



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

Planning Committee (North)

Tuesday, 1st November, 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 - 14 |
| To approve as correct the minutes of the meeting held on 4 October 2022. <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i> | |
| 3. Declarations of Members' Interests | |
| To receive any declarations of interest from Members of the Committee | |
| 4. Announcements | |

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

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

5. **Appeals** 15 - 16
Applications for determination by Committee:
6. **DC/21/1413 Tanbridge Retail Park, Albion Way, Horsham** 17 - 44
Ward: Denne
Applicant: Aldi Stores Ltd
7. **DC/19/2464 Berkeley Homes Development Site, Worthing Road, Southwater** 45 - 96
Ward: Southwater South and Shipley
Applicant: Berkeley Homes (Southern) Ltd
8. **DC/21/2148 Woodlands, Worthing Road, Horsham** 97 - 112
Ward: Southwater North
Applicant: Mrs Katie Jolliff
9. **DC/21/0761 Birchenbridge House, Brighton Road, Mannings Heath, Horsham** 113 - 140
Ward: Nuthurst and Lower Beeding
Applicant: Mr & Ms Pickering & Tinker
10. **DC/21/1235 Field Place Estate, Byfleets Lane. Broadbridge Heath** 141 - 158
Ward: Itchingfield, Slinfold and Warnham
Applicant: Mr Kenneth Prichard Jones
11. **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

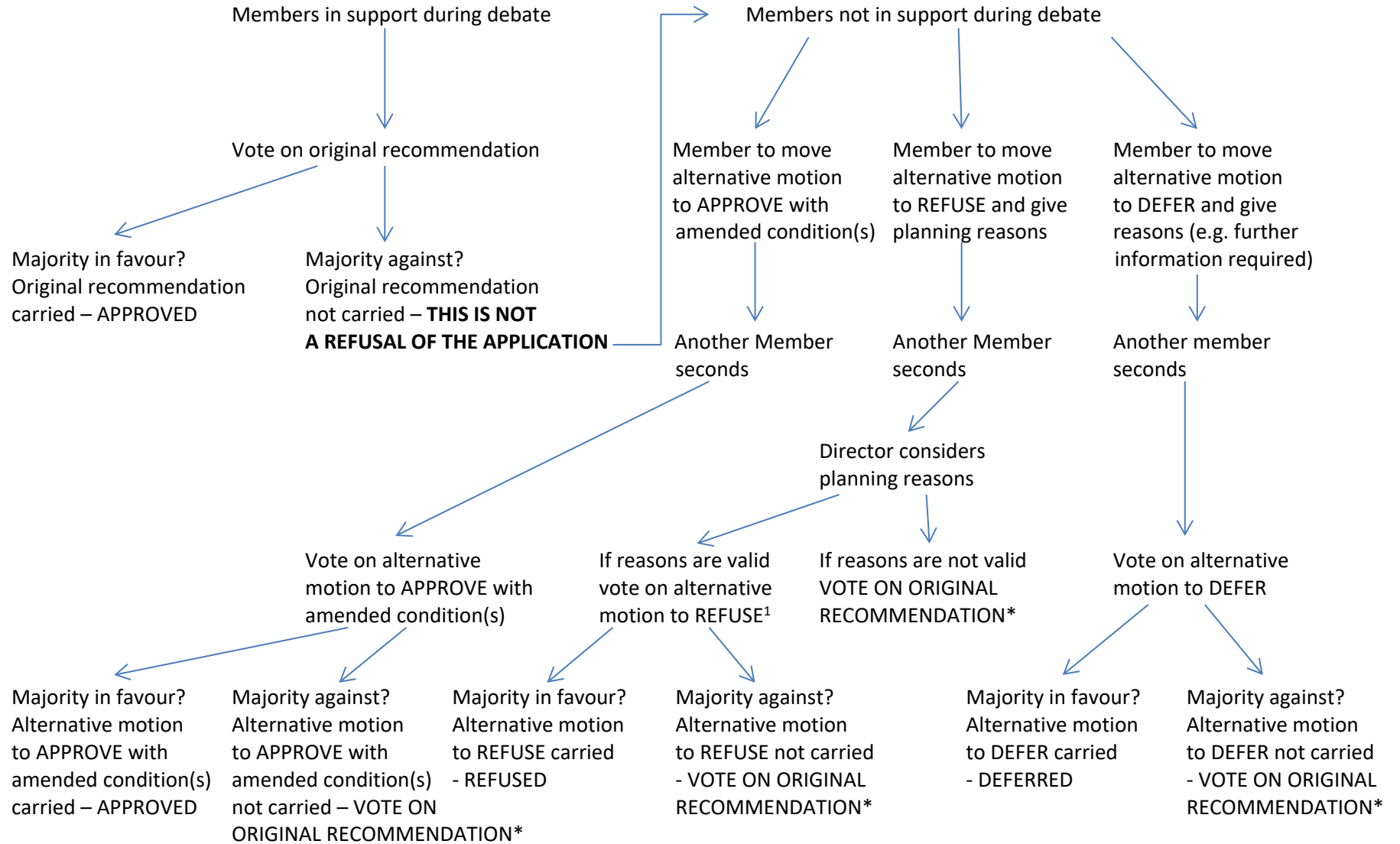
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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> |

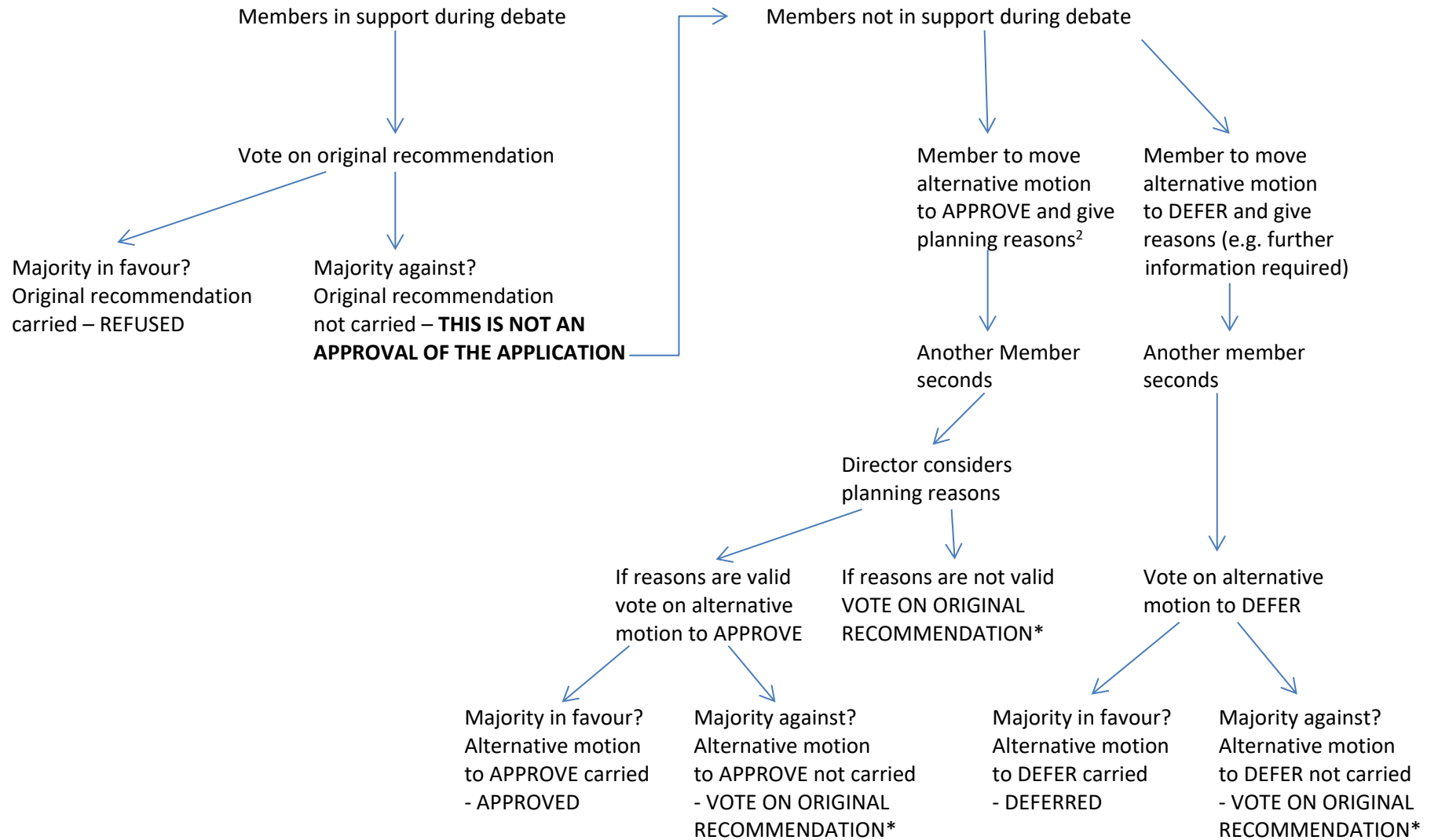
Original recommendation to APPROVE application



*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)
4 OCTOBER 2022

Present: Councillors: John Milne (Chairman), Matthew Allen, Tony Bevis, Martin Boffey, Toni Bradnum, Karen Burgess, Ruth Fletcher, Billy Greening, Tony Hogben, Liz Kitchen, Lynn Lambert, Richard Landeryou, Tim Lloyd, Colin Minto, Christian Mitchell, Jon Olson, Sam Raby, Stuart Ritchie, Ian Stannard, Claire Vickers and Tricia Youtan

Apologies: Councillors: Clive Trott, Andrew Baldwin, Alan Britten, Peter Burgess, Christine Costin, Gordon Lindsay, Louise Potter, David Skipp and Belinda Walters

PCN/17 **MINUTES**

The minutes of the meeting held on 6 September were approved as a correct record and signed by the Chairman.

PCN/18 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/22/0829 Councillor Billy Greening declared a personal interest as he knew an employee at Stonehouse Farm. He did not take part in the debate and left the room whilst the vote took place.

PCN/19 **ANNOUNCEMENTS**

Members were reminded of the Chairman's Civic Service taking place at 6 pm on Sunday 9 October at St Mary's Church, Horsham. All were invited.

PCN/20 **APPEALS**

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

PCN/21 **DC/21/1798 GREAT VENTORS DEVELOPMENT SITE, COOLHURST CLOSE, MONKS GATE**

The Head of Development & Building Control reported that this application sought to approve Reserved Matters for the provision of detailed design relating to appearance, landscaping, layout and scale of the approved scheme DC/18/1792. This outline application was for the erection of 5 residential dwellings and associated works.

Approval was subject to appropriate conditions and completion of Section 106 Legal Agreement to secure a proposed Borehole which would represent a solution for Water Neutrality.

The site was allocated under Policy 5 of the NPNP and had been split into two, the western parcel gained consent under references DC/15/1946 (Outline) and DC/17/0667 (Reserved Matters). Works had been completed on site to implement permissions which included a new access point from Nuthurst Road and the preservation and management of a 'nature reserve'.

The remaining Eastern parcel of land was the subject of the application which formed un-developed paddock associated with Great Ventors Farm to the east.

The south of the site is open countryside benefitting from two Rights of Way, the north of the site is the A281 and a series of residential dwellings forming part of Monks Gate. North West of the site are two pairs of semi-detached dwellings fronting the A281 and gardens adjacent to the application site.

Members noted the planning history of the application.

The Parish Council and Residents Association objected to the proposal. Eight letters of objection were received.

The Parish Council and two speakers objected to the application and the agent and two further speakers spoke in support.

Discussion considered both items DC/21/1798 and DC/22/1178 which was also determined at this meeting.

Members discussed details of the proposed borehole and raised concerns that until this was built a full assessment of water quantity and quality could not be undertaken. It was felt that a precedent may be set for future boreholes being used to combat water neutrality issues. It was advised that conditions stated in the planning report required robust evidence from the performance of the borehole prior to the commencement of any building work on the site.

Clarity was given by Officers regarding suitable lighting in the proposed development and an improvement in car parking provision on site. Concern was also raised regarding Sewage Plant issues in Nuthurst where it was agreed that an additional condition would be added to the agreement. Members also requested an addition to Policy 10 of the report to submit an annual meter reading to Horsham District Council for regular monitoring.

