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Planning Committee (North)

Tuesday, 4th October, 2022 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

John Milne (Chairman)	
Clive Trott (Vice-Chairman)	
Matthew Allen	Richard Landeryou
Andrew Baldwin	Gordon Lindsay
Tony Bevis	Tim Lloyd
Martin Boffey	Colin Minto
Toni Bradnum	Christian Mitchell
Alan Britten	Jon Olson
Karen Burgess	Louise Potter
Peter Burgess	Sam Raby
Christine Costin	Stuart Ritchie
Ruth Fletcher	David Skipp
Billy Greening	Ian Stannard
Tony Hogben	Claire Vickers
Liz Kitchen	Belinda Walters
Lynn Lambert	Tricia Youtan

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
<i>To approve as correct the minutes of the meeting held on 6 September 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.)</i>	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	

4. **Announcements**

To receive any announcements from the Chairman of the Committee or the Chief Executive

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

5. **Appeals** 11 - 12
- Applications for determination by Committee:
6. **DC/21/1798 Great Ventors Development Site, Coolhurst Close, Monks Gate** 13 - 40
Ward: Nuthurst and Lower Beeding
Applicant: Beatrice and Mae Homes
7. **DC/22/1178 Great Ventors Farm, Brighton Road, Monks Gate, Horsham** 41 - 58
Ward: Nuthurst and Lower Beeding
Applicant: Mr Don Burstow
8. **DC/22/0939 Roffey Place, Old Crawley Road, Faygate, Horsham** 59 - 74
Ward: Colgate and Rusper
Applicant: Ms Catherine Hill
9. **DC/22/0829 Stonehouse Farm, Handcross Road, Plummers Plain, Horsham** 75 - 90
Ward: Nuthurst and Lower Beeding
Applicant: Mr Gayne Cooper
10. **DC/21/0738 Land at 521753 134251 Old Forge Close, Faygate, Horsham** 91 - 106
Ward: Colgate and Rusper
Applicant: Mr R Pestell
11. **DC/19/2464 Berkeley Homes Development Site, Worthing Road, Southwater** 107 - 156
Ward: Southwater South and Shipley
Applicant: Berkeley Homes (Southern) Ltd
12. **Urgent Business**
- Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Agenda Annex

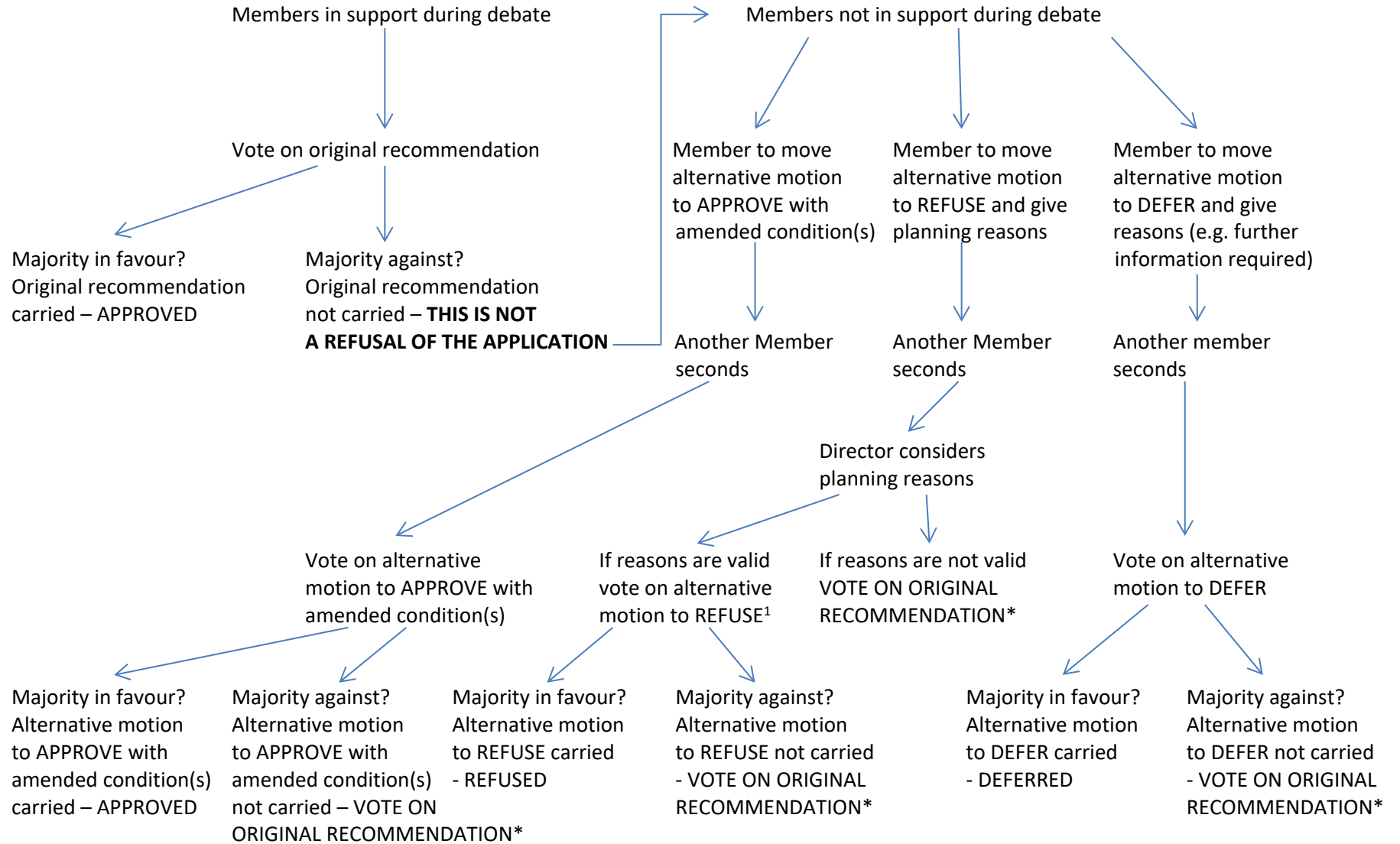
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

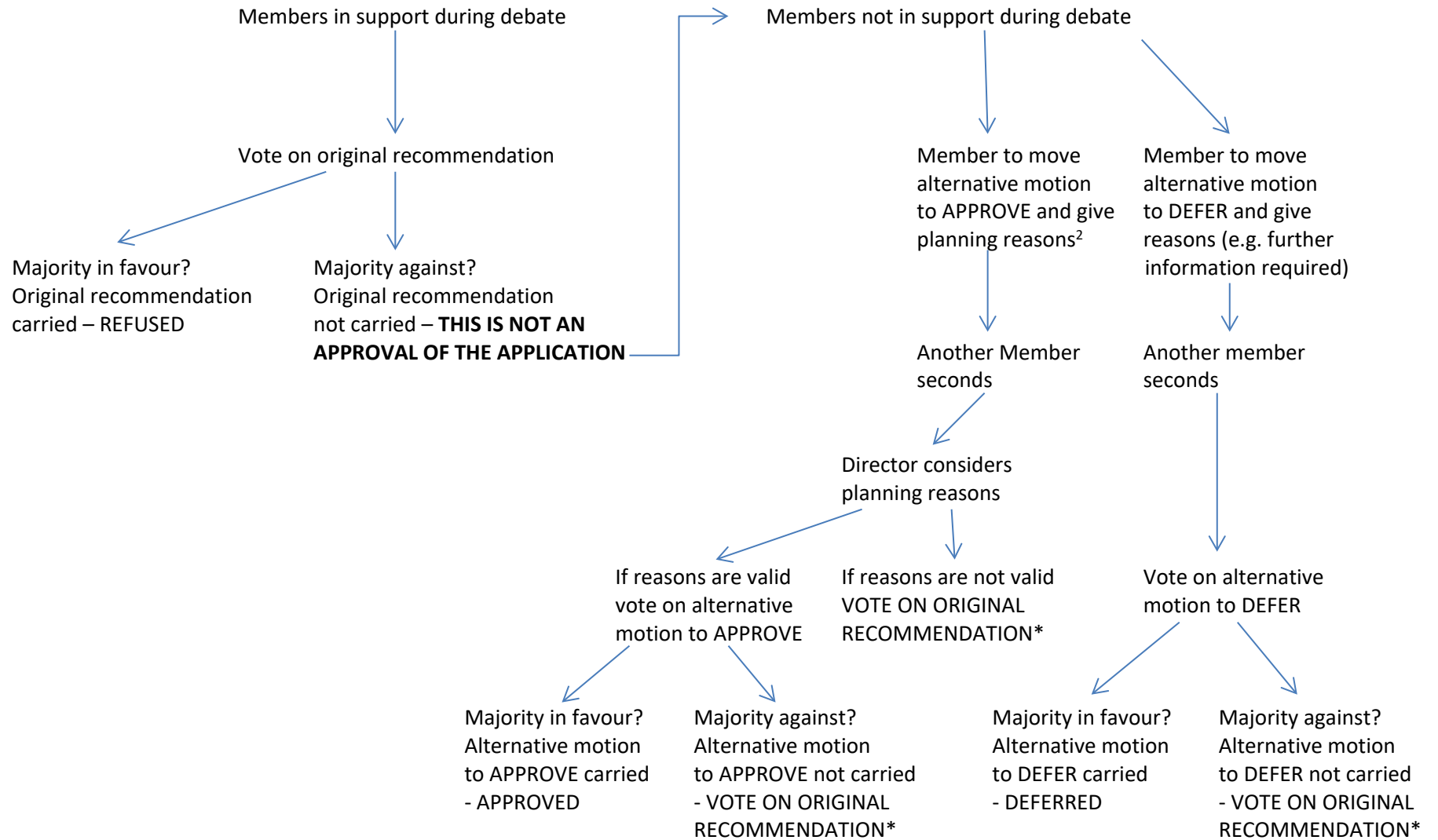
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

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

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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

Planning Committee (North)
6 SEPTEMBER 2022

Present: Councillors: John Milne (Chairman), Cilve Trott (Vice-Chairman), Matthew Allen, Andrew Baldwin, Martin Boffey, Toni Bradnum, Karen Burgess, Peter Burgess, Christine Costin, Ruth Fletcher, Billy Greening, Tony Hogben, Liz Kitchen, Lynn Lambert, Richard Landeryou, Gordon Lindsay, Colin Minto, Christian Mitchell, Jon Olson, Louise Potter, Stuart Ritchie, David Skipp, Ian Stannard, Claire Vickers, Belinda Walters and Tricia Youtan

Apologies: Councillors: Tony Bevis and Tim Lloyd
Absent: Councillors: Alan Britten and Sam Raby

PCN/11 **MINUTES**

The minutes of the meeting held on 2 August were approved as a correct record and signed by the Chairman.

PCN/12 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/21/0845 Councillors Claire Vickers and Ian Stannard declared a personal interest as the applicant was Southwater Parish Council and they were Southwater Parish Councillors.

Both Councillors were not members of Southwater Parish Council Planning Committee and therefore represented this item as District Councillors and were able to vote.

PCN/13 **ANNOUNCEMENTS**

There were no announcements.

PCN/14 **APPEALS**

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

PCN/15 **DC/21/0845 SOUTHWATER SKATE PARK, STAKERS LANE, SOUTHWATER**

The Head of Development & Building Control reported that this application sought the installation of replacement 'skate park facility' after the previous permitted facility burnt down in 2020.

It was noted that since the publication of the report the Standard Plans Condition would be added which states details of the approved plans should permission be granted.

The proposed facility was located in the same cleared and hard surfaced location known as Ben's Field with a similar construction replacing the previous timber frame with steel.

The site is located outside of the Built Up Area, on the edge of Southwater Country Park accessed from Stakers Lane.

This application was withdrawn from Committee in December 2021 for the applicant to consider the proposed Noise Attenuation condition further. Ongoing discussions and further details of proposed materials and noise impacts had been provided in consultation with Horsham District Council's Environmental Health team.

Following further 'Technical Note' noise assessment information received in August 2022, HDC Environmental Health concluded that they had no objection to the scheme.

Members noted the planning history of the application.

The applicant spoke in support of the application and one letter of objection was received.

Members considered the consultees' responses and officer's planning assessment which included the following key issues: principal of development, design and appearance, amenity impacts on neighbours and water neutrality.

Members were extremely supportive of the new improved skate park to be rebuilt.

It was discussed that Sussex Police had been consulted over CCTV and lighting and had raised no objections. Consideration was also given to enhance signage from the Downs Link so the facility could be well advertised and open to all users.

RESOLVED

That application DC/21/0845 be approved subject to conditions stated in the report subject to the following:

- Standard Plans Condition to be added
- Informative to be added as follows:

The applicant is asked to explore the possibility of signage for the skate park from the nearby Downs Link.

PCN/16 **DC/22/0469 13 TREFOIL CLOSE, HORSHAM**

The Head of Development & Building Control reported that this application sought permission for the erection of a two-storey and single storey rear extension. An existing single storey rear conservatory would be removed.

The application had been amended with the first floor element reduced in depth after concerns regarding impact on neighbouring amenity.

The application site comprised a two-storey detached house occupying a moderately sized plot within the built-up area boundary of Horsham. The dwelling was part of a row of houses linked by garages and the surrounding area consists of a mixture of property of varying designs and extensions present to the rear elevations.

The Neighbourhood Council objected to the proposal. Nine letters of objection were received from 3 separate households during three consultation periods.

Three speakers objected to the proposal and the applicant spoke in support.

Members felt the proposed extension was of an acceptable size and would not cause significant impact to neighbouring properties. They also agreed if the applicant had not worked for Horsham District Council it would have been an officer delegated decision with a view to approval and not required for committee consideration.

Members considered the consultees' responses and the planning officer's assessment which included the following key issues: design and appearance, impact on neighbouring amenity and water neutrality.

RESOLVED

That planning application DC/22/0469 be approved subject to the conditions set out in the report.

The meeting closed at 6.10 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee (NORTH)

Date: 4th October 2022



**Horsham
District
Council**

Report on Appeals: 24th August - 21st September 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/21/2855	Carylls Faygate Lane Faygate Horsham West Sussex RH12 4SN	06-Sep-22	Application Refused	N/A
DC/21/1716	Arundene Orchard Loxwood Road Rudgwick Horsham West Sussex RH12 3BT	06-Sep-22	Application Refused	N/A
DC/22/0756	Amiesmill Farm Kerves Lane Horsham West Sussex RH13 6RL	08-Sep-22	Prior Approval Required and REFUSED	N/A
EN/22/0208	Spinroute Ltd CCM Depot Rusper Road Ifield Crawley West Sussex RH11 0LQ	09-Sep-22	Notice served	N/A
DC/22/1340	Nightingale Farm Sincox Lane Shipley West Sussex	12-Sep-22	Prior Approval Required and 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/22/0062	Westbrook Lodge Bognor Road Broadbridge Heath Horsham West Sussex RH12 3PT	Fast Track	31-Aug-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
DC/21/1313	Richmond House Rye Farm Lane Barns Green Horsham West Sussex RH13 0QB	Written Representation	Appeal Dismissed	Application Refused	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th October 2022

DEVELOPMENT: Reserved matters application for the provision of detailed design of the scheme following approval of DC/18/1792 (Outline application for the erection of 5 residential dwellings and associated works). Relating to Appearance, Landscaping, Layout and Scale.

SITE: Great Ventors Development Site Coolhurst Close Monks Gate West Sussex

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/21/1798

APPLICANT: **Name:** Beatrice and Mae Homes **Address:** 18 St James Avenue Hampton Hill TW12 1HH

REASON FOR INCLUSION ON THE AGENDA: At the discretion of the Head of Development and Building Control.

RECOMMENDATION: To approve Reserved Matters planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement to secure the proposed Borehole which represents the Water Neutrality Solution. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application

DESCRIPTION OF THE APPLICATION

1.2 The application seeks Reserved Matters consent for five dwellings on a site allocated under Policy 5 of the Nuthurst Parish Neighbourhood Plan (NPNP) and which benefits from outline planning permission for five dwellings under planning permission DC/18/1792. The main access arrangements have already been approved under application DC/18/1792, therefore the relevant reserved matters for consideration relate to appearance, landscaping, layout and scale.

1.3 The layout of this application site remains broadly in line with that indicated in the outline permission with a linear pattern of development which continues on from the approved

development to the west. A pair of semi-detached dwellings and a detached dwelling are proposed to the north of the site and two detached dwellings to the south. Parking areas are proposed to the front of each dwelling.

1.4 The proposed housing mix is as follows:

- Plot 1: House Type 2: Three bedroom semi- detached two storey dwelling with a first floor study and driveway for two vehicles. Located on the northern side of the new access road.
- Plot 2: Three bedroom semi- detached two storey dwelling with a first floor study and driveway for two vehicles. Located on the northern side of the new access road.
- Plot 3: House Type 1- Four bedroom detached two storey property with a ground floor study and attached garage Located on the northern side of the new access road.
- Plot 4: House Type 1- Four bedroom detached two storey property with a ground floor study and attached garage. Located on the southern side of the new access road
- Plot 5: House type 3: A two bedroom detached bungalow style property with first floor bedroom and study in the roof, with rear dormer to accommodate this living space. The dwelling has a detached garage and driveway for at least two cars. Located on the southern side of the new access road

1.5 No onsite affordable housing is proposed, however as this site is part of the larger site allocation, the Applicant has confirmed their agreement to provide a financial contribution in lieu, based on consideration of the quantum of affordable housing required across the combined site and that already secured for the western parcel. This payment in lieu is already secured within the outline consent and totals some £214,480.00.

DESCRIPTION OF THE SITE

1.6 As stated the site forms part of an allocated site under Policy 5 of the NPNP. The site has been split into two with the western parcel of the site having gained planning consent under references DC/15/1946 (Outline) and DC/17/0667 (Reserved Matters). Works have completed on site to implement these permissions, including the construction of a new access point from Nuthurst Road. Under these applications the preservation and management of a 'nature reserve' between the site and Nuthurst Road was also secured.

1.7 The remainder of the site (referred to in this report as the eastern parcel) is the subject of this Application. The land forms part of the remainder of an un-developed paddock associated with Great Ventors Farm which is located immediately to the east of the site. The site has mature vegetation and trees to its northern and southern boundaries. The site is open to the west and east. A line of laurel has however been recently planted to mark the site's eastern boundary. The site rises to the east.

1.8 To the south of the site is open countryside which benefits from two Rights of Way. Right of Way 1718 runs approximately 140m to the south west of the site. Right of Way 1710 runs approximately 170m to the south east.

1.9 To the north of the site is the A281 and beyond this a series of residential dwellings which form part of the settlement of Monks Gate. These includes Monks Cottage which is Grade II listed.

1.10 Immediately to the north west of the site are two pairs of semi-detached dwellings (Corner House, Cherrington Cottage, 1 and 2 Southlands Cottages), both of which front the A281 and have gardens adjacent to the Application site.

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 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 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

Supplementary Planning Guidance: The Nuthurst Parish Design Statement (2017).

RELEVANT NEIGHBOURHOOD PLAN

2.2 **Nuthurst Parish Neighbourhood Plan (2015):**

Policy 1 – A spatial plan
Policy 5 - Land at Great Ventors Farm, Monks Gate
Policy 10 – Housing Design
Policy 14 – Green Infrastructure and Biodiversity

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/22/1178	Construction of new Water Treatment House for the proposed Borehole to serve the neighbouring development site. To include new surface treatments and provision of a suitable enclosure.	Under consideration
DC/18/1792	Outline application for the erection of 5 residential dwellings and associated works. All matters reserved except for access.	Application Permitted on 13.06.2019

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 Conservation: No Objection

The dwellings have a generic suburban appearance and do not reinforce local distinctiveness. However, I am satisfied there will be no impact within the setting of the neighbouring heritage assets.

HDC Environmental Health: No Objection

Initial comments (07/03/2022)

1. We have reviewed the WSP Borehole Prognosis Report and we note that the following is stated *the log for borehole TQ22NW3 located 1.6 km east of the intended site indicates that the presence of iron (0.93 mg/l) and manganese (1.11 mg/l) makes the water inadequate for drinking and domestic use. In addition to this the water quality analysis indicates chlorines and ammonia is present and nitrates and lead absent.* We appreciate that the water quality results are from 1933, which is a considerable time ago, however the fact that elevated levels of various parameters have historically been detected in groundwater beneath the site is a concern to Environmental Health. We therefore require further information on this, what treatment will be installed to ensure the water does not present a risk to health and whether the installation of treatment to treat the water for the identified parameters is even practical.
2. We also note that the WSP Borehole Prognosis Report states the following *based on the local borehole records, the British Geological Survey Geological Map (Map Sheet 302) and literature review, WSP would not recommend drilling into the Tunbridge Wells Sand Formation as a primary target for domestic supply, though the water quality may be adequate for irrigation.* We are not qualified to comment on the suitability of the aquifer beneath the site in terms of yield and, crucially, whether it is connected to the same aquifer as identified by Natural England statement. The fact that the report states that they would not recommend drilling into the underlying Tunbridge Wells Formation as a primary target for the domestic drinking supply is however a concern to Environmental Health. If the Environment Agency (EA) haven't already seen the report we would recommend providing them with a copy of the Prognosis Report and asking for their comment.
3. Whilst the fact that the maintenance regime for the equipment is welcomed I think we would like to see some commentary indicating that the equipment is subject to monthly check. Not necessarily to the same level as the six monthly check but a recognition that a qualified person is making sure everything is working.
4. Section 9 of the Design and Maintenance Supporting Detail states *During construction and pre-occupation the accountability and responsibility for the borehole and water quality will sit with Beatrice and Mae Homes. However, once the 5 dwellings are sold it is intended that a management company be created which will be responsible for shared access and this shared service. The owners of each dwelling would be directors within the management company and thus take over responsibility for the borehole and the testing and maintenance contract.* The use of the word 'intended' is a concern, we require confidence at this stage that a management company will be created to oversee the management of the borehole and associated infrastructure.

Subsequent comments (10/03/2022)

Environmental Health have reviewed the Nicholls Boreholes Design & Maintenance Supporting Detail and the WSP Borehole Prognosis Report, dated November 2021, and we have the following comments to make.

1. We note that the following is stated in the Borehole Prognosis Report *the log for borehole TQ22NW3 located 1.6 km east of the intended site indicates that the presence of iron (0.93 mg/l) and manganese (1.11 mg/l) makes the water inadequate for drinking and domestic use. In addition to this the water quality analysis indicates chlorines and ammonia is present and nitrates and lead absent.* We appreciate that the water quality results are from 1933, which is a considerable time ago, however the fact that elevated levels of various parameters have historically been detected in groundwater beneath the site and the report states that the water is inadequate for drinking and domestic use is a concern to Environmental Health.
2. We appreciate that information has been provided on treatment for iron in abstracted groundwater. The proposed treatment may or may not be sufficient depending on what parameters are present in elevated levels in groundwater beneath the site.
3. In our view, given the above, an up-to-date and representative sample of groundwater should be obtained from the aquifer beneath the site and subject to chemical analysis. A view can then be formed on what treatment is required.
4. In summary, we are of the view that there is significant uncertainty in relation to the groundwater quality beneath the site and the risks it presents to future site users if used as a primary source of drinking water – the application therefore currently lacks sufficient detail in order to be determined.

In addition to the above we understand that a new borehole for potable use will create a 'new' groundwater source protection zone (SPZ) around it which may have implications for adjoining land owners, especially those with potential point sources of contamination on their land such as septic tanks or domestic heating oil tanks. SPZ's are regulated by the Environmental Agency (EA) so we would recommend having dialogue with the EA on this matter

Subsequent comments (10/05/2022)

Environmental Health have now had an opportunity to have dialogue with a consultant who specialises in private water supplies and associated treatment systems and we can provide further comments as follows.

We understand that whilst the removal of iron from groundwater is relatively straightforward, so long as the correct equipment is installed and this is properly maintained, the removal of manganese from groundwater, which we note was also found in elevated concentrations in the sample collected, is more complex. We also understand that the equipment used to remove iron from groundwater may not necessarily be capable of removing manganese from the groundwater, depending on the concentrations and chemical type of manganese that are present in the groundwater beneath the site.

From re-visiting the supporting information, in particular the Nicholls Boreholes Design & Maintenance Supporting Detail, we note that this document does not provide any detail on how manganese will be removed from the groundwater. We ask therefore that the supporting information is revised, taking into account the comments above.

Subsequent comments (13/05/2022)

I am now satisfied with the proposed treatment. It is a complex system which will require regular monitoring and maintenance and although not strictly a concern for Environmental Health, I think it will be costly to maintain for the lifetime of the development. It is important

to ensure that robust conditions are in place so to ensure that the private water supply is appropriately monitored and managed.

Final Comments (20/09/2022)

Noise

We have reviewed the Falcon Energy Ltd Noise Exposure Assessment dated 20 July 2021, submitted in support of the application, and additional information from Falcon Energy Ltd and we are satisfied that road traffic noise levels, both internally and in proposed amenity spaces, are capable of being mitigated through conditions and we therefore recommend the below:

No development above ground floor slab level of any part of the development hereby permitted shall commence until a scheme for sound attenuation against external noise based on an acoustic assessment of the site has been submitted to and approved by the Local Planning Authority. The scheme shall have regard to the requirements of BS8233:2014 and shall include provision of adequate alternative ventilation where necessary and sufficient to prevent overheating. The approved sound attenuation works shall be completed before each dwelling is first occupied and shall be retained thereafter.

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

Contaminated Land

We have reviewed the Sitecheck report submitted in support of the application and ordinarily a more robust Phase 1 Preliminary Risk Assessment should have been submitted in support of the application. We have however undertaken our own review of available historic mapping and undertaken a site visit and on this occasion we are satisfied that the risks from contamination to future site users have been adequately assessed and that no further assessment works are required. To ensure that any contamination discovered during the development of the site is appropriately dealt with we would however recommend a further condition.

Private Water Supply

We have reviewed the information submitted in support of the application in relation to the proposed private water supply, notably the Nicholls Boreholes Design and Maintenance Supporting Detail and the B.A. Hydro Solutions Laboratory report, and we note the elevated levels of iron and manganese are likely to be present in the groundwater beneath the site that will be the source of the private water supply. We are view however that the risk assessing, testing and maintenance of the supply can be secured through conditions.

Construction Phase

Due to the close proximity of existing residential dwellings to the application site we also recommend a condition restricting construction and delivery hours of operation.

HDC Drainage Engineer: No Objection

The surface water drainage disposal show a permeable paving / cellular soakaway pipework arrangement. It should be noted that the underlying geology for this location will slightly impede infiltration with regards surface water disposal.

Therefore additional information will be required to support the 'surface water disposal via soakaways' as proposed.

Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365. All designs shall be based on actual infiltration figures obtained through percolation tests, carried out in accordance to BRE Digest 365.

(See link; <https://www.horsham.gov.uk/planning/planning-applications/guidance-for-preparing-a-planning-application/surface-water-drainage-statement>)

HDC Tree officer: Comment

One concern with this proposal regarding trees is the position of plot 5 and its proximity to T1, an offsite Oak. The supporting Arboricultural Methods Statement (AMS) and Tree Protection Plan (TPP) state that pre-application site investigations found no major roots within the part of the Root Protection Area (RPA) of T1 where part of the dwelling on plot 5 will encroach on the RPA of this tree. BS 5837 'Trees in relation to design, demolition and construction - Recommendations' [2012], paragraph 5.3.1 states, "The default position should be that structures (see 3.10) are located outside the Root Protection Areas (RPA's) of trees to be retained", it would be helpful to know how deep the trench was? as from the picture in the TPP it does not appear to be much deeper than around 400 to 500 millimetres and the foundations for the new dwelling will likely need to be about 3 metres deep to prevent any issues arising in the future with subsidence caused by the tree.

Another observation is the proximity of the crown of T1 to the proposed building. The photo on the TPP shows a large lateral branch on the southern side of the tree over the trench. Given the modest size of the garden, it is likely that any new property owners will have concerns with the extent of the trees crown over the rear garden of the property, which will likely place pressure upon the tree to be heavily pruned on the southern side to increase light levels into the garden and to address general tree-related concerns such as leaf litter bird droppings and deadwood falling from the tree. Therefore if this development is permitted I would recommend that consideration be given to undertake a sensitive reduction of the lateral growth on the southern side of the tree before any development works commence at the site.

Paragraph 3.6 of the AMS refers to the proposed terraces at the rear of units 2 and 5 and the method in which they should be built to ensure that the roots of T1 and T2 are not damaged. Where the parts of the terraces will be sited within the RPA of T1 and T2, they will need to be built using a no-dig above-ground system, and I would recommend that this is secured by condition.

Due to the RPA of T1 and T2 taking up a large percentage of the rear gardens of plots 2 and 5 to ensure that any future landscaping works at the properties, such as the creation of a new patio or a shed base, will not damage the roots of T1 and T2; I would recommend that Permitted Development rights falling within Class F be removed from the properties by condition

OUTSIDE AGENCIES

WSCC Highways: No Objection

Internal Layout

The access is a continuation of the existing access road. Access has already been approved under planning application ref DC/18/1792. The tarmac footpath links into the site at this point where the layout changes from footpath to shared use. How will visually impaired users

understand the change in layout here, the footway stops quite abruptly. We would expect to see some tapering or physical change to make users aware they are entering a different layout. As per manual for streets shared use layouts are often used in cul-de-sac locations where vehicle trips are low. All houses have driveways with enough room for two cars to park, and footpaths leading to the front doors which tie into the shared use surface. Garages are also provided for 3 of the 5 properties with EVC charging points in each. All garages are 3m x 6m and are therefore large enough to provide cycle storage in each. Refuse vehicle tracking plan 11417_101 shows how a 10.5m refuse vehicle can enter, turn, and exit in forward gear.

Parking

There are 3 garages which at 3m x 6m which can be classed as half a parking space. If you condition these so they have to be used as garages this will gain you 0.5 space each. This would then only be creating a shortfall of 2 visitor spaces which could be accommodated within developments roads.

5.4 of the guidance also states - To meet with current and emerging guidance on the promotion of sustainable travel modes and choices, consideration could also be given to reducing the expected level of parking demand by 10%. This is based on the Department for Transport's 'Smarter Choices' research that shows reductions in traffic movements can be achieved by up to 10 to 30% where a range of travel choices are available through provision of travel plans, public transport contributions, and other sustainable travel initiatives.

Ecology Consultant: No Objection

Initial comments 28/09/2021

We have reviewed the Great Crested Newt and Reptile Mitigation Strategy (AEWC Ltd, 2021) supplied by the applicant and the Extended Phase 1 Habitat Survey (AEWC, 2018) that accompanied DC/18/1792.

We have also looked at the Landscape Management Statement (Draffin Associates) in relation to condition 12 of the outline consent (not yet discharged)

We are satisfied that there is sufficient ecological information available for determination of this Reserved Matters application as details have been secured by the outline consent though not yet discharged.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified in the Great Crested Newt and Reptile Mitigation Strategy (AEWC Ltd, 2021) should be secured and implemented in full, and will be delivered by the successful application for a Great Crested Newt development licence. This is necessary to conserve and enhance the protected and Priority Species present on the site, Great Crested Newts, Grass Snake and Slow Worm.

The consent issued under planning application DC/18/1792 was conditional, amongst other things, on the provision of details for hard and soft landscaping, to include ecological measures. The Landscape Management Statement accompanying this application is not sufficiently detailed or specific and it does not appear to be accompanied by landscaping plans which are also required by Condition 11 of the outline consent and not yet discharged.

Furthermore, the application does not demonstrate reasonable biodiversity enhancements to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. It is suggested that in-fabric boxes for bats and nesting birds built into the new properties would provide genuine and sustainable opportunities for biodiversity on this site. Such features should be appropriate for species recognised as national and local priorities for nature conservation, such as Swift.

It is recommended that further details are requested in line with Condition 11 and 12 to ensure that a fully detailed Landscape and Ecology Management Plan can be approved prior to occupation. This needs to include all ongoing habitat management and reasonable biodiversity enhancements as specified in Ecological enhancement measures set out in Chapter 6 of the Extended Phase 1 Habitat Survey by AEWC Ltd, dated July 2018 and illustrated on an appropriate Landscape Plan.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim. Submission for approval and implementation of the mitigation and enhancement details below should be conditioned.

Subsequent comments (03/11/2021)

We have reviewed the amended Landscape And Ecological Management Plan (Draffin Associates). For clarity, in line with our previous response, there is sufficient ecological information to allow the determination of application DC/21/1798 and it is recommended that a condition be applied to secure mitigation and enhancement details.

Our comments in relation to the Landscape Management Statement, here amended to a Landscape and Ecological Management Plan (LEMP), were in relation to the undischarged condition 12 of the outline consent DC/18/1792.

The Landscape and Ecological Management Plan is considered to provide sufficient measures – in terms of mitigation and biodiversity enhancements – to satisfy this condition except that no plans have been provided to demonstrate clearly the locations of the measures that are specified. Furthermore, it would be preferred for the LEMP to be a stand alone document rather than cross-referencing to the AEWC mitigation plan. It is recommended that the applicant prepares the LEMP with such plans and submits them in support of an application to discharge Condition 12 of outline consent DC/18/1792.

Southern Water: No Objection

The submitted drainage layout (Drawing no. 11417/1601 Rev: P4) indicating the 5 metres clearance distance from public foul sewer is satisfactory to Southern Water. Regarding foul drainage an approval for connection to the public foul sewer shall be submitted under Section 106 of the Water Industry Act.

Natural England: No Objection

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Our advice is as follows:

From the evidence provided in the Water Neutrality Statement the applicant is proposing the use of a private borehole as an alternative to a mains water supply. We have provided some advice on the use of private boreholes as mitigation in our [FAQs](#). Sussex North contains complex hydrogeology and applications for an alternative water supply require robust evidence that the proposed supply is not connected to Sussex North. No other mitigation such as rainwater harvesting has been proposed for this development which would therefore be fully reliant upon the private borehole for its water neutral status.

Of critical note for this application is the Environment Agency email dated 25/10/21 confirming that the position of the borehole at RH13 6GL will utilise water from an aquifer which lies outside of the Sussex North Water Supply Zone. In this instance, it has been confirmed that the borehole abstraction is not hydrologically linked to the aquifer that serves the Sussex North Supply Zone.

