and thus it is likely that any archaeological deposits have already been disturbed. Following consultation with the Council's archaeological consultant, no objection was raised provided that suitably worded conditions are applied in the event that permission is to be granted.
- 6.26 With the above in mind, Officers raise no objection to the proposal on historic and archaeological grounds.

Amenity Impacts:

- 6.27 Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.28 The proposed dwellings would be sited along the southern and north-western boundary of the site, neighbouring the following existing properties:
- Milton, sited 5.9m west of Plot 1 (side to side) and 19m south-west of Plot 6 (side to rear) – a tree within the rear curtilage of Milton would obscure most of the south-western elevation of Plot 6
 - The Hermitage, sited 12.7m east of Plot 7 (front to rear) – a tree within the rear curtilage of The Hermitage would obscure most of the south-eastern elevation of Plot 7
 - Ramblers, sited 14.6m south of Plots 3-5 (front to front) – the street (Church Place) separates the site from the neighbours

- The Hoops sited 21m east of Plot 5 (side to side) – the access to the cul-de-sac would separate the two
- 6.29 Milton hosts no windows to the side elevation facing the site. Plot 1 would incorporate 1x small window at first floor level which would serve the upstairs hallway and staircase. Given the siting of this window and its use in relation to the internal arrangement of the dwelling, it is not anticipated that that this arrangement would result in adverse harm to neighbouring amenities by increased opportunities of overlooking. This too is considered to be the case with regards to Plot 6, and no side windows are proposed facing Milton.
- 6.31 The front elevation of Plot 7 would face the side and rear of The Hermitage to the east. No windows are proposed to the side elevation of the dwelling, and thus would not overlook the neighbouring garden. Views from first floor bedrooms from Plot 7 would be largely obscured by the tree retained between the two properties (within the curtilage of The Hermitage), and any outlook from this level would be oblique at best. As such, it is not anticipated that that this arrangement would result in adverse harm to neighbouring amenities by increased opportunities of overlooking
- 6.31 The front elevations of Plots 3-5 would face the front elevation of Ramblers, and would be separated by the street (Church Place). Any overlooking from ground and first floor windows would be mutual, and given the separation distance between the proposed dwellings and the neighbour, the level of potential overlooking is not considered harmful. In any case, this arrangement within the built-up area is not unexpected within a location characterised by residential development. As such, no concerns are raised to this regard.
- 6.32 The side elevation of Plot 5 would be sited 21m from the side curtilage of The Hoops. The first floor level of Plot 5 incorporates a window serving a bathroom (presumably obscurely glazed) and a secondary window serving the second bedroom. Given the separation distance, any overlooking would again be oblique, and would thus not result in any adverse harm.
- 6.33 All of the dwellings are proposed to be two-storey in height. Plots 1-5 incorporate pitched roof with an overall ridge height of 8.5-9.8m, and Plots 6 and 7 9.4m. Given the scale of the proposed dwellings, coupled with the retained separation distance, and orientation to the immediate neighbours, the proposal would not result in any adverse harm to neighbouring amenity with regards to overshadowing or overbearing.
- 6.34 It is acknowledged that the development would likely result in an increased sense of activity on site compared to the existing arrangement, given the regular though infrequent use associated with the church. However, the site is located within the built-up area boundary, and located within an area of existing residential development. As such, this perceived increased level of activity with this kind of location would not be expected from a development of this nature.
- 6.35 With the above in mind, the proposal is considered in accordance with Policy 33(2) of the Horsham District Planning Framework with regards to impact on existing neighbouring properties.
- 6.36 The proposed dwellings would be sited mainly to the side of each other, with few windows at first floor level result in opportunities of overlooking. Plot 6 and 7 would be sited to the rear of Plots 1-5, facing inward to the service road and parking area. Each dwelling would benefit from a reasonably sized curtilage, thus would provide ample outdoor amenity space. Whilst the siting of Plots 6 and 7 facing the parking area is not overly desirable, this area was revised to incorporate additional planting in order to improve and soften any outlook from these plots. Overall, Officers are not concerned that this arrangement would overly detract from the enjoyment of these dwellings.