Members considered the consultees' responses and the officer's planning assessment which included the following key issues: principle of development, site layout, design and appearance, amenity and highways impacts, water neutrality and climate change.

RESOLVED

That application DC/21/1798 be delegated to the Head of Development & Building Control, subject to consultation on conditions with the Local Member, and completion of Section 106 agreement as set out in the report.

PCN/22 **DC/22/1178 GREAT VENTORS FARM, BRIGHTON ROAD, MONKS GATE, HORSHAM**

The Head of Development & Building Control reported that this application sought full planning permission for the construction of new Water Treatment House for the proposed Borehole to include new surface treatments and provision of a suitable enclosure.

This would serve the neighbourhood development site (DC/21/1798) and permission would be subject to appropriate conditions and the completion of a Section 106 Legal Agreement. The proposed borehole would support the development water neutrality whereby all water supplies to the proposed 5 dwellings on the adjacent housing site would be served entirely by the borehole.

The site lies outside the Built-up-Area within the countryside in Nuthurst Parish. The borehole and Water Treatment House site sits alongside the housing allocation, currently accessed from a fence and access gate from Great Ventors.

The Parish Council and Residents Association objected to the proposal. 19 letters of objections had been received to the proposal.

The Parish Council spoke in objection to the proposal and three other speakers objected. The applicant and two other speakers spoke in support.

Discussion considered both items DC/22/1178 and DC/21/1798 which was also determined at this meeting.

Members considered the consultees' responses and officer's planning assessment which included the following key issues: principle of development, site layout, design and appearance, amenity impact and the bore hole and water neutrality.

RESOLVED

That application DC/21/1178 be delegated for approval to the Head of Development & Building Control, subject to consultation

on conditions with the Local Member and the completion of a Section 106 agreement as set out in the report.

PCN/23 **DC/22/0939 ROFFEY PLACE, OLD CRAWLEY ROAD, FAYGATE, HORSHAM**

The Head of Development & Building Control reported that this application sought change of use from a Religious Institution with bedrooms (Class C2) to accommodation for homeless persons (Sui Generis) requiring short-term accommodation on a path out of homelessness.

The application did not include the main listed building of Roffey Place or its immediate curtilage. The facility would provide a total of 50 single occupancy rooms, operated by Turning Tides a charity which provides short term accommodation for homeless people with the view to offering skills and network support into independent living back within the community.

The application site is on the southern side of Old Crawley Road which runs parallel to the A264/Crawley Road and is within the High Weald Area of Natural Beauty. The application related to an existing large two storey extension to the side of the listed building along with a detached gatehouse set to the site frontage with Old Crawley Road.

Members noted the planning history of the application.

The Parish Council objected and 28 letters of objection had been received to the proposal.

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

Members were in support of the application and were positive that a disused building would be repurposed for homeless accommodation. There were some road safety concerns however West Sussex County Council Highways had raised no objections.

It was suggested that the Management Plan should be revised to ensure the facility operated safely and protected the amenities of local residents.

Members considered the consultees' responses and officer's planning assessment which included the following key issues: principle of development, design, appearance and layout, trees, landscaping, AONB, heritage, access and highways impacts and water neutrality.

RESOLVED

That DC/22/0939 be approved in accordance with Officer recommendation subject to the following amendment to Condition 4:

Pre-Occupation Condition

Notwithstanding the Management Plan (received 15/9/22) a revised Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Local Members, prior to the occupation and operation of the shelter hereby approved. 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 protection of the amenities of nearby residents, in accordance with Policies 33 of the Horsham District Planning Framework (2015).

PCN/24 **DC/22/0829 STONEHOUSE FARM, HANDCROSS ROAD, PLUMMERS PLAIN, HORSHAM**

The Head of Development & Building Control reported that this application sought retrospective planning permission for the replacement of an Agricultural Building.

The Agricultural Building is steel clad (moss green) with a mono pitched roof with two roller shutter doors to the east elevation. The footprint is 112sqm greater than the original small agricultural buildings. The application also includes the erection of a planter for landscaping and retaining wall.

The site forms part of an existing agricultural holding comprising 41 hectares of land for grazing of the applicant's dairy herd known as Stonehouse Farm. It comprises the original Stonehouse Farm with land fronting onto Handcross Road at the south and land previously known as Jacksons Farm fronting Hammerpond Road at the north. The agricultural building related to the application is located amongst a cluster of buildings to the south east of the site close to Handcross Road located where former demolished agricultural storage buildings were.

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

Members noted the planning history of the application.

The Parish Council objected to the application and ten letters of objection from households had been received.

The Parish Council and one speaker spoke in objection to the application and the agent spoke in support.

The Ward Member was opposed to the proposal. It was felt there was no valid agricultural need for the building and not essential in its countryside location. It was also considered overdevelopment of the site without consideration of surrounding residents.

Members considered the consultees' responses and officer's planning assessment which included: principle of development, design and appearance, amenity and highways impacts and water neutrality.

RESOLVED

That planning application DC/22/0829 be refused for the following reasons:

- 1) It has not been demonstrated to the satisfaction of the Local Planning Authority that the development is essential to its countryside location and necessary to support the needs of agriculture. The proposal is therefore contrary to Policies 10 and 26 of the Horsham District Planning Framework (2015).
- 2) The agricultural building amounts to a harmful overdevelopment of the site which would be detrimental to the character and appearance of the site and wider surrounding area, contrary to Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

PCN/25 **DC/21/0738 LAND AT 521753 134251 OLD FORGE CLOSE, FAYGATE, HORSHAM**

The Head of Development & Building Control reported that this application sought planning permission for the erection of a single storey 3-bed dwelling with associated parking. Approval would be subject to appropriate conditions and a S106 agreement.

The proposed dwelling would be located centrally in the site, to the west of Faygate Lane in 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 on the north and Old Forge Close to the West.

The settlement of Faygate has no defined built-up area and therefore located within the countryside in policy terms. The wider surroundings are classified by dense residential development and enclosed fields and woodlands beyond the boundaries of the development.

The Parish Council raised no objection and no letters of representation had been received.

The agent spoke in support of the application and two speakers objected.

Members were given clarity on sufficient parking spaces being provided on this proposal and concern was raised over construction traffic affecting the private road.

It was felt that a Construction Environmental Management Plan condition should be added to the proposal.

Members considered the consultees' responses and officer's planning assessment which included: principle of development, design and appearance, amenity and highway impacts, water neutrality and climate change.

RESOLVED

That planning application DC/21/0738 be approved in accordance with Officer recommendation subject to an additional (pre-commencement) condition to require a Construction Environmental Management Plan (CEMP).

PCN/26 **DC/19/2464 BERKELEY HOMES DEVELOPMENT SITE, WORTHING ROAD, SOUTHWATER**

The Head of Development & Building Control reported that this application sought approval for the erection of 80 dwellings with associated access, parking and landscaping at land West of Worthing Road (Phase 5), Southwater.

The application had returned to Committee due to new material consideration of Water Neutrality and approved permission would be subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

Members noted the planning history of the application.

Since the publication of the report two further objections had been received concerning environmental issues.

Members discussed water neutrality details in the report. It was felt that some aspects required clarity and it was proposed and seconded to defer the decision for a future meeting.

RESOLVED

That planning application DC/19/2464 be deferred to allow further consideration of the applicant's submitted water neutrality strategy.

The meeting closed at 8.45 pm having commenced at 5.30 pm

CHAIRMAN

Planning Committee (NORTH)

Date: 1st November 2022



Report on Appeals: 22nd September – 19th October 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/22/1187 | Honeywood House Horsham Road Rowhook Horsham West Sussex RH12 3QD | 27-Sep-22 | Application Refused | N/A |
| DC/21/2469 | Lutwicke Corner Cottage Stane Street Slinfold Horsham West Sussex RH13 0RE | 27-Sep-22 | Application Refused | N/A |
| DC/21/2072 | Bonwycks Lodge Farm Ifield Wood Ifield Crawley West Sussex RH11 0LE | 03-Oct-22 | Application Refused | N/A |
| DC/22/0074 | 6 Yarrow Close Horsham West Sussex RH12 5FP | 06-Oct-22 | Application Refused | N/A |
| DC/21/1946 | Pemberley Copsale Road Maplehurst Horsham West Sussex RH13 6QY | 10-Oct-22 | Application Refused | Application Refused |
| DC/21/1263 | Twenty Five Acres Leechpond Hill Lower Beeding West Sussex | 12-Oct-22 | Application Refused | Application Refused |

2. Appeals started

Consideration of the following appeals has started during the period:

| Ref No. | Site | Appeal Procedure | Start Date | Officer Recommendation | Committee Resolution |
|------------|---|------------------------|------------|-------------------------------------|----------------------|
| EN/22/0208 | Spinroute Ltd CCM Depot Rusper Road Ifield Crawley West Sussex RH11 0LQ | Written Representation | 23-Sep-22 | Notice served | N/A |
| DC/21/2226 | 1 Home Farm House 46 Springfield Road Horsham West Sussex RH12 2PD | Written Representation | 04-Oct-22 | Prior Approval Required and REFUSED | N/A |

3. Appeal Decisions

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

| Ref No. | Site | Appeal Procedure | Decision | Officer Recommendation | Committee Resolution |
|------------------------|------|------------------|----------|------------------------|----------------------|
| — None during period — | | | | | |



**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st November 2022

DEVELOPMENT: Development of site to provide a new retail food store (Class E) and associated car parking, access and landscaping

SITE: Tanbridge Retail Park Albion Way Horsham West Sussex

WARD: Denne

APPLICATION: DC/21/1413

APPLICANT: **Name:** Aldi Stores Ltd **Address:** Planning Potential Magdalen House 148 Tooley Street London SE1 2TU United Kingdom

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

RECOMMENDATION: To refuse planning permission.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks full planning permission for the demolition of the existing building, which currently comprises two conjoined retail units, and its replacement with a single unit contained in a modern foodstore building. The new building would be located south of the existing building on site, closer to the roundabout junction of Worthing Road and Albion Way.
- 1.2 The application proposes a discount food retailer (Aldi) providing a retail unit of predominately convenience goods (i.e. food and drink) with limited comparison goods (the 'middle isle'). The existing floorspace on site totals 2,028 square metres (gross), with a retail sales area of 1,521 sq. m. The proposed Aldi Store would have a gross floor space of 1,812 square metres, of which 1,315 sq. m is net sales and the remaining 497 sqm warehouse/amenity space. Fifty retail job opportunities are forecast.
- 1.3 The proposed retail store building is some 59 metres long and 40 metres wide (at the longest and widest points). It is designed with tailored elements alongside the corporate 'Aldi' style, with a series of 'anchor' design features to the corners. The 'anchor' at the store entrance is glazed. The other 'anchors' are finished in timber panelling and correspond in size so that

the anchor at the roundabout junction (Albion Way and Worthing Road) is the largest to act as a focal point. This is the high point of the building at approx. 8 metres, with the lowest height at 6 metres, from finished floor level. The building exhibits a stratified material palette, with dark Oak timber panelling, dark grey cladding with stock red brick, silver metallic cladding, aluminium fascia and anthracite framed glazing. The customer entrance will have a canopy.