Based on this evidence the provision of a borehole in this location should not have an impact on the Habitats Sites. However, the success of a borehole as an alternative supply relies upon the provision of sufficient ongoing drinkable water. We advise that your authority as competent authority must ensure you are fully satisfied that the private borehole will yield sufficient drinkable water, be implemented at the specified location and be will monitored, managed and maintained in perpetuity, and that clear contingency measures are secured as specified in the HRA. You, as the competent authority, should ensure conditions are sufficiently robust to ensure that the mitigation measures can be fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given as above. However please note that borehole applications will need to be considered on a case by case basis. In this instance, the abstraction has been shown to be outside of the Sussex North Supply Zone. Our acceptance of this application is limited to this application only and should not be taken as acceptance of the use of boreholes more generally. The area contains complex hydrogeology and the need to ensure that abstractions will not exacerbate any existing water resource constraints, in consultation with the Environment Agency, will be key.

Addendum (03/08/2022)

We are writing to provide an addendum to our advice regarding this application. We wish to provide this to clarify that In this instance, it has been confirmed that the borehole abstraction included in this application is not hydrologically linked to the aquifer that serves the Sussex North Supply Zone.

The Environment Agency: Comment

Anyone seeking to develop their own alternative potable water supply can find guidance on the requirement for an abstraction licence at [Apply for a water abstraction or impounding licence - GOV.UK \(www.gov.uk\)](#). Abstractions of 20 cubic metres or less a day are exempt from needing an abstraction license (provided the abstraction is part of a single operation - if you abstract from the same source at multiple points, the exemption only applies if the combined total of all abstractions is 20 cubic metres or less a day). If an abstraction licence is required, further detail on the local licensing policies that apply can be found in the [Arun and Western Streams Abstraction Licensing Strategy](#).

If a site required an abstraction licence we would assess possible risks to designated sites and only grant a licence if we were satisfied that there would be no adverse effects on the site integrity of the Arun Valley SAC/SPA.

In the current case, the applicant has suggested they would need less than 20m³ litres per day therefore is exempt in needing an abstraction licence. The applicant should provide information to the local authority about the potential impacts of their development and it is for Natural England to advise you if the measures proposed for a development are adequate.

Nuthurst Parish Council: Objection

The Parish Council accepts in principle that this site will be developed because it was allocated for development in the Nuthurst Neighbourhood Plan and it has outline planning permission.

However, the Parish Council has serious concerns about this reserved matters application and objects on the following grounds and asks HDC to request that the applicant modifies the application to address these concerns:

- 1) The semi-detached houses have no garages – this is contrary to Section 2.6 of the Nuthurst Parish Design Statement which specifies that all new houses should be provided with at least one garage.
- 2) There are no visitor parking spaces provided – this is unacceptable.
- 3) The turning circle is inadequate for large heavy goods vehicles, such as delivery and recycling vehicles
- 4) There are 30 external lights – this excessive number will cause light pollution in a small rural hamlet resulting in harm to the environment, birds and animals
- 5) The sewerage system cannot cope with the existing flow as there are frequent occurrences of foul sewage flooding when there is very heavy rain. Furthermore the sewage treatment plant at Monks Gate is already overloaded. 5 additional houses will exacerbate these problems
- 6) There is already surface water flooding in Monks Gate (including the gardens of the existing Coolhurst Close development, the nearby public footpath and in Nuthurst Road) whenever there is heavy rain caused by inadequate surface water drainage from the Coolhurst Close development. This will be further exacerbated by 5 more houses at the Great Ventors development and the fact that there is a large amount of hard standing associated with these houses, particularly the semi-detached houses
- 7) The developer has assumed that access, including by construction traffic, will be by the Coolhurst Close road. The Parish Council understands that the Coolhurst Close Road is a private road that the residents pay to maintain. Has the developer the right to use this private road and who will pay for any damage to it caused by construction and other traffic?
- 8) The pair of semis and one detached house will be highly visible from the nearby Southlands Cottages and the A281 – this could be lessened by swapping the positions of the chalet bungalow and the semis.
- 9) The Neighbourhood Plan site will now have 15 houses (10 at Coolhurst Close and 5 at Great Ventors). According to Policy 16 of the HDPF 2015, this would require 35% of the houses to be affordable. As no affordable houses were provided at Coolhurst Close,

then it follows that to comply with HDC's policy all 5 houses at Great Ventors should be affordable.

PUBLIC CONSULTATIONS

Monks Gate Residents Association

The layout, design, and density of the proposed 5 properties should be rejected on the following grounds.

- Although planning permission has been agreed for 5 properties, the proposal is for buildings that are too large and create a 'cramming' effect, with no visitor/street parking/landscaping and are not in keeping with the cottages on the A281 or those in Coolhurst Close: all of which have adequately sized plots.
- The elevation of the proposed layout MUST be reviewed and changed. The ground level at Plot 4 (proposed 2 storeys, 4 bed house) is more than a metre higher than No 12 Coolhurst Close (bungalow) which it abuts: this situation must be addressed to avoid a significant overbearing on No 12 Coolhurst and further drainage/flooding problems in Coolhurst Close & Nuthurst Road.
- The proposed bollard lighting should be removed: it is against the Nuthurst Neighbourhood Parish Plan due to the negative effect on the nearby nature reserve and the fields on the southern boundary. There is well documented bat activity in the area which would be adversely affected by unnecessary light pollution.
- The proposed drainage solutions need further investigation. The landowner has, in the last few weeks, scraped an area around the plot and his own land that stops at the edge of the plot by No 12 Coolhurst Close. Any surface water will now flow off the site into No 12 Coolhurst which cannot be acceptable. Plots on the southern edge should, as a minimum have deep garden soakaway tanks installed. The current topography of the site needs to be taken into account, and adjusted through planning conditions to ensure that the site manages its own surface water into adequate drainage solutions: not simply push the water into existing properties....some in Coolhurst Close have already had to have the Developer back to address flooding issues.
- The design of the 5 properties should be for smaller homes to reduce the cramped appearance, with low roofs and fully permeable surfaces: not just the road and the driveways but the patios too.

Objections were received from eight (8) addresses within the locality raising the following (summarised) concerns:

- Concern over access through Coolhurst Close and additional parking
- Surface Water Flooding and drainage concerns
- Overshadowing and overlooking Impact of 2 storey property on 12 and 7 Coolhurst Close- should be no window overlooking
- Excessive external lighting- Bollard lighting and downlighters should not be permitted
- Density of the development
- Foul water capacity
- No visitor parking
- No footpath provided
- Size of the dwellings in an elevated position
- Turning spaces appears too small for large vehicles
- Bungalow should be located next to Coolhurst Close bungalows
- Impact on road surface from heavy vehicles

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 This is a Reserved Matters application following Outline approval under DC/18/1792. As such, the principle of residential development for five dwellings has already been established as acceptable.
- 6.2 This site is allocated in the Nuthurst Neighbourhood Plan (Policy 5) for residential development. This policy states that residential development of land at Great Ventors Farm, Nuthurst Road, Monks Gate, will be permitted provided that:
- i. the scheme comprises a mix of 1 to 4 bedroom houses;
 - ii. the scheme comprises a layout which is sympathetic to nearby houses and establishes a clear and defensible boundary along the southern edge of the site;
 - iii. access is made to the scheme from Nuthurst Road at the safest point as advised by West Sussex County Council;
 - iv. the scheme layout and landscape proposals retain the screen of trees and bushes on the boundary with Nuthurst Road (allowing for the access road), provide a screen for the four properties on the A281 and provide for the protection of the pond and surrounding area as a nature reserve;
 - v. the scheme makes satisfactory provision for managing sewage treatment; and
 - vi. the scheme make satisfactory provision in its flood risk assessment for mitigating any localised flooding arising from drainage from the field.
- 6.3 These criteria will be considered throughout this report, as they were for the Outline application, and overall Officers are satisfied that the Reserved Matters application has met these requirements.

Site Layout, Design and Appearance

- 6.4 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard of design and layout which relates sympathetically to the landscape and built surroundings.
- 6.5 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types

and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

Layout

- 6.6 The Outline planning permission was granted based on an indicative layout. The proposed layout of the development has remained in compliance with that indicated in the outline permission. This shows a linear pattern of development following on from the completed development from the west, demonstrating a suitable relationship with the western site, and providing for the continuation of the defensible boundary along the southern boundary of the site as set out in the NPNP.

Scale

- 6.7 The Outline planning permission was also granted based on an indicative housing mix which has now been confirmed with no changes. This comprises of 1 x 2 bed bungalow, 2 x 3 bed houses and 2 x 4 bed houses. This accords with the requirements of criteria I of Policy 5 of the NPNP.
- 6.8 The density of the proposed development is 21 dph (dwellings per hectare). Although objections were raised at the time by the Parish in relation to the density, and these objections still stand, the principle of this density of development has already been agreed through the granting of the outline planning permission. This brings the density for the overall site which includes the access road and open space to the front of the site to 13 dph, which is considered to be adequately low to ensure the proposal integrates well with the surrounding development character.

Appearance

- 6.9 In terms of appearance, the proposed design is broadly in keeping with the character and appearance of dwellings which are already located within Monks Gate and the wider Horsham area, and in particular with the rest of the development site to west of this site. The proposed dwellings generally meet the requirements of the Nuthurst Parish Design Statement; they are brick built and finished with either tile hanging or weatherboarding.
- 6.10 Full details of proposed material finishes have been provided (Drawing number 5944-400 Rev B 07.07.2021). These include grey and wood timber cladding, green or grey windows and doors, weathered brown multi-stock brick and clay roof tiles finished in either bronze or grey. This is in line with the properties that have been built on the western part of the site that have varied roof materials (grey and clay), tile hanging and weatherboard finishes. The properties also have similar design features such as protruding front gables and central feature porches. The form and appearance of the dwellings as proposed is considered to be acceptable and a condition is recommended to ensure the prescribed materials are adhered to.

Landscaping

- 6.11 It was considered at Outline stage that the northern boundary of the site would benefit from increased soft landscaping to improve the relationship with Southlands Cottages. This can be managed through the inclusion of a detailed landscape condition, where full details shall be submitted prior to occupation of any of the dwellings. Notwithstanding any landscaping details provided with this application it is considered necessary to receive full details of proposed landscaping, including residential curtilages and boundary treatments, prior to occupation of the development. Due to the rise in ground levels between Coolhurst Close and the site it will also be important to ensure that adequate screening is achieved through appropriately mature planting.

Amenity Impacts

- 6.12 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.13 Concern has been raised in relation to the overbearing and overlooking impact of plot 1 on 7 Coolhurst Close and Plot 4 on 12 Coolhurst Close. Plot 1 forms a two storey dwelling that sits broadly in line with the adjacent two storey dwelling at 7 Coolhurst Road, whilst Plot 4 forms a bungalow set broadly in line with 12 Coolhurst Close. As such it is not considered that the development will have an adverse impact in terms of an overbearing impact or loss of light or outlook. In terms of overlooking, the only windows proposed on the first floor side elevations of these properties will serve bathrooms or en-suite's and a condition is suggested to ensure these are obscurely glazed to negate any potential overlooking. Otherwise the front and rear aspects would not result in untoward levels of overlooking.
- 6.14 The main impact will be on the amenities of 1 Southlands Cottages. This property sits to the north of Plots 1-3 with a side/rear garden that runs across the length of the rear gardens to these three Plots. The site layout details the houses at Plots 1-3 as being at an angle to the common boundary such that the separation distance varies from 7.4m in the furthest eastern extent to 9.2m centrally and 15.2 m at the western extent closest to the house itself at 1 Southlands Cottages. The back-to-back separation itself would be approximately 25m at its closest point. Nevertheless there remains a clear overlooking impact from the first floor bedrooms into the garden of 1 Southlands Cottages, even if direct views into the house itself would be less intrusive. In order to address this impact the outline application identified that planting along the rear gardens could be introduced to soften the impact to an acceptable degree. The submitted plans do not show planting in this location however this can be addressed within the landscaping condition referred to above.
- 6.15 In terms of provision for future residents, the layout demonstrates that the scheme provides suitable gardens for each dwelling and does not result in overlooking or overbearing appearances within the layout.
- 6.16 In terms of noise impact, HDC's Environmental Health Officer has reviewed the scheme and considers that the location of the proposed dwellings in proximity to the A281 (albeit across the side garden to Southlands Cottages) could result in adverse noise impacts for future residents of the site. A noise assessment has been submitted which confirms the Officer's position that some form of noise mitigation will need to be installed into the proposed dwellings to ensure that future residents are protected for adverse noise impacts. In this instance given the site characteristics officers consider that the submission of this information can be appropriately managed by way of the condition that sits on the outline consent. The outline consent includes a condition to manage the construction process appropriately. Subject to the aforementioned conditions the proposals are considered to accord with Policy 33 of the HDPF.

Highways Impacts

- 6.17 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.18 Criteria iii of Policy 5 of the NPNP requires access to be made to the scheme from Nuthurst Road at the safest point as advised by West Sussex County Council. This access has already been secured and constructed in relation to the western parcel of the site. Concern has been raised around access rights to and through Coolhurst Close for construction work and future

users. It has been confirmed that these rights are contained within the deeds of transfer for the whole site and will therefore be known to the existing and proposed house owners at Coolhurst Close.

- 6.19 The application proposes 11.5 parking spaces across the development made up of two parking spaces per new dwelling and three additional garages (which calculate as 0.5 parking spaces per garage. This is considered to be in line with the West Sussex parking guidance and the West Sussex Highways Department have raised no objection. A condition is recommended to be attached to the planning permission to ensure these garages cannot be lost to conversion without planning permission.
- 6.20 Concern has been raised in relation to the lack of formal visitor parking at the development. However it is considered that the road is proposed to be laid out as such that there is at least two locations within the development that unrestricted on-street parking could be available without causing an access obstruction. With this in mind, together with the existing on street parking on the wider site (at least four parking spaces available in dedicated lay- bys plus on street spaces), the parking provision is considered to be adequate and any small shortfall does not justify enough harm by way of significant overspill parking outside of the site allocation to justify a reason for refusal. Accordingly the proposals are considered to accord with Policies 40 and 41 of the HDPF.

Water Neutrality

- 6.21 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.
- 6.22 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.
- 6.23 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 if the site were to be connected to the mains water system in the conventional/ usual way. However, this application proposes a new Private Borehole to be created to serve the entire five dwellings with all of their water requirements.
- 6.24 A Private Borehole is proposed adjacent to the south eastern site boundary, with the details having been submitted under concurrent application DC/22/1178. The proposed borehole will provide all of the water required for the development, including a treatment house to ensure the water is of a potable standard. The Environment Agency have confirmed that the position of the borehole will not take water from the same aquifer that serves the Sussex North Water Supply Zone. The location of the site means it will not affect water entering into the River Arun catchment which lies to the north of this part of Monks Gate. Therefore, and as confirmed by Natural England through the Appropriate Assessment process, where no objection was received, the provision of a borehole in this location should not have an impact on the Habitats Sites, as, in this instance, the abstraction has been shown to not be hydrologically linked to the aquifer that serves the Sussex North Supply Zone.
- 6.25 A high level of detail has been provided in relation to the 'borehole solution'. The documentation has been prepared by 'Nicholls Boreholes', a local specialist in borehole systems. This has been fully scrutinised by the Council's Environmental Health Officers and

Planning Officers, and has also been carefully considered by Natural England in their response to the Council's Appropriate Assessment.

- 6.26 Following the initial consultation with the Environment Agency, Nicholls Borehole completed a prognosis report (contained within the Maintenance Supporting Detail document) which concluded that water availability should be more than adequate at a depth of 80 metres below ground level to provide a water supply of up to 20,000 litres per day, although until a borehole is dug this can never be certain. This proposal only requires an estimated 1,320 litres per day which is significantly below the amount of water which is likely to be available. The report also concludes (based on very historic nearby borehole water data) that the water from the borehole would be expected to have elevated iron and manganese and may be unsuitable for domestic supply unless treated. This is why the treatment house is proposed. The exact design and specification of the treatment works within the treatment house will not be known until water quality sampling is undertaken on site once the borehole is sunk. If the water quality, when tested in line with the proposed monitoring conditions, is not acceptable, then the development cannot be implemented.
- 6.27 As the borehole will provide potable water for use within each dwelling, the Council's Environmental Health team are required to monitor and enforce the quality of the water under the Private Water Supplies (England) Regulations 2016. The Council's Environmental Health team have reviewed the submitted information and have noted the likely high levels of iron and manganese. Their view is that it will be possible to sufficiently treat the water to make it safe for human consumption, and have recommended a series of conditions to ensure that appropriate sampling, risk assessments, contingencies and management/maintenance plans are agreed prior to first occupations, and ongoing thereafter. These conditions are set out below. As explained in the previous paragraph, if it transpires that the water quality, when tested in line with the proposed monitoring conditions, is not acceptable, then the development cannot be occupied as it will not benefit from a complete planning permission.
- 6.28 Concern has been raised by third parties in relation to the right for any of the occupiers of the five houses to connect to mains water, and how this will be restricted. It is not possible to directly deny an occupier the right to connect to a mains water supply as the right to connect is established via separate legislation. Officers have sought legal advice on how to address this matter and it has been determined that it is possible to apply a condition that requires that any mains connection must only be in an emergency for temporary purposes. In the event such an emergency occurs (such as pump failure) the occupiers must immediately undertake the necessary contingency measures set out in a management and maintenance plan until the system is fully operational again, with records must be kept of all water taken from the mains supply. Conditions to this effect are recommended below at condition 4 and 9. These conditions are all considered to meet the tests of soundness that they are necessary, relevant, enforceable, precise and reasonable.
- 6.29 Due to the complexities with the proposal for a borehole and the importance of ensuring that the water taken from the borehole is of a standard required under the Private Water Supplies (England) Regulations 2016, a number of conditions have been recommended to ensure that the private water supply is appropriately monitored and managed. These are all considered to meet the tests of soundness that they are necessary, relevant, enforceable, precise and reasonable.. These include .
- UKAS accredited laboratory testing of the water before the development is occupied and the borehole is brought into use
 - Tap sampling at each property
 - A Private Water Supply Management Plan
- 6.30 A Legal Agreement has also been commenced that ties this application to the implementation of the Water Treatment House proposed under DC/22/1178. This will also set out the requirements and duties of the future landowners to ensure that the borehole and associated treatment plant is fully managed and maintained at all times.

Source Protection Zones

- 6.31 A Groundwater Source Protection Zone (SPZ) will automatically apply to the private borehole when it is installed. An SPZ is an area where groundwater supplies are at risk from potentially polluting activities and accidental releases of pollutants. They are primarily a policy tool used as a guideline to control activities close to water supplies intended for human consumption. SPZs are not statutory and are mainly for guidance but they do relate to distances and zones defined in legislation where certain activities are restricted. The Environment Agency only license water abstraction where over 20m³ litres of water is to be abstracted per day (enough for approximately 75 homes), and in such cases will map and monitor the accompanying SPZ. For smaller development, the EA guidance advises that a default SPZ be placed around the borehole, noting that in some cases underlying geology may mean that the extent of this radius may need to be greater or smaller. The EA have confirmed that they do not map these smaller SPZs and would not have the resource to enforce activity within them.
- 6.32 In this case the default 50m SPZ would encroach onto land not within the applicant's control and may therefore prejudice some activities taking place. The activities affected by a SPZ include landspreading, livestock housing, storage of pollutants etc. The Council has undertaken a 2 week targeted consultation with those properties that fall within a 50 metre radius of the proposed borehole location, with the applicants updated Design and Maintenance Supporting Detail document advising them of what activities should not be undertaken within the 50 metre zone and the extent of the 50m zone.
- 6.33 Concern has been raised by the adjacent agricultural land owner in relation to some of his land being located within the propose SPZ. This would be around 0.25 hectares of farmland that may no longer be able to use certain types of fertilisers that may pollute the groundwater. The area of land affected is proportionately small relative to the wider field it sits within and would not prejudice the farming of the wider field. It could though have a potentially modest impact on the farming of this 0.25ha corner of the field which is acknowledged. The Council's Environmental Health officers have clarified that in the worst case scenario that the restricted farming practices in the SPZ referred to by the adjacent landowner take place, the water quality will still be appropriately tested and treated and will not form a public health risk. The applicant has further confirmed that a watertight seal is in any case to be placed within the borehole 10m below ground level and this will help ensure there is no path for contamination, and that an existing surface water ditch is located between the field and the site that takes water run-off from the field away from the site.

On-going Management and Maintenance

- 6.34 The borehole and treatment plant will require regular and continuous management and maintenance. During construction and pre-occupation the accountability and responsibility for the borehole and water quality will sit with Beatrice and Mae Homes. However, once the 5 dwellings are sold it is intended that a management company be created which will be responsible for shared access and this shared service. The owners of each dwelling would be directors within the management company and thus take over responsibility for the borehole and the testing and maintenance contract.
- 6.35 An updated and detailed Service and Maintenance Schedule will be required, which the borehole specialists have suggested should be post drilling and borehole commissioning. It is not viable for the drilling of the borehole to commence until the applicant has more certainty that the planning permission will be approved. Therefore it is considered reasonable that this planning permission be approved subject to both a more detailed service and management schedule (referred to as a 'Private water Supply Management Plan') being prepared as well as being subject to the additional water quality and yield testing that are required. Without the adequate testing of the borehole the planning permission could not be implemented.

- 6.36 In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, an appropriate assessment has been completed in consultation with Natural England, who have not raised objection to the mitigation strategy being the provision of a private borehole in this location. Therefore, subject to conditions to secure the borehole and a S106 agreement there is no clear or compelling evidence to suggest that the proposal would result in an adverse impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180, or the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Climate Change

- 6.37 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.
- 6.38 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- Requirement to provide full fibre broadband site connectivity
 - Dedicated refuse and recycling storage capacity
 - Cycle parking facilities
 - Air source heat pumps to the three detached properties
- 6.39 In addition to these measures conditions are attached (either on this consent of the outline consent) to secure the following:
- Securing of SUDS and protection/improvement of green infrastructure
 - Requirement to provide full fibre broadband site connectivity
 - Biodiversity mitigation and enhancement
 - Five electric vehicle charging points
- 6.40 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Other Considerations

Drainage

- 6.41 Criteria V and VI of Policy 5 of the NPNP requires any scheme coming forward on the site to make satisfactory provision for managing sewage treatment; and make satisfactory provision in its flood risk assessment for mitigating any localised flooding arising from drainage from the field.
- 6.42 Policy 38 of the HDPF requires that where there is the potential to increase flood risk, proposals must incorporate the use of Sustainable Drainage Systems where technically feasible, or incorporate measures which reduce the risk of flooding and ensure flood risk is not increased elsewhere.

- 6.43 Objections have been received over the ability of the existing drainage network to accommodate increase foul and surface water flows. The Applicant has submitted a Flood Risk Assessment to support the Application which considers the likelihood of both foul and surface water flooding.
- 6.44 With regard to foul water, the Applicant states that a sewerage capacity check was completed for the previous application (DC/15/1946). This application was for 10 new homes. At the time Southern Water confirmed that there was capacity for 20 new units within the local network. Southern Water have not raised any objections to this scheme on the basis of foul sewerage capacity. In terms of surface water flooding, the Applicant has proposed a scheme for the management of surface water. This includes a system of infiltration into the ground in accordance with the SuDs Hierarchy (infiltration, watercourse, public sewers, private sewers). Each dwelling will have 2 infiltration blankets and any surface water from the roof will be routed to ground via the driveways which will be of porous paving. The surface water drainage disposal shows a permeable paving / cellular soakaway pipework arrangement. It should be noted that the underlying geology for this location will slightly impede infiltration with regards surface water disposal. Therefore additional information will be required to support the '*surface water disposal via soakaways*' as proposed. The outline consent includes a suitably worded condition to address this matter.

Trees

- 6.45 Policy 25 of the HDPF, requires that development safeguards protected species, ensuring no net loss of biodiversity. Policy 26 of the HDP requires that development protects the pattern of woodlands, hedgerows and trees.
- 6.46 The Council's Tree officer has assessed the supporting information submitted in relation to the protection of trees on and adjacent to the site. Conditions have been recommended to ensure that the root protection areas of the existing trees on the site are fully considered. This includes a no-dig above ground method of construction for the terraces at plots 2 and 5 to ensure the root protection of trees T1 and T2. Subject to these conditions the proposals are considered to accord with Policies 25 and 26 of the HDPF.

Ecology

- 6.47 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided (through locating on an alternative site through less harmful impacts), adequately mitigated or as a last resort compensated form then permission should be refused.
- 6.48 Policy 14 of the NPNP requires that development does not significantly affect habitats for flora, fauna and wildlife corridors, to avoid the use of close board fencing to preserve wildlife corridors, to ensure that development does not affect ponds and lakes, streams or rivers.
- 6.49 Policy 31 of the HDPF states that where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can demonstrate that the reason for development clearly outweighs the need to protect the value of the site and that appropriate mitigation and compensation measures are provided. Furthermore, the supporting text at Para 9.33 states that development proposals must provide sufficient information to assess the effects of development on biodiversity, and should provide any necessary ecological surveys together with any prevention, mitigation or compensation measures. Policy 25 of the HDPF states that development proposals must maintain and enhance biodiversity, ensure no net loss of wider biodiversity and provide net gains in biodiversity where possible.

- 6.50 The Applicant has submitted an Extended Phase 1 Habitat Survey (2018) which concludes that the site has potential for Great Crested Newts and Reptiles. The Applicant has also submitted a reptile mitigation strategy to support this Application (AEWC Ltd 2021). These details have been reviewed by HDC's Consultant Ecologist who raises no objection to the application on the basis that the Applicant will need to obtain a licence from Natural England and agree suitable mitigation. The Landscape Management Statement is not considered to contain sufficient biodiversity enhancements or a clear plan showing these at this time and therefore a condition is still recommended requiring full details of landscape and ecology management plan prior to occupation.
- 6.51 A condition requiring any details of lighting to be submitted and agreed was also included on the outline planning permission. Details of proposed lighting have been submitted with the reserved matters application, proposed to protect biodiversity interests. Following objections from nearby residents, the amount of lighting has been substantially reduced with each property now having a wall mounted lantern light to the front and a wall mounted lantern drop spot wall light to the rear. This is consistent with the western part of the site where it was considered that bollard street lighting was inappropriate and lighting attached to the dwellings was permitted only.
- 6.52 It should be noted that Policy 5 of the NPNP requires protection of the pond and surrounding area to the north of the site as a nature reserve. Officers note that ecology surveys were undertaken and a management plan produced in relation to this area under the previous planning permission. Officers therefore consider that this criteria has already been met. Accordingly the proposal meets the requirements of Policies 5 and 14 of the NPNP and Policy 31 of the HDPF.

Conclusion

- 6.53 This application seeks consent for the reserved matters following the previous grant of outline planning permission for five new residential dwellings on this site. Subject to the conditions it is considered that the application meets the requirements of the Nuthurst Neighbourhood Plan policies 5 and 14, as well as the requirements of policies 25, 32, 33, 40 and 41 of the HDPF. In respect of water neutrality, a bespoke borehole solution is proposed which subject to stringent conditions and the completion of a s106 agreement is considered deliverable such that the proposal would not result in adverse impacts on the Arun Valley SAC/SPA and Ramsar habitat sites. The application is therefore recommended for approval subject to the recommended conditions and the securing of the legal agreement.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Residential	769	0	769
		Total Gain	769
		Total Demolition	

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 To approve planning permission subject to the following conditions and the completion of a s106 legal agreement.

Conditions:

1 Plans list

2 **Pre- Commencement Condition:** The development hereby approved shall not commence until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the local planning authority. The PWSMP shall include, but not necessarily be limited to, the following information:

- i. A Regulation 6 risk assessment risk assessment (or subsequent superseding equivalent), undertaken by a suitably competent and experienced person in accordance with relevant guidance and statutory requirements, before the private water supply is brought into use; and at least once every five years thereafter.
- ii. Details of the review of the risk assessment, undertaken in accordance with relevant guidance and statutory requirements, at least every 5 years or such other shorter period as determined by the risk assessment or required by regulation.
- iii. Detail on the sampling and testing regime, undertake in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the outcome of the above-mentioned risk-assessment along with detail on how any failure of any samples will be investigated and managed.
- iv. Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
- v. Detail on the maintenance, servicing and cleaning of the pump, pumphouse, water treatment equipment, tanks, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- vi. Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
- vii. Detail on the continuity of supply during dry periods extending beyond 35 days.
- viii. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.
- ix. A named person for residents to contact (24/7) in an event of a failure or issue with the private water supply;

The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with 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).

- 3 **Pre-Commencement Condition:** No development, other than the drilling of the borehole, shall commence until evidence that water from the borehole has been sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies and analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and the findings submitted to the Local Planning Authority. In the event the samples show that any of the parameters are above the prescribed concentrations or values, as detailed in Schedule 1 of the Private Water Supplies (England) Regulations 2016, no development shall commence until a mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority that demonstrates how the water will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall then be implemented in full prior to first occupation of any dwelling and shall be retained and maintained at all times thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with 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).

- 4 **Pre-Occupation Condition:** No dwelling shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from the tap within the dwelling(s) meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with 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).

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

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details. The details shall include planting along the northern site boundary
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Ecological enhancement measures set out in Chapter 6 of the Extended Phase 1 Habitat Survey by AEW Ltd, dated July 2018

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

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

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan 5944-500 (26/7/21) and 5944-605 9car Parking Block Plan 20/06/22) and shall be thereafter retained as such.

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

- 7 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until an operational electric vehicle chargeable point has been provided to serve that dwelling.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the window(s) at first floor side elevation of all plots have been fitted with obscured glazing. No part of that/those window(s) that are/is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

- 9 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the plan 5944-400 Rev B 7/7/21 unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

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).

- 10 **Regulatory Condition:** No unit hereby permitted shall be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the borehole. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency measures set out in the Private Water Supply Management Plan (PWSMP) agreed under condition 2 until such time as the system is fully operational. The occupiers of each unit shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with 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).

- 11 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on 5944-502 rev A without the permission of the Local Planning Authority by way of formal application.

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

- 12 **Regulatory Condition:** All development with the Root Protection Zones of Trees T1 and T2 as shown on the Tree Protection Plan 8103/01 dated 7/21 shall be carried out in line with the following mitigations:

- Any excavations within the root protection areas shall be undertaken using hand-held tools.
- If any roots are exposed during the work, they should immediately be wrapped or covered to prevent desiccation and protect them from rapid temperature changes. Any wrapping should be removed before backfilling, which should take place as soon as possible.
- Before backfilling, any retained roots should be surrounded with topsoil or uncompacted sharp sand (builders' sand should not be used because of its high salt content, which is toxic to tree roots), or other loose inert granular fill, before the soil or another suitable material is replaced. This material should be free of contaminants and other foreign objects potentially injurious to tree roots.
- The post holes shall be lined with a non-permeable material or sheath, i.e. a plastic membrane, to protect the soil and any adjacent roots from the potentially toxic effects of uncured concrete.

Reason: To ensure the retention and maintenance of trees on site in the interest of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Great Crested Newt and Reptile Mitigation Strategy (AEWC Ltd, 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the 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 Development Framework.

- 14 **Regulatory Condition:** No works relating to the construction of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

- 15 **Regulatory Condition:** No deliveries of construction materials or plant and machinery and no removal of any spoil from the site, shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

16 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no dormer windows or other roof extensions shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

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

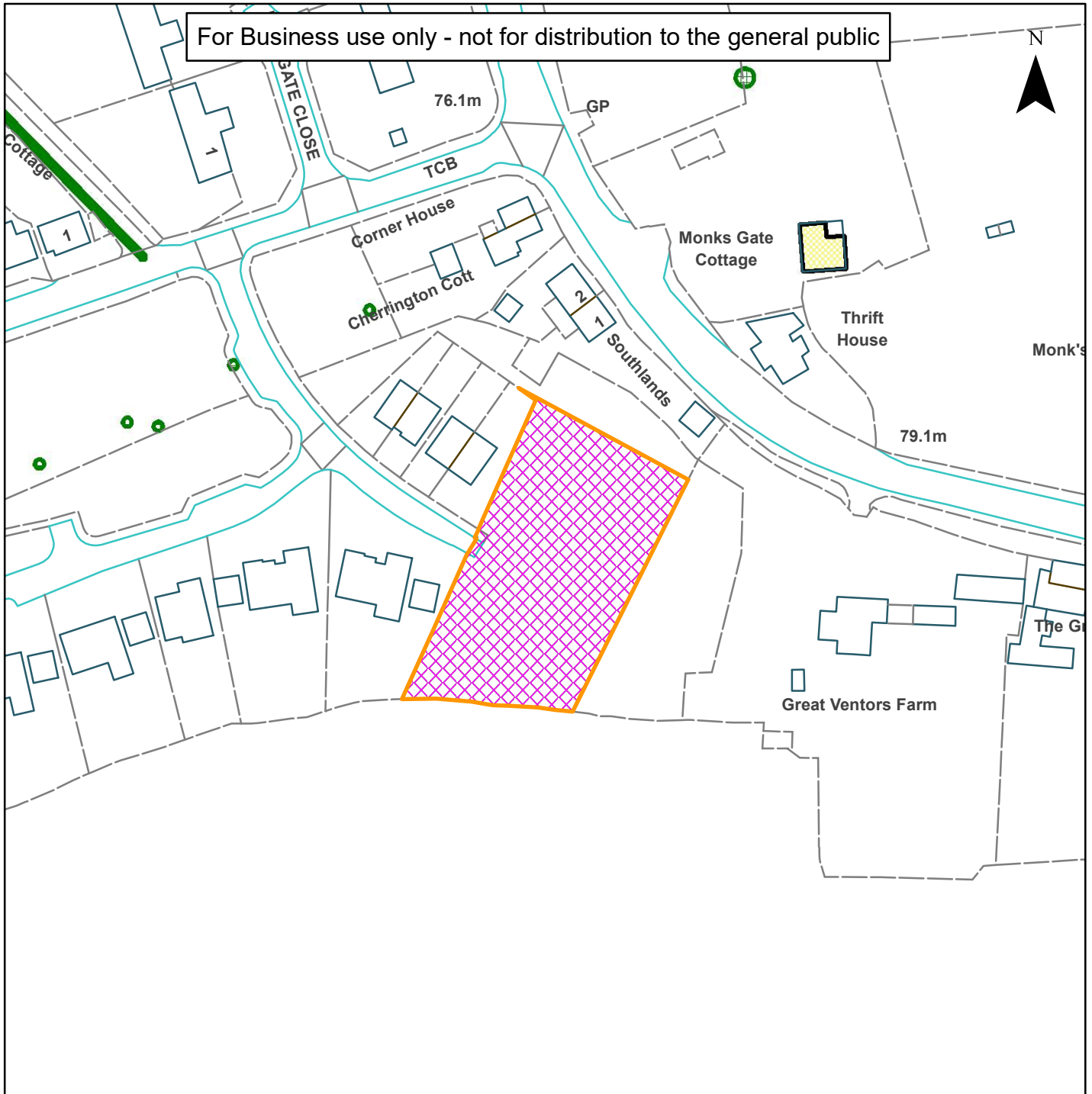
06) DC/21/1798



**Horsham
District
Council**

Great Ventors Development Site, Coolhurst Close, Monks Gate,
West Sussex

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	22/09/2022
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th October 2022

DEVELOPMENT: Construction of new Water Treatment House for the proposed Borehole to serve the neighbouring development site. To include new surface treatments and provision of a suitable enclosure.