- 6.37 It is also noted that Plots 6 and 7 back on to the railway, which may be a source for noise disturbances. The Council's Environmental Health Officers have commented on this matter, stating that further could should be provided with regards to noise mitigations to be incorporated within the design of these dwellings. Officers are satisfied that this could be adequately requested and controlled by way of condition.
- 6.38 With this in mind, the proposal is considered in accordance with Policy 33(2) of the Horsham District Planning Framework with regards to the amenities future occupants.

Highways Impacts:

- 6.39 Policy 40 of the Horsham District Planning Framework 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. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.
- 6.40 The proposal seeks to utilise the existing access off of Church Place that serves the existing dwellings in the cul-de-sac. Church Place is adopted highway. The proposed access is a private track. The existing access and track would remain unaltered. WSCC has commented on this aspect of the proposal, stating that the proposal is not anticipated to generate a significant change in trips that would result in any harm to the safe use and operation of the highway. Furthermore, as no alterations are proposed to the existing junction on to Church Place, which currently includes adequate visibility and no records of any severe accidents, no concern is raised from a highways safety perspective. Reference has been made to cumulative trip generation alongside consent for a dementia care home to the west, however permission for the care home expired in 2019 and there is no evidence it has commenced.
- 6.41 The proposal seeks permission for 7 dwellings, with each dwelling benefitting from at least two parking spaces, in addition to the provision of two visitor spaces (17 total). WSCC have advised that a development of this size should at least accommodate 18 spaces. It was further noted that this may result in overspill parking onto Church Lane in the event that occupants of dwellings are to own more than two cars. In order to avoid this, it has been suggested that a Traffic Regulation Order (TRO) to secure double yellow lines in front of the development is agreed.
- 6.42 Neighbouring concerns regarding parking on Church Lane are acknowledged. Officers noted when visiting the site that some residents on Church Lane rely on on-street parking, as driveway space on the street is limited. It is appreciated that new double yellow lines would further limit the opportunity for on-street parking. However, given the limited width on Church Lane, it would not be possible / feasible for cars to park on both sides of the street. Therefore, it is not anticipated that a TRO would impinge on existing residents' ability to park on the street as already practiced. WSCC state that securing the lines on this bend in the road would be safer, in case parking were to occur on this side of the road instead of the other- this is thus a precautionary measure. As such, Officers consider that using yellow lines on the frontage of the site would not adversely upset existing parking pressures on the street over and above the existing arrangement.
- 6.43 WSCC comments regarding parking numbers are also noted: WSCC initially commented prior to the design being amended, stating that there was an overall provision of 15 spaces, as garages are only classed as 0.5 spaces. The garages to Plots 6 and 7 were revised to carports, thus are not considered as 0.5 spaces. As such, the proposal only results in a shortfall of 1 space, compared to 3 previously. Overall, it is considered that a provision of 2 spaces per dwelling is adequate, with a further three spaces available as a surplus. The single space shortfall is not considered sufficient reason alone to warrant refusal. Whilst

additional spaces could be incorporated within the design layout of the proposal, this would be to the detriment of the overall aesthetic and appearance of the proposal, which has been designed with its setting within the Conservation Area in mind.

- 6.44 With the above in mind, the proposal is considered in accordance with Policies 40 and 41 of the Horsham District Planning Framework, and would not result in any adverse harm to the safe use and operation of the highway.

Ecology:

- 6.45 Policy 31(2) of the HDPF states that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.
- 6.46 The application was accompanied with a detailed Ecological Appraisal Report in addition to a Hazel Dormouse Desk Study. The reports conclude that the site has potential for some protected species, and has moderate ecological value. Mitigations and enhancements are also proposed as part of the scheme.
- 6.47 The Council's Ecological consultant initially comments on the proposal, stating that no survey work has been provided to assess the bat species using the site of their levels of activity. As the site is within 5km (3.6km) from the Key Conservation Area of The Mens Special Area of Conservation (SAC) and is also in the Wider Conservation Area for Ebernoe Common SAC, this information is required upfront in order for the appropriate assessments to be undertaken and certificates to be issued.
- 6.48 The applicant has suggested that further studies were undertaken in order to provide the necessary detail relating to bats and dormice. To date, no further information has been submitted. In the absence of this information, the Council's Ecological Consultant has not been able to provide a Habitats Regulation Assessment screening necessary to positively determine the application.