- 1.4 As applied for, goods delivery hours are Monday to Saturday 6am – 10pm and Sunday 7am to 7pm, supported by a submitted Environmental Noise Report. Deliveries will be controlled by a Delivery Management Plan. The store will be serviced by four deliveries a day. The proposed store trading hours are Monday to Saturday 8am – 8pm and Sunday 10am – 6pm (Sunday trading will control trading to a six hour period).
- 1.5 The proposed development will utilise the existing site access priority junction leading from the existing 4-arm roundabout with the B2237 Albion Way. This would separate motor vehicles from pedestrians. The area of deliveries and HGVs manoeuvring will be at the northwest edge of the car park, away from pedestrian circulation and disabled spaces for customer safety. A vehicle tracking exercise has been carried out which confirms a delivery vehicle can access and exit the delivery area.
- 1.6 The site will be regraded with a ramp at falls of 1:16 for vehicle access into the carpark and pedestrian footpaths at 1:20 gradient. Low level kerbs and tactile paving is proposed at the crossing point by the new entrance, which links into the existing 2m wide footway on Albion Way.
- 1.7 The proposal includes 96 car parking spaces, including 5 disabled spaces, 9 parent and child, 4 for staff, and 12 electric vehicle charging spaces (4 active/8 passive). 95 of the spaces are 2.5m x 4.8m. The car park will be lit by lighting columns. The applicant is proposing the provision of 30 cycle spaces (10 covered staff spaces at the rear of building and 20 spaces for customers; 8 of which are under cover of the store canopy and 12 as potential covered shelter. These spaces include provision for non-standard cycles.
- 1.8 17 trees (identified as moderate to low category by the applicant's consultant arboriculturist) as well as sections of hedging will be removed along the eastern and southern site boundaries to make way for the proposed building, and what remains would be subject to pruning. The tree line on the western boundary is to be pruned back with crown reductions to avoid encroachment onto the proposed building, with 2 further trees removed to make way for the building. A tree root protection zone is proposed for the treed western boundary, details of which are provided in an accompanying Arboricultural Assessment and Method Statement. A further 4 trees across the remainder of the site will be removed. New landscaped planting is also proposed.
- 1.9 The proposed Horsham Aldi is targeted to achieve a BREEAM 'Very Good' rating as a minimum (with 100% of the Water Credits targeted). The business will operate a Site Waste Management Plan.
- 1.10 An outline surface water drainage strategy has been prepared that comprises permeable paving and filter drains to an on-site attenuation in a buried storage tank located under the car parking areas. This is to discharge into the adjacent River Arun via at a controlled flow rate, via a new headwall. The proposal also includes a petrol/oil interception in the surface water drainage scheme to minimise contamination. The rate of run-off will be reduced when compared to the existing situation.
- 1.11 The application is supported by a suite of technical documents including a Transport Assessment, Planning Statement, Energy Statement, Tree and Arboricultural Assessment, Noise Impact Assessment, and Drainage Strategy.

- 1.12 Negotiations between Officers and the applicant have secured changes to the original proposal, including; amendments to the store building design, retention of perimeter trees to the site, additional cycle storage, and improvements to ease of foot and cycle circulation across the site and entry and exit. These are detailed out in later sections of this report.

DESCRIPTION OF THE SITE

- 1.13 The application site (0.62 hectares), known as Tanbridge Retail Park, is located within the defined town centre boundary of Horsham, and outside but adjacent to the Primary Shopping Area. It is accessed from the north-east, via a roundabout from Albion Way (B2237). It comprises two conjoined retail units of circa 1,062 square metres (Unit 1) and 966 square metres (Unit 2), as well as a service yard and hard surfaced level parking (103 spaces) to the south and east of the retail units. Unit 1 is on short term occupation by a charity and Unit 2 is vacant. Both units are single storey in height. There is soft landscaping on the site. The River Arun runs adjacent to the site along the western boundary.
- 1.14 Existing site levels vary, with the site falling north to south (by 2.6 metres) and east to west (by 0.4 metres). There is an existing retaining wall which runs along Albion Way with the road level at this point higher than existing site levels by some 1.75 metres. The site sits broadly level with Worthing Road.
- 1.15 The character of the immediate area is mixed. There is retail presence, including Waitrose and John Lewis (to the north, permitted in 2015) and J Sainsbury's to the east (permitted in 1991) with petrol filling station. The western site boundary runs directly parallel to the River Arun. Beyond the river, to the west, the character is residential, with private dwellinghouses. To the south is Prewetts Mill, a residential scheme of apartments and town houses.
- 1.16 There are bus stops along Worthing Road within easy walking distance of the site. The nearest bus stop is a 2 minute walk from the site, opposite a Dunelm store. Horsham train station is some 18 minute walk from the site. There are two existing traffic light crossing points, one to the south of the site on Worthing Road and the other east along Albion Way.
- 1.17 A footpath (not dedicated) connects the western residential area to the site, via a footbridge over the River Arun. This is part of The Riverside Walk, a 13 mile long circular footpath surrounding Horsham Town. It is well-used as a link to key facilities around the town. It is also an important recreational path and wildlife corridor.
- 1.18 The western edge of site boundary falls within Flood Zone 3 due to the proximity of the River Arun. The tree line on the western side boundary forms part of the embankment to the River Arun. The nearest designated Heritage Asset is Grade II Friends Cottage, Worthing Road, some 88 metres northeast of site. The site is adjacent to the Horsham Town Medieval Core Archaeological Notification Area. The site falls within a Heat Priority Area (HDPF Policy 36) and 3km Wellcross Farm landing strip buffer. A low pressure gas pipeline routes across the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.
Section 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) 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 5 - Strategic Policy: Horsham Town
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 24 - Strategic Policy: Environmental 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:

Planning Obligations and Affordable Housing SPD (September 2017)
Community Infrastructure Levy (CIL) Charging Schedule (HDC, 2017)

Horsham Town Plan SPD (HDC, 2012)
Horsham Town Design Statement SPD (HDC, 2008)

Other Guidance:

Horsham Town Centre Vision (GVA/HDC, 2017)

Horsham District Council Local Cycling and Walking Infrastructure Plan (HDC Dec 2020)

Northern West Sussex Economic Growth Assessment, Lichfields (Update Jan 2020)
Horsham District Economic Strategy 2017-2027 (HDC, 2017)
Horsham District Council Retail & Leisure Study (HDC, 2017)
Horsham District Council Retail Needs Study, GVA Grimley (June 2010)

Facilitating Appropriate Development (FAD) Planning Guidance Document (HDC, 2020)
Biodiversity and Green Infrastructure Planning Advice Note (PAN) Planning Guidance Document (HDC, 2020)

Good By Design (Horsham Society, 2018)

RELEVANT NEIGHBOURHOOD PLAN

Horsham Blueprint Business Neighbourhood Forum is a designated body of the Unparished Area of Horsham Town. The Forum comprises of representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council.

Horsham Blueprint Business Neighbourhood Plan 2019- 2036

At the time of writing, The Horsham Blueprint Business Neighbourhood Plan has successfully passed examination. A Residential and a Business Neighbourhood Planning referendum will be held together on 20 October 2022.

In this instance the outcome of the business and residents' referendums will be considered separately. If both are in favour of the Neighbourhood Plan it will be adopted. If both reject the Neighbourhood Plan it won't be adopted. Where the two outcomes conflict with each other the decision about whether or not to adopt the Neighbourhood Plan will rest with the local planning authority.

HB1: Location of development
HB3: Character of development
HB4: Design of development
HB5: Energy efficiency and design
HB6: Retaining and enhancing the vitality and viability of Horsham Town Centre
HB7: A welcoming public realm
HB9: Protecting existing and encouraging new commercial premises and land
HB10: Green and blue infrastructure and delivering biodiversity net gain
HB12: Encouraging sustainable movement

PLANNING HISTORY AND RELEVANT APPLICATIONS

| | | |
|------------|---|----------------------|
| HU/89/96 | Erection of two non-food retail units with parking and access | Permitted 11-06-1996 |
| DC/19/1927 | Removal of Condition 10 to previously permitted Application Reference Number: HU/89/96 (Erection of two non-food retail units with parking and access) relating to the sale of food | Permitted 17-03-2020 |

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 Landscape Architect: No Objection (2nd Consultation)

Following further revisions submitted, satisfied that although loss of existing trees along Worthing Road is regretful, changes secured are sufficient to overcome some of the previous concern with the proximity of the building to Worthing Road and negative effects this would have. There will be some residual negative effects to the landscape character and visual amenity of the area.

(Initial Consultation)

Objection: Concerns with trees along the Arun and need to fully understand impact – suspect removal or eventual decline. Trees provide important visual amenity/screening from Waitrose and this site for estate on opposite side of river. Also need to explore need to remove trees for service diversion.

HDC Parks: Comment

Retention of existing tree and shrub line along west boundary, alongside the river, is good. Trying to reduce light spill is positive. Small planted areas along west boundary are not very

inspiring but include native dogwood (Cornus) and Amelanchier, a small tree with flowers and fruits, so good for wildlife. Ornamental planting facing south and east towards town not very wildlife friendly but accept limitations of planting the car park fringe.

HDC Environmental Health: Comment

(Final Consultation):

Support temporary condition for deliveries on bank holidays to commence at 07:00 to provide suitable period to confirm acceptability of this activity.

(Consolidated Previous Consultations):

The Environmental Noise Report identified that ambient noise in vicinity of site is dominated by road traffic noise. Therefore, noise occurring at times when traffic levels are low is likely to become more noticeable and intrusive.

The development layout and orientation of the dwellings in Tanbridge Park make the situation even more complicated. The delivery loading bay is effectively unscreened at first floor bedrooms for houses 40m away in Tanbridge Park that look towards the store. Noise from the loading/unloading activities is likely towards these properties by the proposed layout.

Times for deliveries could be extended to 22:00 hours Monday to Saturday and to 18:00 hours on Sundays and Bank Holidays without causing undue additional disturbance. However, important delivery times are controlled to ensure sufficient respite to nearby residents.

Appreciate bank holidays are often busier than a normal trading day. Aware that food stores with relatively small warehouse space cannot hold stock to cover 2 days of reduced deliveries. So accept delivery hours on bank holiday can be different to a Sunday.

However wary of grouping bank holidays in with normal weekday activity. Bank holiday Monday evenings are equivalent to Sunday evenings. Need to balance the store location on the fringe of the commercial area and that the early morning noise climate on a bank holiday differs to that on a normal working day.

(Initial consultation):

A deliveries schedule is recommended. The Environmental Noise Report makes several suggestions for mitigation, and it is important these are implemented.

HDC Economic Development: Support

Aligns with several priorities set out within Economic Strategy and investment would be significant, providing additional local employment opportunities, driving up footfall and in turn supporting other town centre businesses.

Drainage Engineer: No overall objection, recommend suitable condition

OUTSIDE AGENCIES

Natural England: Objection

It is not possible to ascertain the proposal will not result in adverse effects on the integrity of the Arun Valley sites in question. We advise that your authority should not grant planning permission at this stage.

Following additional work on the assessment to enable it to be sufficiently rigorous and robust. Additional Information required:

- proposed water use should be calculated using a precautionary approach, rather than taking an average from surrounding stores. No longer require the BREEAM calculator to be used to calculate consumption rates. Bespoke evidence from other stores could be used to demonstrate water use of the proposed store.
- Although information relating to existing water use in the Crawley store has been submitted, it does not provide enough certainty. It is recommended that 3 years' worth of metered water bills are provided.
- Clarification of where the submitted average rainfall figure (742mm/yr) has been found, as the Met Office local climate data lists the average for the area as 833.69mm/yr.

WSCC Highways: Comment

2nd Consultation: Cycle parking and HGV tracking now acceptable. If minded to approve; S106 – Travel Plan and auditing fee, Condition; Parking, EV parking, cycle parking, Construction Management Plan, Servicing

Initial Consultation: Further information requested on management of HGV vehicles. The development should be modified to increase the level of cycle parking.

Environment Agency: No Objection

No objection, subject to condition that development be carried out in accordance with submitted FRA and finished floor levels no lower than 36.20 AOD.

Southern Water: No Objection.

Sussex Police: Comment

Refer application to Secured By Design Commercial Developments 2015 guide.

Archaeology Consultant: No Objection

Ecology Consultant: No Objection

Recommended Approval subject to conditions; Action required in accordance with ecological appraisal recommendations, Prior to works above slab level: biodiversity enhancement strategy, Prior to beneficial use: wildlife sensitive lighting design scheme

PUBLIC CONSULTATIONS

- 3.2 239 representations of Support received from individual addresses, the overwhelming majority from Horsham town itself, raising following:

Positive Presence and Need for Operator in Horsham town

Looking forward to Aldi/ Welcomed. In favour/happy. Very good shop. Won lots of awards. Love the middle isle. Supports British farming. More trade to town centre. Will improve 'market town' image. Reduced need for travel to Aldi in Crawley, Brighton, and London. About time cheaper shops in Horsham. Need discount operator at the southern end of the town. Please make aisles wide enough. Good to know our comments have been read and taken on board.