SITE: Great Ventors Farm Brighton Road Monks Gate Horsham West Sussex RH13 6JD

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/22/1178

APPLICANT: **Name:** Mr Don Burstow **Address:** Great Ventors Farm Brighton Road Monks Gate Horsham West Sussex RH13 6JD

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 approve full planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

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

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks planning permission for the erection of a new Water Treatment House for the proposed Borehole to serve a proposed neighbouring housing development site (DC/21/1798). The proposed borehole is the development solution to water neutrality, meaning all water supplies to the proposed 5 dwellings on the adjacent housing site would be served entirely by this borehole.

- 1.2 The Water Treatment House would be brick built (to match the proposed adjacent development) with a flat roof with a slight pitch to a height of 2.6m to 2.68. A standard timber fence will be erected on the boundary line with secure gates. The perimeter would be planted with dense laurel hedging to screen the new building. A parking area would be provided adjacent to the Water Treatment House for maintenance visits, with a tarmac finish and gravel to the rest of the hard standing.
- 1.3 The site would be accessed via Coolhurst Close through the development proposed under application DC/21/1798). Coolhurst Close is in turn accessed from Nuthurst Road close to the T junction with the A281 Brighton Road.
- 1.4 The borehole would be raised above the surrounding ground level to protect against surface run off or accidental spillage. Access to the well head will be protected and secured by a lockable and insulated cover.

DESCRIPTION OF THE SITE

- 1.5 The site lies outside of the Built-up-Area within the countryside in Nuthurst Parish and forms a small part of a linear paddock between the residential curtilage of 'Great Ventors' and the development site proposed for 5 houses under application DC/21/1798. The adjacent site forms a housing allocation in the Nuthurst Parish Neighbourhood Plan and has outline planning permission for five dwellings (DC/18/1792). Application DC21/1798 referred to above seeks the reserved matters consent for the five houses.
- 1.6 The borehole and Water Treatment House site sits outside the housing allocation, albeit alongside, and is currently accessed from a post and rail fence and wide access gate from Great Ventors. The site is in the same ownership.

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 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 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

Supplementary Planning Guidance: The Nuthurst Parish Design Statement (2017).

RELEVANT NEIGHBOURHOOD PLAN

2.2 The Nuthurst Parish Neighbourhood Plan (2015):

Policy 1 – A spatial plan

Policy 5 – Land at Great Ventnors Farm, Monks Gate

Policy 10 – Housing Design

Policy 14 – Green Infrastructure and Biodiversity

2.3 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/1798	Reserved matters application for the provision of detailed design of the scheme following approval of DC/18/1792 (Outline application for the erection of 5 residential dwellings and associated works). Relating to Appearance, Landscaping, Layout and Scale.	Under consideration
DC/18/1792	Outline application for the erection of 5 residential dwellings and associated works. All matters reserved except for access.	Application Permitted on 13.06.2019

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 Environmental Health: No Objection

Noise

In our experience the plant associated with the proposed water treatment house will produce some noise. However, given that the proposed building will be of brick construction we are of the view that there are unlikely to be any significant noise impacts to local residents. To ensure that this is the case we would however recommend the below condition:

No internally and/or externally located plant, machinery equipment or building services plant shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

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

Private Water Supply

We have reviewed the information submitted in support of the application in relation to the proposed private water supply, notably the Nicholls Boreholes Design and Maintenance Supporting Detail and the B.A. Hydro Solutions Laboratory report, and we note the elevated levels of iron and manganese are likely to be present in the groundwater beneath the site

that will be the source of the private water supply. We are view however that risk assessment, testing and maintenance of the supply can be secured through conditions.

Construction Phase

Due to the close proximity of existing residential dwellings to the application site we recommend the hours of operation and deliveries be restricted by condition.

OUTSIDE AGENCIES

Southern Water: Comment

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways.

Natural England: (Comments made in respect of the same water neutrality strategy proposed under application DC/21/1798) No Objection

[summary] Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Our advice is as follows:

From the evidence provided in the Water Neutrality Statement the applicant is proposing the use of a private borehole as an alternative to a mains water supply. We have provided some advice on the use of private boreholes as mitigation in our [FAQs](#). Sussex North contains complex hydrogeology and applications for an alternative water supply require robust evidence that the proposed supply is not connected to Sussex North. No other mitigation such as rainwater harvesting has been proposed for this development which would therefore be fully reliant upon the private borehole for its water neutral status.

Of critical note for this application is the Environment Agency email dated 25/10/21 confirming that the position of the borehole at RH13 6GL will utilise water from an aquifer which lies outside of the Sussex North Water Supply Zone. In this instance, it has been confirmed that the borehole abstraction is not hydrologically linked to the aquifer that serves the Sussex North Supply Zone.

Based on this evidence the provision of a borehole in this location should not have an impact on the Habitats Sites. However, the success of a borehole as an alternative supply relies upon the provision of sufficient ongoing drinkable water. We advise that your authority as competent authority must ensure you are fully satisfied that the private borehole will yield sufficient drinkable water, be implemented at the specified location and be will monitored, managed and maintained in perpetuity, and that clear contingency measures are secured as specified in the HRA. You, as the competent authority, should ensure conditions are sufficiently robust to ensure that the mitigation measures can be fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation

measures are appropriately secured in any planning permission given as above. However please note that borehole applications will need to be considered on a case by case basis. In this instance, the abstraction has been shown to be outside of the Sussex North Supply Zone. Our acceptance of this application is limited to this application only and should not be taken as acceptance of the use of boreholes more generally. The area contains complex hydrogeology and the need to ensure that abstractions will not exacerbate any existing water resource constraints, in consultation with the Environment Agency, will be key.

03/08/2022 Addendum

We are writing to provide an addendum to our advice regarding this application. We wish to provide this to clarify that In this instance, it has been confirmed that the borehole abstraction included in this application is not hydrologically linked to the aquifer that serves the Sussex North Supply Zone.

Nuthurst Parish Council: Objection

The Parish Council objects strongly to this application on the following grounds.

- 1) The proposed site for the water treatment house is in a field that is not part of the Nuthurst Neighbourhood Plan site and is outside the proposed settlement boundary for Monks Gate. Therefore this would be development in the countryside which is contrary to the policies in the Neighbourhood Plan and in the Horsham District Planning Framework. Allowing development of a water treatment house on this site would set an unacceptable precedent for further development in the field.
- 2) Insufficient information/clarification has been provided on the proposed borehole and its quantity/quality and the proposed water treatment plant and its operation and management in order to demonstrate that the proposal is feasible and would comply with the required “drinking water standards”. The key points are as follows:
 1. There is a lack of clear evidence that the borehole will provide enough water – even the application states “no certainty that the borehole will provide enough water”.
 2. There is a lack of clear evidence about the quality of the water from the borehole as the WSP report acknowledges that “only limited data is available.” Also the analysis of raw water provided does not state where the sample was taken from. It is also noted that it was carried out in a laboratory that is not accredited for water supply analysis. This is unacceptable.
 3. It has not been demonstrated that the proposed treatment scheme will remove iron and manganese from the borehole water so as to meet the drinking water standards set in the “Private Water Supply Regulations”. A possible treatment scheme is suggested with proposed treatment/conditions for removal of iron but nothing is said about the treatment/conditions for removal of manganese. This is not acceptable.
 4. No information has been provided about the storage of chemicals needed for the operation of the treatment plant. Any spillage of chemicals could contaminate the aquifer.
 5. No information has been provided on the effect of taking water from the proposed borehole on the quality and quantity of water in the nearby boreholes, ponds and streams. It is important that there is no adverse effect on these features. One of the ponds and surrounding area is a protected local green space in the Nuthurst Neighbourhood Plan.
 6. No information has been provided on the effect of the abstraction on the water table and whether this will affect the foundations of the recently constructed houses in Coolhurst Close.
 7. There is no information about how the proposed site will be accessed for construction of the borehole and the water treatment house and the subsequent maintenance of

- the plant. The Parish Council understands that Coolhurst Close is a private road which is maintained by a Management Committee of Coolhurst Close residents. Therefore it would not be appropriate for access to be through Coolhurst Close.
8. No consideration has been given to the noise from the operation of the borehole and the treatment plant and the effect of the noise on the residents of Coolhurst Close and the residents of the proposed new houses.
 9. The proposed six monthly and annual checks by Nicholls Boreholes are not sufficient. The applicant proposes that a management team consisting of representatives of the 5 proposed new houses would be responsible for the plant. The operation of the borehole and treatment plant will need frequent regular checks, at least daily, by a knowledgeable person. The management team is unlikely to have the skills so who will perform this function?
 10. There is insufficient information about the proposed emergency connection to the public water supply in the event of a borehole or treatment plant failure. If water is taken from the public supply will the amount be metered and the residents of the 5 proposed houses pay for it? Furthermore if water is taken from the public supply the system would no longer be "water neutral".
 11. Who will be responsible if the treatment plant does not adequately remove the iron and manganese or harmful bacteria, or the treatment plant fails, and as a result the water supplied does not the standards?

PUBLIC CONSULTATIONS

Monks Gate Residents Association: Objection

- The proposed site is within a garden and outside the area designated as developable in the Neighbourhood Plan.
- The site appears to be accessed via a Private Road.
- The borehole is being proposed to get around the requirement for development sites to be water neutral.
- The borehole will have mains back-up; which immediately makes it non-water neutral.
- A number of chemicals would be needed on site; there are no details about who/how the water treatment and any associated spills/problems will be adequately managed post-build. it seems wholly inadequate to propose that a Management Committee of the 5 new houses will take over the responsibility.
- There is insufficient detail around the impact locally of draining water from an aquifer.
- There is no comment about the level of noise from the water treatment plant.
- The report from the Borehole Specialists is not detailed enough for a fully informed decision to be made.

19 Objections have been received from nearby residents. These objections are summarised as:

- Mains Water Back up System
- Noise of the pumping station
- Access should be via Great Ventors rather than Coolhurst Close
- Extracting water could cause subsidence
- Pollutants from run-off on fields
- Sewage plant already over loaded
- Cost of service and maintenance prohibitive to new residents
- Nearby borehole comparison is not justifiable
- Outside of Neighbourhood Plan allocation and settlement boundary
- An emergency connection to the mains water supply means the proposal is not water neutral
- How will extraction from the mains water system be monitored
- Likely to affect the water table in the area and potentially local ponds

- Inadequate water treatment details for manganese
- Concern over chemicals being used on site and potential pollution
- Concerns with water samples taken- dates and sources, and standards of lab processing
- Concerns with water quality and water treatment
- Not enough detail on management company
- Legal implications on new occupants
- Concerns over what happens in drought conditions
- Concern that the Source Protection Zone covers farmland and that normal farming activities such as using organic manure and liquid fertilizer 'need to be avoided'

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

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

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

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

6. PLANNING ASSESSMENTS

Principle of Development

- 6.1 Policy 26 states that outside built up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and support the need for agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use or; enable the sustainable development of rural areas. In addition proposals must be of a scale appropriate to its countryside character and location, and would not lead, either individually or cumulatively to a significant increase in the overall level of activity in the countryside and protects and/or conserve, enhances key features and characteristics of the landscape character in which it is located.
- 6.2 This application will essentially extend the residential development site to the east to include this part of the paddock land at Great Ventors within the site boundary. The paddock beyond this will remain as such. It is considered that in this instance a balance needs to be struck between the need for this part of the land to be developed for a borehole, and the visual impact on the countryside.
- 6.3 The applicants are proposing this private borehole to provide a deliverable solution to enable their adjacent housing site to be water neutral and, therefore, acceptable. The existing site boundary for the adjacent housing development does not have the capacity to deliver this piece of infrastructure therefore a small extension of the site into this adjacent paddock is required.
- 6.4 The proposed development will be small in scale with a flat roof and a maximum height of 2.68 metres. The building will be brick finished to match the new dwellings proposed on the adjacent site. The hardstanding to allow for service vehicles and the tarmac and gravel finish is considered to be minimal and with the proposed hedging the development is considered to have an unintrusive impact on the landscape. Given the clear link between this proposal and the adjacent housing site, both in terms of need and visual relationship, it is considered

that the principle of the development is acceptable subject to all other material considerations.

Site Layout, Design and Appearance

- 6.5 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.6 The Water Treatment House would be brick built (to match the proposed adjacent development) with a flat roof with a slight pitch to a height of 2.6m to 2.68. A standard timber fence will be erected on the boundary line with secure gates. The perimeter would be planted with dense laurel hedging to screen the new building. A parking area would be provided adjacent to the water Treatment House for maintenance visits, with a tarmac finish and gravel to the rest of the hard standing. Access will be via Coolhurst Close which would also serve the five new dwellings.
- 6.7 The borehole will be plastic lined with 125mm screen and casing. The casing will be surrounded by a washed and graded shingle gravel pack that forms a pre filter to hold the annulus open and stable. The top section of the well will be sealed to a depth of 10m below ground level using well grade bentonite (clay) sealing pellets which form an impervious seal, so protecting the source from unconfined ground water in the upper geology. The well head will be raised above the surrounding ground level to protect against surface run off or accidental spillage. Access to the well head will be protected and secured by a lockable and insulated cover.
- 6.8 The development is considered to be of a size and scale that sits appropriately within the context of the immediately adjacent housing site and the rural locality. It is acknowledged that the site itself is relatively enclosed, due primarily to the mature trees and planting along the boundary of the site. As a modest intrusion beyond the site boundary of the adjacent housing site it is not considered to result in harm to the character of the countryside.
- 6.9 The proposed development is therefore considered to relate acceptably to the landscape character of the area and is considered to be in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impact

- 6.10 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute to a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.11 Concern has been raised in relation to the noise impact of the proposed pump house. The Council's Environmental Health Officer has confirmed that this equipment is not noisy in nature and that it is unlikely to cause any disturbance. This is particularly so given the equipment would be housed within a solid brick structure. The borehole specialists have confirmed this position and describe the noise from the borehole as 'negligible'. It is stated that the only activity that produces any noise happens when the filters flush/rinse out once every 24 hours. This flushing exercise will require a fast flow of water and as such some noise is created from this. The volume of water needed for this will be determined by the size of filters, which is, as yet, unknown. This process is usually set to run overnight when no other water draw is required. Any noise from this can be mitigated easily by soundproofing

within the treatment shed/ room. With this in mind, and for the avoidance of any doubt a noise assessment is recommended to be conditioned to allow for any mitigation if required.

- 6.12 Concern has also been raised around whether extracting water here will impact on ground stability and cause subsidence. There is no evidence to suggest that extracting a modest quantum of water (approximately 1,300 litres per day) from a depth of approximately 80 metres below ground level as proposed will result in subsidence to existing or proposed properties.
- 6.13 For these reasons, the proposed development is not considered to result in harm to the amenities of neighbouring properties, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

The Bore Hole and Water Neutrality

- 6.14 It is proposed that the water neutrality requirements of the adjacent housing development will be achieved via this private borehole. The submitted 'Design and Maintenance Supporting Detail' document contains the Borehole Prognosis Report and Appendix B (by Nicholls Boreholes- page 43) shows a schematic example of a borehole. Appendix 2 of the document (page 44) shows the indicative design detail for the borehole, storage and filtration.
- 6.15 Following the initial consultation with the Environment Agency, Nicholls Borehole completed a prognosis report (contained within the Maintenance Supporting Detail document) which concluded that water availability should be more than adequate at a depth of 80 metres below ground level to provide a water supply of up to 20,000 litres per day, although until a borehole is dug this can never be certain. This proposal only requires an estimated 1,320 litres per day which is significantly below the amount of water which is likely to be available. The report also concludes (based on very historic nearby borehole water data) that the water from the borehole would be expected to have elevated iron and manganese and may be unsuitable for domestic supply unless treated. This is why the treatment house is proposed. The exact design and specification of the treatment works within the treatment house will not be known until water quality sampling is undertaken on site once the borehole is sunk. If the water quality, when tested in line with the proposed monitoring conditions, is not acceptable, then the development cannot be implemented.
- 6.16 As the borehole will provide potable water for use within each dwelling, the Council's Environmental Health team are required to monitor and enforce the quality of the water under the Private Water Supplies (England) Regulations 2016. The Council's Environmental Health team have reviewed the submitted information and have noted the likely high levels of iron and manganese. Their view is that it will be possible to sufficiently treat the water to make it safe for human consumption, and have recommended a series of conditions to ensure that appropriate sampling, risk assessments, contingencies and management/maintenance plans are agreed prior to first occupations, and ongoing thereafter. These conditions are set out below. As explained in the previous paragraph, if it transpires that the water quality, when tested in line with the proposed monitoring conditions, is not acceptable, then the development cannot be occupied as it will not benefit from a complete planning permission.
- 6.17 Concern has been raised by third parties in relation to the right for any of the occupiers of the five houses to connect to mains water, and how this will be restricted. It is not possible to directly deny an occupier the right to connect to a mains water supply as the right to connect is established via separate legislation. Officers have sought legal advice on how to address this matter and it has been determined that it is possible to apply a condition that requires that any mains connection must only be in an emergency for temporary purposes. In the event such an emergency occurs (such as pump failure) the occupiers must immediately undertake the necessary contingency measures set out in a management and maintenance plan until the system is fully operational again, with records must be kept of all water taken from the mains supply. Conditions to this effect are recommended below at

condition 4 and 9. These conditions are all considered to meet the tests of soundness that they are necessary, relevant, enforceable, precise and reasonable.

Source Protection Zones

- 6.18 A Groundwater Source Protection Zone (SPZ) will automatically apply to the private borehole when it is installed. An SPZ is an area where groundwater supplies are at risk from potentially polluting activities and accidental releases of pollutants. They are primarily a policy tool used to control activities close to water supplies intended for human consumption. SPZs are not statutory and are mainly for guidance but they do relate to distances and zones defined in legislation where certain activities are restricted. The Environment Agency only license water abstraction where over 20m³ litres of water is to be abstracted per day (enough for approximately 75 homes), and in such cases will map and monitor the accompanying SPZ. For smaller development, the EA guidance advises that a default SPZ be placed around the borehole, noting that in some cases underlying geology may mean that the extent of this radius may need to be greater or smaller. The EA have confirmed that they do not map these smaller SPZs and would not have the resource to enforce activity within them.
- 6.19 In this case the default 50m SPZ would encroach onto land not within the applicant's control and may therefore prejudice some activities taking place. The activities affected by a SPZ include landspreading, livestock housing, storage of pollutants etc. The Council has undertaken a 2 week targeted consultation with those properties that fall within a 50 metre radius of the proposed borehole location, with the applicants updated Design and Maintenance Supporting Detail document advising them of what activities should not be undertaken within the 50 metre zone and the extent of the 50m zone.
- 6.20 Concern has been raised by the adjacent agricultural land owner in relation to some of his land being located within the propose SPZ. This would be around 0.25 hectares of farmland that may no longer be able to use certain types of fertilisers that may pollute the groundwater. The area of land affected is proportionately small relative to the wider field it sits within and would not prejudice the farming of the wider field. It will though have a potentially modest impact on the farming of this 0.25ha corner of the field which is acknowledged. The Council's Environmental Health officers have clarified that in the worst case scenario that the restricted farming practices in the SPZ referred to by the adjacent landowner take place, the water quality will still be appropriately treated and will not form a public health risk.

On-going Management and Maintenance

- 6.21 The borehole and treatment plant will require regular and continuous management and maintenance. During construction and pre-occupation the accountability and responsibility for the borehole and water quality will sit with Beatrice and Mae Homes. However, once the 5 dwellings are sold it is intended that a management company be created which will be responsible for shared access and this shared service. The owners of each dwelling would be directors within the management company and thus take over responsibility for the borehole and the testing and maintenance contract.
- 6.22 An updated and detailed Service and Maintenance Schedule will be required, which the borehole specialists have suggested should be post-drilling and borehole commissioning. It is not viable for the drilling of the borehole to commence until the applicant has more certainty that the planning permission will be approved. Therefore it is considered reasonable that this planning permission be approved subject to both a more detailed service and management schedule (referred to as a 'Private water Supply Management Plan') being prepared as well as being subject to the additional water quality and yield testing that are required. Without the adequate testing of the borehole the planning permission could not be implemented.
- 6.23 In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, an appropriate assessment has been completed in consultation with Natural England,

who have not raised objection to the mitigation strategy (being the provision of a private borehole in this location). Therefore, subject to conditions as set out below to secure the borehole and ensure the quality of water is fit for human consumption, there is no clear or compelling evidence to suggest that the proposal would result in an adverse impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180, or the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions

- 6.24 This application seeks permission for the installation of a private borehole to provide all water supplies to five new dwellings proposed at the adjacent site, along with a Water Treatment House and associated hard standing for parking and access. Whilst it is acknowledged that the site is situated outside of the Built-Up-Area- Boundary, given the clear link between this proposal and the adjacent housing site, both in terms of need and visual relationship, it is considered that the principle of the development is acceptable in this instance.
- 6.26 The concept of a borehole to serve residential development is a complex one that requires further detailed information to be provided at different stages of implementation. Officers consider that the conditions recommended, along with a legal agreement- to be secured to ensure the ongoing and long term management and maintenance of the borehole by the future property owners of the adjacent site, by way of a management company, will provide sufficient certainty that the development will not have an adverse effect on the integrity of the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site.
- 6.27 Conditions are recommended in relation to the management of the construction process, an assessment of any future noise from the associated water treatment plant, appropriate boundary treatment for this countryside location, surface water runoff, appropriate lighting and hours of construction, and to tie the delivery of this borehole and treatment house to the delivery of the adjacent housing development only. On the balance of these considerations, the proposed development is recommended for approval in compliance with Policies 26, 31, 32, 33 of the HDPF and Paragraph 180 of the NPPF, subject to these conditions as detailed below.

7. RECOMMENDATIONS

- 7.1 To approve planning permission subject to the following conditions and the completion of a s106 legal agreement:

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 Condition:** The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:
 - i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;

- ii. Details of how residents will be advised of site management contact details and responsibilities;
- iii. Detailed site logistics arrangements (to include details shown on a plan), including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil);
- iv. Details regarding parking or site operatives and visitors, deliveries, and storage (to include details shown on a plan);
- v. The method of access to and from the construction site;
- vi. The arrangements for public consultation and liaison prior to and during the drilling and construction works – newsletters, fliers etc;
- vii. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;
- viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan).

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 4 **Pre- Commencement condition:** The development hereby approved shall not commence until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the local planning authority. The PWSMP shall include, but not necessarily be limited to, the following information:

- i. A Regulation 6 risk assessment risk assessment (or subsequent superseding equivalent), undertaken by a suitably competent and experienced person in accordance with relevant guidance and statutory requirements, before the private water supply is brought into use; and at least once every five years thereafter.
- ii. Details of the review of the risk assessment, undertaken in accordance with relevant guidance and statutory requirements, at least every 5 years or such other shorter period as determined by the risk assessment or required by regulation.
- iii. Detail on the sampling and testing regime, undertake in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the outcome of the above-mentioned risk-assessment along with detail on how any failure of any samples will be investigated and managed.
- iv. Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
- v. Detail on the maintenance, servicing and cleaning of the pump, pumphouse, water treatment equipment, tanks, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- vi. Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
- vii. Detail on the continuity of supply during dry periods extending beyond 35 days.
- viii. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.
- ix. A named person for residents to contact (24/7) in an event of a failure or issue with the private water supply;

The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with 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).

- 5 **Pre-commencement Condition:** No development, other than the drilling of the borehole, shall commence until evidence that water from the borehole has been sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies and analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and the findings submitted to the Local Planning Authority. In the event the samples show that any of the parameters are above the prescribed concentrations or values, as detailed in Schedule 1 of the Private Water Supplies (England) Regulations 2016, no development shall commence until a mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority that demonstrates how the water will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall then be implemented in full prior to first occupation of any dwelling and shall be retained and maintained at all times thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with 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).

- 6 **Pre-occupation Condition:** No dwelling shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from the tap within the dwelling(s) meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016 (or any superseding Regulations).

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with 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).

- 7 **Pre-Occupation Condition:** No internally and/or externally located plant, machinery equipment or building services plant shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

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

- 8 **Pre-Occupation Condition:** Notwithstanding the details submitted, no part of the development hereby permitted shall be occupied until details of the boundary fences and

hedge planting shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

- 9 **Regulatory condition:** No unit hereby permitted shall be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the rainwater harvesting system. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency measures set out in the management and maintenance plan agreed under condition 4 until such time as the system is fully operational. The occupiers of each unit shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with 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).

- 10 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the 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).

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

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

- 13 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

- 14 **Regulatory Condition:** No deliveries of construction materials or plant and machinery and no removal of any spoil from the site, shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

- 15 **Regulatory Condition:** The borehole and treatment house and associated parking areas hereby permitted shall only be constructed and operated in association with the adjacent housing development permitted under application reference DC/21/1798 only.

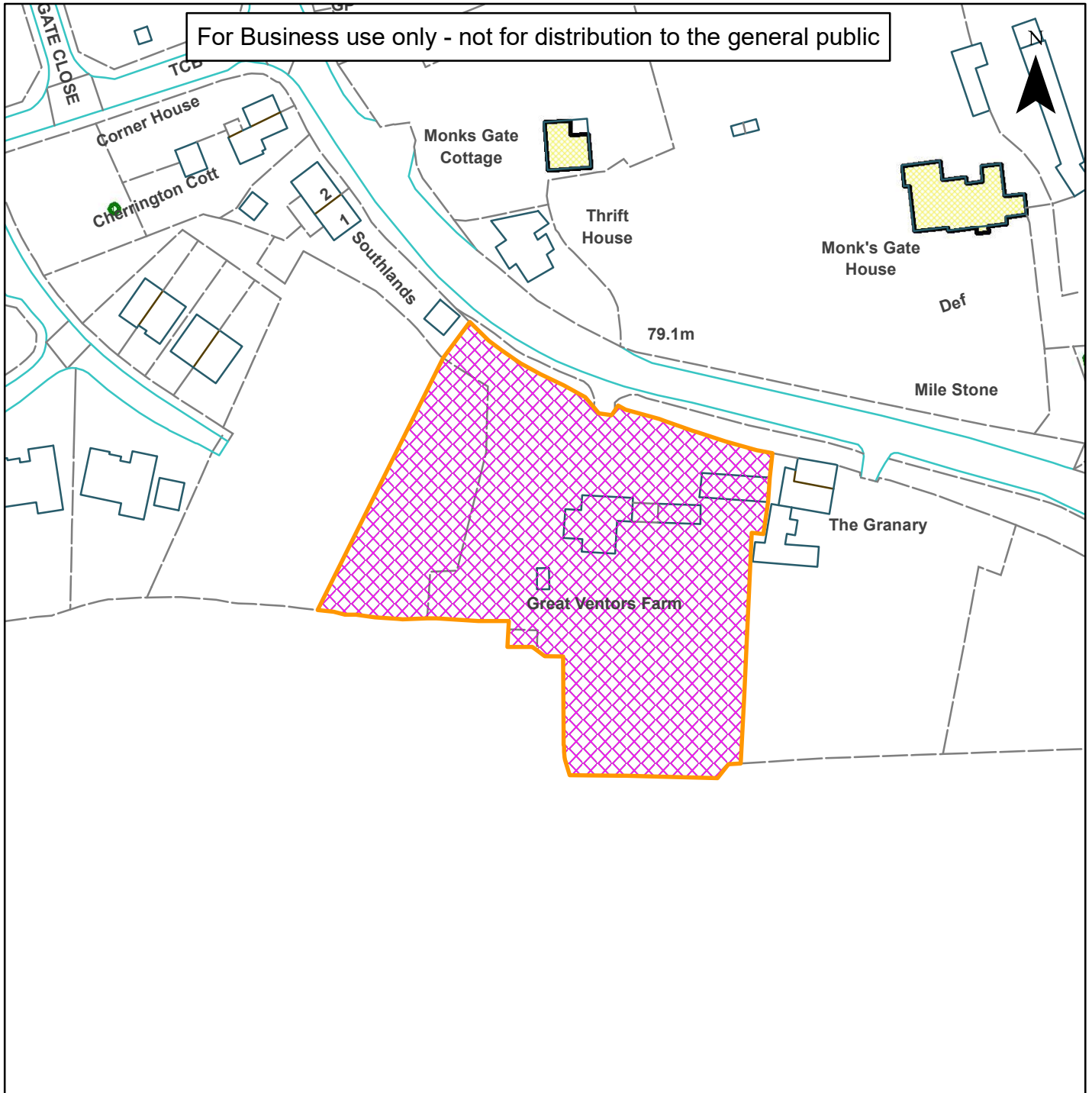
Reason: As the development is necessary only to facilitate the development of the adjacent allocated housing site and to avoid harm to the character of the countryside in compliance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

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Great Ventors Farm, Brighton Road, Monks Gate, Horsham,
West Sussex, RH13 6JD

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th October 2022

DEVELOPMENT: Change of use from a Religious Institution with bedrooms (Class C2) to accommodation for homeless persons (Sui Generis) for a temporary period of 5 years

SITE: Roffey Place, Old Crawley Road, Faygate, Horsham, West Sussex, RH12 4RU

WARD: Colgate and Rusper

APPLICATION: DC/22/0939

APPLICANT: **Name:** Ms Catherine Hill **Address:** Town Hall Chapel Road Worthing BN11 1HA

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 approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The proposal seeks to change the use of two buildings (main building and the gatehouse) at Roffey Place to facilitate their use for short-term accommodation for local homeless people on a path out of homelessness. This proposed use is considered to be a Sui Generis use. The application does not include the main listed building of Roffey Place or its immediate curtilage.
- 1.2 The facility would provide a total of 50 single occupancy rooms across the two buildings, with 8 x bedrooms in the gatehouse, and 40 x bedrooms, 1 x 1-bed bedsit and 1 x 1-bedroom self-contained flat, within the main building. The site would be operated by Turning Tides, a charity which provides short-term accommodation for homeless people, offering skills and network support to enable a path out of homelessness with a view of independent living back within the community. Each room would be single occupancy, and lengths of occupancy is usually in the region of up to 6-9 months.

- 1.3 As part of the facility, staff would be on site 24-hours, including waking night staff. Residents would be supported by specialist clinical, counselling and well-being teams, accommodated within the ground-floor rooms. Additionally, the site has the capacity to offer a multi-agency support hub on the ground floor which providing complimentary support for the residents, including from the Council, Turning Tides and other staff during working hours.
- 1.4 The shelter would provide all meals for residents, referred to as 'full-board', including basic snacks. Although residents would be expected to prepare their own lunches, the food is provided as part of the catering provision within the shelter.
- 1.5 Aside from functional changes of the rooms within the two buildings identified, there will be no external changes to the buildings, no physical changes to the building structures or the site access and parking areas, aside from general tidying up of these areas.
- 1.6 It has been confirmed that the Listed Building, which was previously in use as part of the bible college, would not form part of the proposed change of use. This building is to remain outside of the applicant's ownership and vacant. Internally, the current connecting passage between the residential block and the listed building would be blocked off to prevent access. In the event of additional security measures being necessary to prevent unauthorised access to the listed building, the applicant is willing to erect a fence around the frontage.
- 1.7 The facility would be supported by a free shuttle / mini-bus service (9-seater) offered by the applicants, Turning Tides, which is initially envisaged to operate 7 days a week from 12:00 – 20:00 hours, in order for residents to access services or amenities within Horsham. It is intended that this operate on a regular time-table by way of a dedicated driving team. A more ad-hoc service is envisaged to operate alongside the regular shuttle service, accessing other locations or times of travel.
- 1.8 A Management Plan has been submitted which sets out a series of procedures and policies that would apply in the overall management and organisation of the facility, along with details of the proposed shuttle / mini-bus service, staffing throughout a 24-period, and house rules to which the residents will be expected to adhere, along with procedures which are implemented in the event of a breach of tenancy or house-rules by a resident.

DESCRIPTION OF THE SITE

- 1.9 The application site lies on the southern side of Old Crawley Road, which runs parallel to the A264 / Crawley Road, and lies within the High Weald AONB. It is a sizable complex of buildings and land, including a grade II listed building, Roffey Place, which dates from the 18th Century, and which has an enclosed walled garden to its rear. Attached to the side of the listed building is a large two storey extension some 35m in width and 40m in depth which is the subject of this application, along with a detached gatehouse set to the site frontage with Old Crawley Road. The site has been in use as a Kingdom Faith Training Centre (theological college), with the complex providing live-in accommodation for students, since 1985. It is understood that the residential element of the college closed some 2 years ago as a result of the lockdowns during the Covid-19 pandemic, although the college maintained a presence on site up until some 6 months ago. Most of the previous site activity took place within the large side extension, which comprises ground floor halls, offices and kitchen/dining facilities, with the residential accommodation at first floor level above comprising some 45 bedrooms.
- 1.10 The Officer site visit to the premises revealed that a significant degree of damage and vandalism throughout the facility has occurred in the intervening period of vacancy, with copper piping ripped out of bathrooms and from within ceiling voids, sanitaryware smashed off the walls, broken panes of glass and other signs of wanton destruction.

- 1.11 The listed building has also been blocked off from the adjacent extension building, and has been boarded up to prevent access. This part of the wider site and the walled garden, are both excluded from the application site and proposed change of use, and would remain blocked off.
- 1.12 At first floor, the bedrooms, kitchenettes and bathrooms are laid out in the same manner as per the residential college. Similarly, the ground floor rooms provide for flexible meeting rooms, offices, a kitchen and dining room, along with a central former worshipping space with a lofty timber vaulted ceiling. The adjacent gatehouse appears as a standalone detached 'dwelling' with courtyard area and a wrap-around single-storey wing. As per the main block, this appears to be in good functional order, but in need of similar repairs.
- 1.13 Externally, the site benefits from three vehicular access points, with one from the west off Clovers Way and the main two access points leading to the application site off Old Crawley Road. The access points form an in and an out route through the site and via a large area of gravel and hard-standing used for parking, with additional hard-standing to the front of the listed building. There are various out-buildings, sheds, a cycle store and greenhouses within the grounds of the application site, which are large and open.