Water Neutrality:

- 6.49 The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.
- 6.50 A recently received advice note from Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.51 The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction. The proposal is for seven new dwellings will result in an increase in water usage. The applicant has provided a Water Neutrality Statement. The statement includes details of methods to reduce water demand within the 7x dwellings, which could reduce water use down to 73-81lpd, below the 110l Part G Building Regulations Optional Standard. At paragraph 3.24 of the statement, it is acknowledged that the proposal would not be water neutral. In order to achieve neutrality, the report suggested offsite offsetting

measures (up to 862,236l per annum) on public sector buildings, or (in the absence of being able to so) provide an offsetting contribution (£6,750).

- 6.52 As the water demand cannot be entirely mitigated against or offset on site, it is accepted that offsite offsetting would be required. However, the statement advanced does not provide the certainty needed to progress this strategy to appropriate assessment. The strategy does not specify properties that could be retrofitted with these mitigations, and instead suggested that a financial contribution could be used by the Council to provide these mitigations. Currently, the Council is unable to accept financial contributions for offsetting, as there is no strategic mechanism in place that this payment would go towards. Furthermore, there is no evidenced to suggested that this contribution has been properly costed. In any case, a Section 106 legal agreement would be required to secure this contribution / offsite offsetting. In the absence of an agreement, the Local Planning Authority has no guarantee that an appropriate mitigations strategy would be put in place to offset increased water demand.
- 6.53 With the above in mind, there is no certainty that the proposal will not contribute further to the existing adverse effect on the Arun Valley SAC, SPA and Ramsar sites, contrary to Policy 31 of the HDPF and NPPF paragraphs 179 and 180.

Other Matters:

Drainage and Flooding:

- 6.54 Notwithstanding objections which have been received in this regard, the site is located within Flood Zone 1 as designated by the Environment Agency, where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. Given the nature of the proposal, a suitable pre-commencement condition requiring submission of a drainage strategy and the proposed means of foul and surface water drainage is considered to be appropriate in the event that planning permission were to be granted.

Contamination

- 6.55 The application was not accompanied with a Phase 1 contamination survey, detailing previous uses of the site or the quality of the soils below slab level. Given the site is already developed, and is within an area predominantly characterised by residential development, it is considered that there is likely a low risk of contamination. In any case, the Council's Environmental Health Officers have advised that this could be adequately controlled and detailed by way of condition.

Conclusions:

- 6.56 The site is located within the built-up area boundary of Pulborough and has been found to be not suitable for continued community use through the vacancy of the church and the outcome of marketing. Therefore, the principle of the development for 7x dwellings is not resisted. The proposal is considered well-designed, which would appear in context and in sympathy with the Pulborough (Church Place) Conservation Area, and would not adversely impact on the setting or character of neighbouring listed buildings. Furthermore, the site has been laid out and orientated in a way that would not result in any adverse harm to neighbouring amenity.
- 6.57 Officers note that there is a shortfall of one parking space (according to WSCC parking calculator), though it is not considered that this would stand as sufficient reason to warrant refusal given each property benefits from at least two allocated spaces, alongside two visitor bays. In the event that planning permission were to be granted, further information relating to noise mitigations, landscape detail, drainage, and contamination could be secured by way of planning condition.