Increased Consumer choice and employment

More competition is always a good thing. More choice equals lower prices. Positive for low income families. We will have more choice near to us, many cannot get up the town without help. Will provide local jobs.

Sufficient Infrastructure

Ample parking on site and elsewhere (forum and Sainsbury's) so would not impact on traffic. Sufficient facilities for cycling. Easily accessible. People will walk or trip on a mobility scooter

– less traffic/pollution. Lidl has very limited parking and cannot reach its full potential. No concern over water neutrality.

Improvement in built environment

Unloved and neglected site. Riverside untidy. Good use of empty store. Will deteriorate further without investment. Proposal very well landscaped. Additional amenity asset. Smart look. Good modern design and blends well with environment. Does not encroach onto neighbours.

Procedure

What is the delay? Is anything to do with Sainsburys and Waitrose/John Lewis not keen on the competition? We the local ratepayers expect things to go smoothly. Aldi have jumped through the hoops now it is time to get on with it.

In Support, but with reservations on traffic and store design

Not sure how parking would work. Roundabouts will be a bottleneck. Re-design car park to integrate better with existing entrance - traffic control or changed priorities. Some roads in Tanbridge Park excluded from Controlled Parking Zone, which should be extended. Already uncourteous parking would be worsened. Electric cars could be used. Cycle parking should be covered. Will block well-used Riverside Walk. Add pedestrian access from River Arun footbridge to proposed building. Regret loss of trees to Worthing Road. Ensure front entrance to southwest. Hope design respects the residential area rather presenting the back end of an industrial unit.

- 3.3 7 representations of Objection received from separate addresses, raising the following issues:

No need for Operator in Horsham town. More appropriate alternative uses

Already a number of supermarket operators in town. Site better for housing. Prevent further greenfields on outskirts being developed, to achieve 'wilder Horsham District' rather than nature-depleted district. Wrong location. Edge of town site would be far more suitable. Jobs lost at Currys when it closed.

Insufficient Infrastructure – parking and traffic

Too little parking proposed. No provision for staff parking. In absence of CPZ controls, parking situation in Tanbridge Park will become untenable as roads are narrow and access needed by emergency vehicles. Worthing Road not designed to accommodate such traffic flow and already has traffic jams during busy periods. Traffic on Albion Way is bad enough already. Need another Lane. Council does not support infrastructure, only housing and no local hospital.

Detrimental to built environment and amenity

Increases air and noise pollution. Limited tree replacement is a shame.

Inadequate notification and Procedure

Residents not alerted to plans. Planning site notices not clear and obvious. Aldi sent out comment sheets but not replied. What 85% spoken of in the flyer actually represent?

- 3.4 Representation received from Horsham Society, summarised below:

As a 'quid pro quo' opening up the frontage to Prewetts Mill, additional tree and shrub planting should be provided to screen the parking area at the Waitrose end. Should include clause requiring Aldi to maintain soft landscaping.

Building appears to be typical shed with less inspiring elevations. Refer to page 7 of Horsham Society's 'Good by Design' document. Trust Aldi will adopt our concerns and produce elevation treatments aesthetically more pleasing.

Provided Aldi take account of our comments, will support this application.

3.5 **Horsham Denne Neighbourhood Council: Objection**

Updated 24 Aug (2nd Consultation) Objection

Obvious an orchestrated campaign by Aldi to encourage residents to submit representation in support. Irrelevant as very few include comments related to valid planning matters. Many points made in original response still stand, and following further comments:

2) *Building Position and Design*

Note original design was deemed by officers not to sufficiently respond to surroundings, and we consider this is still the case.

3) *Landscaping*

Due to very close proximity to the Riverside Walk, the planting should be of indigenous species rather than exotics. Knee-rail fence should be retained around boundary.

4) *Traffic Egress*

Expect increase in HGV and customer traffic into the Aldi site compared to Staples/Currys. Even with lower flows, there was frequently conflict with traffic accessing and leaving John Lewis/ Waitrose site and Currys/Staples site leading to congestion within the car park and not infrequent obstruction of roundabout on Albion Way.

5) *Parking*

Problems caused by high levels of off-site parking and the blocking of Foundry Lane associated with the Lidl site. The proposed EV parking spaces are NOT accessible to disabled drivers being of the standard 2.4x4.8 dimensions. This appears to be the norm elsewhere.

6) *Cycling*

Note additional spaces allocated.

9) *Water Neutrality*

Response from Natural England that permission not be granted.

Initial Consultation: Objection

1) *Principle*

Question rationale for another supermarket so close to Sainsburys and Waitrose. Site could be better used for a medical centre or flats or a facility lacking in the town.

2) *Building*

Agree with proposal to move building towards the road and have parking at the rear. However the angle of the building does not align comfortably with the curve of Worthing Road and its corner is far too close to the roundabout, which makes the building over-dominant in this gateway location. Aesthetically, more thought should be given to the design to create a building more compatible with the surroundings.

3) *Landscaping*

Strongly object to felling of Silver Birch trees which are a feature of the entry into Horsham at this point. Retaining the trees would help screen the supermarket from residents of Prewett's Mill opposite. Also concerned about how drastic the proposed pruning will be along the river path as this is part of the Riverside Walk, an important asset to the town.

4) Access

Site entrance not a major problem but consider exit would be difficult and possibly dangerous as vehicles at busy times will have to cross a stream of traffic, often moving too fast, entering the Waitrose/John Lewis car park. This will be made worse with the potential increase in vehicles that will visit Aldi. Some improvement needs to be made to the junction to slow traffic and create more equal priorities. Would be possible to put in a mini-roundabout or some other solution to solve this problem.

5) Parking

Design & Access statement disingenuous as a supermarket will attract more customers and there will be a higher frequency of visits compared to the previous retailers i.e. stationery and electrical goods. Responses from residents prove that an Aldi store would be very popular and in high demand. No information on how parking will be operated, but a charge HDNC is concerned about overspill parking (both from customers and staff) in Rivermead and other nearby streets. Limited parking for staff and customers will attempt to avoid any payment. Support a recommendation to move Rivermead into Parking Zone A. Representations from local residents concerned about overspill parking in Rivermead and Tanbridge Park.

6) Cycling

8 spaces to serve staff and customers insufficient.

7) Opening Hours

Concerned residents living nearby could be adversely affected.

8) Shopping Trolleys

Concerned number of trolleys abandoned around the town and ask a condition imposed regarding security measures to ensure that trolleys do not leave the premises.

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

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

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

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

6. PLANNING ASSESSMENT

- 6.1 The main issues to consider in the determination of this application are the principle of the redevelopment for a supermarket in land use terms and its impact upon the vitality and viability of Horsham town centre and the wider district; the quality of the design and impact on the townscape character; the impact on the amenity of existing neighbouring occupiers; whether adequate drainage and safe vehicular and pedestrian access can be provided to the site, and the impact of the development on highway and pedestrian safety.

Principle of the redevelopment for retail use

- 6.2 The HDPF sets the strategy for growth within the District to 2031. It sets out the land and facilities to enable employment, including retail, growth in Horsham town into the future.
- 6.3 This proposal is a redevelopment of existing retail units within the Built up Area Boundary of Horsham Town, the broad principle of which accords with HDPF policy 3 (Development Hierarchy). The site is brownfield land, in an accessible urban location, although there is

currently a lack of legibility and visual connection with the core town centre; and is broadly compatible with Horsham Town vision objectives under Policy 5.

- 6.4 The original planning permission (HU/89/96) for the two existing retail units limited the sale of food from both units (condition 10). In March 2014, planning permission DC/13/1599 permitted the Waitrose and John Lewis, which included provision for convenience retail. In March 2020, planning permission DC/19/1927 permitted the removal of condition 10 restricting retail sales at the application site. It was reasoned that there was no evidence to suggest food sales within the site would have a negative impact on the town centre and, given the location of the site within the defined town centre, there was no policy basis to resist the removal of this condition.
- 6.5 Following the grant of application DC/19/1927, the lawful use of the site is now unrestricted Planning Use Class E: Commercial, Business and Service (formerly A1 retail).
- 6.6 Nonetheless, the principle of providing this new convenience retail unit on the site falls to be considered against planning policy related to town centre uses (such as retail) as set out in the National Planning Policy Framework (NPPF). National policy is reflected in the Horsham District Planning Framework at Policy 13, which states that main town centre uses will be encouraged within the defined areas of town centres, subject to a number of criteria being met. Policy 12 of the HDPF recognises Horsham town as the primary centre for the district, and seeks to support and enhance this. Whilst enabling it to grow positively, HDPF Policy 5 balances this a role with seeking to retain the attractive characteristics of the town.
- 6.7 Significantly, the application site is located within the defined Horsham Town centre boundary, albeit on the edge of its core. Compared to that which exists on site, the proposed store involves a reduction of both gross floor space (138 square metres) and net retail sales area (206 square metres). Aldi's specialist business model as a 'deep discounter' selling a limited range of goods means that customers may well visit other shops and services as part of their shopping trip. To this extent the store is complementary rather than competitive with the existing town centre and out of centre stores.
- 6.8 It is noted that when the previous application for unrestricted retail sales on the site (DC/19/1927) was considered, a sequential assessment was undertaken that considered potential alternative sites within the primary frontage of Horsham and demonstrated no premises were available in preferable locations. Additionally, the Council assessed an application for a discount foodstore relatively recently and within the life of the current development, when planning was permitted for Lidl on an edge of centre site in 2018 (ref: DC/18/1239). In approving that scheme, the Council noted that there were no suitable or available alternative sites at that time.
- 6.9 It is also important to consider the Council's own evidence identifies capacity to support further comparison and convenience goods floorspace in Horsham town centre and wider urban area. Horsham Town Retail & Leisure Study, GVA (March 2017) notes at paragraph 6.24 that 'there will be surplus convenience goods expenditure to support further convenience goods floorspace in Horsham between 2016 and 2031'. The study goes on to indicate that there is capacity for 7,033 square metres of convenience goods floorspace across the District in 2021, rising to 7,566 square metres by 2026.

Horsham Town Plan (2012)

- 6.10 In 2012 the Council developed the Horsham Town Plan SPD which sets criteria by which the merit of planning applications within the town centre are assessed on topics such as design and access. The Town Plan SPD sets out that new retail development, including larger retail units, should be concentrated in key redevelopment opportunity areas; including the Bishophric, which the application site is part of.

Town centre Vision (2017)

- 6.11 The Horsham Town Centre Vision (2017) added to this work, and included the application site as a key development site in establishing a medium term vision (10-15 years) for the town centre to be used by the Council to ensure proposals reflect this vision. The Vision sets out to achieve, amongst other things, good gateways into the town centre and identifies 'town centre opportunity areas'.
- 6.12 The application site is identified as part of a key town centre gateway ('Gateway 1'), forms part of a character area ('Large Retail Footprint'), and Town Centre Opportunity Area ('River Arun Corridor'). The proposed development is considered to be sufficiently aligned with broad Aims and Objectives of the Town centre vision, however, whether the proposal realises those urban design principles the Vision sets out specific to the ambitions for this site, is discussed in more detail later in this report.

Horsham Blueprint Business Neighbourhood Plan (HBBNP)

- 6.13 The preceding reasoning on the principle of this development proposal aligns with the those policies of the HBBNP that seek to address the location of new development to enhance Horsham town centre whilst protecting and encouraging new commercial premises (HB1, HB6, HB9). The site is located in the 'modern' character area identified in Policy HB3 (Character) of HBBNP, which requires development make a positive contribution to the visual impact of the main highway approaches in town, with additional tree planting and enhancement of roadside green space. Similar principles are set out in HB7 (Welcoming public realm) and HB12 (Encouraging sustainable movement).

Summary on Matters of Principle

- 6.14 Given the proposal falls within the defined Horsham town centre boundary and, in terms of principle, is considered to be consistent with town centre policy objectives and the character of the site and its locality, and in accordance with HDPF Policy 13, your Officers consider the introduction of a new convenience retail unit on this site would not detrimentally impact on the vitality or viability of the Horsham town centre or equivalent retail offers in the area as a result.