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 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 30 - Protected Landscapes
- 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 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities

Supplementary Planning Guidance:

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

RELEVANT NEIGHBOURHOOD PLAN

Colgate has not been designated as a Neighbourhood Plan area

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/1065	Change of use from a Religious Institution with bedrooms (Class C2) to a Hotel (Class C1).	Withdrawn Application on 26.08.2021
DC/04/0731	Erection of single storey extension to provide extensions to library, lounge, lecture room and staff flat	Application Permitted on 17.06.2004
CG/23/90	Erection of extension for student accommodation	Application Permitted on 07.08.1990

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 Housing:** Support

Housing Officers would support the application as it will provide a better outcome for some of the most vulnerable households within our district. It will provide households better outcomes to enable applicants to have supported move on options which are more likely to result in long term housing solutions and independent living.

The service will provide a total of 50 units of accommodation. Roffey Place is proposed to be a short-term accommodation service, where the needs of each individual are assessed and supported. In due course individuals will be supported to transition from Roffey Place to suitable longer-term accommodation that also meets their needs at that time. The Roffey Place service will be for local homeless people who have suffered multiple and often prolonged disadvantages throughout their life.

To ensure the effectiveness of this service Turning Tides propose to provide 24 hour a day staffing including waking night cover and specialist support from highly trained support workers in areas including mental health, substance and alcohol addiction and tenancy management. In addition, there will be a large multi-agency hub space on the ground floor where the Council, Turning Tides and other staff could be co-located to see clients by appointment during working hours. The service will be managed by Turning Tides, a charity with over 30 years' experience of running successful homelessness services across West Sussex.

As of March 2022, Horsham District Council were providing temporary accommodation to 34 single households and emergency accommodation to a further 31 single households, compared to April 2021 when 3 people were accommodated in emergency accommodation. This is a 933% increase.

Turning Tides has explained that they will adopt a multi-agency approach providing comprehensive support to some of the most vulnerable clients in our communities to ensure their needs are met and they are able to achieve a brighter future. Residents will live in a safe, secure, and supported environment that balances independence with sufficient support to enable people to rebuild their lives. The service will support residents to contribute through work or education, empowering them to develop confidence in themselves and harness their ambition. Support provided intends to develop the resident's ability to regain independence and to transition to lower support accommodation.

3.3 **HDC Heritage and Conservation:** Comment

The temporary proposed use will reduce the risk to the heritage asset as there would be greater incidental and managed surveillance. With the building being unoccupied there is an increased risk of vandalism and arson. A temporary security fence would be beneficial but it is not essential if the listed building is regularly monitored by staff.

Although details up front of the fence would be preferred, it is acceptable to secure the details by way of condition, as it would be a temporary structure.

OUTSIDE AGENCIES

3.4 **West Sussex County Council Highways:** No Objection

Details have been provided of the previous use as a bible college, and the proposed use as a homeless shelter, which reveals a less intensive proposed use.

It is likely that the peak hours of the proposed homeless shelter would be at the beginning, middle and end of the day which are outside of the normal am/pm peak hours, which would have a positive impact on highway capacity

The location of the site is considered to be unsustainable with no public transport or footways, but the applicant has now shown that the proposal can operate less intensively than under its lawful planning use.

Furthermore, the applicants have provided a site shuttle bus to mitigate where possible the reliance on the private car and to ensure residents have access to transport to get them to appointments, and for social activities. WSCC acknowledge the provision of the bus will go some way in helping to mitigate the unsustainable location whilst keeping the occupancy car trips to a minimum.

Should some residents need to bring a car to the site, car parking space is available; so this would not cause any overspill parking onto the public highway.

Access into the site will also be improved and the direction of travel controlled with private signage to mark and 'in' and 'out' for people visiting the site.

In response to the fatality along Old Crawley Road, the available data reveals this was a cyclist who collided with a vehicle, some 380m west of the site's access, which was down to 'reckless / careless behaviour' on the part of the vehicle driver. The LHA does not consider that the proposal would create any additional risk as the incident was not down to any highway defect and was not associated with the site access.

3.5 **Southern Water:** Comment

No public foul and surface water sewers in the area to serve the development – alternative means of foul and surface water disposal necessary

3.6 **Sussex Police:** Comment

[Summarised]:

From a crime prevention perspective, Sussex Police are pleased to note point 6.0 of the accompanying planning & heritage statement and Roffey Place statement of purpose supporting comments relating to safety and security and how residents will be supported.

The following measures are advised to reduce opportunity for crime and the fear of crime (using Secured by Design and Crime Prevention Through Environmental Design principles:

- Controlled entry door for authorised persons only (trades access or timed-release mechanisms are not advised to communal developments)
- Fire-rated bedroom doors off the central corridor, with suitable hinges and locks, and viewers

- All windows and doors checked to ensure they are fit-for-purpose and provided with appropriate locking mechanisms, new doors and windows to conform to specified minimum standards
- Postal arrangements via secure wall, lobby or external mounted secure post boxes (rather than in-door apertures)

Concerns have been raised by the local neighbourhood policing team that the premises may potentially place an additional burden upon policing resources, so regular reminders are advised to all users of the service of their license agreements as outlined in the accompanying statement of purpose.

The neighbourhood policing team have also expressed concerns that the location is not serviced by pavement to local roads and is very close to the A264 - nor is it serviced by public transport. This means that service users leaving on foot will be walking in the carriageway of a single lane road which creates a considerable safety risk.

3.7 **Natural England:** No Objection – subject to mitigation being secured

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Our advice is as follows:

From the evidence provided in the Water Neutrality Statement dated 24 June 2022, in conjunction with the revised water neutrality calculations (dated 04/08/2022) and the revised Part G calculator (dated 04/08/2022) the applicant is proposing mitigation measures through the use of water efficient fixtures and fittings in the proposed building.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given as above. You, as the competent authority, should ensure conditions are sufficiently robust to ensure that the mitigation measures can be fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations.

3.8 **Colgate Parish Council:** Comment

- When the parish meeting was open to members of the public they spoke strongly against DC/22/0939
- Concern that residents in nearby Roffey Park had not been notified of the proposal and that there was concern over substance abuse and the security of their own properties
- Isolated location for residents, lack of public transport and no footpath to walk safely along Old Crawley Road towards Horsham
- Confirm that Listed Building Consent is not required
- If permission is to be granted then development description should accurately reflect the use, rather than referring to 'sui generis', which could mean anything

PUBLIC CONSULTATIONS

3.9 To date 28 letters of representation from separate addresses have been received all of which express objections to the proposal, on the following grounds:

- Inappropriate location – close to nature walks, network of PROW through and past residential properties, and well-used woodland, tea-rooms and a pick-your-own farm, young children (Little Owls Nursery) – not suitable for intended re-integration into the community owing to distance from nearby amenities / job opportunities
- Existing residents will no longer be able to enjoy their rural location
- Welfare concern to nearby residents – stress and anxiety caused
- Potential for residents to be evicted from the site and camp out in the nearby woodlands
- Necessary to install 24/7 security
- Screening of residents necessary to ensure no adverse activities – potential mental health and substance abuse issues, as residents will be free to leave the site
- Complex health needs of residents would impact on local GPs and existing patients within nearby practices
- Instances of theft, criminal activity and burglary in the area – what are proposed mitigative crime measures?
- Location along road with no pavement, no shops or other nearby amenities, walking along road is dangerous – recent fatality along road
- No access to public transport, proposed ‘half-board’ will require residents to travel to access food and groceries
- Resulting boredom arising from rural location with no access to facilities and no available transport (50 single men in residence)
- Concern with acknowledgement in Planning Statement of possibility of anti-social behaviour
- Concern that the Police have expressed concerns and need for extensive security measures on-site
- Proposed ‘sui generis’ description and lack of publicity is clearly an indication to have the application approved under the radar – potential for other ‘sui generis’ uses to be implemented at the site without need for further planning permissions
- Other uses such as a hotel would be much better

Officers confirm that a site notice has been posted at the site dated 28th June as required by way of statutory notification procedure, along with neighbour letters to properties directly adjoining the site, as per the standard notification procedure. In addition, a newspaper advert has been placed in the local press.

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 In terms of local planning policies, HDPF policy 42 includes a provision to help create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long-term needs. Lack of reference to short-term needs would not preclude this policy from being considered as one of the main policies against which this proposal would be considered.

The pre-amble of HDPF Policy 42 states:

"It is important that development should contribute towards meeting the needs of all sections of the community and help to encourage social cohesion. We will therefore seek to ensure that opportunities are taken to address identified needs and that the services which promote and support health and well-being are accessible and effective, having regard to the circumstances of the people for whom they are provided."

- 6.2 The proposal seeks to provide temporary accommodation for a range of homeless people of various ages, ethnicities and backgrounds, both male and female, many of whom are currently homeless within the district and many have family links to the area. The provision of 50 rooms within the site would provide a transitional arrangement for prospective residents. It is noted that the district has experienced a 933% rise in single households / people needing emergency accommodation, which underpins the need for such as facility as being proposed.
- 6.3 It is noted that the proposal does not necessitate any new 'development' but instead seeks to use an existing built facility which is already provided with facilities and a floorplan that can easily be adapted to the needs of the applicants. Although located outside of a defined BUAB, the existing facility is already provided by vehicular access, parking space and outdoor recreational space for prospective residents. As such, the proposed conversion of what was previously a residential educational facility to a homeless shelter (Sui Generis use) would not conflict with the policy presumption which seeks to direct new development to sites within the defined BUAB.
- 6.4 The facility has previously been operational as a residential college for some 35 years, with acknowledged vehicular traffic movements, accommodating live-in students within the site. The proposed use is therefore considered to be commensurate with the previous use of the site, in that there had been a residential presence across the site throughout the week. One main difference would be that the current use would continue throughout the year, with occupancy levels fluctuating according to need and demand, rather than being limited to term-times. However, the extended occupancy of the site throughout the whole year is not considered to raise any policy-derived issues.
- 6.5 Accordingly, the proposal is considered to be compliant with local planning policies, particularly HDPF policies 2, 16 and 42. Furthermore, the proposal accords with the NPPF (para 60), which requires that the '*needs of groups with specific housing requirements are addressed*', and para 93(b), to '*take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community*'. Accordingly, this proposal would provide support for homeless people within the district to access on-site support, residential care and accommodation, with a view of achieving independent living and moving on into long-term housing.

Design, Appearance and Layout:

- 6.6 The existing shell and layout of the building already facilitates the on-site accommodation of residential students associated to the former college use of the building. At first-floor, the existing layout provides for some 34 bedrooms and clusters of male / female WCs and bathrooms. The functional layout is to be largely retained within the building with all

bedrooms to be strictly occupied on a single person basis, with clusters of rooms allowing for the allocation of rooms and residents according to needs and situation, e.g. creating a quieter 'wing', or where comparable aged residents are housed. There are some ground floor rooms enabling occupants to be housed with their pets. Ultimately, the accommodation has to be flexible and responsive to the needs of occupants of the site at any time.

- 6.7 It is noted that almost all cooking, bathing, WC facilities within the building will need to be replaced, largely on account of a significant degree of vandalism incurred within the premises since being vacant. These new fittings would enable water-efficiency measures to be achieved within the facility. Although it is intended that facilities are communal, such as cooking and dining, there would be some limited facilities within the bedroom 'wings', enabling residents basic food preparation and tea-making facilities.
- 6.8 At ground floor, the layout lends itself to a series of office spaces, communal cooking / dining, and multi-functional rooms that can serve as needed for advice, training, activity areas, IT hubs, resident lounges and staff areas where supporting services can be accessed. These existing spaces will be upgraded to serve as flexible support spaces for the facility and residents.
- 6.9 Despite the vandalism of the building, limited repair works are necessary to upgrade the existing fabric of the building, and so the proposed changes will be largely limited to the interior of the building.
- 6.10 The proposal therefore complies entirely with the aims of HDPF policies 32 and 33, and will retain the scale, character and appearance of the existing development.

Trees, Landscaping and Impact on AONB:

- 6.11 The overall Roffey Place site comprises some 2.5ha of land, excluding some 200sq.m of the site comprising the listed building and its walled garden. The former college grounds includes area of hard-standings to the frontage, trees and hedgerows which provide screening of the site from the public highway along with a sizable parking area with three vehicular access points. To the rear, the grounds are predominantly open grasslands with clusters of trees, giving way to the sweeping agricultural landscape beyond the site's boundaries.
- 6.12 As the site lies in the High Weald AONB, consideration of the proposal must be given in accordance with NPPF paras 176 and 177, and policy 30 of the HDPF (2015). It is noted that the proposal does not entail any further development, but proposes a change of use of the existing buildings which have been on site for some 30+ years. In this regard, the proposal is not considered to be major development within AONB. Given there would be no increase in development at the site, the landscape and scenic beauty of the AONB will not be impacted by the proposal beyond the existing and established development on site.
- 6.13 There are no indications that the external area and wider grounds would be subject to any changes other than ongoing regular maintenance and upkeep works. The proposal is not considered to lead to any impact, significant or otherwise, on the setting, character or landscape value of the designated landscape, and would maintain the distinctiveness and sense of place and setting of the High Weald AONB. The proposals would not therefore conflict with policies 25, 30 and 31 of the HDPF, or paragraphs 176 and 177 of the NPPF which affords great weight to conserving and enhancing the landscape and scenic beauty of the AONB.

Heritage Impacts:

- 6.14 The proposal would not affect the setting of the attached Grade II listed building of Roffey Place, which is excluded from the lease available to the applicants, and therefore set outside of the application site area.

- 6.15 As the adjacent heritage asset is to remain vacant, and outside of the application site, it may become necessary to secure this asset by means of a fence around its frontage, given the level of vandalism that has been experienced at the application site during its short period of vacancy. If the level of vandalism that already appears present in the locality affects the adjacent listed building, and protective fencing becomes necessary, then a planning condition is suggested to secure details to ensure they are appropriate to the setting and protection of the heritage asset.
- 6.16 At the rear, the heritage asset is already protected by a walled garden, defining the excluded area of the current application site.
- 6.17 The potential need to erect a protective fence would affect the setting of a listed building, but this is a short-term, and ultimately reversible structure, which seeks to prevent further harm to and damage to the fabric of the listed building itself. Subject to submission of details in the event that this fencing becomes a necessary addition to the frontage, then it is considered that the proposal would accord with the provisions of HDPF policy 34, and paras 197 and 199 the NPPF (2021).

Amenity Impacts:

- 6.18 The host building lies some 140m off the northern neighbouring properties at Clovers and Rose Cottages, some 240m off the western neighbours at New House Farm Business Centre (which includes some 9 dwellings), some 150m off the recently completed Little Barn Owls nursery to the south and a small group of nearby residential properties, and some 600m north west of dwellings within Roffey Park.
- 6.19 There is sufficient distance between residential properties so as to not lead to any direct issues regarding loss of light, outlook or privacy.
- 6.20 However, the comments raised are more related to the uncertainties associated with the nature of the proposed facility, namely re-integrating homeless people back into society by providing a short-term accommodation (6-9months), and by enabling the residents to seek health, financial, educational, vocational and community support and training.
- 6.21 The NPPF at para 92(b) sets out that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, to that crime and disorder, fear of crime, do not undermine the quality of life or community cohesion, and at 92(d), to enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.
- 6.22 Therefore, whilst there is support in national policy for the proposed facility, there is also a need to ensure there is a robust and workable management plan in place so that the operational running of the facility does not adversely lead to harm to neighbouring amenities. The submitted Planning Statement sets out that the following measures will be implemented as part of the overall management of the site:
- 24-hour 'double-cover' staffing including waking night cover ('double-cover' means at least 2 staff on site at all times)
 - Additional out-of-hours support available, including an on-call manager service (provided by Turning Tides)
 - Highly trained support staff to provide specialist support
 - Residents to sign a license agreement as part of their accommodation at the site, setting out rules and expectations to be adhered to, and warnings in the event of license breaches or anti-social behaviour. Provision for licenses to be ended
 - CCTV system at each entrance / exist, all communal areas, landings and to the exterior of the building, including the adjacent listed building
 - Monitored alarm system

A Management Plan (MP), along with all the relevant operational policies and procedures in which are to be implemented and put in place at the shelter, has been received. This MP also includes a code of conduct and house rules to which tenants will be expected to adhere throughout their occupancy, and sets out the implications in the event of a breach of the rules. It is considered that these details present a robust and comprehensive set of policies and procedures which will be in place at the site. Officers are therefore satisfied that these details can be secured by condition, and that the proposal will not result in harm to amenity that would conflict with Policy 33 of the HPDF.

Access and Highways Impacts:

- 6.23 The site is currently served by three functional vehicular access points, two off Old Crawley Road, and a gated access off Clovers Way. The two access points off Old Crawley Road directly serve the proposed facility and are already set up to function as an in and an out access, with hard-standing areas forming parking areas to accommodate some 50 parking spaces. The site previously had lawful use as a residential college with staff and 45 bedrooms, with the associated daily vehicular movements. Whilst the proposal presents an increase in five bedrooms across the site, given the nature of the proposed use there would inevitably be a low car ownership amongst residents. Even estimating this at 10%, this would only amount to some 5 spaces / cars.
- 6.24 The location of the site is some 800m northeast of the built up area boundary of Horsham. It is understood that some residents might have cars and would therefore be able to easily access local amenities, but for those residents without cars, there would be organised regular mini-bus services provided throughout the week. The supporting statement identifies that parking demand and trip generation would comprise a maximum of 20 onsite staff at any time, 5-10 daily visitors for residents, and potentially 10% of residents who own a car. This quantum of parking can be comfortably accommodated on the site, whilst the trip generation would be similar, and arguably less, than that of the previous use of the site as a residential training centre with some 45 bedrooms for overnight stays. Having considered the nature of the previous and proposed uses, it is not considered that the proposal will result in a severe cumulative impact on the operation of the highway such as to conflict with paragraph 111 of the NPPF.
- 6.25 Comments received from neighbouring occupiers raise concerns about the danger of pedestrians / cyclists using Old Crawley Road, citing a recent fatality to a cyclist. Old Crawley Road does not benefit from a footway along its full extent therefore the site is not well located for occupiers to walk to local services. Whilst there is a local bus network available connecting the site with both Horsham and Crawley, with the Metrobus 23 running along the A264 / Crawley Road operating on a half-hourly basis Monday-Saturday, and less frequently on Sundays, the nearest bus stops are approximately 800m northeast and about 1km to the southwest of the site. In recognition of the absence of a footway along Old Crawley Road, and the distance to local services, the applicants propose to operate a mini-bus service that is to operate 7 days a week regularly from 12:00 – 20:00 hours and also on a more ad hoc basis depending on need. This will enable residents to access services which may not be available 'in-house'. A condition is attached requiring further information of this service and to ensure that it operates at all times during the course of this temporary use.
- 6.26 The site has established vehicular access points off the public highway network, with these to be dedicated as 'in' and 'out' accesses. Furthermore, the site is provided by sufficient off-street parking capacity to service its needs. Details of how the mini-bus service (and the more ad-hoc service) would operate, have been clarified by the applicant, and are secure by condition. Therefore, despite the location of the site, the wider proposal incorporates appropriate and considered mitigation which would facilitate access to local services for residents. These details can be secured by condition to ensure this service is retained, and to ensure that the service is capable of being adapted in order to accommodate any changing needs and demands of the facility and residents. Overall, having regard the specific needs

of the occupiers and the provision of the shuttle bus service, it is considered that the proposal satisfies the criteria of HDPF policies 40 and 41 in this instance.

Water Neutrality:

- 6.27 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.
- 6.28 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.
- 6.29 The proposed change of use of the facility would consume water therefore the applications needs to evidence that the proposed use would not lead to increased consumption over and above the previous use as a residential educational college, in order to demonstrate the required water neutrality.
- 6.30 Submitted metered water bills of the property demonstrate a fluctuating water use over the period of 2015 until the property was vacated at the beginning of 2022. Having extrapolated averages across the period from April 2015 through to Oct 2021, the daily use amounts to some 5,002 litres per day (lpd). The proposal would involve the replacement of sanitaryware fittings with new low-volume and water efficient fittings, and replacing baths with new showers. Although the applicants envisage that a 90% occupancy rate is likely to be realistic, officers have applied a higher precautionary 100% occupancy rate, which would still achieve a reduced water consumption of 4,816 lpd. Therefore, the evidence supports that the proposed occupation of the facility would achieve a water neutral development. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, an appropriate assessment has been completed in consultation with Natural England, who have not raised objection to the mitigation strategy.
- 6.31 Therefore, subject to conditions to secure the efficient fixtures and fittings within the refurbished building, there is no clear or compelling evidence to suggest that the proposal would result in an adverse impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180, or the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters:

- 6.32 The applicants have requested that the proposal be granted permission for a temporary period of 5 years only. Given the particular use being proposed, the need for which may change over time, and given the concerns raised by interested parties over the potential for anti-social behaviour by some residents, it is considered that a temporary consent is appropriate in this instance to allow for review of the longer term need for the accommodation and how the site operates.

Conclusion / Planning Balance:

- 6.33 The proposal seeks a temporary use of the building and lands within the identified red line area, excluding the adjacent listed building and its walled garden, for a period of 5 years for the provision of residential accommodation and associated holistic services specifically for homeless people. This use is considered to accord with HDPF policies 2, 16 and 42 which

seeks to ensure adequate housing exists for a full range of occupiers within the district, reflecting particular needs.

- 6.34 The proposal would provide for the re-use of a currently vacant and vandalised building to provide the much needed homeless accommodation. The site benefits from established vehicular access and considerable parking provision within the site. Although located outside of the settlement boundary of Horsham, the existing lawful use of the site as a residential college provides for a more intensive impact on the public highway in terms of vehicular traffic movements than the proposals. Although there is a bus route close by, the lack of pavements around the site and the distance from local services leads to the site being considered to be 'unsustainable' in its location in terms of residential accommodation. However, owing to the very specific needs of the homeless shelter, and the organisation, experience and capacity of the operator, a mini-bus is to operate for residents to access services, amenities, employment opportunities and social networks. This will provide residents with the opportunity to safely access local services without the need to walk on roads currently without footways. Subject to the provision of this shuttle bus service, the specific nature of this proposal is considered in this case to meet the requirements of HDPF policies 40 and 41, with the effective re-use of previously developed land being encouraged as part of HDPF policy 2.
- 6.35 Consideration in relation to the siting of the application site within the High Weald AONB has concluded that no adverse impact would occur to the special qualities or landscape setting of the designated landscape as required by paragraphs 76 and 177 of the NPPF and HDPF policies 25, 30 and 31.
- 6.36 Furthermore, following the required upgrading and internal re-fitting works necessary throughout the building, there would be beneficial savings in terms of the resulting water use, as per the requirements of HDPF policy 35 and the water neutrality issues in relation to HDPF policy 31, such that there would be no adverse impact on the integrity of the Arun Valley SAC/SPA and Ramsar sites.
- 6.37 The applicants have considerable experience in delivering a wide range of residential accommodation for people looking to find a long-term solution to their homeless situation across West Sussex. This is a rural location which is intended to provide accommodation stays of between 6-9 month with sufficient space available in the building to provide 'in-house' access to supporting and holistic services for residents. Although the application is accompanied by details on the proposed management to support the delivery of the facility, such as CCTV coverage, 24 hour trained staffing and accommodation licenses to be signed by residents, a planning condition is advised to secure these and further details and to accord to HDPF policy 33.
- 6.38 The proposal is therefore considered to be in accordance with the development plan and is recommended for approval subject to the conditions below.

7. RECOMMENDATIONS:

- 7.1 To approve planning permission subject to the following conditions:

Conditions:

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

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

- 3 **Temporary Permissions:** The use hereby permitted shall provide for the accommodation of homeless people only, operated by Turning Tides, and shall be for a limited period of 5 years from the date of this permission. Thereafter the use shall be discontinued.

Reason: To allow for review of the need for the proposed accommodation and its impacts on the amenities of the area, accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The occupation and operation of the shelter hereby approved shall be in full compliance with the Management Plan (received 15.09.2022) has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be implemented and complied with for the duration of the use/development.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (received 24.06.2022). The use hereby permitted shall not be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for the proposed use has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with 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).

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to first occupation (or use) of the development hereby permitted and thereafter be retained for use at all times.

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

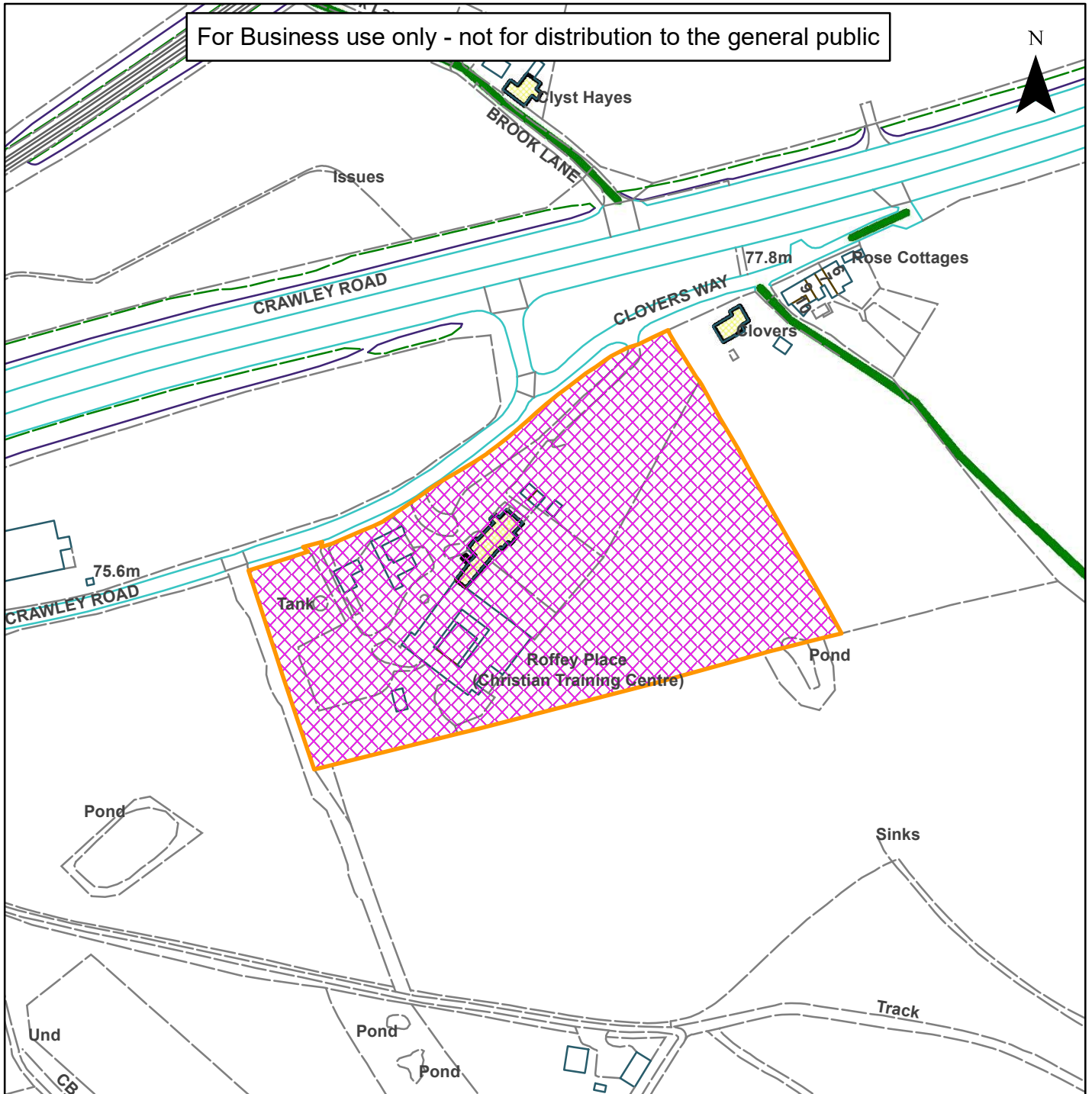
- 7 **Post-Occupation Condition:** In the event that additional means of protective and security fencing is required to the listed building, no fence or means of enclosure shall be erected until details have been submitted to and approved in writing by the Local Planning Authority. The fence or means of enclosure shall be implemented as approved, and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015).



Roffey Place, Old Crawley Road, Faygate, Horsham, West Sussex,
RH12 4RU

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th October 2022

DEVELOPMENT: Retrospective application for the replacement of an Agricultural Building.

SITE: Stonehouse Farm Handcross Road Plummers Plain Horsham West
Sussex RH13 6NZ

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/22/0829

APPLICANT: **Name:** Mr Gayne Cooper **Address:** Stonehouse Farm Handcross Road
Handcross Road Plummers Plain RH13 6NZ

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 Bradnum

RECOMMENDATION: To approve retrospective planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks retrospective planning permission for a steel clad (moss green) agricultural building with a mono pitched roof, with a floor area of 258sqm and dimensions of 37.9m (L) x 6.6m (W) x 5.2m (H) minimum – 6.6m (H) maximum; comprising two roller shutter doors to the east elevation. The footprint of the new storage building is 112sqm greater than that of the original small agricultural buildings.

1.3 The application includes the erection of a planter for landscaping and retaining wall approximately 1m high.

1.4. It is also advised by the applicant that the agricultural building will contain a workshop as well as storage space for plant, tools, and equipment associated with existing agricultural use on

site and will provide modern safe and secure workshop for maintenance and storage associated with the anaerobic digestion plant.

DESCRIPTION OF THE SITE

- 1.5 The application site forms part of an existing agricultural holding and comprises 41 hectares of land with for grazing of the applicant's dairy herd (which were recently sold), the farm is currently establishing a flock of 100 breeding ewes and 40 suckler cows. The site was originally purchased in 2002 and comprises the original Stonehouse Farm comprising land fronting onto Handcross Road (the southern part of the holding) plus the land previously known as Jacksons Farm fronting onto Hammerpond Road (the northern part of the holding). The whole site is now called Stonehouse Farm. The agricultural building subject to this application is located amongst a cluster of buildings to the south east of the site close to Handcross Road, in the location of former agricultural storage buildings now demolished.
- 1.6 The site is approximately 0.75ha in size, with mature established hedging and trees to the northern, eastern and western boundaries. The wider site boundaries to the north slopes sharply to the south, opening out to adjoining agricultural fields within the central and southern areas of the wider site and to the south western part of the site which is subject to this application. The agricultural building subject to this application is located within an area adjacent to the existing farm yard (with a temporary 'commercial' B1 / B8 building and yard area) to the south east of the wider site, where the adjacent buildings are of a similar style and design.
- 1.7 A public footpath (FP1708) crosses the farm between Handcross Road and Hammerpond Road north to south, close to the eastern boundary of the site. The wider site comprises a number of vacant, former farm buildings to the north of the site (adjacent to Hammerpond Road), a mobile home (within the old milking barn, cow shed, and a feed / storage barn immediately west of the area subject to this application within the southern part of the site and a new livestock building located centrally within the wider site boundaries, and located close to the existing anaerobic digestion plant to which the applicants advise is intrinsically linked to the current application.
- 1.8 The wider farm site area is generally characterised by open fields with mature tree boundaries. The southern area of the farm site, adjacent to Handcross Road, comprises an agricultural unit and dairy processing barn along with hardstanding areas which are currently subject to a temporary B1 / B8 permission, but have a reserved use for agricultural purposes. These temporary uses expire on or before the 30 March 2023 when the uses revert back to agricultural purposes.
- 1.9 To the rear/south of these buildings are a cluster of agricultural buildings. Some of these buildings are dilapidated and in a poor state of repair. The agricultural building subject to this application is located within this cluster, along with other agricultural buildings, one of which houses a mobile home for which an lawful development certificate has recently been granted. At the entrance from Handcross Road there are some further B1 office uses alongside parking areas. Further to the east are three ponds.
- 1.10 Elsewhere within the wider farm site there is a large recently constructed agricultural building (a dairy milking barn) housing an Anaerobic Digester (AD) plant alongside. These attached buildings are located more centrally within the wider site some 500m west of the application site, and are accessed via a separate track from Handcross Road.
- 1.11 On the northern boundary of the wider site fronting Hammerpond Road are further agricultural buildings now vacant. Prior to their sale, the dairy herd occupied many of these buildings, however they were then relocated to the new large dairy building in the centre of the site. Since the sale of the dairy herd the applicant has purchased a new breed of cattle

(which he intends to grow in numbers) and they will be housed in the new dairy barn going forward.

- 1.12 The land is within the Mannings Heath Open Ridge and Valley Farmlands Landscape Character Area and forms part of this undulating landscape. The land to the north of Hammerpond Road and south of Handcross Road is within the High Weald Area of Outstanding Natural Beauty.

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 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 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 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 – Parking

RELEVANT NEIGHBOURHOOD PLAN

The **Lower Beeding Neighbourhood Plan** not yet been made. Following examination of the Draft Lower Beeding Neighbourhood Plan 2014-2031 the Independent Examiner published his report on the 1 July 2021. The Council published the decision statement on 23 September 2021 and it has been agreed the plan may now proceed to referendum in due course. A date for the Referendum has not yet been agreed or published. Although not 'made' the LBNP is considered to hold significant weight in the decision making process as has been through the public consultation stages and also through the Public Examination process.