- 6.58 However, notwithstanding information submitted with the application, the applicant has not demonstrated to the satisfaction of the Local Planning Authority how the proposal would seek to demonstrate water neutrality. As such, the proposal is therefore contrary to Policy 31 of the Horsham District Planning Framework and Paragraphs 179 and 180 of the National Planning Policy Framework, and thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species). Furthermore, the applicant has not provided sufficient information to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

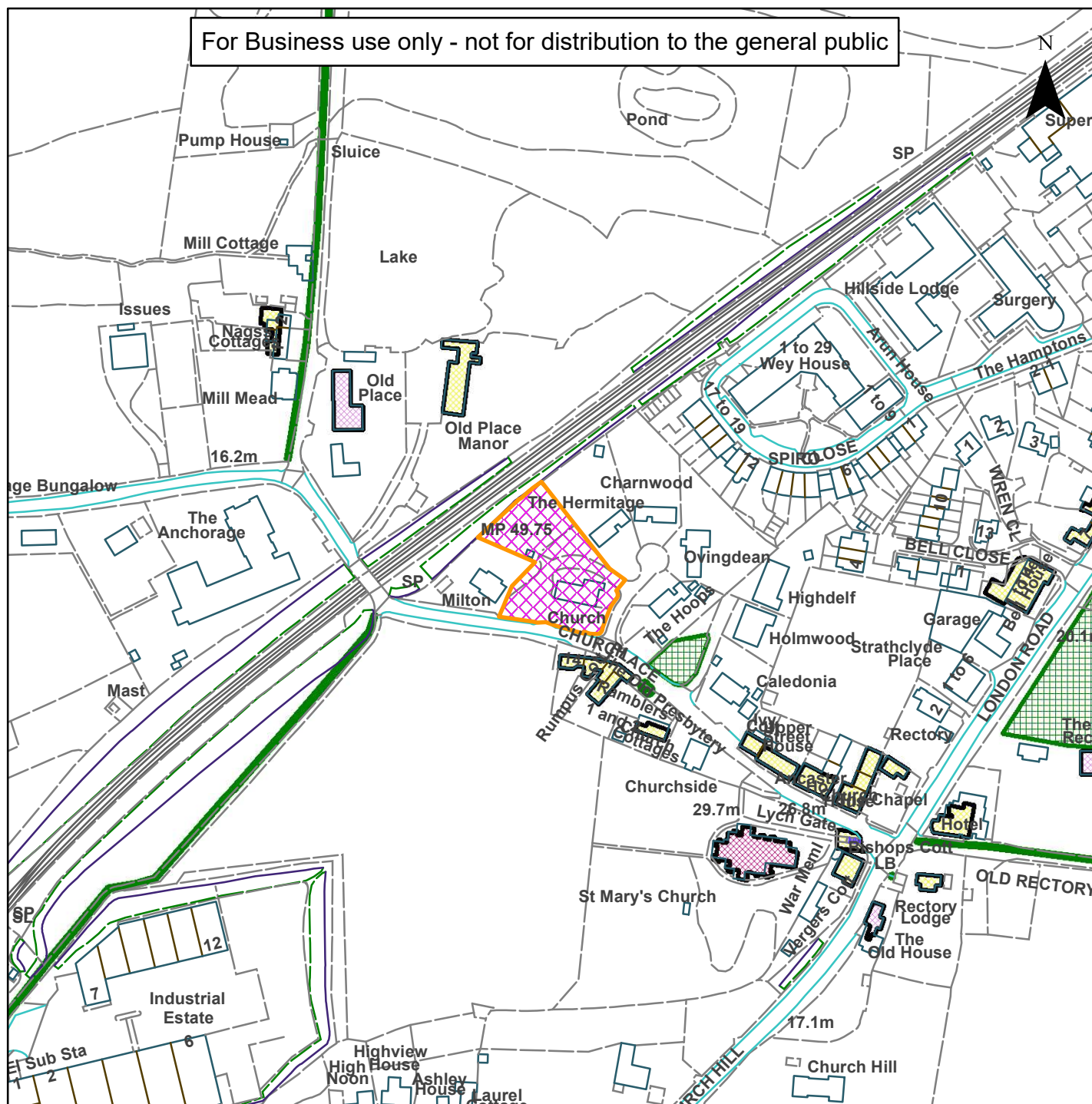
Reasons for Refusal:

- 1 Notwithstanding information submitted, the application has not satisfactorily demonstrated with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).
- 2 Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).



St Crispins Church, Church Place, Pulborough, West Sussex,
RH20 1AF

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South
BY: Head of Development and Building Control
DATE: 24th May 2022
SITE: Stone Croft Wood, Frylands Lane, Wineham.
WARD: Cowfold, Shermanbury and West Grinstead.
APPLICATION: Tree Preservation Order No. 1553.