Quality of Design and Impact on Townscape

- 6.15 Being guided by the National Design Guide and under instruction of the NPPF, new development is expected to demonstrate a high quality of design, which responds and integrates well with its surroundings. Reflective of National Policy, HDPF Policies 25, 32 and 33 require development adds to the overall quality of the area; be visually attractive as a result of good architecture, layout and landscaping; and sympathetic to the surrounding built environment to maintain a strong sense of place to create attractive, welcoming and distinctive places to live, work and visit. Horsham Blueprint Business Neighbourhood Plan Policy HB4 (Design) and HB7 (Welcoming Public Realm) are aligned with these urban design principles, with particular emphasis on reinforcing the concept of legible 'character areas' and 'gateways' and pedestrian and cycle ease of movement, as described in the Council's Town Centre Vision.
- 6.16 The application site and surrounding area is subject to redevelopment proposals, as set out in the Council's Horsham Town Vision (2017). Horsham Town Plan 2012 SPD set out guidance on townscape character and design. The stated goals of both is to secure town centre enhancement, not regeneration; the site and its surroundings are not of low townscape quality. Indeed, your Officers consider the site benefits from attractive adjacencies of the River Arun and high quality design standard of adjacent schemes of Prewett's Mill and John Lewis and Waitrose store. To be clear, officers are not resistant to

comprehensive development which will be considered, and indeed supported, where it is shown to respond positively to the character of the town centre.

- 6.17 The applicant asserts the new building re-orientation towards the south of the site will result in a number of benefits. This includes a more pronounced active frontage to address Albion Way and the site entrance; a greater sense of enclosure with built form along the eastern boundary; more efficient car parking; the replacement of a dated building with a modern contemporary store with better overall energy efficiency; and the retention and embellishment of key landscape features. Officers also acknowledge Aldi's stated standard store format and the siting of the building is also understandably driven by operation requirements of the prospective occupier and customer convenience. Aldi set out its operational requirements in terms of store and site requirements, including a minimum site area of 0.5 hectares; net floorspace or circa 1,000 square metres to be provided on a single level; appropriately 100 parking spaces adjacent to the store.
- 6.18 The applicants have sought to place the new building towards the flatter southern part of the site close to the Worthing Road footway, with the parking and servicing at the northern and western part of the site. The store entrance is to be to the northern part of the building, opening close to the main parking area. In terms of design, the building was originally shown to be in the 'house' Aldi style with a mono-pitch design and silver-clad elevations, but has since been amended as discussed below. Owing to the building now being located on the southernmost part of the site, and the existing sewer through the site needing to be diverted to accommodate the new building, this has necessitated the loss of a number of trees that currently extend along the Worthing Road frontage and provide a soft green gateway to the town centre. The importance of these trees in helping create for a pleasant verdant approach along Worthing Road is enhanced by the close proximity of the historic Prewetts Mill building directly opposite where there is no such similar planting.
- 6.19 In discussing the proposals with the applicants, your Officers raised significant concern at the overall 'standard' design of the building and its proximity to the Worthing Road footway necessitating the loss of a number of the aforementioned trees. The applicants considered this feedback but have stated that they are unable to move the building as the gradient of the site is such that a building of this necessary footprint (to service Aldi's store layout most efficiently) cannot be positioned elsewhere. As a consequence the sewer must be diverted resulting in the inevitable loss of the trees, albeit to be compensated by new planting.
- 6.20 In response to your officer's concerns on the 'standard' design of the building, the applicants have re-designed the elevations to include timber cladding and a more fragmented design approach to reference elements of the Waitrose building to the north and Prewetts Mill to the south. The building's roof and elevation have also been updated with the introduction of profiled 'anchors' elements to its principal corners. These changes have enabled the store design to move away from the originally submitted concept of one substantial building block, by the use of varied ridge heights and assisted by revised stratified materials treatment, which now includes dark oak panelling to the anchor elements on the main frontage. Pedestrian and cycle circulation to the store car park and entry and exit, and boundary landscaping have also been updated, with the retention of the 2 mature trees to the southern corner and a revised planting scheme. The footprint of the store building and its proximity to Worthing Road, however, is unchanged.
- 6.21 It is this revised scheme which has been assessed against the tests of National and Local Plan policy, with particularly reference also to those policies set out in the Council's existing suite of town centre planning policy guidance, including the Horsham Town Plan SPD and Horsham Vision, to inform your Officer's assessment of the merits of the development proposal.
- 6.22 The Horsham Vision and Horsham Town Plan SPD General Guidance 6 requires proposals at main gateways to the town, such as this site, to add to the sense of arrival and to contribute

to enhanced legible connections to the town centre. The site is visible from two of the main roads connecting to Horsham town centre, Worthing Road to the south and Albion Way from the east. The site is clearly visible from the north, east and south via these main roads. The footpath adjacent to the River Arun, also gives clear views of the site.

- 6.23 The current gateway from the John Lewis store to the western end of West Street is identified as lacking legibility and visual connection with the core town centre. It is said to function much like an out-of-town or edge-of-town Retail Park, with the majority of visits being by car. The orientation of the proposed store with its back turned against the Worthing Road Roundabout and the absence of active frontage onto this roundabout, fails to add to the sense of arrival to Horsham town and makes little meaningful enhancement of Albion Way through boulevard qualities or specific public realm enhancements. Rather, it replaces the existing verdant approach with a utilitarian building form that would oppress and dominate this junction given its proximity and absence of buffering tree planting. Whilst it is appreciated that the modern form of the building could be considered an improvement on the existing building and the expanse of car parking that sits behind the tree frontage, it is specifically the proximity of the building replacing much of this existing tree planting that causes the most significant harm. This is exacerbated by the absence of an active frontage at this point, meaning the experience at this point would be of the back of the store with little openings or sense of activity within the building or sense of natural surveillance of an extended section of footway, and only a hint of night-time light coming from high level windows and obscured corner glazing areas. This would not represent a welcoming and active frontage to a key entrance to the town centre but instead would detract significantly from the character and appearance of the immediately surrounding area, notwithstanding the replacement soft landscaping being proposed along this frontage.
- 6.24 Consequently it is disappointing that the maximising of internal layouts and sales areas has necessitated a design that fails to achieve a characterful architectural building form and massing to give a welcoming sense of arrival, contrary to the Town Plan SPD General Guidance 4 and the Town Vision and Policy HB7 (A Welcoming public realm) of the Horsham Blueprint Business Neighbourhood Plan.
- 6.25 The site is part of the 'River Arun Corridor', where the Horsham Vision identifies a significant opportunity exists to better integrate the River Arun into the town centre, creating more usable, informal, space as part of the wider town centre offer. With its back turned against the Worthing Road Roundabout, and the absence of active frontage onto this roundabout and along the site's western boundary, there is little meaningful enhancement to open the site up to the river beyond soft landscaping opportunities abutting the south side elevation. Indeed to make way for the store, prominent trees and hedging on the site perimeter will be removed, with the tree line along the western boundary cut back. This existing greenery is an important attribute to the special qualities at this point of The Riverside Walk as a recreational route, as well as contributing more generally to a pleasant sylvan aspect to arrival into the town. It is accepted the application is accompanied by an Arboricultural Assessment, Tree Protection Plan and Arboricultural Method Statement. It is accepted that this concludes the proposal will not cause unacceptable impact on those trees retained. It is also recognised new ground cover planting is proposed in lieu of the removed trees. Nonetheless, the existing landscaping is an important contributor to green infrastructure, and its diminishment and loss without satisfactory mitigation or compensation, would be contrary to the Town Plan SPD General Guidance 5 and the Town Vision.

Summary on Townscape Matters

- 6.26 Overall, despite some elevation changes, the proposed building would not be an attractive feature in the street scene when viewed from Worthing Road. The more attractive and active frontage would face the internal car park resulting in the elevations fronting Worthing Road having a somewhat utilitarian appearance devoid of a sense of activity or natural surveillance that would do very little to create or re-enforce a sense of identity in this gateway location.

There would be little by way of modelling or articulation to break up the mass of the structure, other than some variation in materials. The absence of active frontage to the Mill Bay roundabout is extremely disappointing, and this is fundamental to how the scheme fails to contribute to a sense of arrival and place, and in how the building and the space around it integrates with its surroundings to optimise the identified redevelopment potential of the site. These harms are exacerbated by the re-siting of the building very close to the southernmost boundary of the site, resulting in a very dominant structure which would be particularly prominent, due to its position so close to the road.

- 6.27 As a result, there would be very little space for any hard or soft landscape works around the building that could serve to integrate it into its surroundings and/or to contribute to the quality of the green infrastructure, which this proposal represents as a net loss. High quality and inclusive design will not have been secured. Ultimately this is of negative impact and deterioration in overall design quality when compared to the impact of the existing building and car park on the townscape of the area, which do, at least, address the street frontages whilst providing ample set-back for established greenery.
- 6.28 Additionally, the removal of trees and amenity hedging along the southern and east street frontage and cut back of the western treeline to the River Arun, all to make way for the new store building with inadequate mitigation and compensatory planting, means the proposal would fail to maintain or enhance the qualities of the Riverside Walk, part of an existing network of green infrastructure.
- 6.29 In overall summary, despite the amendments made to the scheme, in your Officer's considered opinion residual negative effects to the townscape character and visual amenity of the area remains. The proposal would not be visually attractive, nor would it add to the quality of the area. It would not represent good design, in the way that term is used in the National Planning Policy Framework. The Framework makes clear that development that is not well designed should be refused.

Impact of the Amenity of Existing and Prospective Occupiers

- 6.30 The site comprises an established retail park flanked by comparable retail uses but with residential properties some 40 metres to the west (the closest being River Mead and Tanbridge Park) and directly opposite to the south (Prewetts Mill Apartments,). Of these adjacent neighbours, both business and residential, the most sensitive relationship would be between the new store building and those neighbouring occupiers of River Mead and Tanbridge Park. The orientation of these buildings, as well as some of those of Prewetts Mill, means private primary habitable rooms face onto the site.
- 6.31 In this regard, the introduction of the new built form will impact onto neighbour's amenities. However, the location of the building on the site, together with its maximum height, is sufficiently removed from neighbouring land uses and occupiers, including those residential dwellings identified, to avoid harmful overbearing or overshadowing/loss of light. Impacts would therefore, principally, result from noise generated from the operation of the store, which will need to be considered carefully given the proximity of domestic properties, including from fixed mechanical plant e.g. refrigeration units, noise from car parking activity, and noise from servicing such as with deliveries.
- 6.32 On these matters, it is noted the application site is currently subject to several restrictive planning conditions relating to opening hours, hours of deliveries, and removal of permitted development rights (all imposed on DC/19/1927). The stores can only trade between 8am and 9pm Mon – Sat and 10am and 5pm on Sundays. The service yard cannot be used and no deliveries shall take place between 10pm and 7am Mon - Sat and 9am and 6pm on Sundays.

6.33 It is this permitted level of activity and associated movements which forms the backdrop of the present impacts arising from the existing retail development onto surrounding noise sensitive receptors. It is intended to amend the current delivery restrictions that apply to the site, and extend the hours of deliveries to fit with the Aldi operational requirements.

Noise

6.34 The application is accompanied by an Environmental Noise Report by Sharps Red more to consider the proposed arrangements. As part of this report, a noise survey was undertaken at the site in 2020. The recordings included weekend and night time periods as these are the most sensitive times that the store may trade or receive deliveries.

6.35 Existing noise levels were found to be typical of a built-up area (highest during morning rush hour and afternoon periods, before reducing evening and night time). Based on distance and screening from the new Aldi building, potential noise level of external refrigeration and condenser units to be located behind the loading bay can be controlled by condition ensuring the rating level of plant does not exceed existing noise levels.

6.36 Customer car parking will be provided to the north of the store. The nearest spaces will be approx. 35 metres from the properties in Tanbridge Park and 30 metres from the rear gardens. Considering the distance, the predicted noise levels from car parking is significantly within the WHO night time and daytime guideline values and also below the existing ambient noise levels. On this measure alone, there is no technical reason to restrict trading hours.