Relevant NBNP Policies include:

Draft Policy 1 - Biodiversity

Draft Policy 2 - Landscape Character

Draft Policy 4 - Sustainability

Draft Policy 5 - Energy Efficiency

Draft Policy 17 - Existing Employment Sites

Draft Policy 18 - Economic Growth

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/11/2010	Erection of an agricultural store and dairy processing unit - revised design to earlier planning approval under ref DC/06/1106 (which has been partially implemented) with the addition of solar panels to be mounted on the south-western part of the roof	Application Permitted on 25.11.2011
DC/12/2086	Prior notification for new agricultural building	Prior Approval Required on 03.12.2012
DC/13/0259	Prior notification for new agricultural building	Prior Approval Not Required on 05.12.2013
DC/13/1115	Non-material amendment to previously approved DC/07/2250 (Provision of sustainable drainage system for management of waters emanating from and in connection with a previously approved dairy unit (under application DC/06/1106), comprising 5 reedbeds, 3 attenuation ponds and importation of material for associated raising of land levels (Field located to the northeast of the existing farm buildings) to change the shape of the 3 x dairy reed beds	Application Permitted on 10.07.2013
DC/14/0729	Creation of agricultural building for Anaerobic Digestion (re-siting of building permitted under DC/13/0259)	Application Permitted on 10.07.2014
DC/14/2286	Portal frame Livestock Building	Application Permitted on 19.03.2015
DC/15/1831	Construction of dairy parlour to be served by farm track (to include resurfacing and widening) to be accessed from Handscross Road	Application Permitted on 02.06.2017
DC/16/0381	Retrospective change of use on agricultural barn to B1 light industry in a residential area	Application Permitted on 05.05.2016
DC/16/0454	Change of Use from slab making (Sui Generis) to B1 offices, with retention of existing parking	Application Permitted on 05.05.2016
DC/16/0702	Temporary change of use for a three year period of an agricultural store and dairy processing plant to B1 use	Application Permitted on 28.06.2016
DC/18/0109	Proposed change of use of existing hardstanding from Class B1 to Class B1 /B8 for the storage of full and empty skips and for overnight parking of vehicles in connection with the use.	Application Permitted on 08.06.2018
DC/19/1035	Temporary change of use for a period of three years of existing hardstanding from Use Class B1 to Use Class B1/B8 for the storage of full and empty skips and for overnight parking of vehicles in connection with the use (Renewal of DC/18/0109).	Application Permitted on 30.03.2020
DC/19/1046	Temporary change of use for a further three year period of an agricultural store and dairy processing plant to Use Class B1 and part B8 (Renewal of DC/16/0702).	Application Permitted on 30.03.2020
DC/19/1122	Amendments to dairy livestock building approval of full application DC/15/1831 to include an additional 384 sq. m of gross floor area and additional concrete yard area, creation of tracks as well as increasing the height of the building.	Application Permitted on 30.03.2020

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 Environmental Health: No objection

[summary] No objection, however if the building is to be used for agricultural purposes the hours of operation would need to be controlled by condition.

OUTSIDE AGENCIES

Agricultural Advisor: (RAC): No Objection

Overall I would consider that the replacement agricultural storage building and workshop is reasonably required for the purposes of agriculture on the holding and associated with the applicant's Anaerobic Digester plant. The proposal is compliant with national and local plan policy.

WSCC Highways: No Objection

WSCC Fire and Rescue: Comment

Having viewed the plans for the planning application no. DC/22/0829 for the replacement of an Agricultural Building, the nearest fire hydrant to this site is 300 metres away, 280 metres further than the 90 metres distance required for a commercial premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document – B (AD-B) Volume 2 2019 edition: B5 section 16.

- 3.2 **Lower Beeding Parish Council:** Object

- The size, scale and position of the building is not compatible with the stated purpose of an agricultural workshop to support the bio digester.
- Overdevelopment.
- Design – no justification for large size and height.
- Visual Impact
- Noise and Light disturbance
- No evidence has been provided to support the application statement that the bio digester is in continuous operation. There are many local anecdotal reports that the bio digester is not in use at all, and as such, no workshop building would be required.
- An agricultural building was erected immediately next to the site of the proposed building and was immediately declared as being redundant and temporary B1/B8 use was granted on the building. A comment was made by HDC at the time that B1/B8 use would not normally be permitted in this rural location. This temporary consent expires in March 2023 and so this building could be used as the agricultural workshop. There is no need for the application building.
- The design of the proposed building appears to be more industrial than agricultural, and given the proximity of the proposed building to the existing building that has temporary B1/B8 consent, there is a concern that the proposed building represents an attempt to continue the industrialisation of this rural site.
- Due to the fact that this application is a Retrospective Application it is immediately objected to by LBPC.

PUBLIC CONSULTATIONS

3.3 10 neighbour letters of representation were received objecting to the proposals on the following grounds:

- Another warehouse on this farm constitutes overdevelopment and inappropriate development in rural location
- Over industrialisation of the 'farm'.
- Already existing agricultural buildings on site with temporary consent for alternative purposes as agricultural business cannot sustain agricultural use.
- History of the farm and gradual change of existing farm buildings to industrial use.
- Further agricultural building not justified.
- Existing anaerobic digester building to which the application relates not in service.
- Location of unit in relation to anaerobic digester.
- Concerns about Industrialisation of farm site and the impact on the countryside.
- No suitable hard surfaced or haul roads between the bio digester plant and the workshop facilities for the frequency of plant maintenance that would be needed to justify the scale of the building
- Floodlights
- Hardly any farming activity on site.
- Cumulative impact of hardstanding areas on natural habitat. Flora and fauna and impact of grey water wash down of non-agricultural lorries on site
- Not sustainable development

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

Background

- 6.1 The applicant (Mr Gayne Cooper), trades as Hammer Valley Farm Limited, and operates as a livestock farming enterprise across two agricultural holdings totalling 81.93 hectares (202.45 acres). It is noted that Stonehouse Farm, Plummers Plain is the applicant's principal agricultural holding extending to 40.82 hectares (100.87 acres) and until Autumn 2021 there was a dairy herd on the holding which has since been sold.
- 6.2 The current livestock enterprises on the holding comprise of 20 pedigree Longhorn cattle (expanding to 40 breeding females) with calves at foot and 20 breeding Wiltshire Horn ewes and lambs. It is advised from discussions held on site that the applicant's revised 5 year business plan is to increase the breeding numbers of Longhorn Cattle to 40 suckler cows and rear the progeny to finish at three years old, which would result in a total of approximately 120 rearing calves on the site aged from one month to three years of age. In addition, it is advised that applicant is proposing to establish an outdoor pig herd initially with 20 breeding sows and finishing the progeny indoors in a section of the permitted large agricultural livestock building already on site. It is advised that the land at Stonehouse Farm is in a Mid-Tier Countryside Stewardship Scheme (Country Stewardship (CS) schemes provide funding to farmers and land managers to improve their local environment and provides support to help farmers and land managers create enhanced environmental outcomes by restoring wildlife habitats and creating woodlands, to managing flood risk). The CS is a scheme for the majority of farmers and land managers to help protect and enhance the environment to help support the preservation of the countryside for future generations.
- 6.3 The applicant has confirmed that the Anaerobic Digester (AD) plant is currently out of commission following the dispersal of the dairy herd, but advises that it is to be re-commissioned next year as manures from the winter housing of the livestock become available. In addition, maize silage will be imported on to the farm to be used in the AD plant.
- 6.4 The applicant advises that the large agricultural building (permitted DC/15/1831 and DC/19/1122) which originally was to be used to house the dairy cattle and is sited next to the AD plant will be used to house the applicant's current and increased numbers of livestock throughout the winter period.
- 6.5 The applicant advises that there has been several significant thefts of equipment and machinery associated with the AD plant. Details of these incidents are noted in the Savills Supporting Statement submitted with this application.

Principle of Development

- 6.6 National planning policy guidance for development in the countryside is set out in the revised National Planning Policy Framework (NPPF - 2021). Section 6 is concerned with 'Building a strong, competitive economy' and at paragraph 81 notes:

"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt..."

At paragraph 84 'Supporting a prosperous rural economy' it notes:

"Planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) The development and diversification of agricultural and other land-based businesses;*
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) The retention and development of accessible local services and*

community facilities, such as local shops, meeting places, sport venues, open space, cultural buildings, public houses and places of worship”

- 6.7 Lower Beeding Neighbourhood Plan whilst not yet ‘made’ carries significant weight in the decision making process as it has been through the public consultation process and has been subject to Independent Examination. The Councils decision Statement was published on the 23 September 2021 and as such the plan will proceed to referendum in due course. No date has been set for this given that there is no strategic solution to matters relating to Water Neutrality at this moment in time. Relevant policies relating to this application include Draft Policy 18 Economic Growth. This policy advises that

Policy 18: Economic Growth

Development proposals for employment uses will be supported where:

1. Development proposed is on previously developed land;
2. Is in keeping with the rural character of the local area;
3. Proposals have no significant detrimental impact on residential amenity; and
4. Would not have unacceptable impact on the local road network

- 6.8 HDPF Policy 10 Rural Economic Development states that in the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside; and either
- a. Be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or
 - b. Result in substantial environmental improvement and reduce the impact on the countryside particularly if there are exceptional cases where new or replacement buildings are involved. New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities and criteria a) has been considered first.

The policy also advises [point 2 refers] that it must be demonstrated that car parking requirements can be accommodated satisfactorily within the immediate surrounds of the buildings, or an alternative, logical solution is proposed.”

- 6.9 Policy 26 (Strategic Policy: Countryside Protection) states that outside the built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. This policy states that any proposal must be essential to its countryside location, and in addition meet one of the following criteria; support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational and enable to the sustainable development of rural areas.

In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located, including:

1. the development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;
2. the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and
3. the landform of the area.”

- 6.10 The Councils Agricultural Advisor (RAC) has been consulted and as part of the assessment has considered the supporting information submitted by ‘Savills’.

- 6.11 It is noted by RAC that the Savills Supporting Statement provides aerial photographs of the small agricultural buildings that were previously sited where the new agricultural storage building has been erected, and that the Savills Statement advises that the original buildings were no longer fit for purposes to accommodate the modern machinery due to their height. It advises that the buildings were not watertight or fit to house livestock and that there were limitations to their use due to their state of disrepair as was illustrated within supporting photographic evidence provided within the supporting statement.
- 6.12 The Council's Agricultural Advisor states that on reviewing some of the other small existing agricultural buildings (at the site visit) that are in close proximity to the newly constructed agricultural storage building (the subject of this application), it is confirmed that they are also in a state of disrepair and would not be suitable for use as agricultural storage buildings.
- 6.13 The Council's Agricultural Adviser accepts that the applicants AD plant is not currently operational however, it has been advised by the applicant that it will be recommissioned next year and once operational will provide green electricity to a maximum of 1,000KW per day and manures for spreading back onto the applicant's farmland.
- 6.14 The Council's Agricultural Advisor is satisfied that the new agricultural building is acceptable, however they suggest that it would be advisable to impose a condition that the agricultural storage building and workshop is for the sole use of agricultural activities within the applicant's farming business – Hammer Valley Farm Limited. A suitable condition to restrict the use of the building for agricultural purposes is considered necessary and as such has been imposed.
- 6.15 It is therefore considered that there is an identifiable need for the building to support the agricultural operations of the site and therefore the grant of retrospective planning permission for this unit is considered to accord with the principles of policies 10 and 26 of the HDPF (2015).
- 6.16 The principle of development is therefore considered acceptable given that the building supports the needs of agriculture and is of a size and scale that is considered to be appropriate within the context of its immediate surroundings and the countryside. It is considered that the proposals conform with paragraph 83 of the NPPF and to the general principles of Policy 10 of the HDPF, and subject to compliance with all other relevant policies and the related criteria within the HDPF.

Design and Appearance:

- 6.17 Policies 32 and 33 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensure that it will; complement locally distinctive characters and heritage, contribute to both the buildings and spaces and integrate well with their surroundings, is locally distinctive in character and respects the character of the surrounding area.
- 6.18 The new building comprises a mono pitch steel framed building clad in green box profile measuring 37.9m x 6.8m (total floor area 257.7sqm). The building has two roller shutter doors and personnel doors located on the northern elevation, and has a ridge height of 6.6m and height to eaves of 5.2m. The building is to be used for the storage of machinery and equipment associated with the farm's Anaerobic Digestion plant and as a secure workshop. There is an existing access that serves this replacement agricultural building.
- 6.19 The building is set back well within the site boundaries to the rear of a cluster of other agricultural buildings (some of which that have temporary B1 /B8 use). The land slopes down to the rear of this cluster of buildings and as such the building sits within a dip and does not appear to be visually dominant within the immediate context of the surrounding area. The

agricultural building replaces previously outdated and dilapidated buildings which were visually unattractive and in poor repair.

- 6.20 The building in situ is considered to be of a size, scale and design that is acceptable within the context of the group of existing agricultural buildings and in an area that provides easy access to allow the safe movement into the building of large, bulky and heavy machinery associated with the applicant's AD plant. The building provides a secure area for the storage of all the machinery, spares and equipment associated with the applicant's AD plant and as such they are well screened from public views and from within the wider farm holding itself.
- 6.21 Local residents have raised concerns regarding the size, height and scale of the building and are concerned that it is located too far away from the existing AD plant to be put to viable use for purposes of storage and maintenance for it in the event that it (the AD plant) comes back into use. Concerns have also been raised that there are no hard surfaced roads or haul roads that lead from the AD plant to the new building and as such this would require further hardstanding areas across the farmland to make the relationship viable, thus resulting in likely further visual harm to the countryside.
- 6.22 During the officer site visit the applicant demonstrated that access to and from the AD plant was out past the existing agricultural barns (subject to temporary B1/B8 use) and out onto Handcross Road and back onto the site via an existing track that leads to the AD plant. It is not therefore considered that the creation of further tracks within the site itself would be necessary, and as such in this respect the use of the building in connection with the Anaerobic Digester plant would not necessitate further infrastructure that would cause visual harm to the countryside.
- 6.23 It is therefore considered that the proposal would not be significantly detrimental to the rural character of the area in accordance with Policies 32 and 33 of the HDPF.

Amenity Impacts:

- 6.24 The replacement agricultural storage building is within the same location as the previously demolished buildings and given its separation from the nearest dwellings is not considered to result in any appreciable harm to private amenity. In this respect, the development proposals is considered to accord with Policies 32 and 33 of the HDPF.

Highways Impacts:

- 6.25 It is advised by the applicant that parking and turning arrangements will remain as existing. The applicant has also advised that they intend to utilise the existing vehicular access for this development, with no alterations to this arrangement proposed. WSCC Highways have been consulted and they have advised that there are no apparent visibility issues with the existing point of access on to Handcross Road.
- 6.26 Given the above, WSCC as Local Highway Authority have advised that given that the replacement building is not significantly larger than that of the previous, the LHA does not anticipate that the proposed development would give rise to a material intensification of movements to or from the site.
- 6.27 In conclusion, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Other Matters:

- 6.28 It is noted that The Parish Council raise concerns in their consultation response in regards to the consent relating to the temporary B1 /B8 uses currently being carried out in the existing dairy processing unit (which is located west of the building subject to this application). Specifically, the temporary permission expires in March 2023 and it is questioned why another agricultural building / workshop is required on site when this existing building could be used for the same purposes currently being sought.
- 6.29 The applicant states in their design and access statement that there are no buildings on the site that would be suitable to house the large anaerobic digester equipment to be serviced on the site, and that the building has been designed by the applicant so that large elements of plant associated with the digester and the electricity generation can be taken in or out of either end of the workshop. It is advised by the applicants that the reason for the replacement of the older buildings (since demolished) *'was also to provide secure workshop and space to store valuable plant tools and equipment used in connection with running and servicing the farm anaerobic digester which is an important and integral part of the sustainable farm model being developed together with the new livestock building'*. It is advised that the new building is approximately 45.7m from the farmhouse occupied by the applicant (Mr Cooper) and is close to other farm buildings which are occupied most of the time and therefore add to the security of the site. Observations of the new building during the Officer site visit revealed that there is a mobile hoist and that the building has been subdivided in part, to allow for the workshop area to be separated from the storage area.
- 6.30 The temporary uses of the existing barn and hardstanding area nearby expire on or before the 30 March 2023 and the use of these units then reverts back to the required agricultural use for dairy processing purposes. The use of these buildings for any other non-agricultural purposes would need to be applied for through a formal planning application, with any such alternative non-agricultural uses to be assessed against established and adopted countryside protection policies. It should be noted that the grant of a temporary use does not automatically mean that planning permission will be granted permanently. Of particular note is that the original application for the barn (DC/06/1106) states within Condition 3 that the agricultural store and dairy processing building cannot be used for housing livestock. On this basis it is not evidenced that this existing barn is truly available and with the necessary consents to be used as an alternative to the barn being considered under this application.
- 6.31 It should also be noted the barn generally complies with the requirements of permitted development set out within Schedule 2, Part 6, Class A of the General Permitted Development Order (England) 2015, however as it was commenced prior to receiving confirmation that it met the Part 6 criteria for an agricultural building, it was not possible to confirm that the structure was indeed 'permitted development'. The applicant advises that such an application was made prior to commencement of works in 2020, however records show that no such application was received by the Council, despite a Royal Mail receipt provided by the applicant. Accordingly it has been necessary for the applicant to submit this retrospective full application for the barn.

Water Neutrality

- 6.32 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.
- 6.33 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.

- 6.34 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.
- 6.35 The Applicant advises in their Design and Access Statement that the water use associated with the new building is negligible and solely for toilet and washing facility within the building. The building is to be used for agricultural storage for the benefit of Stonehouse Farm therefore it would reasonably be expected that any water use within the building would simply be that that would otherwise have taken place elsewhere on the farm holding. On this basis officers conclude that there is no evidence that the building will result in additional mains water consumption that would result in an adverse impact on the integrity of the Arun Valley habitat sites, either alone or in combination with other plans and projects. An Appropriate Assessment of the proposals is not therefore required.
- 6.36 There is therefore no clear or compelling evidence to suggest the nature and scale of the agricultural barn in situ would result in a more intensive occupation that would result in an increased consumption of water which would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with Policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions

- 6.37 The agricultural building as constructed is considered to be acceptable in terms of its impact on both visual and private amenities, its impacts on the landscape and countryside location, and in terms of its size, scale and appearance, and subject to the imposition of a condition to restrict its use to agricultural purposes. Whilst it is understood that a nearby barn may be a suitable alternative to provide the storage and workshop facilities in the alternative, this barn is currently under a temporary planning consent for other uses and would revert to a dairy processing use when those uses cease in March 2023. Given these circumstances, and the fact that the barn as applied for replaces an existing agricultural building set amongst a cluster of other agricultural barns, it is not considered that the potential availability of an alternative barn nearby to house the proposed uses is sufficient reason to withhold planning permission. The barn as constructed is acceptable in all other respects and overall is considered to accord with Policies 10, 26, 32, 33 and 40 of the HDPF.

7. RECOMMENDATIONS

- 7.1 To approve planning permission subject to the following conditions:

Conditions:

1. Plans list
2. **Regulatory Condition:** The building hereby permitted shall be used solely for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990, and for the benefit of the farm holding at Stonehouse Farm only, and for no other purposes.

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development unrelated to an essential rural activity would not normally be permitted, and as alternative uses by different occupiers may result in an adverse impact on the integrity of the Arun Valley SAC/SPA and Ramsar sites.

3. **Regulatory Condition:** No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

4. **Regulatory Condition:** Within three months of the date of this permission a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall have been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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09) DC/22/0829



Horsham
District
Council

Stonehouse Farm, Handcross Road, Plummers Plain, Horsham,
West Sussex, RH13 6NZ

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N



Ponds

Stone House Farm

Meadowcroft

B 2110

Scale: 1:1,250

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Department	
Comments	
Date	22/09/2022
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th October 2022

DEVELOPMENT: Erection of a single storey dwelling with associated parking.

SITE: Land at 521753 134251 Old Forge Close Faygate Horsham West Sussex RH12 4QG

WARD: Colgate and Rusper

APPLICATION: DC/21/0738

APPLICANT: **Name:** Mr R Pestell **Address:** 1 Brockwell Cottages Faygate Lane Faygate Horsham West Sussex RH12 4SH

REASON FOR INCLUSION ON THE AGENDA: The Development would represent a departure from the Local Plan

RECOMMENDATION: To approve planning permission subject to appropriate conditions and s106 Agreement.

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

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the erection of a single storey 3-bed dwelling and associated parking.

1.3 The proposed dwelling would be located centrally in the site and would be oriented to face west. The proposal would extend to a width of 10.3m along the frontage, with an additional projection to the north located to the rear. The dwelling would measure to a total depth of 13.5m, and would incorporate a hipped roof measuring to a height of 5m. The proposal would be finished in facing brickwork and concrete tiles.

1.4 A total of 3no. parking spaces are proposed along the frontage of the site, with rear amenity space proposed to the south and west of the dwelling.

DESCRIPTION OF THE SITE

- 1.5 The application site is located to the west of Faygate Lane and comprises an area of land to the rear of 1 Brockwell Cottages. The land is surrounded on all sides by residential dwellings that front Halls Drive to the north and Old Forge Close to the west. The area of land is undeveloped and is physically separated from the residential curtilages of the surrounding dwellings (including 1 Brockwell Cottage) by a close boarded fence.
- 1.5 While situated among residential dwellings, the settlement of Faygate is unclassified and has no defined built-up area. The site is therefore located within the countryside in policy terms. The surrounding residential properties are two storey in height, with the dwelling of 9 Halls Drive including a number of first floor windows facing onto the application site. A detached garage serving this dwelling sits immediately adjacent to the northern boundary of the site. The adjacent dwelling to the south is oriented to face west, with ground and first floor side windows facing onto the site. The dwellings of 1-3 Brockwell Cottages are located approximately 15m to the east, with the residential curtilages of these properties backing onto the application site. A commercial car garage is located to the north-east of the site.
- 1.6 The wider surroundings are classified by relatively dense residential development, with enclosed fields and woodland located beyond the boundaries of this development.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 **National Planning Policy Framework**

2.4 **Horsham District Planning Framework (HDPF 2015)**

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

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Colgate has not been designated as a Neighbourhood Plan Area

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/2200

Erection of a two storey 4 bedroom detached dwelling
with associated parking and fencing

Withdrawn Application on
06.11.2017

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** The application site historically formed part of a brickworks, with associated pits, and more recently as a coal yard. Given that Environmental Health considers both of these land uses as potentially contaminating we are of the view that the ground on the site has the potential to be contaminated. To ensure that the site is suitable for development we would therefore reasonably expect the application to be supported by a Phase 1 Preliminary Assessment. Due to the proximity of residential properties, conditions to control noise and disturbance during the construction phase are also recommended.

OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** Faygate Lane is a C classified road with a 30mph speed limit in this location. However, the property is to be directly accessed from Old Forge Close; a private 'no through' road to which West Sussex County Council has no maintenance responsibilities. Access to the maintained highway network will take place via Old Forge Close / Halls Drive onto Faygate Lane via an established priority junction. Given the number of dwellings already making use of the established priority junction from Halls Drive onto Faygate Lane, it would not be anticipated that the proposed will result in the vehicular intensification of use at the access point onto Faygate Lane.
- 3.4 A study of the site plan demonstrates that 3 off street parking spaces are to be provided with this proposal. This is in accordance with the anticipated demand of a dwelling of this size in this location.
- 3.5 An inspection of the Design & Access Statement and other online documents reveals that pedestrian and vehicular visibility upon exiting the site is restricted by high boundary treatments in both directions. Nevertheless, it is anticipated that vehicle speeds in this location would be low and traffic volumes light. The site plan and online photographs demonstrate that a neighbouring access has similar arrangements in place and has been operating without evidence of any highway safety concern. Manual for Streets (MfS) paragraph 10.6.1 states "Vehicle exits at the back edge of the footway mean that emerging drivers will have to take account of people on the footway. The absence of wide visibility splays at minor accesses will encourage drivers to emerge more cautiously - similarly to how vehicles pull out when visibility along the carriageway is restricted".
- 3.6 The Local Highways Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework, and that there are no transport grounds to resist the proposal.
- 3.7 **Southern Water:** Southern Water requires a formal application for a connection to the public foul sewer to be made by the Applicant or developer. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

- 3.8 **Natural England:** No Objection subject to appropriate mitigation being secured.
- 3.9 Natural England notes that the local planning authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.
- 3.10 The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

PUBLIC CONSULTATIONS

- 3.11 **Rusper Parish Council:** No Objection
- 3.12 35 representations were received (from 25 separate households) objecting to the proposal for the following reasons:-
- Loss of light
 - Loss of privacy
 - Unsuitable access
 - Not in keeping with immediate properties
 - Impact from construction traffic
 - Impact on utilities
 - Loss of green infrastructure
 - Cramped form of development
 - Additional parking pressure
 - Not affordable housing
 - Block views
 - Overdevelopment
 - Impact on wildlife and biodiversity
 - Potential of flooding
 - Noise and disturbance
 - Impact on water usage

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The application seeks full planning permission for the erection of a single storey 3-bed dwelling and associated parking.

Principle of Development

- 6.2 The application site comprises an area of land formerly used in association with 1 Brockwell Cottages, albeit that this seems to have been severed from the host dwelling sometime after 2015. While sited within a small enclave of residential dwellings the wider settlement of Faygate has not been classified and does not benefit from a defined built-up area boundary. The application site is therefore located outside of a built-up area boundary and is therefore considered countryside in policy terms.
- 6.3 Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused in the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.
- 6.4 Policy 4 of the HDPF refers to the expansion of settlements outside the built-up area, and states that such development is only supported where: the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.
- 6.5 As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built-up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. The application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF, and would be considered unacceptable in principle.
- 6.6 It is however recognised that Paragraph 68 of the NPPF that *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:...support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes..."*
- 6.7 Paragraph 78 continues that *"to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."*

- 6.8 The Local Plan Review undertaken recently has sought to explore this concept through the designation of Secondary Settlements, where some degree of infill to otherwise unclassified settlements could contribute to the sustainable development of rural areas. The unclassified settlement of Faygate has been considered as part of the Local Plan Review, where it is recognised that the settlement is located on the A264 between Horsham and Crawley, and located in close range to services and facilities in both settlements. It does however have relatively few services locally, albeit that the settlement benefits from a local shop, village hall, and sports pitches. In considering this context, the Local Plan Review has identified that Faygate should be designated as a Secondary Settlement. While these boundaries are still under review, and have not yet been formally adopted, it does provide some guidance as to the current policy considerations. The Local Plan is now at Regulation 18 stage, having undertaken an initial period of consultation, with the Secondary Settlement boundaries presented in this document. While not yet formally adopted, it is considered that the draft policy is a material consideration of some weight in the appraisal of the proposed development.
- 6.9 Draft Policy 2 of the Horsham District Local Plan states that development will be permitted within secondary settlements provided that it falls within the secondary settlement boundary and meets all of the following criteria: the site is a small gap or plot within an otherwise built-up or cohesive settlement form; the proposal is limited in scale to reflect the existing scale and character of the settlement function and form; and the development does not result in significant increase in activity including traffic movements on narrow and rural roads.
- 6.10 The proposed development would result in the provision of 1no. detached dwelling within an existing enclave of residential development and is considered to be limited in scale to reflect the existing characteristics of the settlement and result in a limited increase in activity. For these reasons, the proposed development is considered to be in general compliance with draft Policy 2 of the Horsham District Local Plan. While recognised that the draft Plan has not yet been through examination or formal adoption, it is a material consideration of some weight.
- 6.11 It is also recognised that the application site was formerly associated with 1 Brocks Cottage, with the evidence available that it was used as residential curtilage until sometime after 2015. While the application site is now physically severed from the residential dwelling, it is considered to represent previously developed land.
- 6.12 Policy 2 of the HDPF states that the effective use of land by reusing land that has been previously developed (brownfield land) will be encouraged provided that it is not of high environmental value. The aim of this policy is to encourage the appropriate re-use of brownfield sites in sustainable locations, locating new development in sustainable locations that respect environmental capacity and which have appropriate infrastructure, services and facilities in place, or in places where these can be realistically provided.
- 6.13 Paragraph 117 of the NPPF states that “planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.” Paragraph 118 continues that planning policies should encourage multiple benefits from both urban and rural land; recognise that some undeveloped land can perform many functions; give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs; and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained.
- 6.14 The application site is located within an enclave of residential development that comprises part of the settlement of Faygate. While recognised that the settlement remains unclassified and benefits from only limited services, it is located on a rail line and has transport links to the main settlements of Crawley and Horsham. The site is therefore considered to be broadly

sustainable, with the proposal offering the opportunity for small infill development within the unclassified settlement. The land itself is considered to be of limited environmental capacity having previously been used for domestic purposes, and given the surrounding context, is generally considered suitable for residential development. The proposal would therefore represent an effective use of previously developed land, and this is a material consideration of great weight.

- 6.15 The proposed development would result in a new-build dwelling on land outside of a defined built-up area and not allocated for development in the Local Plan or Neighbourhood Plan. The proposal would therefore be contrary to the overarching spatial strategy as expressed through Policies 3 and 4 of the HDPF. It is however recognised that the Council are currently unable to demonstrate a 5-year housing land supply, and the tilted balance contained in paragraph 11(d) of the NPPF is engaged.
- 6.16 Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.17 The proposed development would represent the effective use of previously developed land, comprising infill within an existing enclave of residential development. The NPPF outlines that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, and this is considered to weigh in favour of the proposed development. The settlement of Faygate benefits from direct transport links to the larger settlements of Horsham and Crawley, while also benefitting from some limited services within the community. On this basis, the Local Plan Review has identified the settlement as a Secondary Settlement where some small infill could be acceptable. While this has yet to be formally adopted, the Local Plan has been through its first consultation, and is considered to be of some weight.
- 6.18 The scale of the development would maintain the characteristics and function of the unclassified settlement and would not result in a significant increase in the level of activity within the rural countryside location. The development would offer some economic benefits during the construction stage, and would make a contribution, albeit limited, to the provision of housing within the District. These matters are considered to be of some weight in the planning balance.
- 6.19 The proposal would represent an infill development within an existing residential enclave, on previously developed land within a settlement proposed to be brought forward as a Secondary Settlement in the Horsham District Local Plan. These matters are considered to be of significant weight. While recognised that the proposed development would be contrary to the overarching spatial strategy as outlined within the Development Plan, the Council are unable to demonstrate a 5-year housing land supply, where the tilted balance is engaged. The proposed development would be located within an existing residential enclave which is projected to be included within the Secondary Settlement boundary going forward. The application site is therefore considered to be in a generally sustainable location, where the existing spatial context of the site and the modest scale of the proposed development, is considered to result in an acceptable form of development that would not be outweighed by significant and demonstrable adverse impacts. The proposed dwelling, located within an existing residential enclave, would contribute to the housing supply within the District, with this benefit considered to justify a departure from the spatial strategy in this instance.

Design and Appearance

- 6.20 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.21 The proposed dwelling would be located centrally in the site and would be oriented to face west. The proposal would extend to a width of 10.3m along the frontage, with an additional projection to the north located to the rear. The dwelling would measure to a total depth of 13.5m, and would incorporate a hipped roof measuring to a height of 5m. The proposal would be finished in facing brickwork and concrete tiles. A total of 3no. parking spaces are proposed along the frontage of the site, with associated landscaping also proposed.
- 6.22 The wider surroundings are characterised by dense residential development primarily comprising detached and semi-detached two storey dwellings. These dwellings are arranged to follow the pattern of the roads, with a mix of finishes and styles.
- 6.23 The proposed development would reflect the character and form of the nearby residential properties, with architectural referencing and a similar material palette considered to reinforce the townscape character of the surroundings. While acknowledged that the proposed dwelling would contrast the recognised scale and form of the surrounding built form, with the introduction of a bungalow unreflective of the adjacent two storey dwellings. It is however recognised that the reduced scale and height has sought to limit potential impact on the neighbouring properties, particularly through loss of privacy and overlooking. Given the context and constraints of the site, it is considered that the nature and scale of the proposed development would limit harm to the neighbouring properties, and this is a benefit of weight in the consideration of the proposal.
- 6.24 The proposed dwelling is considered would sit appropriately within the site and would maintain a sufficient distance and spacing to the boundaries. While the proposal would incorporate a larger footprint than the surrounding dwellings, it is considered that an appropriate residential amenity space would be provided, with the development considered to sit unobtrusively within the street scene.
- 6.25 On the balance of the considerations, while recognised that the proposal would contrast the recognised build character within the street, it is considered that the dwelling would incorporate architectural features and references, including materiality, that would help to integrate the proposal with the surroundings. On this basis, the proposal is not considered to result in significant harm to the visual amenities of the street scene or townscape character of the locality.

Amenity Impacts

- 6.26 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.27 The proposed dwelling would be located centrally within the site and would comprise an 'L' shape extending within 1m of the northern and southern boundaries. Ground floor windows are proposed to the northern elevation, with folding doors located to the south-eastern elevation. Closeboarded fencing and hedging would bound the site.

- 6.28 The application site is located within dense residential development where there is an expected level of mutual overlooking. The dwellings within the immediate setting extend over two storeys, with the rear elevations of these properties located within 10m to 16m of the site boundary.
- 6.29 The proposed dwelling would be single storey in nature and would be located in excess of 10.5m from the rear elevations of the nearby residential properties. While it is recognised that concerns have been raised in respect of potential amenity impact, given the single storey nature of the proposal, and the distance between the site and neighbouring properties, it is not considered that adverse harm through overlooking and loss of privacy would result. Furthermore, the residential use of the site is considered to be commensurate to the character of the area. For these reasons, the proposed development is not considered to result in harm to the amenities of neighbouring properties, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.30 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.31 The proposed development would provide 3no. off-road parking spaces located along the frontage of the site.
- 6.32 Following consultation with WSCC Highways, it is not considered that the introduction of 1no. additional dwelling would result in a material intensification in use of the access. While recognised that vehicular visibility is restricted by the neighbouring boundary treatments, it is anticipated that vehicle speeds in this location would be low and traffic volumes light. There are similar arrangements within the vicinity, and it is not therefore considered that a reason for refusal could be justified on these grounds.
- 6.33 The proposal would provide sufficient off-road parking to meet the needs of the dwelling, and it is not considered that the proposal would result in harm to the function and safety of the highway network. The proposal is therefore considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Water Neutrality

- 6.34 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.
- 6.35 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.
- 6.36 The Water Neutrality Statement details that the proposed 2-bed dwelling would, with mitigation measures, result in a total water demand of 52.97 litres per person per day. This figure is derived from the use of dual flush toilets, lower capacity bath, aerated shower, flow restrictors on the taps, and rainwater harvesting. Details of these have been provided within the Statement. The proposed 2-bed dwelling would have an average occupancy of 2.47, resulting in a total water demand of 130.84 litres per day.

- 6.37 The Water Strategy proposes off-setting measures through the retrofitting of two properties within the district and within the ownership of the Applicant (Highlands and Old Post Office). It is proposed to retrofit these properties through flow limiters in taps and showers and installation of dual flush toilets. Other retrofits, including the installation of efficient washing machines, rainwater collection, and installation of efficient dishwashers are referenced, but these are outlined as alternatives. Through the installation of the referenced measures, the water consumption of each property would be reduced by 154.6 litres per day.
- 6.38 An Appropriate Assessment has been undertaken, where it has been concluded that subject to the mitigation and offsetting measures proposed, which would be secured by condition requiring that the development be carried out in strict accordance with the water strategy, and a s106 agreement to secure the offsetting measures, the development would result in no significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. This view has been accepted by Natural England. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Climate change

- 6.39 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.
- 6.40 Should the application be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:
- Requirement to provide full fibre broadband site connectivity
 - Dedicated refuse and recycling storage capacity
 - Cycle parking facilities
 - Electric vehicle charging points
- 6.41 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusions

- 6.42 The proposed development would result in a new-build dwelling on land outside of a defined built-up area and not allocated for development in the Local Plan or Neighbourhood Plan. The proposal would therefore be contrary to the overarching spatial strategy as expressed through Policies 3 and 4 of the HDPF. It is however recognised that the Council are currently unable to demonstrate a 5-year housing land supply, and the tilted balance contained in paragraph 11(d) of the NPPF is engaged.
- 6.43 The proposed development would represent the effective use of previously developed land, comprising infill within an existing enclave of residential development. While recognised that the proposed development would be contrary to the overarching spatial strategy as outlined within the Development Plan, the Council are unable to demonstrate a 5-year housing land supply. The proposed development would be located within an existing residential enclave which is projected to be included within the Secondary Settlement boundary going forward. The application site is therefore considered to be in a generally sustainable location, where the existing spatial context of the site and the modest scale of the proposed development, is considered to result in an acceptable form of development that would not be outweighed by significant and demonstrable adverse impacts. The proposed 1no. dwelling, located within

an existing residential enclave, would contribute to the housing supply within the District, with this benefit considered to justify a departure from the spatial strategy in this instance.