REASON FOR INCLUSION ON AGENDA: Objection to a Tree Preservation Order.

RECOMMENDATION: To confirm Tree Preservation Order 1553 as served.

1. THE PURPOSE OF THIS REPORT

To consider whether Tree Preservation Order 1553 should be confirmed, as served.

DESCRIPTION OF THE ORDER

- 1.1 Provisional tree preservation order 1553, Stone Croft Wood, Frylands Lane, Wineham, was served on the 23rd of Feb 2022 on woodland under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations (2012). Under these Regulations, the trees forming the woodland benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

DESCRIPTION OF THE SITE

- 1.3 The woodland is suited to the north of the River Adur, to the south of Frylands Lane, and to the east of the of the residential dwellings East Lodge and Newlands on Frylands Lane. The wood is roughly rectangular in shape, and almost 7.5 acres in square area.

2. INTRODUCTION

STATUTORY BACKGROUND

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

PLANNING HISTORY

- 2.2 The western part of the woodland was included in a change of use application ref DC/21/1986 to extend the property curtilage of the dwelling formally known as Newlands that has recently been converted from an old Coach House into a residential dwelling.

- 2.3 Within the wood the landowner owner has installed a large concrete base and septic tank, upon which they have placed a mobile home, which they have surrounded with non-native invasive plants – laurel. This matter is currently under investigation by the Council's enforcement team ref EN/21/0569.

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 One letter of objection to the order was received on 03/03/2022 from the landowner. The grounds stated in the objection are:
- i. The tree surgeon who undertook the works has only removed to date Ash trees, which were all diseased, mainly from the Northeast area of the woodland.
 - ii. There is clear evidence of existing diseased/dying trees that require attention, especially on the West Boundary adjacent to the field which has a public footpath through it.
 - iii. As a responsible landowner the objector has a legal responsibility to ensure that the trees under their ownership are maintained to a safe and reasonable standard and do not pose any danger to anybody entering the land including trespassers.
 - iv. The woodland was not maintained/managed for an estimated 70-80 years and since the woodland owner purchased the land in July 2021, they have embarked upon managing and removing diseased/dying/dead trees, with the sole aim to try and restore the woodland to good health for the future enjoyment of themselves and generations to come.
 - v. They attest that the works were covered by the felling licence which was applied for in August 2021, and they have not acted outside of the requirement of the felling licence. They claim that they are not trying to, or have any future plans to destroy the woodland, and that they are solely interested in managing the woodland for the long-term benefit and will replant areas that have been blighted by the Ash Dieback disease.

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

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

5. ASSESSMENT

- 5.1 Stone Croft Wood is a tract of woodland to the north of the River Adur. The western part of the woodland is shown as wooded on the 1875 Ordnance Survey (OS) maps of the area, and the eastern section is shown to be wooded on the revised OS maps dating from 1896. Since the change of use application at the site, the western part of the woodland now falls within the property curtilage of Newlands. The change of use of the western part of the woodland has resulted in most of the trees in the area being removed. This area was initially included within the boundaries of TPO/1553. However, because the area can no longer be described as woodland, it has been omitted from the TPO.
- 5.2 From reviewing street view images of the wood taken from Frylands Lane dated May 2009 and June 2011, it is apparent that at this time, the wood had not been managed for many years. The trees and shrubby understory appeared dense and typical of a woodland that has not been maintained. Since the forestry operations have taken place, the bulk of the shrubby understory trees at the site have been removed; this action has compromised the natural regeneration process of the woodland. Most of the trees still present within the woodland boundaries are young and semi-mature specimens, together with many Oak standards

suggesting deliberate stock planting around the end of the nineteenth century. No ancient or veteran trees have been found on the site, and it is not registered as Ancient Woodland.