6.37 Vehicles will enter service yard via the existing access and manoeuvre onto the loading bay on the western side of the store. Goods will be unloaded directly into the warehouse via a level docking system (a delivery ramp, sheltered canopy and dock leveller system which means products can be unloaded without any external activity, such as forklift trucks, scissor lifts or cages). The usual time for unloading an HGV is 30 - 60 minutes. Daily deliveries of milk, bread and morning fresh produce are received prior to, or as early as possible after, the store opening in the morning. An Aldi store typically receives an average of four HGV deliveries per day. The nearest noise sensitive properties to the loading bay are the residential properties to the west of the site, No. 23/25 River Mead and No. 191 Tanbridge Park. The existing planning consent permits deliveries from 7am – 10pm hours (Monday and Saturday) and 9am – 6pm (Sundays). Unlike existing deliveries, there is no unloading of goods in the open air.

6.38 The Sharps Redmore report then considers the impact of noise during the hours currently not permitted. Predicted noise levels from delivery activity will be within the daytime and night time WHO guideline ambient values but will exceed the night time maximum guidelines. During the period 6am – 7am hours (Monday to Saturday) and 7am – 7pm (Sundays) predicted noise levels from delivery activity will be below the existing noise levels measured such that the overall change in noise levels will cause negligible impact to local residents. To reduce noise from the delivery process it recommends all deliveries received by the store outside current permitted hours are carried out in accordance with a delivery management plan (DMP) and include the following measures:

- No movement of goods pallets or roll cages on open areas of the service yard;
- No audible reversing beepers;
- Refrigeration units should be switched off when vehicles enter the service yard;
- No more than 1 delivery vehicle in service yard at a time.

6.39 The Council's Environment Health Officer has considered the Sharps Redmore report and has concerns regarding the noise impact of lorry movements and ancillary activities upon the adjacent dwellings. In light of these concerns there remains a very real need to control delivery and associated activities and restrict the trading and delivery hours to minimise potential late night and early morning noise disturbance, in reflection of the sensitivity of

these receptors in order to safeguard their amenities. It is equally necessary to ensure noise and disturbance generated by the plant and machinery proposed do not exceed acceptable tolerances. The suggestions for mitigation included in the Sharps Redmore Report are recommended to be implemented as proposed, and secured by condition should the application be permitted. In addition, to protect the amenity of the closest domestic properties, the Council's Environmental Protection Service make recommendations for additional conditions.

6.40 A Servicing Management Plan is also considered necessary to ensure that manoeuvring by large vehicles to reverse to either enter or exit the service bay does not have a detrimental impact on the amenities of neighbours, through good practice and a deliveries schedule that is more restrictive than the one proposed by Sharps Redmore:-

- No deliveries, loading or unloading using articulated vehicles to be scheduled except between 06.30 hours and 21.30 hours on Mondays to Saturdays and 08.00 hours and 17.00 hours on Sundays, Bank or Public Holidays;
- No deliveries, loading or unloading of any vehicles, other than those to be used for home deliveries, except between 06.00 hours and 21.30 hours on Mondays to Saturdays and 08.00 hours and 17.00 hours on Sundays, Bank or Public Holidays;
- No deliveries, loading or unloading of vehicles used for home deliveries, except between 06.00 hours and 23.00 hours on Mondays to Fridays, 06.00 hours and 22.00 hours on Saturdays and 08.00 hours and 18.00 hours on Sundays, Bank or Public Holidays.

6.41 These differences of opinion between the Council and the applicant's noise specialists relate to impacts of delivery noise. The principal issue relating to impacts of delivery noise is the orientation of the existing delivery bay. Residential properties in Tanbridge Park are located 40m from the delivery bay with first floor bedrooms overlooking the site. The delivery loading bay is effectively unscreened to those properties. Noise from the loading/unloading activities is likely to be directed towards these properties by the L-shape layout of the store building. The Sharps Redmore report identified that ambient noise in the vicinity of the development site is dominated by road traffic noise. Therefore noise occurring at times when traffic levels are low is likely to become more noticeable and intrusive. Generally across Horsham district, and particularly in urban centres, periods of reduced traffic noise reflect the accepted night-time period of 23:00-07:00 hours when sleep disturbance should be avoided.

6.42 Noise characteristic of delivery and loading activities include vehicle reversing alarms, tail gate dropping, roll cages and hoist noise. These are typically transient, short lived events which are sufficient to cause disturbance or disrupt sleep but do not significantly influenced the metrics used to assess noise impacts in standards such as BS8233 or BS4142.

6.43 In the submitted Transport Assessment it is proposed to service the store outside of store opening hours, when the car park is expected to be empty. The spaces that the delivery vehicle is expected to overrun during its manoeuvre are to be coned off prior to the delivery vehicle arriving, enabling the store to ensure these spaces are unoccupied when HGVs are manoeuvring. This arrangement is considered acceptable to the Local Highway Authority, provided a condition is imposed to restrict servicing outside of opening hours. The proposed store trading hours are Monday to Saturday 8am – 8pm and Sunday 10am – 6pm. Having regard to position of WSCC Highways on the HGV tracking across parking spaces, the Council's Environmental Protection team consider the times for deliveries could be extended to 22:00 hours Monday to Saturday and to 18:00 hours on Sundays and Bank Holidays without causing undue additional disturbance. However, it remains important the delivery times are controlled to ensure sufficient respite to nearby residents. In that regard, the Council's Environmental Protection team was reluctant to support earlier delivery times than those it had already committed (6.30am Mon–Sat and 8am Sundays, Bank and Public Holidays).

- 6.44 The Aldi discounter operator has put their case to the Council that such delivery times were incompatible with its precisely honed operating model, especially given that the new store can be supplied only by smaller trucks, which can necessitate multiple trips. It has been accepted by the Council that for a discount operator, bank holidays are often busier than a normal trading day. The Council is also aware that food stores with relatively small warehouse space cannot hold stock to cover 2 days of reduced deliveries. So it is accepted delivery hours on bank holiday can be different to a Sunday.
- 6.45 However the Council's Environmental Protection team is wary of grouping bank holidays in with normal weekday activity. Bank holiday Monday evenings are equivalent to Sunday evenings. Your Officers agree that there is a need to balance the store location on the fringe of the commercial area and the fact that the early morning noise climate on a bank holiday differs to that on a normal working day.
- 6.46 In the Council working proactively with Aldi on this issue, it has been accepted by both parties that any planning permission should be subject to a temporary delivery hours consent for deliveries on bank holidays to commence at 07:00 to provide suitable trial period to confirm acceptability of this activity. This trial period would last a year and inform any future application for permanent early deliveries on bank holidays and be secured by condition.
- 6.47 A Construction Environmental Management Plan (CEMP) is also recommended by condition to help reduce noise, dust, and disturbance impacts during the construction phase. This would include limiting the hours of construction and deliveries, and control of the parking of contractors vehicles and storage of materials. The controls and measures of this CEMP would be sufficient to safeguard the amenities of existing residents.
- 6.48 A comprehensive lighting plan for the site can be provided by condition to ensure that the intensity of illuminance is limited to the confines of the site, thereby avoiding harm to neighbouring amenities.
- 6.49 Overall, and subject to the recommended conditions being imposed, which includes the necessary temporary year trial run for 7am deliveries on bank holidays, as well as permanent operational limitations on trading and delivery times at other times, the proposed development would have an acceptable impact on the amenities of adjacent residents and businesses in accordance with Policies 32 & 33 of the HDPF.

Access, Parking and Highway Safety

- 6.50 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. West Sussex County Council is in the process of developing a Local Cycling and Walking Infrastructure Plan (LCWIP) for Horsham Town. It should be noted that developers can only be required to mitigate the impact of their development, in accordance with CIL Regulations.
- 6.51 A Transport Statement, prepared by Connect Consultants, accompanies this application. In general terms, your Officers consider the site to be sustainably located, being situated within reasonable walking distance of the town centre, residential estates, and bus, rail and cycle routes.

Access Arrangements

- 6.52 The proposed development will utilise the existing site access priority junction leading to a 4 arm roundabout with the B2237 Albion Way, however it will be altered to provide a ramp into the site. This would separate motor vehicles from pedestrians. The two existing pedestrian access points on the south east and north east edge of the site would be retained. These link to the wider pedestrian and cycle network via existing dropped kerb tactile pedestrian crossing points.

- 6.53 Following negotiations, the existing pedestrian site access point located some 15 metres south of the signalised pedestrian crossing point on Albion Way, has been widened to 3 metres (compared to the original proposed 1.5 metres), in order to facilitate easier passing by customers. Access for those with mobility difficulties would be provided by level access to and within the building and provision of parking spaces for the mobility impaired and parent child spaces, close to the building.
- 6.54 West Sussex County Council, in its capacity as The Local Highway Authority, has confirmed the access proposals are safe and is satisfied with the revised arrangements.

Internal Layout and Parking

- 6.55 It is anticipated the site would generate an average of four HGV deliveries a day. The service vehicles will drive forwards into the site, reverse into the service ramp and then drive out forwards to exit the site. Swept path analysis and vehicle tracking has been provided to demonstrate this and shows that a HGV would overrun a number of parking spaces. As previously detailed, in the submitted Transport Assessment it is proposed to service the store outside of store opening hours, when the car park is expected to be empty. The spaces that the delivery vehicle is expected to overrun during its manoeuvre are to be coned off prior to the delivery vehicle arriving, enabling the store to ensure these spaces are unoccupied when HGVs are manoeuvring. This arrangement is considered acceptable to WSCC, provided that a condition is imposed to restrict servicing outside of opening hours and to subject to submission of a Service Delivery Management Plan, to minimise conflict and ensure that manoeuvring by large vehicles does not have a detrimental impact on the safety of other car park users.
- 6.56 The site currently provides 103 parking spaces, A total of 96 spaces are proposed including 5 for disabled users, nine for parents with children, four for staff and 12 electric vehicle charging spaces (4 active/8 passive). The proposed level of parking would fall below the Local Highway Authority (WSCC) parking standards, which is 129 parking spaces. However a TRICS parking accumulation assessment has been provided and demonstrates the proposed provision is likely to be sufficient for the intended use. The maximum calculated weekday parking demand is 41 vehicles and maximum calculated Saturday parking demand is 56 vehicles. These results demonstrate the proposed car park is likely to operate within capacity.
- 6.57 Following negotiations, cycle parking provision has increased. The applicant is now proposing the provision of 30 cycle spaces (10 covered staff spaces at the rear of building and 20 spaces for customers; 8 of which are under cover of the store canopy and 12 as potential covered shelter. These spaces include provision for non-standard cycles.
- 6.58 This provision compares to the original proposal for 8 customer spaces only, and the current site providing none at all. The revised provision of 30 cycle is against the WSCC cycle parking guidance standard of 36 (18 staff and 18 visitor). However, given the end user is known and would be providing staff provision based on experience of other stores, WSCC and your Officers are satisfied the revised provision is acceptable. It would be preferable if the 12 uncovered spaces could be covered and the applicant has indicated willingness to provide these as covered shelter. This can be secured by condition.
- 6.59 Given the sustainable location of the development, this is considered an appropriate level of parking across the site is proposed. It is the Local Highway Authority's considered opinion that should the parking prove inadequate, the consequences would be congestion within the site itself. WSCC considers that the surrounding highway network has enforceable no waiting at any-time restrictions in place, and any overspill car parking could not then take place on-street. It is therefore not necessary to seek expansion of the current Controlled Parking Zone.

A construction management plan will be necessary to minimise disruption to traffic flow and safety and this can be secured by condition.

Trip Generation and Road Network Capacity

- 6.60 The application is supported by a Transport Assessment (TA), outlining trip rates. This is to assess the effect of the traffic that would be attracted to the development on four junctions; the A281 Bishopric/B2237 Albion Way Signal Junction; Waitrose/Site Access Junction; B2237 Albion Way/Saxon Weald Roundabout 9 (The 'Albion Way Link Roundabout'); and B2237 Worthing Road/B2237 Albion Way/Mill Bay Lane/Sainsbury's Roundabout (the 'Mill Bay Lane Roundabout').
- 6.61 The TA methodology is based on a comparison between the traffic effect of the proposed development and the permitted uses on the site. Existing traffic flows surveys were undertaken between 4pm – 7pm weekday and Saturday (10am to 3pm) in early December 2019. The permitted total trips were calculated at 171 trips (Arrival and departures) weekday and 213 trips on Saturday.
- 6.62 To determine the potential trip generation of the proposed development, a TRICS assessment has been carried out. The resultant trip rates and attraction of the proposed development were calculated at 166 trips weekday and 207 on Saturday. The difference between the permitted and proposed developments therefore negligible to all four junctions; the data demonstrates the proposed development would produce fewer trips in the PM peak and Saturday peak periods than the permitted site uses. WSCC in its capacity of Local Highway Authority does not dispute this, and raises no concerns with regard to the trip generation potential of the site, subject to a travel plan statement required for the development and secured via S106. A monitoring fee would also be required.
- 6.63 In terms of highway network safety, the TA sets out that no patterns of collision have been identified that is likely to be materially worsened by the proposed development. The operation of the site access junction has been assessed. The capacity assessment shows that the site access junction will operate within capacity for peak periods with the proposed development in place.