- 6.44 While recognised that the proposal would contrast the recognised build character within the street, it is considered that the dwelling would incorporate architectural features and references, including materiality, that would help to integrate the proposal with the surroundings. On this basis, the proposal is not considered to result in significant harm to the visual amenities of the street scene or townscape character of the locality. In addition, the proposal is not considered to result in adverse harm to the amenities and sensitivities of neighbouring residential properties, or result in harm to the function and safety of the highway network.
- 6.45 On the balance of these considerations, the proposed development is recommended for approval.

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
District Wide Zone 1	112.4		112.4
	Total Gain		
	Total Demolition		

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 To approve the application subject to the following conditions and the completion of a s106 Agreement with respect to the water strategy.
- 1 A list of the approved plans
 - 2 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
 - i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
 - ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

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

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

- 3 **Pre-Commencement Condition:** No development shall commence until a Great Crested Newt Risk Avoidance Method Statement, prepared by a suitably qualified ecologist (and preferably a member of CIEEM) has been submitted to and approved by the Local Planning Authority in writing. The approved provisions shall be implemented before development commences and shall thereafter be retained and maintained in accordance with the approved details.

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

- 4 **Pre-Commencement Condition:** No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

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

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

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

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

- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

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

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

- 7 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy reference AEG0241_RH12_Fayagate_08_WNS dated 07.07.2020 by aegaea. No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with 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).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces (including garages where applicable) necessary to serve it have been constructed and made available for use in accordance with approved drawing number 2038.PL01. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been

installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

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

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

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

- 11 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection has been provided to the premises.

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

- 12 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and/or any Order revoking and/or re-enacting that Order no development falling within Classes A and B of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to the constraints of the site, and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/22/0738
DC/17/2200

10) DC/21/0738

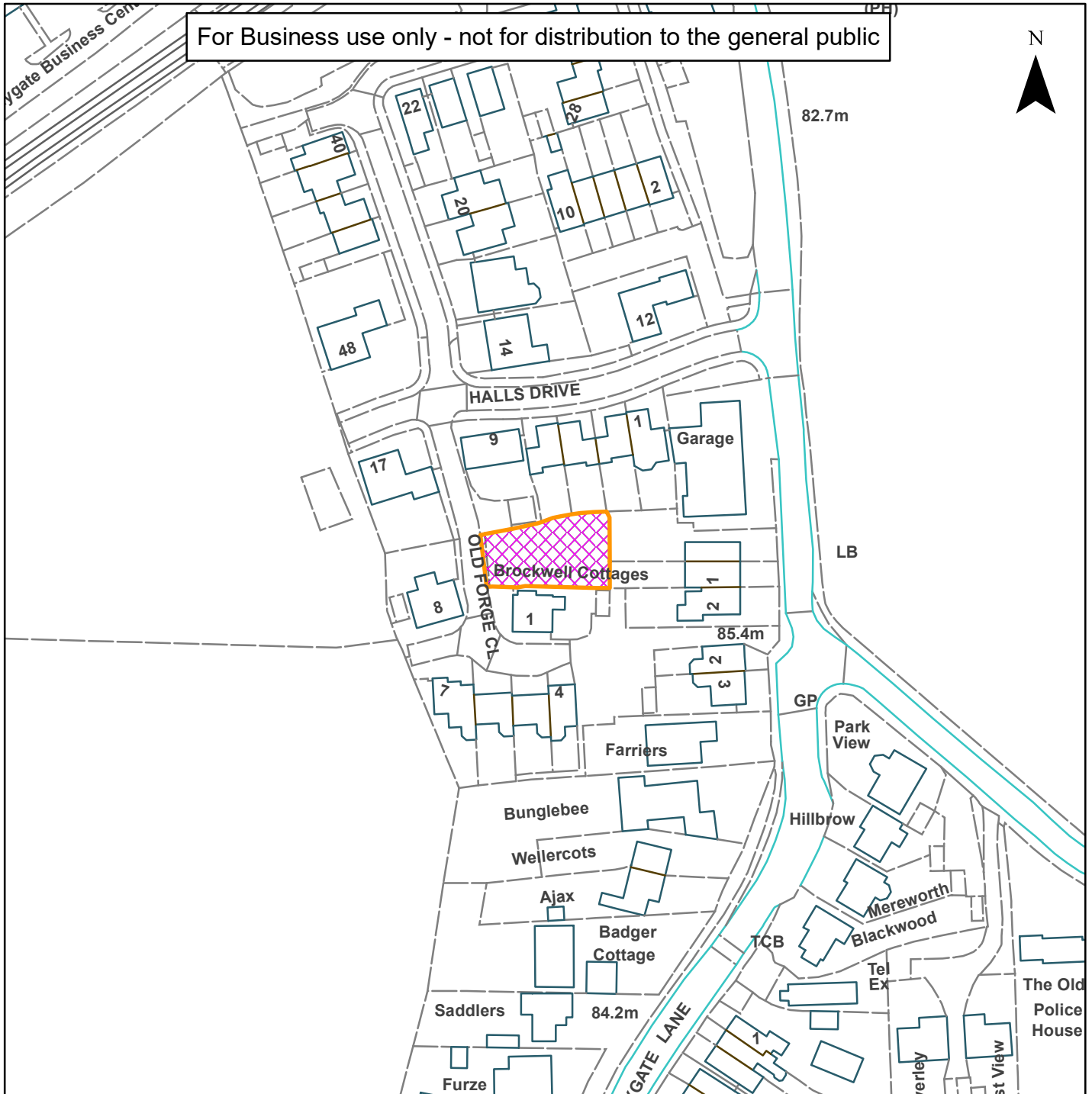


**Horsham
District
Council**

Land at 521753 134251 Old Forge Close, Faygate, Horsham,
West Sussex, RH12 4QG

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	22/09/2022
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**PLANNING COMMITTEE
REPORT**

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th October 2022

DEVELOPMENT: Erection of 80 dwellings with associated access, parking and landscaping at Land West of Worthing Road (Phase 5), Southwater

SITE: Berkeley Homes Development Site Worthing Road Southwater RH13 9BT

WARD: Southwater South and Shipley

APPLICATION: DC/19/2464

APPLICANT: **Name:** Berkeley Homes (Southern) Ltd **Address:** Berkeley House Bay Tree Avenue Leatherhead KT22 7UE

REASON FOR INCLUSION ON THE AGENDA: The application has returned to Committee due to the new material consideration of Water Neutrality.

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

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

1. THE PURPOSE OF THIS REPORT

1.1 To re-consider the planning application in light of new material planning considerations.

2. PLANNING ASSESSMENT

2.1 This application was presented at Planning Committee North on 8th September 2020 where members resolved that the application be approved, subject to detailed list of planning conditions and completion of the necessary S106 legal agreement. The 8th September 2020 committee report is attached as Appendix A, which includes the description of the site and the full details of the application along with all consultee comments and an assessment of all material considerations undertaken at the time the application was considered.

2.2 Following the resolution to approve planning permission subject to the completion of a S106 legal agreement, a Position Statement from Natural England was received relating to the impacts of water abstraction on the protected habitat sites in the Arun Valley and the requirement for all developments to now demonstrate water neutrality. At the time of its

receipt, the draft of the S106 agreement was in circulation but had not reached engrossment and planning permission had not therefore been granted. The Position Statement is a new material planning consideration relevant to the determination of this application.

- 2.3 Additionally since the resolution to approve, the Southwater Neighbourhood Plan (SNP) has passed referendum and now forms part of the adopted development plan for Horsham District (it was formally 'made' on 23 June 2021), and the National Planning Policy Framework (NPPF) was revised on 20 July 2021, replacing the previous NPPF (Feb 2019). The NPPF sets out the Government's planning policies for England and how these are expected to be applied.
- 2.4 An updated ecological walkover survey of the site has been undertaken (Derek Finnie Associates 13 July 2022). The habitats, and associated faunal communities, were largely unchanged from the 2019 surveys, with the exception of the northeast corner of the site, which has formed into a works compound to service Phases 3.2 and 4 since early 2022. As the site has not changed significantly since the 2019 surveys, the impact assessment and previously proposed mitigation and enhancement strategy remain valid. Hence, additional surveys are not required.
- 2.5 In addition to this, the site is subject of an updated reptile mitigation strategy (Derek Finnie Associates July 2022). This aims to exclude reptiles from the majority of the site, after a capture and translocation exercise, to allow for temporary soil storage as part of the earthworks strategy of Phases 3.2 and 4. The updated reptile mitigation strategy follows the same principles as previously proposed.
- 2.6 Since the Committee resolution to approve, the adjacent Chase Farm to the west of the site has implemented planning permission for change of use of part of a field and farmyard for glamping (DC/20/1256 refers). A home boarder business for dogs at Woodland House, immediately south of the site, has also expanded its 24/7 licence from 5 dogs to 10. Diversification and intensification of both enterprises has introduced new receptor sensitivities in proximity to the proposed development.
- 2.7 Finally, Berkeley Homes has confirmed that submission for building regulations for the Phase 5 development is unlikely before June 2023, at which time EV charging provision for new residential buildings will be covered by new Building Regulations legislation (Part S), separate to planning.

Southwater Neighbourhood Plan (SNP) and National Planning Policy Framework (NPPF)

- 2.8 At the time the application was considered (8th September 2020), the Southwater Neighbourhood Plan (SNP) had passed through examination and its suite of policies were given significant weight to inform and assess the development proposal. Since then, the Southwater Neighbourhood Plan has been formally made (23 June 2021) and so now forms part of the Development Plan.
- 2.9 It is considered that the latest version of the NPPF does not result or require an amendment to the scheme or the technical assessments that support it or the evidence submitted. In cross-referencing the key principles of the scheme, there is only minor changes in wording and terminology, and paragraph references.
- 2.10 The development scheme is supported by a Design and Access Statement setting out the design principles and concepts for the proposed development, consistent with the principles set out in the National Design Guide, as required by paragraph 128 of the revised NPPF. In addition, at paragraph 131 the NPPF recognises the important contribution that trees make to the character and quality of urban environments and seeks to ensure existing trees are retained wherever possible. These principles already inform the development proposal which secures the tree planting provisions of the SNP Policy 18 *A Treed Landscape*, requiring the

applicants and local planning authority to work to ensure the right trees are planted in the right places. The scheme has been informed by robust ecological assessment and the objective to enhance biodiversity and is consistent and reflects the policies and principles set out in the latest version of the NPPF.

- 2.11 In summary, the changed status of the SNP and 2021 revisions to the NPPF do not raise any new matters that would require additional information to be submitted, or that would alter the officer recommendation to the 8th September 2020 Planning Committee to approve the development.

Environmental Protection and EV provision

- 2.12 Given the distance and arrangement of the buildings and nature of adjoining farming and home boarding activities, the Council's Environmental Health team do not consider that residential use at the application site would impose unreasonable constraints upon these adjacent operations. This is with particular regard to noise and odour from the adjoining operations, and the effect on the viability of both enterprises arising from the presence of permanent dwellings and possible complaints.
- 2.13 The Council's Environmental Health team are satisfied that, with consideration of landscaping opportunities, future occupiers of the site, including those of units 13-15 with first floor windows nearest the farm, would not experience unacceptable internal living environment and adequate outdoor amenity in gardens. There was no evidence put forward that a future change in owner or operator to the adjoining enterprises would necessarily result in disturbance. Your planning officer's view is that the new development is integrated effectively with existing businesses, and in consideration of protecting the active parts of the farm from the new development and vice versa, the applicant should not be required to provide mitigation as it has not been evidenced that operation of an existing business could have a significant adverse effect on new development in its vicinity.
- 2.14 In terms of EV provision, with the change in legislation, compliance with Building Regulations (BR) would deliver the equivalent EV provision to the new residential buildings as previously secured by planning condition (subject to BR submission being post June 2023). For this development scheme, EV provision, including for visitor parking on the estate, would remain secured as part of air quality mitigation via the legal agreement.

Ecology

Water Neutrality and the Arun Valley Sites

- 2.15 Horsham District is supplied with water by Southern Water from its Sussex North Water Resource Zone. This supply is sourced from abstraction points in the Arun Valley, which includes locations such as Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site.
- 2.16 On 14th September 2021, the Council received the Position Statement from Natural England. The Natural England position is that it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley sites. It advises that development within this zone must not add to this impact.
- 2.17 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.

- 2.18 The Position Statement is a new material consideration, and if an application cannot demonstrate water neutrality is reasonably achievable, this will mean the development will not meet the requirements of section 63 of the Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations).
- 2.19 The Applicant has submitted a Water Neutrality Statement by Hodkinson Consultancy (Version 3 dated 09 September 2022). This sets out the strategy for achieving water neutrality. Through installation of onsite water reduction measures as well as offsetting measures, a water neutral development is proposed. The Statement has been considered as follows.
- *Existing baseline*
- 2.20 The site is currently an undeveloped agricultural field, not irrigated, and therefore the existing baseline water consumption on the site is nil.
- *Proposed Water Consumption, following Onsite Efficiencies*
- 2.21 Following onsite measures to secure a water consumption of 89.8 litres per person per day and average occupancy rates based on 2011 census data for Horsham District, the total water demand from the proposed development equates to 20,020 litres per person per day (l/p/d).
- 2.22 Onsite measures to minimise water use include installation of water-efficient fixtures and appliances, and rainwater butts. A key efficiency fixture is in the use of the toilet, a 4/2.6 litre cistern with dual flush. These measures will result in a water consumption of 89.8 l/p/d (total internal 84.8 l/p/d plus external use of 5 l/p/d) and secured as part of any planning consent.
- 2.23 20,020 l/p/d is the amount required to then be offset for the development to demonstrate Water Neutrality. The applicant's strategy is to offset this residual consumption on their existing consented but as yet unbuilt developments within the district.
- *Offsetting unbuilt homes at the developer's (Berkeley Homes) existing consented schemes*
- 2.24 It is proposed to completely offset the expected residual water use of 20,020 l/p/d on Berkeley Homes' current unbuilt, consented developments at Broadacres and Highwood (Phase 4 of Broadacres and Phase 8-13 of the Highwood). Both development sites lie within the Sussex North Water Resource Zone and are currently required to comply with the optional Part G water consumption of 110 l/person/day. The proposal seeks to improve the water efficiency of 461 of the homes that remain to be built at these two development sites.
- 2.25 It is proposed that the offsetting will be carried out by installing water-efficient white goods and fittings (such as shower and tap flow regulators) within these homes. Following the installation of these efficiencies the houses and flats will have a water consumption of 89.8 l/p/d. The strategy to achieve an internal water consumption of 84.8 l/p/d (plus 5 l/p/d for external use) will be the same as that for the proposed development.
- 2.26 A detailed calculation on the water savings that will be made on these schemes and how the total savings providing the required offsetting is provided within the submitted Water Neutrality Statement, as are the locations of the schemes across which the offsetting will be carried out.
- 2.27 The total saving across these 461 homes would be 20,965 litres per day, greater than the target of 20,020 litres per day. This provides an excess headroom in the figures of 945 litre per day. The dwellinghouses will still have waterbutts installed even though they no longer form part of the water efficiency calculations. This will give greater headroom still and it will

be made clear in a planning condition that water butts shall be installed on all new houses as the applicant intends. Given this, it is judged that the 945 litres per day headroom is acceptable as the Part G water calculator provides for robust average water consumption rates which across the large number of homes being considered means that any impact from high individual users will be evened out by low individual users.

- 2.28 A s106 legal agreement is being prepared that secures the delivery of the offsetting savings in advance of the delivery of the 80 homes within the application proposal. This includes a means for evidence of the installation of the efficiencies to be provided to the Council, and for the occupiers to retain the efficiencies at the same or greater efficiency.
- 2.29 These measures have been embedded within the development to be secured as part of any planning consent, and are considered sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar sites. This is subject to completion of the legal agreement and adherence to amended wording of the condition to secure the water consumption of 89.8 l/p/d in the new development, and insertion of a new condition requiring compliance with the submitted Water Neutrality Strategy for the offsetting.

Conclusion on Water Neutrality

- 2.30 Having prepared its HRA Appropriate Assessment, Horsham District Council concludes that, with mitigation, the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects.
- 2.31 Natural England have been consulted as required by s.63 of the Habitat Regulations. Natural England have raised No Objection, advising that they concur with the Council's Appropriate Assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission. Officers have proposed sufficiently robust planning conditions and obligations in the legal agreement to ensure the mitigation measures are fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations. The Council, as the competent authority, can now therefore agree to the project in full compliance with s.63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Ecology matters separate to the Arun Valley Sites

- 2.32 The Council's consultant ecologist has reviewed the updated ecological material submitted by Derek Finnie, relating to the likely impacts on protected and Priority habitats and species, particularly bats and reptiles, and identification of proportionate mitigation. As previously, the Council's consultant ecologist is satisfied sufficient ecological information is available for determination and recommends approval subject to conditions.
- 2.33 For completeness, the Council has updated its HRA screening for The Mens and Ebernoe Common SAC, informed by this updated material. As previously, habitat connectively impacts for commuting and foraging Barbastelle bats (qualifying feature of both SACs) has been screened out, with no mitigation or further assessment required. Natural England in its consultation response has concurs with this conclusion.

Conclusion

- 2.34 The new information submitted to address Water Neutrality has been considered, as has the impact of the adjacent implemented development and the updated ecology material. Having taken account of these new material considerations, which also include the changed status of the Southwater Neighbourhood Plan and updates to the NPPF, your Officer's recommendation to approve planning permission remains as previous, but with new conditions to secure the Water Neutrality mitigation within the new homes, plus new

obligations in the legal agreement to ensure the mitigation within the offsetting developments is delivered at the appropriate time.

- 2.35 Officers therefore recommend that this application be approved, subject to the below detailed list of planning conditions and the completion of the necessary s106 legal agreement.

3. RECOMMENDATIONS

- 3.1 To approve full planning permission, subject to the completion of the Section 106 Agreement and the following conditions:

Conditions:

- 1 Approved Plans

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

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

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

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

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

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

4. **Pre-Commencement Condition:** The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

- An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;

- Details of how residents will be advised of site management contact details and responsibilities
- Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
- Details regarding parking or site operatives and visitors, deliveries, and storage;
- The method of access to and from the construction site
- The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc.
- Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
- Locations and details for the provision of wheel washing facilities and dust suppression facilities
- the anticipated number, frequency and types of vehicles used during construction, and the method of access and routing of vehicles during construction

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015) and Policy SNP16 of the Southwater Neighbourhood Plan.

- 5. Pre-commencement Condition:** No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for Protected and Priority species (reptiles and compensation of lost Ecological Mitigation Area) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:
- purpose and objectives for the proposed works;
 - detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - extent and location of proposed works shown on appropriate scale maps and plans;
 - timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - persons responsible for implementing the works;
 - initial aftercare and long-term maintenance (where relevant);
 - disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To conserve Protected and Priority species and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and Policy 31 of the Horsham District Neighbourhood Plan and Policy SNP16 of the Southwater Neighbourhood Plan

- 6. Pre-Commencement Condition:** No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved, in writing, by the local planning authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the developer has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing,

by the local planning authority. Works shall be carried out in accordance with the approved scheme.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy 34 of the Horsham District Planning Framework (2015) and Policy SNP19 of the Southwater Neighbourhood Plan.

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

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy SNP17 of the Southwater Neighbourhood Plan.

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

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015) and Policy SNP16 of the Southwater Neighbourhood Plan.

- 9. Pre-Commencement Condition:** Prior to the commencement of development details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities, and required ground excavations there for, shall be submitted to and approved, in writing, by the Local Planning Authority. These details shall coordinate with the landscape scheme pursuant to condition 1, and with existing trees on the site. All such underground services shall be installed in accordance with the approved details.

Reason: As the matter is fundamental to protect roots of important existing trees and hedgerows on the site and future trees identified in the approved landscaping strategy in accordance with Policies 25, 32, 33 & 34 of the Horsham District Planning Framework (2015) and draft Policies SNP16 and SNP18 of the Southwater Neighbourhood Plan.

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

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy SNP16 of the Southwater Neighbourhood Plan.

- 11. Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that all dwellinghouse buildings comply with Building Regulation M4(2).

Reason: As this matter is fundamental to in order to improve the sustainability of the development and to ensure homes are fit for all ages in accordance with Policy 37 of the Horsham District Planning Framework (2015) and Policy SNP9 – Home Standards.

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

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs to achieve stated objectives;
- locations of proposed enhancement and compensation measures by appropriate maps and plans;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- persons responsible for implementing the enhancement measures;
- details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework and Policy SNP16 of the Southwater Neighbourhood Plan

- 13. Pre-occupation condition:** Notwithstanding the landscape design principles identified in the Design and Access Statement and planting plan drawings, no dwelling hereby approved shall be first occupied until details of a comprehensive landscape works strategy, including the following landscape works has been submitted to and approved in writing, by the Local Planning Authority:

- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- A plan showing where each tree pit is and root barriers to be proposed is required.
- Hard surfacing materials: A written specification (NBS compliant) including, layout, colour, size, texture, coursing, levels, markings to parking bays
- Walls, fencing and railings: location, type, heights and materials
- Minor artefacts and structures including location, size, colour and construction of viewing platform, signage, refuse units, seating and lighting columns and lanterns
- A written soft landscape specification (National Building Specification compliant) including topsoil stripping, storage and re-use on the site in accordance with recognised codes of best practice, ground preparation, cultivation and other operations associated with plant and grass establishment
- Details of the exact location, extent, type of equipment/features and surfacing proposed for the natural play areas including LEAP and LAP and their integration with the attenuation basin including existing and proposed levels and cross sections
- All boundary treatments

The approved scheme shall be implemented in full accordance with the approved details. Planting shall be carried out according to a timetable to be agreed in writing with the Local Planning Authority prior to occupation of any dwellinghouse. Any plants which within a period of 5 years die, are removed or become seriously damaged and diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory development sympathetic to the character of the surroundings, satisfactory open space provision for future occupants, and landscape buffers to protect and conserve the countryside character, including Shaws Lane, the setting of neighbouring heritage assets, and help achieve safe and secure development, in accordance with Policies 25, 32, 33 & 34 of the Horsham District Planning Framework and Policies SNP12, SNP16 and SNP18 of the Southwater Neighbourhood Plan

14. Pre-Occupation Condition: Prior to the first occupation (or use) of any part of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- An Ecological Design Strategy (EDS) addressing the compensation of the recently created ecological mitigation area to the proposed LAP
- Description and evaluation of features to be managed including the native planting palette to be used.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions, maintenance schedules, and accompanying plan delineating areas of responsibility, including for all communal landscape areas
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

In addition, the LEMP must include compensation for the loss of the H3 Priority hedgerow sections used by foraging and commuting bats.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policies SNP16 and SNP18 of the Southwater Neighbourhood Plan, and to allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

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

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

District Planning Framework (2015) and Policy SNP16 of the Southwater Neighbourhood Plan.

- 16. Pre-Occupation Condition:** Prior to first occupation (or use) of the development hereby permitted, a detailed exterior light scheme shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light and in consultation with a suitably qualified ecological consultant with the scheme as shown in Appendix 1 - Proposed Lighting Layout (Ecological Assessment (Derek Finnie Associates, November 2019) to avoid disturbance to foraging/commuting bats.

The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the Local Planning Authority 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 to safeguard the amenities of the site and surrounds in accordance with Policies 31, and 33 of the Horsham District Planning Framework (2015) and Policies SNP16 of the Southwater Neighbourhood Plan.

- 17. Pre-Occupation Condition:** Unless evidence is submitted to the Local Planning Authority confirming the approved development is the subject of a submission for Building Regulations after 15 June 2023 and therefore required to fully comply with Part S of the Building Regulations, no dwelling shall be first occupied until means for the charging of electric vehicles by way of fast charging points have been installed in accordance with details submitted to and approved in writing by the Local Planning Authority.

As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document and include a plan of all charging points, their specification, means of allocation, and means for their long term maintenance. The means for charging electric vehicles shall be retained as such thereafter.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015) and Policy SNP15 of the Southwater Neighbourhood Plan.

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

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015) and Policy SNP22 of the Southwater Neighbourhood Plan.

19. **Pre-Occupation Condition:** No dwelling shall be first occupied until all vehicular, cycle and pedestrian access from the site has been designed, laid out and constructed in accordance with the plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and in accordance with policy 40 of the Horsham District Local Development Framework and Policies SNP13, SNP14 and SNP15 of the Southwater Neighbourhood Plan.

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

Reason: To provide car-parking space for the use in the interests of road safety and in accordance with Policies 40 and 41 of the Horsham District Planning Framework and Policy SNP14 of the Southwater Neighbourhood Plan.

21. **Pre-Occupation Condition:** No dwelling hereby approved shall be first occupied until details of facilities for the covered and secure storage of cycles have been approved in writing by the Local Planning Authority and the approved storage facilities made available for use within the site. Once brought into use the cycle storage areas shall be retained at all times for their designated purpose.

Reason: To ensure that adequate storage space is available for cycles to promote the use of sustainable modes of transport, in the interests of highway safety and the visual amenity of the scheme in accordance with Policies 32, 33, 40 & 41 of the Horsham District Planning Framework and Policy SNP13 of the Southwater Neighbourhood Plan.

22. **Pre-Occupation Condition:** No dwelling hereby approved shall be first occupied (unless and until provision for the storage of refuse/recycling has been made available for use for that dwelling in accordance with details approved in writing by the Local Planning Authority. Once brought into use the refuse/recycling storage areas shall be retained for the storage of refuse/recycling containers only and not used for any other purpose.

Reason: To ensure that adequate storage space is available for refuse/recycling containers in the interests of highway safety and the visual amenity of the scheme in accordance with Policies 32, 33, 40 & 41 of the Horsham District Planning Framework and Policies SNP9, SNP10, and SNP16 of the Southwater Neighbourhood Plan.

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

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015) and Policies SNP4 and SNP13 of the Southwater Neighbourhood Plan.

24. **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the approved detailed, and shall thereafter be maintained as such, unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework and Policy SNP4 of the Southwater Neighbourhood Plan.

- 25. Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Water Neutrality Statement Berkeley Homes (Southern) Ltd Land West of Worthing Road, Southwater Phase 5 Final v.3 09.09.22 by Hodgkinson). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures, including all water butt provision as detailed in the approved water neutrality strategy, shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with 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).

- 26. Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy SNP16 of the Southwater Neighbourhood Plan.

- 27. Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Update (Derek Finnie, July 2022), the Reptile Mitigation Strategy (Derek Finnie Associates, July 2022) and the Ecological Appraisal (Derek Finnie Associates, November 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance Protected and Priority species and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework and Policy SNP16 of the Southwater Neighbourhood Plan.

- 28. Regulatory Condition:** The existing public right of way across the site shall remain protected on its legal line for the duration of the development in accordance plans and details to be submitted to the Local Planning Authority for approval.

Reason: To safeguard the rights of the public and in accordance with policy 40 of the Horsham District Local Development Framework and Policy SNP13 of the Southwater Neighbourhood Plan.

- 29. Regulatory Condition:** All works shall be executed in full accordance with the approved:-

- BERK21376aia-ams ARBORICULTURAL IMPACT ASSESSMENT AND METHODSTATEMENT REV A-14.11.19 by ACD Environmental
- BERK21376trA TREE REPORT (Tree Survey and Constraint Advice) REV A: 07.08.2019 by ACD ENVIRONMENTAL

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015) and Policies SNP16 and SNP18 of the Southwater Neighbourhood Plan.

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

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

- 31. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any building hereby approved which fronts onto a highway without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenity of the locality and/or highway safety in accordance with Policy 33 of the Horsham District Local Development Framework (2015) and Policy SNP16 of the Southwater Neighbourhood Plan.

- 32. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no development falling within Class B of Part 1 of Schedule 2 of the order shall be constructed on the dwellinghouses hereby permitted without express planning permission from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to protect the amenities of adjoining residential properties from loss of privacy in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy SNP16 of the Southwater Neighbourhood Plan.



TO: Planning Committee North

BY: Head of Development

DATE: 8th September 2020

DEVELOPMENT: Erection of 80 dwellings with associated access, parking and landscaping at Land West of Worthing Road (Phase 5), Southwater

SITE: Berkeley Homes Development Site Worthing Road Southwater RH13 9BT

WARD: Southwater South and Shipley

APPLICATION: DC/19/2464

APPLICANT: **Name:** Berkeley Homes (Southern)Ltd **Address:** Berkeley House Bay Tree Avenue Leatherhead KT22 7UE

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

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

1. THE PURPOSE OF THIS REPORT

- 1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for 80 dwellings on land West of Worthing Road in Southwater that is allocated for housing development under Policy SD10 of the Horsham District Planning Framework
- 1.3 The submitted plans detail 80 no. two storey dwellings as fully private tenure. No affordable housing is proposed. The current application is comprised mostly 4 and 5 bedroom detached houses (59 no. and 11 no. respectively), with 2 no. detached 3 bed and 8 no. terraced 2 beds. These will be arranged around the primary access loop road with secondary roads. Allocated parking for 271 and 15 visitor vehicles is detailed to be within a mix of off street bays, driveways and garage. Refuse will be stored in designated bin stores distributed throughout the site.
- 1.4 Approximately 1.91 hectares of the site (total site area 6.76ha) would be public open space, landscape buffer, ecological mitigation area, attenuation area, and existing woodland. Also proposed is provision for publicly accessible areas for play (1 no. LEAP and 1 no. LAP),

circular pedestrian and cycle routes through the development, incorporation of Sustainable urban Drainage System, and upgrade to the existing Public Right of Way crossing the site (public footpath 1652).

- 1.5 Negotiations between your officers and Berkeley Homes has amended the proposal, following advice from various specialists on identified issues and changes to accommodate the polices and guidance of the recently published Examiner's Report May 2020 on the Southwater Neighbourhood Plan (2019-2031). This includes from the Council's own Landscape Architect and Southwater Parish Council.
- 1.6 These negotiations have secured amendments to the development proposal that have sought to resolve site-specific environmental issues. This includes adjustments to the landscaping and site layout of the development. The most recent amends have been made to accommodate specific landscaping concerns mainly regarding playspace, pedestrian permeability and compliance with Policy SNP8 – *A Treed Landscape* and other updated policies in the Southwater Neighbourhood Plan.

DESCRIPTION OF THE SITE

- 1.7 The strategic allocation lies to the west of Southwater, classified as a Smaller Town/Larger Village according to the Horsham District Council Planning Framework and the Southwater Neighbourhood Plan. The allocation extends approximately 34.6 hectares. It adjoins the built-up area boundary of Southwater along Worthing Road, Woodfield, College Road, Ash Road and Woodlands Way and straddles Church Lane.
- 1.8 The site, the subject of this application, covers an area of 6.76 hectares. It is located in south western part of the strategic allocation, and west of the village, with its various social and community facilities (including the newly provided sports field and cricket pitch assets). The site itself is bounded by Shaw's Lane and fields to the west with fields and mature hedgerows to the north, and a cluster of existing properties to the south-west. The eastern edge borders earlier phases of the strategic allocation. It is on relatively level land. It consists of a large open field with perimeter shrub and tree vegetation. Right of Way Public Footpath 1652 crosses the site.
- 1.9 There are some existing properties to the south and west of the site, with The Chase, Chase Farm, Chase Lodge, and Woodland House, all on Shaw's Lane being in closest proximity. A small cluster of Grade II Listed Buildings to the north of the Site on Church Lane (Southwater House, Vicarage Cottage, and Holy Innocents Church) at a distance between 100-200m. The nearest designated site of nature international importance is The Mens Special Area of Conservation (SAC) located over 10km from the boundary within the Bat Sustenance Zone (HDPF Policy 31). South of the site is Carpenter's Wood, a parcel of Ancient Woodland. The site lies within an archaeological notification area and within Brick Clay (Weald Clay) and Building Stone safeguarding areas. Right of Way Public Bridleway 2929 runs along Shaw's Lane.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy SD10: Land West of Southwater
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 – Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)
Southwater Parish Design Statement SPD (2011)
West Sussex Joint Minerals Local Plan (July 2018)
West Sussex Waste Local Plan (April 2014)

2.3 RELEVANT NEIGHBOURHOOD PLAN

The Examiner has published his report on the 15 May 2020 on the Southwater Parish Council Neighbourhood Plan 2019-2031 to Horsham District Council. The Examiner has recommended that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements. A decision statement was published 20 August 2020.

SNP1 – Core Principles
SNP2 – Allocation for Residential Development
SNP4 – Keeping Our Roads Moving
SNP9 - Home Standards
SNP10 – Residential Space Standards
SNP12 – Outdoor Play Space
SNP13 – Enhancing Our Non-Motorised Transport Network
SNP14 – Adequate Provision of Car Parking
SNP15 – Driving In the 21st Century
SNP16 – Design
SNP17 – Site Levels
SNP18 – A Treed Landscape
SNP19 – Parish Heritage Assets
SNP23 – Use of Community Infrastructure Levy Funds

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/14/0590 Residential development of up to 540 dwellings and 54 retirement living apartments, associated vehicular, cycle and pedestrian access, drainage and landscape works (Outline) (Development affects the setting of a Listed Building). Permitted 31/03/2014

DC/15/2064 Erection of 244 dwellings (including 54 retirement living apartments) with associated access, parking and landscape works pursuant to outline planning permission DC/14/0590 (Approval of Reserved Matters). Permitted 18/09/2015

DC/16/1919 Provision of a community building, 2 x football pitches, a cricket pitch, 2 x tennis courts, a multi-use games area (MUGA), a skate park, a LEAP-NEAP with associated access, parking and landscaping works (application for approval of Reserved Matters following outline approval DC/14/0590- Residential development of up to 540 dwellings and 54 retirement living apartments, associated vehicular, cycle and pedestrian access, drainage and landscape works). Permitted 19/04/2017

DC/17/2319 Reserved Matters for the erection of 68 dwellings (including 8 affordable dwellings) with associated garaging, access, parking and landscaping works. (Following approval of previous outline application DC/14/0590). Permitted 24/10/2017

DC/18/1246 Reserved matters approval sought for layout, appearance, landscaping, scale and access for the erection of 214 dwellings (including 61 affordable dwellings) with associated access, parking and landscaping works pursuant to phases 3.2 and 4 of outline planning permission DC/14/0590. Permitted 12/06/2018

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

HDC Landscape Architect: No Objection
3rd Consultation Comment:

Believe proposed trees in northwest corner will block the Chanctonbury Ring view. Note for this to be dealt with by condition. If this can be secured this way, then not an issue. Not sure if play area buffer zones demonstrated. Access road between plots 2/3 and 7/8 leading to the LEAP still showing footpaths (so, not a shared surface) and not clear where space for tree planting is. Provide we secure trees, then happy to leave it as is.