- 5.3 Nonetheless, the area remains an important tract of woodland, which contributes to the rural nature and visual amenities of the locality, while also providing a valuable ecological habitat. The primary public view of the wood is from the north on Frylands Lane, and it is considered to have a high level of public amenity value. An assessment under TEMPO (Tree Evaluation Method for Preservation Orders) has been completed, and, despite the known deficiencies in this tool, a 'score' is arrived at from the survey data of 13, suggesting that the TPO is 'defensible'.
- 5.4 The objector accedes that they have only removed diseased Ash from the woodland. A large quantity of felled Ash with some Oak and Sycamore was observed stacked on the roadside during the site visits. It is accepted that some of the timber was showing signs consistent with that of infected trees, and since a site visit was not undertaken before the works, it is challenging to disprove this claim. During the second site visit, it was evident that several Ash still standing in the woodland were showing signs that they were infected with Ash Dieback.
- 5.5 The objector has raised concerns with people entering their land without permission and that they had a legal responsibility to remove any potentially dangerous trees in the interests of safety. Whilst acknowledging these concerns, in particular regard to the presence of unauthorised persons entering the woodland, the woodland is fenced off, and signs have been erected stating that it is privately owned. The majority of the trees that have been felled at the site are located in the eastern part of the wood, some distance from the woodland edge and any public right of way. The TPO does not prevent the wood owner from removing any potentially dangerous trees, and in this respect, it is not considered that this is reasonable justification not to confirm an order upon a woodland of high merit.
- 5.6 It is also claimed that the TPO is unjustified as they had obtained a felling licence from the Forestry Commission before undertaking the works. While this is correct, the licence issued to the landowner permitted them to undertake a 30% thin of the woodland canopy across the entire woodland. Thinning operations are generally considered to be where you select the best-formed trees to keep and remove some of the younger surrounding trees to increase the growth rate of the better-established ones.
- 5.7 The works that have taken place in the eastern part of the woodland are not considered to represent typical thinning operations; because all the trees in the area have been felled rather than thinned out. Whether or not the trees were infected with Ash Dieback, the current guidance is quite clear on the matter and states, "Felling diseased ash requires a felling licence from the Forestry Commission." It also states that "some ash trees may have genetic tolerance to ash dieback, meaning they may survive and reproduce to create the next generation of ash trees. Therefore, it is important to retain some infected trees where they stand out as being healthier than those around them, where it is safe to do so." This has not been the case with the works that have taken place at Stone Croft Wood, and a large area of Ash has been clear-felled. The Forestry Commission have confirmed that the landowner would have needed to obtain a felling licence to fell the trees in the eastern part of the site.
- 5.8 Despite the requirement to seek a licence for the felling of trees within the woodland, this 'protection' also offers a very low level of legal restriction upon it. Five cubic meters of timber may be removed under exemption every calendar quarter; a licence is only required for trees with a diameter at 1.3m from the ground in excess of 8cm (or 10cm in respect of thinnings); and no licence is required for any work save felling – lopping and topping. Whereas the TPO would ensure that should the woodland owner wish to undertake any works upon the trees within, they would need to seek consent from the Council beforehand.
- 5.9 During the second site visit, the woodland owner raised concerns that the TPO is unjustified as being an additional obstruction, requiring them to engage with, and seek consent from,

the Council on all matters to do with the management of the woodland. It is true that under the government's guidance, a woodland TPO should "not hinder beneficial woodland management". However, under the same guidance, it is also stated that "authorities can still encourage applications to manage the trees in ways that would benefit the woodland without making a serious impact on local amenity, for example, by making a single application for regularly repeated operations". Members are also reminded that applications for works to protected trees and woodlands are free of charge.

- 5.10 Due to concerns raised by several members of the public and the local Parish Council, investigations undertaken by the Council concluded that the domestication of the woodland by placing permanent structures within it and the introduction of invasive species would have a detrimental impact on the condition of the wood. In addition, further felling works and loss of trees from within the woodland would harm the character and amenities of the locality, and it is considered to be necessary and appropriate to protect the woodland by confirming TPO/1553.

6. **RECOMMENDATIONS**

It is recommended that Tree Preservation Order 1553, Stone Croft Wood, Frylands Lane, Wineham, is confirmed with an amended plan.