Summary on highway matters

- 6.64 Taking all the relevant information into consideration, including the existing use of the site, the likely reduction in traffic movements and the on-site parking provision, it is considered by WSCC, in their capacity as the Local Highway Authority, that the proposed development will not have severe impact on highway capacity or raise highway safety concerns. No objection to the proposal has been raised by WSCC, subject to securing a travel plan and travel auditing fee via section S106 and a suite of conditions securing parking, EV parking, cycle parking, Construction Management Plan, and Servicing.
- 6.65 Therefore this proposed development is not contrary to the National Planning Policy Framework, and there are no transport grounds to resist the proposal. Officers have no reason to disagree with this conclusion and recommend that the proposal therefore accords with HDPF Policies 40 and 41. To that end, the proposal would comply also with Horsham Blueprint Business Neighbourhood Plan HB12 (Encouraging sustainable movement).

Ecology

Ecology matters separate to the Arun Valley Sites

- 6.66 The application is supported by a Preliminary Ecological Assessment (Ecology Solutions, October 2021), with surveys carried out in September 2021, and which concluded the majority of the habitats present within the site are of limited nature conservation value

including the building, hardstanding and amenity planting. The habitats of value in the site are the scattered trees (especially where these offer suitable opportunities for locally present bat and bird species).

- *Protected and Priority Species - bats*

- 6.67 Whilst the majority of the site is of limited intrinsic nature conservation value, the neighbouring western treeline and River Arun are considered to be of significant ecological interest for foraging and nest-building opportunities and supports favourable opportunities for foraging and commuting bats. Observed from the ground, one Horse-chestnut tree was classed as high potential for bats. In addition, two Sycamores were classed as moderate to high potential. These trees fall outside the site boundary and are to be retained.
- 6.68 The findings recommend boundary habitat be maintained where possible to provide continued opportunities for foraging and commuting. A sympathetic lighting scheme should be designed for the site to minimize light spillage onto boundary vegetation albeit it is acknowledged there is ambient artificial lighting across the site. Any new lighting scheme should seek to reduce light spill, specifically towards the River Arun corridor. As an enhancement measure, a variety of bird boxes could be provided on retained trees along the eastern treeline.
- 6.69 This evidence relating to the likely impacts of development on Protected & Priority habitats and species, and the identification of proportionate mitigation has been reviewed by the Council's ecologist, who is satisfied sufficient ecological information is available for determination and to demonstrate compliance with the Council's statutory duties, and recommends approval subject to conditions. This is subject to the mitigation measures identified being secured and implemented in full by condition, as well as additional measures including a Wildlife Sensitive Lighting Design Scheme so as to create a dark corridor along the western boundary. To that end, the proposal would comply also with Horsham Blueprint Business Neighbourhood Plan HB10 (Green and blue infrastructure and delivering biodiversity net gain).

- *Biodiversity and Green Infrastructure Planning Advice Note (PAN)*

- 6.70 The Council has endorsed a Biodiversity and Green Infrastructure Planning Advice Note (PAN) for use as a non-statutory Planning Guidance document. The purpose of this Planning Advice Note (PAN) is to provide interim guidance for applicants and decision makers on how Biodiversity and Green Infrastructure should be taken into account within development proposals. It therefore forms a new material consideration to take into account.
- 6.71 Aligned with the purposes of the PAN, the Council's consultant Ecologist has recommended that reasonable biodiversity enhancements be implemented to secure measurable net gains for biodiversity as outlined under the NPPF. The submitted application does not propose reasonable biodiversity enhancements to secure net gains for biodiversity. The Council's Ecologist recommends, in the event of approval, that reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. In terms of biodiversity net gain, enhancements that could be secured by such a condition, such as bird and bat boxes and native species planting, would contribute to this aim. To this end, the proposal would comply also with Horsham Blueprint Business Neighbourhood Plan HB10.

Water Neutrality and the Arun Valley Sites

- 6.72 The Council has received a position statement from Natural England (NE) in respect of all planning applications within the Sussex North Water Supply Zone (SNWSZ). The position statement outlines NE's concerns about groundwater abstraction within the SNWSZ. It explains that NE cannot, with certainty, conclude that further groundwater abstraction within

the SNWSZ will not have an adverse effect on the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. The advice of NE is that no new developments should add to this impact, which means that any new residential development within the SNWSZ should demonstrate water neutrality. The site is located within the SNWSZ.

- 6.73 As set out in NE's position statement, the applicant would need to demonstrate the proposal achieves water neutrality to conclude it would not be likely to adversely affect the integrity of the Arun Valley SAC, SPA or Ramsar site. In the absence of a strategic approach, NE's position statement outlines an interim approach for projects to achieve water neutrality which includes the minimisation of water use in addition to sufficient offsetting.
- 6.74 The applicant's Water Neutrality Strategy has evolved over many months following considerable input from your Officers and latterly Natural England. The proposed strategy is to reduce water consumption within the proposed store through the use of efficient fixtures and fittings, and offset the remaining water consumption at the Aldi store in Crawley. This has presented considerable challenges in identifying a reliable likely water consumption figure for the new store and evidence that the necessary savings can indeed be made in the Crawley store. These difficulties are amplified by the need to take a precautionary approach when applying the Habitat Regulations, and the consequential need for certainty that adverse impacts on water abstraction in the Arun Valley can be ruled out. Having reviewed the applicant's strategy, Natural England have raised concern at the absence of water bills to substantiate the consumption figures presented. Whilst Natural England have advised that a BREEAM calculator should be used to calculate the proposed water consumption for the new store, it has since been agreed between your officers and Natural England that the approach of using Aldi store data is more reliable in this instance given their particular business model with low staff levels.
- 6.75 In light of these difficulties, the applicant has confirmed that they would seek to occupy the existing building on the site in the event it is not possible to pursue the proposed redevelopment because of the challenges in demonstrating water neutrality. Reoccupation/reuse of the existing building was initially dismissed by Aldi as part of the design development process as the preference was to seek a scheme which delivered a modern store format with associated benefits of improved energy performance, access and parking provision. The conversion of the existing buildings to an Aldi now represents a fallback position to take into consideration.
- 6.76 The fallback of converting the existing building is a material planning consideration, however as the test of certainty to meet the Habitat Regulations sets a very high bar, it is not sufficient to simply rely on the possibility that a fallback scheme could be implemented in the event permission is refused. Instead, the Council must consider whether the fallback scheme would be implemented in the event permission is refused.
- 6.77 To support their case that the fallback conversion would be implemented in the event planning permission for the redevelopment of the site is not able to demonstrate water neutrality, the following evidence has been submitted for consideration:
- The applicants have advised that planning permission is not required to occupy the existing building (although any external operations or variations to restrictive conditions on the premises will require Council consent)
 - The applicants have presented plans which show how an Aldi store can be laid out within the existing building.
 - An Aldi Managing Director has formally written to the Council to advise that Aldi are committed to invest in Horsham Town Centre and will have no option other than to occupy the existing building if planning permission for this application is not forthcoming. The Aldi Managing Director has advised that plans for occupying the existing building have been drawn up, and have received board approval in principle.

- Aldi have confirmed that they own the site in full.

- 6.78 Given the existing lawful use of the building, and the clear intent for the applicant to refurbish and occupy the existing building as an Aldi store, your Officers are of the view that sufficient information has been presented to demonstrate that the fallback of occupying the existing building would take place in the event planning permission is refused for this current application. The occupation of the existing building would not require planning permission and consequently would not need to demonstrate water neutrality. Given the occupier of the building would be the same as currently proposed, and given that there is no evidence this fallback option would result in differing levels of staff or customer use compared to the current proposal such as to influence likely water consumption, there is no evidence that the current proposal to redevelop the site with a new Aldi store will use more water than the fallback of occupying the existing building.
- 6.79 In summary, following the advice of officers and Natural England that the applicant's water neutrality strategy was not providing sufficient certainty that an adverse impact on the Arun Valley sites could be ruled out, the applicants have provided further evidence that they will implement their fallback option of simply converting the existing retail stores on the site. This new information as discussed above provides sufficient certainty that they would implement this fallback in the event planning permission for their current proposal is not forthcoming. As competent authority for implementing s.63 of the Habitat Regulations, your officer's advice is that it is now possible to screen out any significant impacts on the Arun Valley Habitat sites. The current proposal therefore would not add to existing water abstraction in the Arun Valley compared to the fallback position, and therefore would not significantly impact on the integrity of the Arun Valley SAC/SPA and Ramsar sites, in accordance with the requirements of Policy 31 of the HDPF, paragraph 180 of the NPPF, and the requirements of the Conservation of Species and Habitat Regulations 2017.

Drainage

- 6.80 The very western edge of the site falls within Environment Agency's Flood Zone 3 for the River Arun, although the majority of the site is located in Flood Zone 1, meaning the land is in a 'low probability' flood zone.
- 6.81 The accompanying Flood Risk Assessment demonstrates the proposal would comply with safe management of flood risk. The area of site within Flood Zone 3 will not be occupied by physical built form. The site is already in retail use and the proposals will not result in an increased vulnerability to flooding beyond that already existing. The floor level of the proposed store is to be around 36.0 metres AOD. This is slightly higher than the floor level of the existing building and so will offer a higher standard of protection against flooding.
- 6.82 In terms of the southern part of the site being at high risk from surface water flooding, the proposed strategy for increased permeable paving is a betterment of the current situation.
- 6.83 To make sufficient room for the new store and associated car parking, it will be necessary to divert the public foul and surface water sewers that currently cross the site. Any public sewer diversion proposals shall be approved by Southern Water. Surface water may be discharged to existing sewer, provided rate of discharge no greater than existing.
- 6.84 No objection is raised by the Environment Agency and drainage authorities, subject to planning conditions ensuring the development is carried in accordance with the submitted flood risk assessment and finished floor levels set no lower than as proposed. This includes the functionality of the swale (a shallow depression set slightly below pavement) at the southern end of the site. Therefore the development can be satisfactorily accommodated without increasing flood risk elsewhere in accordance with the NPPF and HDPF Policy 38.

Climate Change

- 6.85 HDPF Policies 35, 36 and 37 require development mitigates the impacts of climate change, in reflection of Chapter 14 of the NPPF. An Energy Statement accompanies this application. The development is of previously developed land, accessible by means other than the motor car. The proposed new building incorporates Environmental Performance measures (including material sourcing and heating) to reduce energy use in construction, as well as energy efficiency and reduction in use of the building. The proposed Horsham Aldi is targeted to achieve a BREEAM 'Very Good' rating as a minimum (with 100% of the Water Credits targeted).
- 6.86 It has therefore been sufficiently demonstrated that local plan policies requirements related to energy use and sustainable construction (HDPF Policies 36 and 37) have been complied with, and appropriate measures could be secured by planning condition. To that end, the proposal would comply also with Horsham Blueprint Business Neighbourhood Plan HB5 (Energy efficiency and design).