2nd Consultation Comment:

Chanctonbury Ring view should be demonstrated with a viewing corridor to inform positioning of building/trees; fences around open space limits permeability. No interaction with ponds and recreation or play area. Opportunities such as pond dipping or viewing platform, and seating must be explored. No connection with LEAP to adjacent phase. Play area layout does not seem to provide different play experiences. Permeability needs to be looked at as anyone in middle part would have to go north and round towards main road to access open area. Access road to side of plots 2/3 and 8/7 should become shared to open up opportunity for tree planting. Small fruit trees could be added the bigger gardens without creating potential shading issue. Additional mark-up trees suggested.

Initial Consultation Comment:

Location of play area questioned for various reasons and suggest moved to southeast boundary, to complement approved play area to east (phase 4); openings landscape

structure allow for informal path/bridge to be included and connect the two. Views from public footpath 1654 towards Chanctonbury Ring and also within site. This view should be maintained if possible to allow for a corridor view. Should consider interpretation board. Cannot identify any layout differences between character areas. Plots and arrangement is pretty much identical and hardly noticed when implemented. It is understood some character can be differentiated with building materials but not convinced this sufficient to really portray design intent. Layout plan does not show any proposed trees and no landscape masterplan.

HDC Parks: Comment (verbal)

All trees planted must have a watering tube and have watering in place for two to three years to ensure that they establish well. LEAP should meet HDC Sport, Open Space and Recreation guidelines.

HDC Conservation Officer: No Objection

Satisfied the impact will be low and expected following the consideration at outline stage. Content the public benefit of providing housing to meet the District need will outweigh the low level of harm to the setting of the adjacent Listed Buildings to the north and the non-designated heritage assets at Chase Farm to the west.

HDC Environmental Health: No Objection

Final Consultation Comment

Agree with consultant's clarification that improving the model's accuracy would not lead to it showing exceedances. Regarding damage cost calculation, accept consultant's selection of 'Rural' parameter to describe Southwater. No mitigation other than EV charging point provision proposed. In preparing the mitigation plan, recommend to have it linked to the air quality measures being or having been undertaken for the other phases of the development. There is an opportunity for the proposed development to contribute to the outcomes of these measures by building on the experience with their delivery.

Initial Consultation Comment:

Provide details of model verification to ascertain accuracy. Regarding damage cost calculation, applicant chose to calculate costs for 'rural' road traffic, which significantly underestimates costs compared to calculation being done for 'urban small' traffic. No mitigation for operational phase of development proposed. In accordance with Air Quality and Emissions Mitigation Guidance for Sussex (latest update is 2020), applicant required to submit a Mitigation Plan.

HDC Drainage Engineer: No Objection

HDC Tree Officer: No Objection

OUTSIDE AGENCIES

Archaeologist Consultant: Recommend Approval

Ecologist Consultant: No Objection

Without mitigation, the development is not likely to result in a 'likely significant effect' to The Mens SAC, Ebernoe Common SAC or Arun Valley SAC, SPA and Ramsar site. Therefore, the HRA screening assessment does not need to proceed to HRA Stage 2: Appropriate Assessment.

Recommend Approval, subject to Ecological Appraisal Recommendations; Biodiversity Method Statement; Ecological design strategy for loss of ecological mitigation area to Local Play Area; Biodiversity Enhancement Strategy; Landscape and Ecological Management Plan.

Southern Water: No Objection

WSSC Flood Risk Management: No Objection

WSSC Highways: No Objection

The LHA would not raise an objection to Phase 5 of the development based on the outstanding history at the site.

Car parking provision overall will comply with the latest LHA parking standards adopted in August 2019, and is expected to meet the operational needs of the development phase. The 80 units proposed would require 230 car parking spaces to comply with the Council's guidance. A total of 272 allocated spaces are proposed, which exceeds the latest parking standards.

WSSC Rights of Way: No Objection

WSSC Minerals and Waste: No Objection

Sussex Police: Comment (based on original layout which has been amended with the LEAP now relocated)

Recommend traffic calming. Consideration should be given to relocation of play areas. Both on outer edge of development and close to entry/exit points into Shaw's Lane and Bonfire Hill and may allow children to wander into the road. May encourage parking on Shaw's Lane. Southernmost footpath may allow children to wander across Shaw's Lane into Chase Farm. To protect children from deep water ponds, consideration should be given to perimeter protection, signage and rescue equipment. Secured by Design makes recommendations regarding communal areas and play space as they have potential to generate crime, the fear of crime and anti-social behaviour.

Forestry Commission: Comment

Refer to standing advice

PUBLIC CONSULTATIONS

Southwater Parish Council: No Objection (2nd consultation)

Initial consultation:

No Objection, subject to review of the proposed footpath intersecting with Shaw's Lane as there are safety concerns given traffic coming from a working farm. SPC further request a review due to concerns raised by members of the public relating to lack of parking for the proposed LEAP and how this could result in cars parking on verges, and thus the impact this would have on traffic safety and restricting emergency vehicles and farm vehicles on Shaw's Lane. Also concerns were presented of the impact on privacy, lighting, impact on landscape and potential flood risks from surface water as a result of the raised ground level.

Shipley Parish Council: No Comment, neither objecting to nor supporting the planning application.

Neighbour consultations

Objections received from 13 separate addresses (initial and subsequent neighbour consultations combined) together with objections from Laurence Gould Rural Business Consultants under instruction by an objector, the National Farmers Union, and Campaign to Protect Rural England. The following issues are raised:-

Principle, overdevelopment and housing

- Mass building in Southwater, which is now overdeveloped.
- Current infrastructure is inadequate to serve new development; Southwater needs increased investment in its services and facilities (train station, doctors, dentist, and more parking at shops).
- Almost all new dwellings would be larger executive homes with few 2-3 beds and no affordable housing provision, contrary to development plan policy and not based on latest Strategic Housing Market Assessment. Only 30% affordable housing provided in phases 1-4. Reducing 4-5 beds and increase of 2-3 beds would raise density.

Flood Risk and Drainage

- Increased runoff from development into the ditch on Shaw's Lane will increase flooding. The proposed drainage strategy is reliant on unregulated and inadequate maintenance by a future Management Company.
- Flood Risk Assessment is inadequate as clay does not drain and site is wetter than other parts of the Broadacres site allocation. Weather patterns have changed since 2014 with an increase in heavy rain events.

Highway access, including onto Shaw's Lane, and parking

- Dangerous to increase public access onto Shaw's Lane and upgrade the existing PRow footpath into a bridleway. The existing PRow footpath access is on a blind S bend in Shaw's Lane and the narrow, unlit length of Shaw's Lane would be dangerous to pedestrians, buggies, cyclists and horses. Motorised vehicles will illegally use bridleway.
- PRow crosses third party land and the upgrade necessitates removal of important and historic hedgerow and trees along Shaw's Lane.
- New footpath access opposite the Chase Farm entrance is also dangerous and raises Health and Safety risks as farm entrance used by heavy and large farm vehicles and machinery.
- Location of playspace will encourage use of and parking in Shaw's Lane to access these facilities. Children will wander out onto Shaw's Lane and into Chase Farm.
- Parking provision is above WSCC guidance and inadequate measures in Travel Plan.
- Significant increased traffic on Church Lane and site is remote from nearest bus service and Lintot Square.

Landscape Character and Trees

- Loss of green infrastructure and extension of urban sprawl that would detract from rural character and appearance of rural countryside. Light pollution from street lights.
- Shaw's Lane will lose its identity as a country lane, due to too many of its trees (37 individual and two groups) and significant stretches of hedgerow (total 41.5 metres) to be removed. This would lessen capacity to screen the new development.
- Why did the Parish Council rule on the number of trees to be included if that number was never going to be possible? Reducing agreed number of trees planted on site would deprive the site of green infrastructure and leave Council responsible for nurturing saplings (saplings planted in Broadacres estate have died for lack of watering).

Neighbour Amenity – privacy and noise

- Adverse impacts on air quality. Submitted report does not follow Council's guidance.
- Noise from adjacent dog boarding business would be un-neighbourly to new residents.
- Location of playspace too close to neighbours and away from surveillance of new residents. Question need for additional playspace as earlier phases of Broadacres is already adequately served by playspace.

- Increased access onto Shaw's Lane will encourage anti-social behaviour. Evidence already of drug use on Shaw's Lane. Uncertain who would police the play space.
- Security risk to property.

Other matters

- Harmful to ecology as the development would cause further disruption to wildlife and destruction of natural habitats, including too many trees and hedgerow removed. Play space now located in ecological mitigation zone, which should be relocated and ecology zone increased in size. No bird survey undertaken.
- Not carbon neutral development. Levels of achievable carbon reduction should not be constrained by Part L 2013 baseline.
- Negotiated adjustments have not overcome objections.
- PRoW shown incorrect on drawing. No landscape masterplan provided.
- Loss of Great House Farm and sports club inappropriately sited.
- Motivated by profit for Fletcher Trust and local people ignored.
- In contravention of Court of Justices of European Union.

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

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

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

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

6. PLANNING ASSESSMENTS

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

- The principle of the development and compliance of the scheme with the parameter plans approved at Outline;
- The layout, scale and appearance of the proposed development and effect on the character and appearance of the surrounding area;
- Accessibility and highway safety, and parking provision;
- Impact on the amenities of nearby and future occupants;
- Environmental issues including the landscaping proposed and the impact on existing trees and drainage

Background

- 6.2 In June 2015, pursuant to HDPF Policy SD10, outline planning application was permitted for the development of approximately 34.6 hectares of land to the west of Worthing Road in Southwater for up to 540 dwellings and 54 retirement living apartments, associated vehicular, cycle and pedestrian access, drainage and landscape works (application reference DC/14/0590). The outline planning permission is subject to a legal agreement which has secured the provision of replacement sports pitches and facilities (footpath pitches, cricket pitch, tennis courts and a sports pavilion); a parish office building; play areas; a skate park, multi-use games area (MUGA); cemetery extension; ecological mitigation areas and car parking provision for the village hall, church, sports facilities, together with affordable housing.

- 6.3 Berkeley Homes (Southern) is developing this strategic allocation, known as Land West of Worthing Road, in five phases. Reserved Matters has already been permitted on phases 1-4, to provide 514 dwellings in total, including the full site-wide affordable housing provision of 178 dwellings required under the outline permission. Phase 1 is now completed and

occupied. Phase 2 is well advanced, with commencement on the northern part of Phase 3 imminent.

- 6.4 The period for the submission of the Reserved Matters applications pursuant to the outline planning permission has now expired, without details for Phase 5 having been submitted. This application in effect seeks the development that would otherwise have come forward on Phase 5 under the outline permission, but now submitted as a Full Application rather than a Reserved Matters application.

Principle

- 6.5 The application site is located outside of the Built up Area Boundary as defined by Horsham District Planning Framework (HDPF), however the principle of development of this site with 80 no. market dwellings has already been granted by virtue of the site allocation under Policy SD10 and the outline permission under DC/14/0590. There is, therefore, no objection in principle to the current proposal, however consideration must be given to any site-specific constraints, and the detail of the scheme.
- 6.6 Since the submission of the application, the Examiner's Report dated 15 May 2020 on the Southwater Neighbourhood Plan has been published. The draft Southwater Neighbourhood Plan is aligned with the overall strategy of HDPF, with this strategic allocation falling within the revised Built up Area Boundary as defined by the Neighbourhood Plan (SNP1 – *Core Principles*)
- 6.7 All neighbourhood planning referendums scheduled to take place are postponed until 6 May 2021 following Government guidance. The intention of Horsham District Council is to send this neighbourhood plan to referendum, and Government advice is that plan can be given significant weight in decision-making, so far as the plan is material to the application. A decision statement to this effect was published 20 August 2020. Both the post-examination neighbourhood plan and the outline planning permission are therefore material considerations that carry significant weight in the determination of this application.

Compliance with Parameter Plans approved at Outline

- 6.8 The Outline Planning Permission established the principles of the Land West of Worthing Road development site through the approval of a number of parameter plans and technical supporting information including the Design and Access Statement. These parameter plans set out the location of the main land uses; the vehicular, pedestrian and cycle accessibility; the landscape and ecology strategy; the density of development; and building heights.
- 6.9 The current proposals should demonstrate compliance with the defined parameter plans approved as part of the outline consent.
- *Red Line boundary*
- 6.10 The proposed redline boundary reflects physical features out on the ground and excludes areas already laid out on site (these are ecological mitigation areas previously approved alongside Phase 1 of the strategic allocation). The site boundary therefore complies with approved outline parameter plan.
- *Land Uses*
- 6.11 The application comprises the southwest part of the wider development site and incorporates Phase 5. Access to this phase is as previously proposed and approved. The original parameter plan showed Phase 5 to be for residential development with the extent of the various land use components (residential developable area, public open space, ecological mitigation area, landscape buffer, and existing woodland). To the southern part of Phase 5

the parameter plan also details an attenuation area which was designed as a storm water retention area. It is considered that the layout currently proposed is in accordance with the layout shown on the land use parameter plan submitted and approved under the original outline planning permission DC/14/0590.

- *Density*

- 6.12 The outline density parameter plan details the application site to have a low density (up to 24 dph). The application site has a total area of 6.76 hectares and 80 dwellings are proposed which gives scheme density (circa 12 dph) which accords with the approved Parameter Plan.

- *Building Heights*

- 6.13 The outline parameter plan allowed for residential buildings of up to three storeys. The proposed buildings heights are all two-storey, with all ridge heights within the approved parameters. The scheme is therefore considered to be in conformity with the building heights proposed in the originally approved parameter plan.

- *Movement & Access - Vehicular*

- 6.14 Vehicular access is via shared surfaces and a loop road that links with Phases 3 and 4 (Kensett Avenue), which will be the spinal road for the strategic allocation. The emergency vehicle access point off Shaw's Lane will remain. The principle of vehicular movement and access through the site confirms with the details set out in the originally approved parameter plan. The road layout proposed is considered to be appropriate.

- *Movement & Access – Pedestrian and Cycle*

- 6.15 Pedestrian and cycle circular routes will be provided as well as upgrade of existing Public Right of Way footpath 1652 that crosses the development. The proposed scheme broadly accords with the outline parameters for pedestrian and cycle movement and access. It should be noted at the position of PRow 1652 was incorrect in this part of the outline Design and Access Statement (it is correctly detailed later in the document).

- *Landscape and Ecology Strategy*

- 6.16 The overall landscape strategy and the various components of it (ecological mitigation area, landscape buffer, public open space, attenuation areas, existing hedgerows and trees retained, and existing woodland) is considered broadly compliant with the parameter plan and is acceptable, subject to some outstanding issues that would have to be addressed, as discussed further below. It is considered most could be addressed through conditions, with the exception of tree planting.
- 6.17 Amendments were submitted during the course of the application and the Landscape Architect has reviewed the information. Conditions have been added to invite the design of the attenuation basin and the surrounding amenity space to take account of the Landscape Architect's comments. The conditions will also address the outstanding information relating to the surfacing, drainage, ecology mitigation and enhancement and the Landscape Management and Maintenance Plan. These are discussed further below. Subject to these details a suitably designed attenuation space and amenity space would be provided in line with the masterplan aspiration.

Affordable Housing and Housing Mix

- 6.18 Policy 16 of the HDPF states that sites providing 15 or more dwellings, or on sites over 0.5ha, the Council will require 35% of dwellings within the development to be affordable. Policy 16 goes on to state that development should provide a mix of housing sizes, types, and tenures

to meet the needs of the district's communities as evidenced in the latest Market Housing Mix study (Iceni, November 2019) in order to create sustainable and balanced communities.

- 6.19 Regarding the mix of housing, evidence set out in the latest Strategic Housing Market Assessment (Iceni Nov 2019) demonstrates the Horsham District has a strong representation of larger 4 bed market homes and a clear need for affordable housing. Table 70 of the study shows that residential development market housing should comprise the suggested mix: 1 bedroom housing – 6%; 2 bedroom housing – 27%; 3 bedroom housing – 41%; and 4+ bedroom housing – 26%.
- 6.20 Taking account of the current stock, needs evidence and demographic trends, the Iceni report identifies the profile of need for different sizes of homes by tenure and in relation to affordable housing, a 70/30 (rented and ownership) split. The current application is proposed as fully private tenure. No additional affordable housing is proposed.
- 6.21 Of the 80 units proposed for Phase 5, there will be a mix of 2, 3, 4, 5 bed houses, however 70 of the 80 would have 4 or more bedrooms. Whilst clearly contrary to the preferred mix identified above, when Phase 5 is added to the earlier phases, the entire strategic allocation is broadly aligns with the housing mix identified in the Iceni report, even accounting for the time that has passed since the strategic development was allocated and its housing mix stipulated. As such in this instance the proposed housing mix is considered acceptable.
- 6.22 In respect of the absence of affordable housing, it is of note that the outline approval made provision for 178 affordable units across the wider development site which is secured through the S106 agreement. All 178 affordable housing units have already been catered for under the extant reserved matters approvals on Phases 1-4 of the development. These units originally comprised a mix of 50% affordable rent and 50% shared ownership properties when permitted in 2015. In 2016, a deed of variation application (reference S106/16/0009) was submitted to make a number of changes to the legal agreement, one of which was to change the tenure split from 50/50 affordable rent/shared ownership to 47% affordable rent/53% shared ownership. Permission for this variation was granted in 2017.
- 6.23 Under the outline planning permission, it was envisaged that the final phase of the development, Phase 5, would be fully private tenure with a particular emphasis on larger homes suitable for families. Through the reserved matters submissions for Phases 1-4, this has been realised, with all the required affordable housing units (178 in total) having been provided on these earlier phases, for the site as a whole. The provision comprises a mix of apartments and houses, including over-55 units, with a fairly even distribution across all phases 1-4 and split between the two tenures (affordable rent and shared ownership). Whilst it is acknowledged that the current proposal incorporates far fewer number of 1 and 3 bedroom market dwellings, this has been balanced out with an increased provision across the wider strategic allocation.
- 6.24 The present application submission is the final phase of the strategic allocation and the current proposal is shaped by the legacy of the outline permission, and the need to adhere to it. As such, the proposed housing mix, when considered across the entire site allocation of 594 dwellings, is considered to appropriately comply with the Council's expectations for a residential development of this quantum and is therefore considered in accordance with Policy 16 of the HDPF and the latest SHMA assessment. Your Officers consider the suggested provision of affordable units to private dwellings is proportional, and is in accordance with the Affordable Housing Delivery Schedule as set out in the legal agreement.

Heritage

- 6.25 The Council and NPPF recognises the historic environment is an irreplaceable resource. Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability

of preserving a listed building or its setting. This is reflected in HDPF policies and draft Southwater Neighbourhood Plan SNP19 – *Parish Heritage Assets*.

- 6.26 No Listed Buildings are within the site. There are a number of statutorily Listed Buildings recorded within the wider vicinity of the site. A small cluster of Grade II Listed Buildings to the north of the site on Church Lane (Southwater House, Vicarage Cottage, and Holy Innocents Church) at a distance between 100-200m. The remainder are at least 400m from the Site (including Marlpost Farm Grade II). All are quite well contained within their own site but do have a group value which adds to their significance. The sensitivity of these heritage assets was assessed in the Environmental Statement submitted with the outline application. In particular, the degree of suburbanisation to the setting of Southwater House was acknowledged but due to the increased landscape buffer and low density housing, it was considered that this would result in a less than substantial impact, with this being assessed at the lower range. Importantly, the current application secures the same level of mitigation as required through the outline application. The development layout and density is comparable to the outline approval and the planting buffer along the north boundary is continuing to be provided, with an enhanced landscape buffer to the sensitive north-west site corner due to the need for additional tree planting provision on site.
- 6.27 The Historic Environment Record managed by West Sussex County Council identifies Chase Farm historic farmstead to the west of the application site and Carpenter Barn historic outfarm to the south. College Barn historic outfarm is identified within the centre of the earlier phases of the strategic allocation. These are all non-designated heritage assets and their significance stems from historic and architectural values as traditional outfarms. All now have had their settings partly changed in character with domestic conversion and degrees of visual enclosure of curtilages, although Chase Farm retains a functional connection to the agricultural landscape context. In the terms the resultant harm through the change in agricultural character of part of their setting, the Council's Conservation Officer considers such harm to significance will be minimal.
- 6.28 Whilst the development is in relatively close proximity and considered to affect the setting of the Listed Buildings, the proposed development is in conformity with the layout and indicative plans as originally set out at outline stage. Whilst the setting of the heritage assets was considered to be impacted, the impact on all the assets, including the aforementioned three Listed Buildings along Church Lane, is considered to be low. In accordance with paragraph 196 of the NPPF, the harm should be weighed against any public benefits of the proposal, proportionate to the significance of the heritage assets.
- 6.29 In overall summary, the Environmental Statement at outline stage judged that in light of the particular significance of these built heritage assets, separation distances, interposing typology/landscape and the nature of the proposed development, the effect on the significant would be negligible. Having account of this, and the advice from the Council's own Conservation Officer (who raises no objection to the current application), planning officers consider there will be only low effect on their significance through development in their setting and this would result in a less than substantial impact at the lower range. This approach and conclusions are consistent with planning officer's assessment of the outline application

Archaeology

- 6.30 Recent fieldwork to the north-east of the site has produced evidence of Iron Age and Roman period activity. The Council's consultant archaeologist recommends approval of the submitted Written Scheme of Investigation, which includes a plan of the trail trenching required.

Character and Appearance

Landscape Impact

- 6.31 Horsham District Council recognises the value of its surrounding countryside, and the importance and influence this has on both the urban and rural character of the District as a whole. In order to retain and protect the most sensitive and important landscape features, the Council have commissioned several studies to help guide development, including the Horsham District Landscape Character Assessment (2003). The Council's Landscape Architect has reviewed the proposed development having regard the Council's character and capacity studies,
- 6.32 As set out in the earlier section of this report it is considered that the proposed Phase 5 is in conformity with the parameter plans approved at outline stage, particularly with respect to the layout, the accessibility for cyclists, pedestrians and vehicles and the building heights.
- 6.33 The proposal incorporates landscaping features reflective of the characteristics of the surrounding countryside area (field perimeter hedgerow and tree, woodland and meadow) and provides spaces which can offer multiple benefit (biodiversity, and ecological enhancements as well as being a significant benefit for the new residents). The storm water retention area surrounding the ponds is an ecological mitigation area consisting of shrub planting, meadow and marginal planting. The scheme also proposes footpath and cycleways linking the development to the wider PRow network. This accords with the vision for the character area as set out in the Design and Access Statement submitted at outline approval.
- 6.34 The development closest to the of the strategic allocation will face outward towards these earlier phases and adopt the traditional architectural approach of these phases to ensure an appropriate integration, whilst also introducing other materials to signify the transition to the next phase. The eastern edge of the phase 5 extends the open space of phases 3 and 4 by continuing the lawn and tree planting on the western side of the mature field boundary hedgerow. As the development radiates outward, the building arrangement will become more spacious and more planting to reflect the rural edge. Building heights accord with the outline parameter plan. The upgraded Public Right of Way through the centre of the site is an extension of landscape corridor from phases 3 and 4. This will continue the informal naturalistic tree and shrub planting but also includes a higher proportion of woodland species to reflect the transition to the tree planting and open countryside beyond the development. All this allows for a sense of identity for the final phase given its transition from suburban to rural character, on the countryside edge, whilst keeping it in character with the previous phases.
- 6.35 The retention of existing mature trees and the proposed new landscaping are considered to create a spacious and verdant feel within the site, reflecting the transition from the suburban earlier phases of the strategic allocation and surrounding countryside. It also means viewpoints of the new development would be for the most part visually contained with boundary vegetation, which would provide a robust edge to the new development. In particular, a strong defensible boundary on the west and north sides of the site would remain. A structural landscape buffer strip to the north boundary would reduce intervisibility of the new development on the sensitive countryside setting of the Grade II Holy Innocents Church. The precise planting of this north-west buffer will be subject to condition to maintain views southwards from the public footpath 1654 towards Chanctonbury Ring in the South Downs National Park, and also potentially views of this notable landmark from within the development itself. Following negotiations, subtle adjustments to the site layout in terms of the position and orientation of buildings and their heights in the development offers the potential for a corridor view to be accommodated.

- 6.36 Nonetheless, the site is part of countryside on the edge of a settlement that is essentially rural in character. To that extent, the central section of the site will be replaced with buildings, and there would be some harm and conflict with the HDPF. In judging the severity of this harm it is necessary to recognise that although the site presently demonstrates a rural character due to the adjoining undeveloped countryside, there will be significant suburbanising influences within its immediate context in the near future, as the earlier phases of the strategic allocation to the east are built out. This would include an inevitable increase in activity along Shaw's Lane by future residents of the earlier phases using it for pursuits such as dog walking. Whilst the proposed development and the upgrade of the PRoW onto Shaw's Lane would add this to activity, it is considered that Shaw's Lane would, for the most part, retain its sense of character as a countryside lane, despite a potential increase of chance encounters when using it. Following negotiations a proposed secondary footpath onto Shaw's Lane from the proposed development that would have emerged near opposite Chase Farm has been omitted. Consequently a 10 metre length of hedgerow along Shaws Lane, which would have been removed, is now to be retained. External lighting can be controlled by condition to avoid intrusive levels of light pollution, although by its nature the development would result in some additional illumination. The planting of additional trees and hedgerows within the wider site, and planting within the built development itself, would aid in the screening and filtering of views of the proposed buildings and so reduce the magnitude of change and resultant adverse visual effects upon the wider countryside, including from identified viewpoints.
- 6.37 The Council's Landscape Architect initially raised concerns with certain landscape issues within the site itself. Revised plans have been received in response, with amendments considered to have addressed the majority of these issues sufficiently to overcome those original concerns. As well as negotiations regarding tree provision under draft Southwater Neighbourhood Plan Policy SNP18, which is detailed out in this report, the fence proposed around the open space has been omitted to provide more naturalised integration of play space with the environment around it, and a viewing platform has been included on the balancing pond in the southeast corner to enhance interaction with nature. Benches are also proposed to overlook the pond and increase engagement. A connection to the LEAP in the adjacent earlier phase to the east was suggested, this is asserted to be not viable or practical due to a ditch separating the areas with both playspaces accessible via the residential streets. Pedestrian permeability through the site has also been improved; pedestrian paths adjacent to plots 25 and 67-69 allow residents in the middle of the site to easily access the southern portion and the road to the side of plots 2/3 and 8/7 is indicated as a shared surface (precise details can be secured by condition). This has the potential to create an attractive and safe route from the houses to the Phase 5 LEAP, also increasing the scope for tree planting.
- 6.38 The applicants have agreed that a Landscape Management Plan for the management and maintenance of the site, including its play space, should be secured through a S106 agreement to ensure appropriate management of this green infrastructure. In this respect, the proposal is compliant with draft Southwater Neighbourhood Plan SNP12 – *Outdoor Play Space*. Precise details of hard and soft landscaping would be submitted by planning condition. The inclusion of an interpretation board pointing out the Chanctonbury Ring view will also be secured.
- 6.39 It is concluded that the development would comply with HDPF Policies 25 and 26, and 32 and 33, in so far that they require new development to provide an attractive environment that would respect the character of the surrounding area.

Layout and Design

- 6.40 Policy 32 of the HDPF 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 HDPF 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. Draft Southwater Neighbourhood Plan SNP16 – *Design* and SNP17 – *Site Levels* are both aligned with these policies.

- 6.41 The streets are legible with active frontages through the development and avoidance of vulnerable rear access paths, with the majority of dwellinghouses fronting the streets featuring doors and windows to ensure a passing level of surveillance. This includes the public areas and play space, which Sussex Police has commented on. Originally the LEAP was located to the southwest corner of the site, in accordance with the Design and Access Statement approved at outline. However, your officers believe in the case of the LEAP that a deviation from the outline permission is justified, as it was originally considered to be at a disadvantageous distance from the new properties and quite intrusively placed in the rural edge of the site. Following negotiations, the position of the LEAP has been revised, and it is now located closer to the development, in the southeast corner. This does mean it is closer to Woodland House to the south of the site from which a dog kennels business operates, but it is considered there is suitable distance retained between it and neighbours (existing and future) to avoid undue noise and disturbance. Its revised position also allows for convenient natural surveillance from nearby dwellings, with safe and accessible routes for users to come and go. It also means the playspace would be situated in an environment that is stimulating and safe for all children; the attenuation basins either side of the LEAP will be designed to have shallow sloping edges with marginal planting and a wildlife observation point. Regarding the LAP, this smaller playspace with limited equipment is unlikely to attract the same level of activity as the LEAP. It benefits from natural surveillance and typical equipment used (such as balancing timber beams) would be sympathetic to the rural edge, so it is not considered necessary to relocate this. Again, its position was previously approved at outline.
- 6.42 The road network is suitably laid out for refuse vehicles and collection points within this phase are suitably located and accessible. Parking has been provided for with in-curtilage parking bays which should leave the street layout free and unobstructed. Where communal parking occurs it is within view of active rooms within a property. The boundary between public space and private areas are clearly indicated. It is desirable for dwelling frontages to be open to view, and walls fences and hedges have been kept low or alternatively feature a combination of wall, railings or timber picket fence. Windowless elevations and blank walls adjacent to space to which the public have access is generally avoided.
- 6.43 The buildings will be built with a palette of materials and embellished with architectural features that are sufficiently reflective of the character of existing Southwater properties, which provides visual interest, as does the presence of smaller scale mews houses arranged around a shared surface courtyard. Following negotiations, there has been refinement to the qualities of built form, particular those that contribute toward the sense of rural transition along the west-east landscape corridor. This includes subtle enhancements to how the buildings are arranged along the meandering route of the upgraded PRoW; the treatment of plot boundaries as well tree planting along it, and more precision in the use of flint in buildings within the development (as this is a less common building material to Southwater). All this generally accords with the vision set out in the Design and Access Statement at outline, and is considered in general accordance with the Southwater Neighbourhood Plan and Parish Design Statement.
- 6.44 It is now considered that the proposed character, design and appearance of Phase 5 is acceptable and meets with the vision for the development, as originally set out at outline stage in the Design and Access Statement and the parameter plans.

Trees and hedges

6.45 Policy 33(6) of the HDPF presumes in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

- Existing

6.46 Broadly the site is open, with trees only sited within the peripheral hedgerows. The hedgerows are to be largely retained, resulting in tree loss only in regard to the creation of the new loop road necessitating the removal of some trees from hedgerow groups G38 and G39. The trees within these groups are classified as category C as required under BS 5837 'Trees in relation to design, demolition, and construction - Recommendations' (2012). The Council's Tree Officer does not consider these are of any especial or particular merit.

6.47 All of the distances between the proposed built form and the peripheral trees appear to be in accordance with the relevant British Standard, thus reducing likelihood of future pressure to perform inappropriate surgery or removal, and this is satisfactory. The measures for the protection of retained trees on the site during the construction process are also in line with the requirements in the British Standard, with all development that requires ground excavation appears placed outside of the root protection area of any retained trees, and this is satisfactory.

6.48 The submitted Tree Report notes (at para 4.6 and 4.7) that of the trees on the site, 37 have been classified as category 'C' under the BS, and a further 7 as category 'U'. This does not mean that these 44 trees are to be felled; it is merely a classification. What this does infer is that the 7 demonstratively poor trees under category U should be felled for good arboricultural reasons whether the site is developed or not.

- Proposed

6.49 The draft Southwater Neighbourhood Plan seeks tree planting standards within new development, set out in SNP18- *A Treed Landscape*. This requires that major developments must provide a minimum of one new tree (conforming to British Standard BS 3936-1/ Standard 8-10cm girth) per 40m² of new floorspace created. Southwater phase 5 creates an additional 15,743m² of floorspace (including garages) and therefore requires an additional 394 trees.

6.50 The layout of the proposed development has been reviewed to include as many of these within the red line of the application site as reasonably practical, whilst also accommodating previous feedback from the Council and the various development constraints (including viewing corridors, attenuation basins, play areas etc.). Small fruit trees could be added the bigger gardens without creating a potential shading issue and end up being removed from future occupants.

6.51 As per the policy, tree planting has been considered in the hierarchy of on-site provision; provision elsewhere in the plan area by the applicant; and lastly in the form of a commuted sum. This ensures the application is policy compliant. 185 trees will be provided within phase 5, an additional 10 trees within phase 4, and the remaining provision (199 trees) is suggested to be additional small fruit trees in gardens or open spaces of phases 3.2 and 4. It is therefore considered the proposal is policy compliant.

6.52 *On-site tree planting* has been focused in the below locations:

- The perimeter of the site boundary: care has been taken to preserve the future meadow surrounding the built form perimeter. The public amenity value of this space has been previously highlighted by the Council Landscape Architect.

- Within back gardens: this includes larger trees within generous back gardens, and additional fruit trees within some smaller gardens.
- The north western corner: care has been taken to balance tree planting with the Council's request to preserve views of the Chanctonbury Ring. It has been agreed that to ensure the viewing corridor is retained trees are suggested cautiously and the exact location will be confirmed via condition.
- Shared surface road: four new trees are shown along a shared surface access road between plots 2/3 and 7/8 leading to the LEAP in the south.
- Car parking area: two additional trees in the car park serving units 63-66.

6.53 In your Officers view, shared by the Council's Landscape Architect, it would be unreasonable to expect the total 394 additional trees to be contained within the red line. This would not create an appropriate or desirable living environment or take account of the development constraints. It is necessary to recognise the proposed scheme was already at an advanced stage when it became necessary to include these many trees; the main issue here is trying to retrofit. Working with feedback from the Council, the applicants have managed to provide 185 trees within the red line, of which 69 are to be large native trees and 116 small ornamental and fruit trees.