Background Papers: TPO/1553

Tree Preservation Order: 1553.

09) TPO/1553

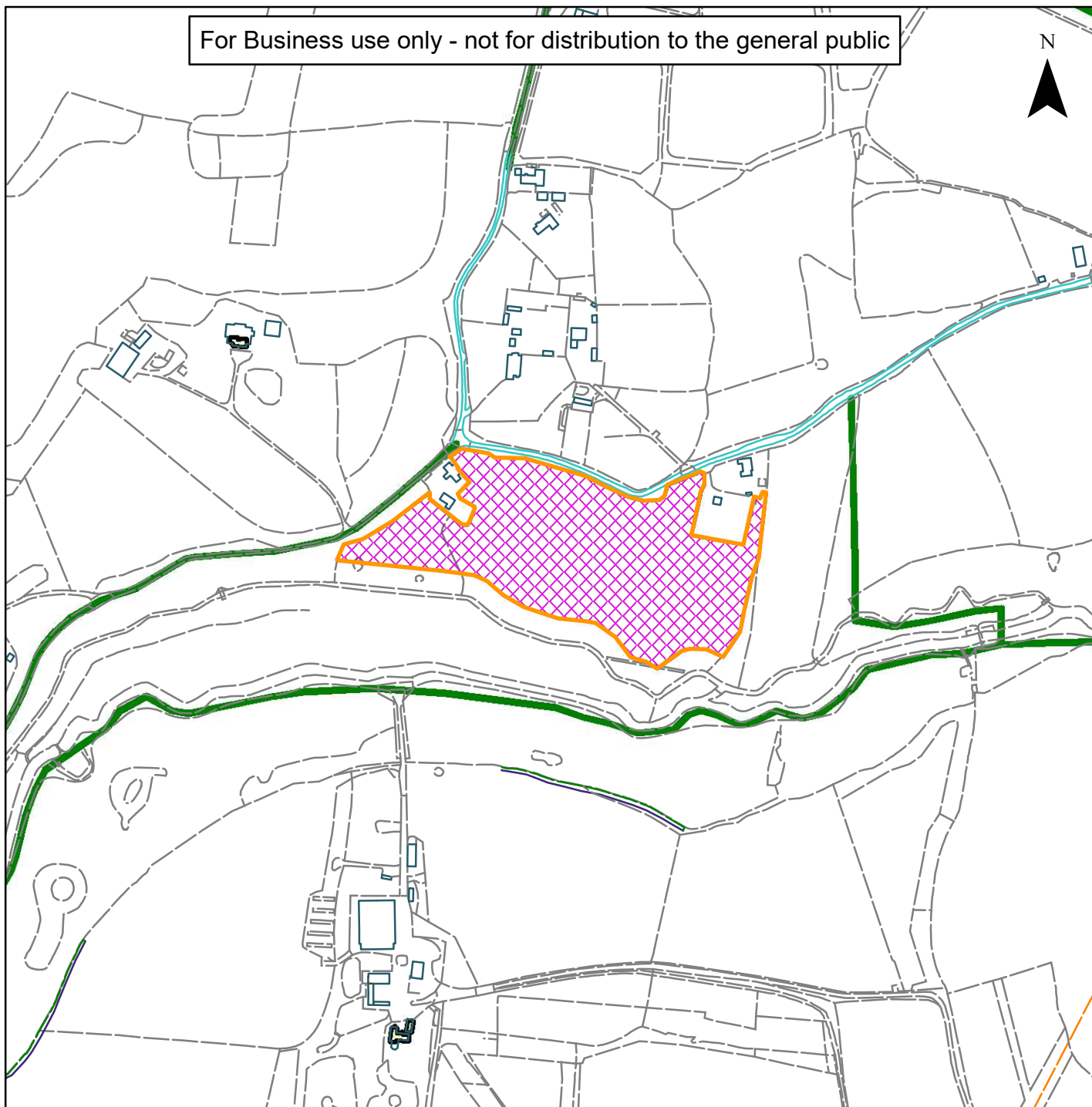
Stone Croft Wood, Frylands Lane, Wineham, West Sussex



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