6.54 *Off-site tree planting*

SNP18 allows a degree of flexibility. The applicants have explored providing additional trees within earlier phases of the Southwater development despite these already having detailed planning permission, prior to the implementation of the updated Neighbourhood Plan. It has been agreed to plant an additional 10 trees in the open space in phase 4, and propose the remaining 199 additional smaller fruit trees within back gardens and open spaces of phases 3.2 and 4. It is suggested that this agreement forms a clause in a s106 legal agreement, with the detail, location, and number of trees to be confirmed via condition. In direct response to a comment from the Parish Council, Berkeley Homes confirms it does not have other appropriate, unused private land in the neighbourhood plan area on which additional trees could be planted. Even if such land were available, your Officers believe the focus should be on planting trees in places where people can connect with them and form part of everyday life, such as on the walk to school and in our communities. This is an approach that is supported by the policy, and recommended by the Council Landscape Architect.

Accessibility and Highway Safety

6.55 Policy 40 of the Horsham District Planning Framework states that transport access and ease 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.

6.56 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.

Accessibility and traffic movements

6.57 The Local Highway Authority has determined this to be a sustainable and accessible site and is well located in terms of its proximity to existing shops, schools and medical centres and other community and recreational facilities.

6.58 Having assessed the trip rate information submitted, which has taken into consideration background national traffic growth forecasts, WSCC Highways have confirmed their agreement with the trip generation data supplied and are satisfied that the development will not result in any detrimental or severe capacity on the local road network.

- 6.59 At outline approval local highway improvements and enhancement measures to improve integration of the strategic allocation, including the application site, with the wider area and to address wider sustainability issues, were secured within a legal agreement.
- 6.60 These efforts, including a travel plan, go some way towards reducing the degree of harm identified on sustainability grounds. Such measures are sufficient, from a highway capacity and safety perspective, for Local Highway Authority to consider the proposal would not have a severe or detrimental impact.

Access and highway safety

- 6.61 Vehicular access to Phase 5 is to be from two simple T-junctions on Kensett Avenue; the Highway Authority is satisfied the visibility splays at the junctions would accord with Manual for Streets parameters. The internal road layout has been designed to adoptable standards, in accordance with the Highway Authority Supplementary Guidance. Therefore no further traffic calming measures are necessary. The applicant has provided a swept path diagram which demonstrates larger vehicles can safely turn within the site. This main access will be used for construction purposes during the development build-out phase. In addition, the existing emergency access to the site from Shaw's Lane will be retained, for use by emergency vehicles only. By its nature the upgrade of the PRoW footpath 1652 into a bridleway will encourage more use of Shaw's Lane, however highway safety issues related to the principle of the upgrade were assessed and judged acceptable at outline approval, as well the precise point of access onto Shaw's Lane under the current application (this being the existing access point of the PRoW). The upgrade is supported by both the WSCC Highway Authority and PRoW teams. Following negotiations, the original intent for a second unadopted footpath access onto Shaw's Lane from the development near opposite Chase Farm has been omitted.
- 6.62 The access arrangements on Kensett Avenue and the main spine roads within Phase 5 will be delivered via a Section 38 Agreement between the applicants and WSCC. A detailed scheme showing the highway works will be submitted to the LHA for detailed technical approval, following planning consent subject to detailed technical approval under the S38 process. On the basis of the information submitted, the Highway Authority are satisfied with the access strategy of the proposals.

Parking

- 6.63 The parking capacity in the proposed 80 market unit scheme exceeds the residential parking demand as laid out in the West Sussex County Council's Guidance on Parking at New Developments August 2019, and is expected to meet the operational needs of the development. The proposed provision of 271 spaces exceeds the 230 car parking spaces recommended to comply with the WSCC guidance. In addition, there is 15 visitor spaces.
- 6.64 The draft Southwater Neighbourhood Plan (SNP) seeks to impose local level car parking standards. All plots have been checked and provide adequate provision of car parking as specified in SNP14- *Adequate Provision of Car Parking*. Following publication of the Examiner's report, the parking has also been re-configured to remove tandem parking behind garages, and avoid three or more car parking spaces arranged one behind the other, this is specified in the SNP. The development provides sufficient visitor parking, and the examiner recommended removal of clause SNP14.1d which states a rate of visitor provision.
- 6.65 Each garage will be equipped with cabling for a charging point for electric vehicles. This is in accordance with SNP 15- *Driving in the 21st Century*, which supports the shift to low emission vehicles. Two cycle parking spaces will be provided for each house. Bin stores are discreetly designed and located as far as practicable. Waste collection will be part of the overall management and maintenance plan for the development.

- 6.66 In conclusion on highway matters, the local highway authority raises no objection to the development based on the outstanding history at the site. In this respect, the proposal would be compliant with draft Southwater Neighbourhood Plan SNP4 – *Keeping our roads moving*. HDC Planning officers concur with this assessment.

Public Rights of Way (PRoW)

- 6.67 Existing Public footpath 1652 runs across the site. It is intended this will be upgraded to a 3 metre public bridleway, in accordance with the outline approval of the strategic allocation to create a cycle route from Bridleway 2929 (Shaw's Lane) through the development. This has already been approved along its length which passes through the earlier phases of the strategic allocation. It is a significant beneficial feature to support pedestrian and cycling opportunities from the development. Negotiations have secured clear delineation where the bridleway would cross frontages of plots 72 & 73, in order to minimise conflict between users and residents, and avoid unlawful obstructive parking. In all these respects, it is compliant with draft Southwater Neighbourhood Plan SNP13 – *Enhancing our non-motorised transport network*.
- 6.68 The meandering appearance shown on the layout drawing is acceptable to the West Sussex County Council PRoW team. The specification for construction is as per that previously agreed for Bridleway 3568 (the Downs Link) and constructed by Berkeley Homes (Southern). A Dedication Agreement specification for a surfaced bridleway, with a width of 3m and appropriate visibility splays and dropped kerbs at junctions and signage, should be agreed with the WSCC PROW Team in advance of any development taking place. All such improvements to the PRoW are to be delivered and constructed by Berkeley Homes (Southern), at their expense. No structure, for example gates or stiles, may be erected on the PRoW without the prior consent of the WSCC PRoW Team.

Other Environmental Issues

Drainage and Flood Risk

- 6.69 The aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and direct development away from areas at highest risk. A Flood Risk Assessment and drainage strategy supports the planning application (as set out in Flood Risk Assessment & Drainage Strategy (dated 15th November 2019) Ref; AMA739 – Infrastructure Design Ltd). It has assessed the risk of all forms of flooding to and from development and taken climate change into account.
- 6.70 The development is sequentially arranged and entire site is located in Flood Zone 1, which is the land categorisation which is at lowest risk of flooding. The area considered to be a low risk of fluvial flooding from significant watercourses and there is no high or medium surface water flood risk and only localised areas of low flood risk where the site falls towards existing watercourses.
- 6.71 Nonetheless, it is recognised the introduction of built form has a potential increase to residual risk of flooding (surface and foul water). A Flood Risk Assessment was prepared by the applicant covering the strategic allocation. This was approved as part of the outline planning permission. The drainage strategy methodology proposed for the application site adheres to the one approved for the strategic allocation.
- 6.72 As there is no notable catchment uphill of the site's north boundary, the surface water runoff catchment is limited to the site itself. It has been demonstrated this can be managed in the proposed development drainage systems. The proposal is for a sustainable drainage system that attenuates site runoff within a basin with restricted outflow into the watercourse at the south east of the site. In order to restrict the site runoff, two attenuation basins will

provide a combined storage volume of a modelled 1:100 year flood level plus climate change worst case duration storm event.

- 6.73 The foul discharge from the development will drain by gravity to a new adoptable foul water pumping station, located at the southern end of Phase 4.
- 6.74 There is a watercourse at the west of the site, in the verge of Shaw's Lane, and near to the site's east boundary. Both these watercourse do not form part of the proposed drainage strategy and both are at lower elevations than the proposed development, so there are no anticipated risks of flooding to the development. Any works to the watercourses will be subject to Land Drainage consent from West Sussex County Council.
- 6.75 As highlighted by the comments from the drainage authorities, there is no objection to the principle of what is proposed however further details are required to ensure a satisfactory scheme is achieved and that it will be maintained and managed appropriately during the lifetime of the development. It is reasonable and necessary to secure the full details via suitably worded planning conditions. The proposals are considered acceptable from a flood risk and resilience perspective in accordance with HDPF Policy 38.

Amenity Impacts

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

- Amenity of Existing Neighbouring Residents

- 6.77 The majority of objections received from nearby residents highlight the impact of the proposed development on the village of Southwater, the local road network and the existing infrastructure. Permission has already been granted in outline for the site as a whole under reference DC/14/0590. The assessment of this application can only consider the immediate impact on the amenity of existing residents and future residents as a result of development within this phase.
- 6.78 There are some existing properties to the south and west of the site, with The Chase, Chase Farm, Chase Lodge, and Woodland House, all on Shaw's Lane being in closest proximity. There is also a cluster of residential properties north of the site on Bonfire Hill, and a further the cluster of residential occupied Listed Buildings along Church Lane. Objectors have raised concerns about the impact of noise and disturbance from people using Shaw's Lane and the site, in particular the play space. There are two elements of the potential impacts to local residents, the construction phase and the completed scheme.
- 6.79 Dealing with the construction phase, local residents living in and around site would be affected by general noise and disturbance associated with construction works, in particular by the construction traffic/ site deliveries. Use of conditions restricting working hours and a construction management plan would mitigate such impacts.
- 6.80 For the completed scheme, local residents will experience noise and disturbance impacts associated with the introduced accommodation on this site, including children using the play space, and based on the indicative layout, outlook and privacy of neighbours would be impacted. However, the layout shows separation distances between the proposed development and play space and existing neighbouring buildings are sufficient to avoid significant loss of outlook and harmful overbearing. This, together with the building orientations across the site, is sufficient to avoid harmful overlooking and, for the same reason, unacceptable loss of privacy. Following negotiations, the position of the LEAP has been revised, and it is now located closer to the development, in the southeast corner. This does mean it is closer to Woodland House to the south of the site from which a dog kennels business operates, but it is considered there is suitable distance retained between it and

neighbours (existing and future) to avoid undue noise and disturbance or to curtail the business operations of the kennels.

- *Amenity of Future Occupants*

- 6.81 In terms of future residents, the layout of the proposed properties accords well with the originally approved parameter plans and has a density that is not considered to result in a cramped or overdeveloped scheme, nor lead to undue harm by way of overshadowing and overbearing. The building orientation and intervening distances between buildings avoids unacceptably intrusive loss of privacy, and although a degree of mutual overlooking between future neighbours would result, the severity of this would not be uncharacteristic of a suburban environment.
- 6.82 The draft Southwater Neighbourhood Plan (SNP) has policies that seek home standards and residential space standards for new dwellings. In terms of SNP9 - *Home Standards*, the NP Examiner amended this policy to read that new dwellings 'should' rather than 'must' achieve Building Regulation M4(2), as this is an optional requirement in the Building Regulations. In response to this the applicant has stated that not all dwellings would meet Part M4(2), and therefore would not be fully adaptable to the needs of occupants should they change in future.
- 6.83 The optional technical standard in Part M of the Building Regulations is triggered by development plan policies, and as such is only 'optional' insofar that it is optional for Local Planning Authorities to require their compliance via development plans. They are not 'optional' for developers to implement as they see fit (unless there is very compelling reason such as the development being a conversion of an existing building or step-free access not be achievable). In this instance all the dwellings are new-build dwellings where it is reasonable that they are designed to meet Building Regulation M4(2) from the outset to accord with Policy SNP9, which carries significant weight in decision making at this point in time. No compelling reason has been given by the applicant to justify an exemption therefore a condition is recommended accordingly to ensure all the dwellings are in compliance.
- 6.84 In regard to SNP10 – *Residential Space Standards*, all the new dwellings meet the 'Technical housing standards – nationally described space standard' and have adequate outdoor space. Accordingly, it is considered future occupiers would benefit from satisfactory future living conditions.

Ecology

- 6.85 Policy 31(2) of the HDPF states that development proposal 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.
- 6.86 A site specific Ecological Assessment was submitted in support of the development, and from this, a series of recommendations were made in response to secure adequate on-site mitigation measures. The Council's consultant Ecologist confirms the submitted assessment provides enough information for determination. The report surveyed the likelihood of the presence of Protected Habitats and species.
- 6.87 From this submitted evidence, the Council's Ecologist is satisfied that sufficient information has been provided to provide certainty to the LPA of likely impacts from the development and that any necessary mitigation will be effective and can be secured either by condition or by a licence from Natural England. Having considered the proposal, Horsham District Council

also concludes that, the project will not have a Likely Significant Effect on the designated features of habitats sites listed in the HRA screening assessment, either alone or in combination with other plan and projects.

- 6.88 A suite of ecological surveys was undertaken across the site through March to September 2019 to update the survey information used to inform the outline approval of the strategic allocation. The evidence from the surveys found the site comprises fallow agricultural land, being colonised by species poor, semi-improved grassland. The site is more or less surrounded by outgrown hedgerows with numerous semi-mature broad-leaved trees. The hedgerow along the western site boundary is likely to be classified as Important under the Hedgerow Regulations. Following negotiations, the 10 metre length of this to have been removed is no longer proposed as the proposed footpath near opposite Chase Farm has been omitted from the proposal.
- 6.89 A small population of grass snake, common lizard and slow worm have been identified from within the site, whilst a relatively poor bat assemblage, comprising five species was also confirmed. The level of bat activity within the site, and the composite species, was similar to that recorded during previous surveys; there was a relative low level of registration for most species apart from common pipistrelle. Barbastelle bats, qualifying features for The Mens and Eberone Common SACS, have not been recorded on the development site, either roosting or foraging/commuting. The majority of the registrations were associated with the mature tree belts, particularly along the western boundary of the site.
- 6.90 The hedgerows, reptile and bat populations were assessed to be of local value, whilst the main habitat, species poor, semi-improved grassland/abandoned arable, was assessed as being of negligible ecological value. The proposed development would result in the loss of the majority of the fallow arable field, which has been assessed as a negligible impact. Two sections of hedgerow (a 20 metre and 11 metre section) would also need to be removed to allow for the construction of the site access entrances from the earlier phases. The Council's Consultant Ecologist has assessed this and concluded that minimal works required to facilitate the access would lead to an insignificant impact and the hedgerows are still functional as flight lines. Additionally, the Proposed Lighting Layout shows no illumination of the boundary hedgerows. Therefore, there is no potential for habitat fragmentation or loss of functionally linked land for Barbastelle bats as part of the proposal.
- 6.91 Suitable mitigation strategies have been proposed to ensure that the populations are maintained in a favourable conservation status. This includes the reptile population within the site. Ecological mitigation and enhancement measures will be secured through the creation of species rich habitat within the Ecology Mitigation Area. This has been developed in accordance with the Ecology Enhancement and Management Plan for the strategic allocation. It is an extension of the existing section of the ecological mitigation area already been laid out on site toward of the north of the western boundary. This existing area forms part of the ecological mitigation area for the earlier Phases 1-2.
- 6.92 The Council's Consultant Ecologist has reviewed the submitted Ecological Assessment by Derek Finnie Associates (2019). It is recommended that a reptile mitigation strategy will be required and a condition to secure this. The proposed planting does not reflect the native species planting recommended in the Ecological Assessment (2019) and required for ecological mitigation within the Ecology Mitigation Area, particularly in relation to trees and marginal planting. As such, a condition is also recommended to resubmit the planting as part of a planning condition for a combined Landscape and Ecology Management Plan (LEMP). This would address future lighting in and around the development, although it has already been demonstrated that light spillage onto hedgerows is kept below 1 lux, which is equivalent to twilight to avoid significant negative impact upon bats. Additionally, biodiversity enhancements will be required and should be secured by condition to ensure biodiversity net gain is achieved. This includes new meadow, woodland, and two new ponds with appropriate aquatic species planting.

- 6.93 In accordance with the Conservation of Habitats & Species Regulations 2010 (as amended), it is concluded that, subject to the proposed mitigation measures being implemented, protected species and habitats will be protected, whilst features of the proposal would maintain and in some cases enhance biodiversity. It is necessary and appropriate to secure the mitigation measures via suitably worded conditions to ensure no significant adverse impacts to protected species and habitats.

Contaminated Land

- 6.94 No significant risks to sources to ground or surface waters were identified in documents submitted with the application, through remedial works were deemed necessary to address risks to human health. This could be controlled by condition.

Climate Change and Air Quality

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

- 6.96 In addition to the provisions included as part of the submission detailed in the applicant's planning statement, Officers are satisfied that the following measures can be secured as part of this application to reduce the development's impact on climate change:

- Water consumption limited to 110litres per person per day
- Integration of SUDS and green infrastructure to manage flood risk
- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Opportunities for biodiversity gain
- Cycle parking facilities
- Improved pedestrian and cycle links

- 6.97 Additionally, an Energy Statement has been submitted which sets out various commitments, including fabric first approach to meeting energy targets, to secure a reduction in carbon emissions. The report sets out the approach to be taken at detailed design stage to consider options for use of renewable energy on the development; solar thermal and solar PV.

- 6.98 Your officers recognise the reduction in car emissions through electric car charging provision and other measures, and the use of renewable energy, are important considerations in air quality and mitigation against the effects of climate change within the district and elsewhere. These concerns are reflected in the draft Southwater Neighbourhood Plan SNP15 – *Driving in the 21st Century*. In this scheme of parking spaces proposed on-site, at least all garages will have integrated fast charge charging points provided. The EV charging points will be a fundamental part of a wider package of mitigation measures currently in negotiations, under the Council's adopted Air Quality Emission Reduction Guidance 2020. The applicant has undertaken an assessment on the concentrations of air pollutants as a result of development generated traffic, which concludes the impact on local sensitive receptors to be negligible during both construction and operational phases. The proposed air quality mitigation required will therefore be at least equal to the value of £30,938.48. Effective on-site mitigation measures are the preferred option. At the time of writing of the report, the precise provisions of the package of mitigation measures are subject to resolution with the HDC Environmental Health Protection Officer recommending that measures are linked to those being or having been undertaken for the other phases of the development. Members will be updated on this matter.

- 6.99 With the above in mind, Officers are satisfied that through the use of appropriately worded planning conditions, the above measures could be implemented to reduce the development's impact on climate change. To this regard, there are no objections to the proposal on these grounds.

Mineral and Waste Management

- 6.100 The proposed development would, if approved, result in sterilisation of the mineral resource. While outline permission has now lapsed, no mineral concerns were raised in the previous approval. Therefore, the application meets the exemption criteria detailed within the Minerals and Waste Safeguarding Guidance. There are no identified safeguarded waste operators within proximity of the site that would have their operations prevented or prejudiced as a result of the development. Your officers are also satisfied the proposal sufficiently minimises waste generation, maximises opportunities for re-using and recycling waste, and include waste management facilities.

Section 106 Agreement

- 6.101 Detailed negotiations between the applicants and Officers have taken place to agree the details of a S106 that would need to accompany any planning permission for this development. The obligation will secure the tree planting under SNP18: Treed Landscape, the on-site play space provision and associated landscape features, and the air quality mitigation measures.
- 6.102 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged as a Community Infrastructure Levy (CIL) if the obligation does not meet all of the following tests:
1. Necessary to make the development acceptable in planning terms;
 2. Directly related to the development; and
 3. Fairly and reasonably related in scale and kind to the development.
- 6.103 The S106 as currently drafted would provide a list of contributions/obligations that have been tested against the CIL regulations and your Officers are satisfied that the 3 tests are met.

Conclusion

- 6.104 The principle of residential development the site has been established by way of the site allocation under Policy SD10 and the grant of outline planning permission (DC/14/0590). The current proposal represents the final phase of the strategic housing allocation in the Horsham District Planning Framework (HDPF) known as Land West of Worthing Road, and is referred to as Phase 5. It is considered that the scheme is in conformity with the parameter plans and Environmental Statement approved at the outline stage which, in turn, are compliant with the strategic allocation in the HDPF. Whilst the development would have a 'less than substantial' impact upon nearby heritage assets, it is considered that when reviewed in its entirety the proposal would provide for significant public benefits that would outweigh this harm, consistent with the conclusions of the outline application. Outstanding issues relating to archaeology, land contamination and drainage and other on-site environmental issues can adequately be controlled through conditions to this permission. Provision of policy compliant play space provision, tree planting and air quality mitigation can be secured by legal agreement.
- 6.105 It is therefore concluded that the scheme will deliver a high quality development in accordance with the HDPF strategic allocation and outline planning approval and is in conformity with national and local planning policies, therefore your Officers recommend that

this application be approved, subject to the detailed list of planning conditions and the completion of the necessary s106 legal agreement.

Community Infrastructure Levy (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	15743	0	15743
		Total Gain	
		Total Demolition	0

6.109 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development. In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

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

Conditions:

1 Approved Plans

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

(a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

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

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

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

- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

4. Pre-Commencement Condition: The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

- An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
- Details of how residents will be advised of site management contact details and responsibilities
- Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
- Details regarding parking or site operatives and visitors, deliveries, and storage;
- The method of access to and from the construction site
- The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc.
- Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
- Locations and details for the provision of wheel washing facilities and dust suppression facilities
- the anticipated number, frequency and types of vehicles used during construction, and the method of access and routing of vehicles during construction

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

5. Pre-commencement Condition: No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for Protected and Priority species (reptiles and compensation of lost Ecological Mitigation Area) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:

- purpose and objectives for the proposed works;
- detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- extent and location of proposed works shown on appropriate scale maps and plans;
- timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- persons responsible for implementing the works;
- initial aftercare and long-term maintenance (where relevant);
- disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and Policy 31 of the Horsham District Neighbourhood Plan and draft Policy SNP16 of the Southwater Neighbourhood Plan

- 6. Pre-Commencement Condition:** No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved, in writing, by the local planning authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the developer has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the local planning authority. Works shall be carried out in accordance with the approved scheme.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy 34 of the Horsham District Planning Framework (2015) and draft Policy SNP19 of the Southwater Neighbourhood Plan.

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

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015) and draft Policy SNP17 of the Southwater Neighbourhood Plan.

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

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 9. Pre-Commencement Condition:** Prior to the commencement of development details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities, and required ground excavations there for, shall be submitted to and approved, in writing, by the Local Planning Authority. These details shall coordinate with the landscape scheme pursuant to condition 1, and with existing trees on the site. All such underground services shall be installed in accordance with the approved details.

Reason: As the matter is fundamental to protect roots of important existing trees and hedgerows on the site and future trees identified in the approved landscaping strategy in accordance with Policies 25, 32, 33 & 34 of the Horsham District Planning Framework (2015) and draft Policies SNP16 and SNP18 of the Southwater Neighbourhood Plan.

- 10. Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of

materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials and details used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

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

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

- 12. Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that all dwellinghouse buildings comply with Building Regulation M4(2).

Reason: As this matter is fundamental to in order to improve the sustainability of the development and to ensure homes are fit for all ages in accordance with Policy 37 of the Horsham District Planning Framework (2015) and Policy SNP9 – Home Standards.

- 13. Pre-occupation condition:** Notwithstanding the landscape design principles identified in the Design and Access Statement and planting plan drawings, no dwelling hereby approved shall be first occupied until details of a comprehensive landscape works strategy, including the following landscape works has been submitted to and approved in writing, by the Local Planning Authority:

- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- A plan showing where each tree pit is and root barriers to be proposed is required.
- Hard surfacing materials: A written specification (NBS compliant) including, layout, colour, size, texture, coursing, levels, markings to parking bays
- Walls, fencing and railings: location, type, heights and materials
- Minor artefacts and structures including location, size, colour and construction of viewing platform, signage, refuse units, seating and lighting columns and lanterns
- A written soft landscape specification (National Building Specification compliant) including topsoil stripping, storage and re-use on the site in accordance with recognised codes of best practice, ground preparation, cultivation and other operations associated with plant and grass establishment
- Details of the exact location, extent, type of equipment/features and surfacing proposed for the natural play areas including LEAP and LAP and their integration with the attenuation basin including existing and proposed levels and cross sections
- All boundary treatments and external lighting

The approved scheme shall be implemented in full accordance with the approved details. Planting shall be carried out according to a timetable to be agreed in writing with the Local Planning Authority prior to occupation of any dwellinghouse. Any plants which within a period

of 5 years die, are removed or become seriously damaged and diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, provides satisfactory open space provision for future occupants, and that the landscaped buffers along the site boundaries with the countryside is suitable to protect and conserve the landscape setting of Southwater, to protect the setting of neighbouring heritage assets, to ensure that the proposal is in keeping with the character of the surrounding area including the streetscene of Shaws Lane and to help achieve a safe and secure development in accordance with Policies 25, 32, 33 & 34 of the Horsham District Planning Framework and draft Policies SNP12, SNP16 and SNP18 of the Southwater Neighbourhood Plan

14. Pre-Occupation Condition: Prior to the first occupation (or use) of any part of the development hereby permitted, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs to achieve stated objectives;
- locations of proposed enhancement and compensation measures by appropriate maps and plans;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- persons responsible for implementing the enhancement measures;
- details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, 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 and draft Policy SNP16 of the Southwater Neighbourhood Plan

15. Pre-Occupation Condition: Prior to the first occupation (or use) of any part of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- Description and evaluation of features to be managed including the native planting palette to be used.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions, maintenance schedules, and accompanying plan delineating areas of responsibility, including for all communal landscape areas
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved

details. The landscape areas shall thereafter be managed and maintained in accordance with the approved details

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policies SNP16 and SNP18 of the Southwater Neighbourhood Plan, and to allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

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

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 17. Pre-Occupation Condition:** Prior to first occupation (or use) of the development hereby permitted, a detailed exterior light scheme shall be prepared, in consultation with a suitably qualified ecological consultant to avoid disturbance to foraging bats, and approved in writing by the Local Planning Authority. The lighting scheme shall be in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The approved lighting scheme shall be implemented in accordance with the approved details and retained and maintained as such in perpetuity.

Reason: To ensure that the proposal does not result in adverse impacts on bats and other ecology To safeguard the amenities of the site and surrounds in accordance with Policies 31, and 33 of the Horsham District Planning Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 18. Pre-Occupation Condition:** No dwelling shall be first occupied until means for the charging of electric vehicles by way of fast charging points have been installed in accordance with details that have been submitted to and been approved in writing by the Local Planning Authority. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document and include a plan of all charging points, their specification, means of allocation, and means for their long term maintenance. The means for charging electric vehicles shall be retained as such thereafter.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015) and draft Policy SNP15 of the Southwater Neighbourhood Plan.

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

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015) and draft Policy SNP22 of the Southwater Neighbourhood Plan.

- 20. Pre-Occupation Condition:** No dwelling shall be first occupied until all vehicular, cycle and pedestrian access from the site has been designed, laid out and constructed in accordance with plans and details has been submitted and approved by the Local Planning Authority.

Reason: In the interest of highway safety and in accordance with policy 40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and draft Policies SNP13, SNP14 and SNP15 of the Southwater Neighbourhood Plan.

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

Reason: To provide car-parking space for the use in the interests of road safety and in accordance with Policies 40 and 41 of the Horsham District Planning Framework and draft Policy SNP14 of the Southwater Neighbourhood Plan.

- 22. Pre-Occupation Condition:** No dwelling hereby approved shall be first occupied until details of facilities for the covered and secure storage of cycles have been approved in writing by the Local Planning Authority and the approved storage facilities made available for use within the site. Once brought into use the cycle storage areas shall be retained at all times for their designated purpose.

Reason: To ensure that adequate storage space is available for cycles to promote the use of sustainable modes of transport, in the interests of highway safety and the visual amenity of the scheme in accordance with Policies 32, 33, 40 & 41 of the Horsham District Planning Framework and draft Policy SNP13 of the Southwater Neighbourhood Plan.

- 23. Pre-Occupation Condition:** No dwelling hereby approved shall be first occupied (unless and until provision for the storage of refuse/recycling has been made available for use for that dwelling in accordance with details approved in writing by the Local Planning Authority. Once brought into use the refuse/recycling storage areas shall be retained for the storage of refuse/recycling containers only and not used for any other purpose.

Reason: To ensure that adequate storage space is available for refuse/recycling containers in the interests of highway safety and the visual amenity of the scheme in accordance with Policies 32, 33, 40 & 41 of the Horsham District Planning Framework and draft Policies SNP9, SNP10, and SNP16 of the Southwater Neighbourhood Plan.

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

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015) and draft Policies SNP4 and SNP13 of the Southwater Neighbourhood Plan.

- 25. Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the approved detailed, and shall thereafter be maintained as such, unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework and draft Policy SNP4 of the Southwater Neighbourhood Plan.

- 26. Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 27. Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Derek Finnie Associates, 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 28. Regulatory Condition:** The existing public right of way across the site shall remain protected on its legal line for the duration of the development in accordance plans and details to be submitted to the Local Planning Authority for approval.

Reason: To safeguard the rights of the public and in accordance with policy 40 of the Horsham District Local Development Framework and draft Policy SNP13 of the Southwater Neighbourhood Plan.

- 29. Regulatory Condition:** All works shall be executed in full accordance with the approved:-
- BERK21376aia-ams ARBORICULTURAL IMPACT ASSESSMENT AND METHODSTATEMENT REV A-14.11.19 by ACD Environmental
 - BERK21376trA TREE REPORT (Tree Survey and Constraint Advice) REV A: 07.08.2019 by ACD ENVIRONMENTAL

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015) and draft Policies SNP16 and SNP18 of the Southwater Neighbourhood Plan.

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

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

- 31. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected

or constructed in front of the forward most part of any building hereby approved which fronts onto a highway without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenity of the locality and/or highway safety in accordance with Policy 33 of the Horsham District Local Development Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 32. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no development falling within Class B of Part 1 of Schedule 2 of the order shall be constructed on the dwellinghouses hereby permitted without express planning permission from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to protect the amenities of adjoining residential properties from loss of privacy in accordance with Policy 33 of the Horsham District Planning Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

INFORMATIVES:

Surface Water Drainage Statements

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

Ordinary Watercourse Consent

Under the Land Drainage Act 1991, any works (permanent or temporary) that have the potential to affect the existing watercourse or ditch's ability to convey water will require Ordinary Watercourse Consent. Ordinary watercourses include streams, drains, ditches and passages through which water flows that do not form the network of main rivers. (Refs; West Sussex LLFA Policy for the Management of Surface Water).

Background Papers: DC/19/2464

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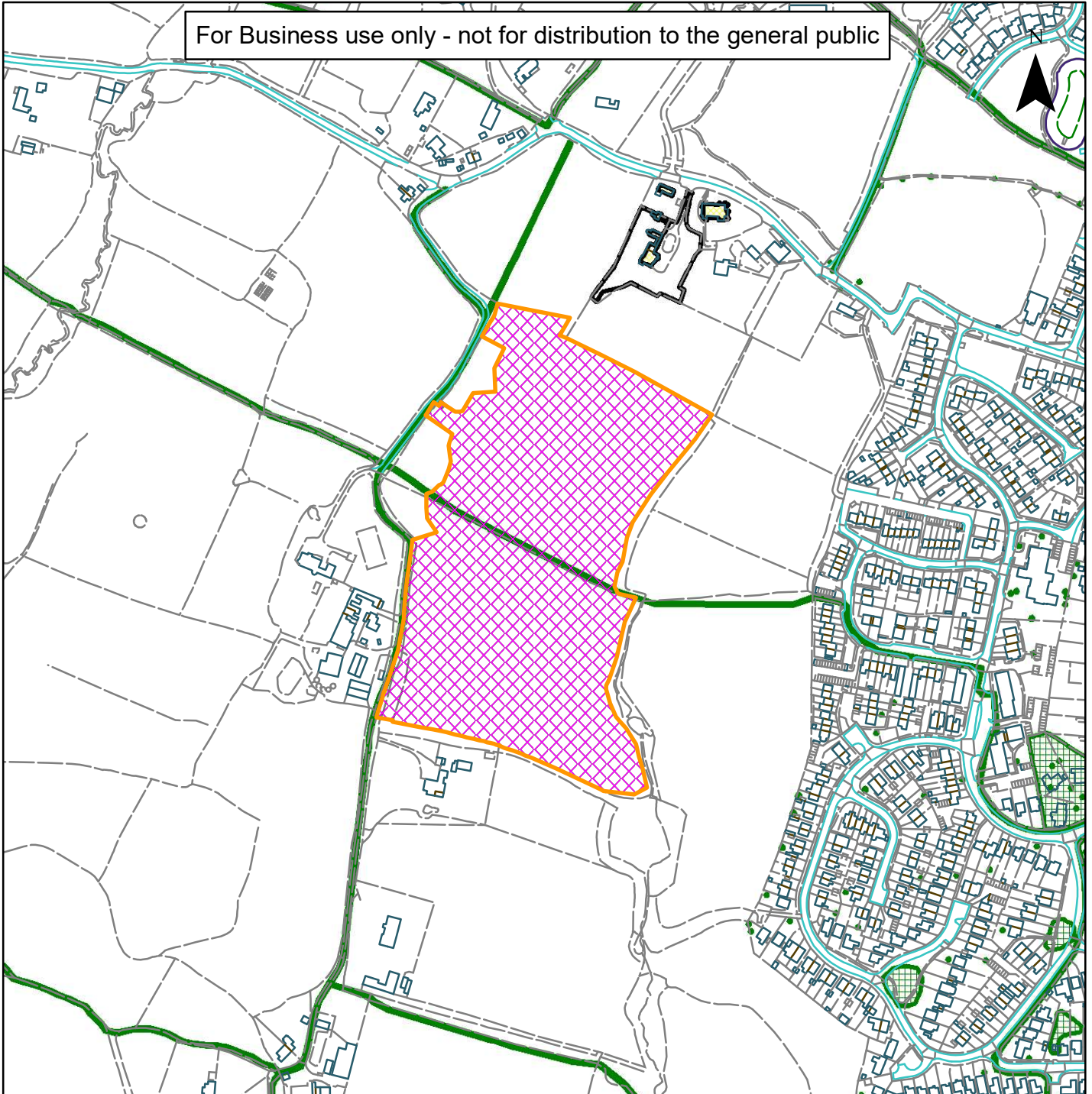
11) DC/19/2464



Horsham District Council

Berkeley Homes Development Site, Worthing Road, Southwater, RH13 9BT

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Organisation	Horsham District Council
Department	
Comments	
Date	22/09/2022
MA Number	100023865

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