Community Infrastructure Levy (CIL)

- 6.87 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. This development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

| Use Description | Proposed | Existing | Net Gain |
|---------------------|----------|-------------------------|--------------|
| Large Format Retail | 1,812 | 2,028 | 0 |
| | | Total Gain | |
| | | Total Demolition | 2,028 |

Conclusions

- 6.88 The principle of a replacement of the existing retail units with a deep discount convenience retail unit would not prejudice either the vitality or viability of the town centre offer nor future redevelopment opportunities identified in the Council's Town Centre Vision (2017) and would support Horsham town as the focal point for development within the district. The proposal will generate some employment which is of real benefit, and the land is brownfield.
- 6.89 The site is well served by road, public transport, cycle and footway infrastructure and vehicular access and parking arrangements are satisfactory. The Highways Authority is satisfied the site would be safely accessed without harm to the operational use of the highway network. No resultant adverse risks are identified related to drainage of the scheme. Subject to a monitoring period for deliveries on bank holidays, any harm to adjacent neighbours is considered to be limited by virtue of the orientation and layout of the proposed store on the site and the construction and operational restrictions enforceable by planning condition. In respect of water neutrality, the applicants have demonstrated with sufficient certainty that they would convert the existing retail building in the event planning permission for the proposed redevelopment of the site is not forthcoming. This represents a clear fallback provision sufficient to demonstrate that the water consumption of the current proposal would not exceed that afforded by the fallback of converting the existing building. No adverse impacts on the Arun Valley SAC/SPA and Ramsar sites would therefore result.
- 6.90 However, the proposal exhibits significant shortcomings in the merit of the site layout and building siting and design, in particular in regard to there being no active and welcoming frontage to the main Worthing Road/Mill Bay Lane roundabout, the loss of trees particularly on the Worthing Road frontage, and the building's very close proximity to the Worthing Road.

In these regards, the proposal fails to meet the expectations of redevelopment opportunities this area is subject to in the Horsham Town Centre Vision (2017). During negotiations with the applicant, your officers have considered a range of options for the location of the building with the site which has included consideration of the recognised constraints, including those posed by gradient across the site and the sewer that runs across the site. The applicant asserts the position of the building within the site presents the only viable option to redevelop this site for Aldi business and operational purposes. It is accepted that the operator desires a street presence and the existing absence of this may have been a contributory factor in the current units being vacated.

- 6.91 However, your Officer's considered view is that the proximity of the building to the Worthing Road footway, its lack of active frontage relative to the Worthing Road, and the loss of existing trees fronting Worthing Road means that the proposed development would not represent good design, in the way that term is used in the National Planning Policy Framework and accompanying National Design Guide. Ultimately, the proposals would not, in your Officers view, result in a betterment on the existing townscape of the area. The Framework makes clear that in such circumstances development that is not well designed should be refused.
- 6.92 Officers therefore recommend that this application be refused, for the reason set out below.

7. RECOMMENDATIONS

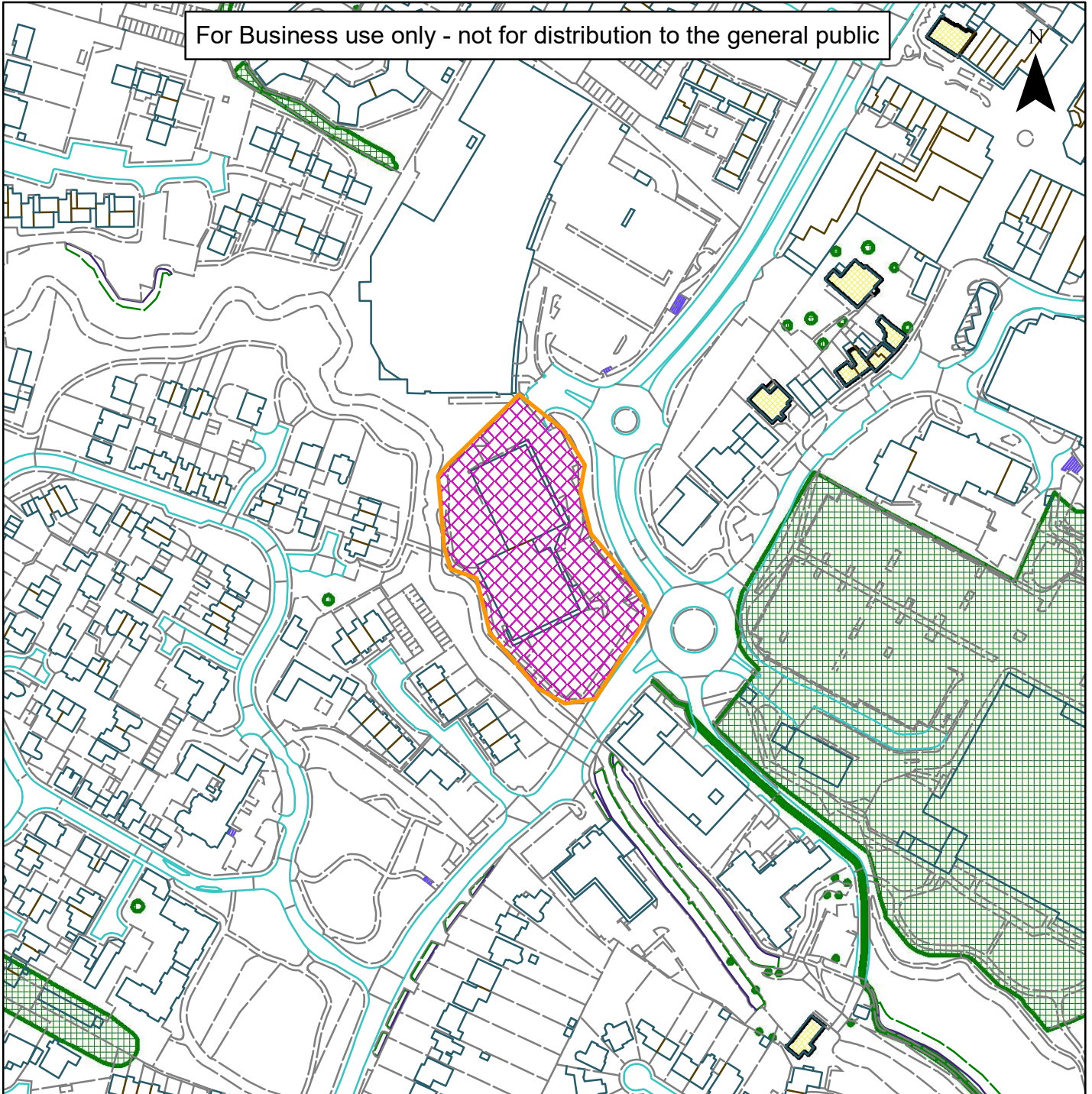
- 7.1 To refuse full planning permission, for the following reason:-
1. The proposed development, by reason of the building design and close proximity to the Worthing Road with a lack of active frontage and necessitating the loss of existing tree planting, would form a unduly assertive and overly dominant building that would fail to take the opportunity to improve the appearance of the site and better integrate with the street scene at this important gateway into Horsham town centre. As such, it would not represent good design, in the way that term is used in the National Planning Policy Framework (2021), contrary to local plan policy, with HDPF Policies 32 and 33 and the Town Centre Vision (2017) and Town Centre guidance SPD (2012), and Policies HB3, HB4, and HB7 of Horsham Blueprint Business Neighbourhood Plan.

This page is intentionally left blank



Tanbridge Retail Park, Albion Way, Horsham, West Sussex

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

| | |
|--------------|--------------------------|
| Organisation | Horsham District Council |
| Department | |
| Comments | |
| Date | 20/10/2022 |
| OSA Number | 100023865 |

This page is intentionally left blank



**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st November 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 deferred at the 4th October Planning Committee North to seek further clarity on legal advice received by Horsham District Council on whether proposed water consumption can be offset on unbuilt homes. The officer advice on this matter is contained at paragraphs 2.32 to 2.36 below.

2.2 This application was first 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.

- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 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) and additional representations

- 2.9 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.
- 2.10 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.

- 2.11 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.
- 2.12 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. Two additional letters of objection from local residents have also been received since publication of the 4th October committee agenda. The concerns raised in these, which include water neutrality, infrastructure provision, and landscape impact, are noted and were previously addressed in the 2020 committee report or addressed in the paragraphs below.

- *Facilitating Appropriate Development (FAD)*

- 2.13 Subsequent to the 4th October 2022 committee meeting the Council has endorsed the Facilitating Appropriate Development (FAD) for use as a non-statutory Planning Guidance document. This document is to aid in the determination of planning applications in advance of the adoption of the new Local Plan. The preceding paragraphs of this report and the Officer's committee report recommendation on 8th September 2020 sets out your Officer's position on the appropriate facilitation of this development, which accords with the FAD.

Environmental Protection and EV provision

- 2.14 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.
- 2.15 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.
- 2.16 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

- 2.17 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.
- 2.18 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.
- 2.19 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.
- 2.20 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).
- 2.21 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*
- 2.22 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*
- 2.23 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).
- 2.24 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.
- 2.25 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*
- 2.26 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.

- 2.27 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.
- 2.28 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.
- 2.29 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.
- 2.30 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.
- 2.31 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.

- *Counsel Legal Advice on offsetting on unbuilt homes*

- 2.32 This application had returned to Planning Committee North for member consideration on 4th October 2022. At that Committee, Members deferred the application for further clarity on legal advice received by Horsham District Council on whether proposed water consumption can be offset on unbuilt homes, the strategy being advanced by the applicants in this case.
- 2.33 As background, the Frequently Asked Questions produced by Natural England in December 2021 identified that: '*Offsetting on unbuilt homes on developer's existing approved development sites within the water supply zone are **not** likely to provide offsetting as they are not currently using water and therefore are not currently adding to the existing risk of adverse effect.*'.
- 2.34 Officers were unconvinced this was a reasonable stance to take in all cases and subsequently sought legal Counsel advice on this matter, which was received in early February 2022. The Counsel advice is that there is an alternative way of looking at offsetting on unbuilt homes which comes down to the timing of when the water use will begin. The advice is that if the water use from the development proposal can be timed to begin after that within the new homes where the offsetting is to be provided, then there would be no net

increase in water consumption. The Counsel advice was that considering water consumption within homes benefitting from full planning permission but had yet to be built was possible, as these homes can be built without the need for any further consent from the Council. Their water consumption is in effect therefore 'baked in' even though not yet built or occupied.

- 2.35 This is a point that is also fundamental to the emerging local plan strategy. In agreement with Natural England, the emerging local plan strategy does not need to mitigate against the impact of unbuilt development which already has full planning permission, as this development can lawfully consume water at the rate permitted and can therefore be included in the 'before' baseline data. So whilst the offsetting homes in this case are not already using water, their effect on water abstraction in the Arun Valley is already known and cannot be prevented. There is also certainty that these homes will be built given the developer has been onsite building out the rest of the development sites for the last 6-8 years.
- 2.36 Therefore, provided any planning permission includes triggers to ensure the proposed homes are occupied only after the necessary water offsetting measures have been implemented, this will provide the certainty that the impact will be mitigated. In this case, the draft s106 Agreement includes such triggers to ensure tranches of the proposed housing can only be occupied once it has been demonstrated that the required amount of offsetting for that tranche has been delivered on the offsetting sites. If the offsetting homes are not built the s106 obligation will not be able to be satisfied, therefore the proposed development would not be able to proceed. This is fundamental to the officer recommendation that planning permission be granted.

Conclusion on Water Neutrality

- 2.37 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.
- 2.38 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

- 2.39 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.
- 2.40 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.

- *Biodiversity and Green Infrastructure Planning Advice Note (PAN)*

- 2.41 Subsequent to the 4th October 2022 committee meeting the Council has endorsed a Biodiversity and Green Infrastructure Planning Advice Note (PAN) for use as a non-statutory Planning Guidance document. The purpose of this Planning Advice Note (PAN) is to provide interim guidance for applicants and decision makers on how Biodiversity and Green Infrastructure should be taken into account within development proposals. It therefore forms a new material consideration to take into account.
- 2.42 Aligned with the purposes of the PAN, the Council's consultant Ecologist has recommended that reasonable biodiversity enhancements be implemented to secure measurable net gains for biodiversity as outlined under the NPPF. The reasonable biodiversity enhancement measures should be outlined with a Biodiversity Enhancement Strategy secured by a condition of any consent for discharge prior to slab level. In terms of biodiversity net gain of 10% as set out in the Council's PAN, the enhancements proposed in this development proposal will suitably contribute towards this aim.

Conclusion

- 2.43 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 with consideration of the Council's recently agreed PAN. 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.
- 2.44 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 Hodkinson). 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.

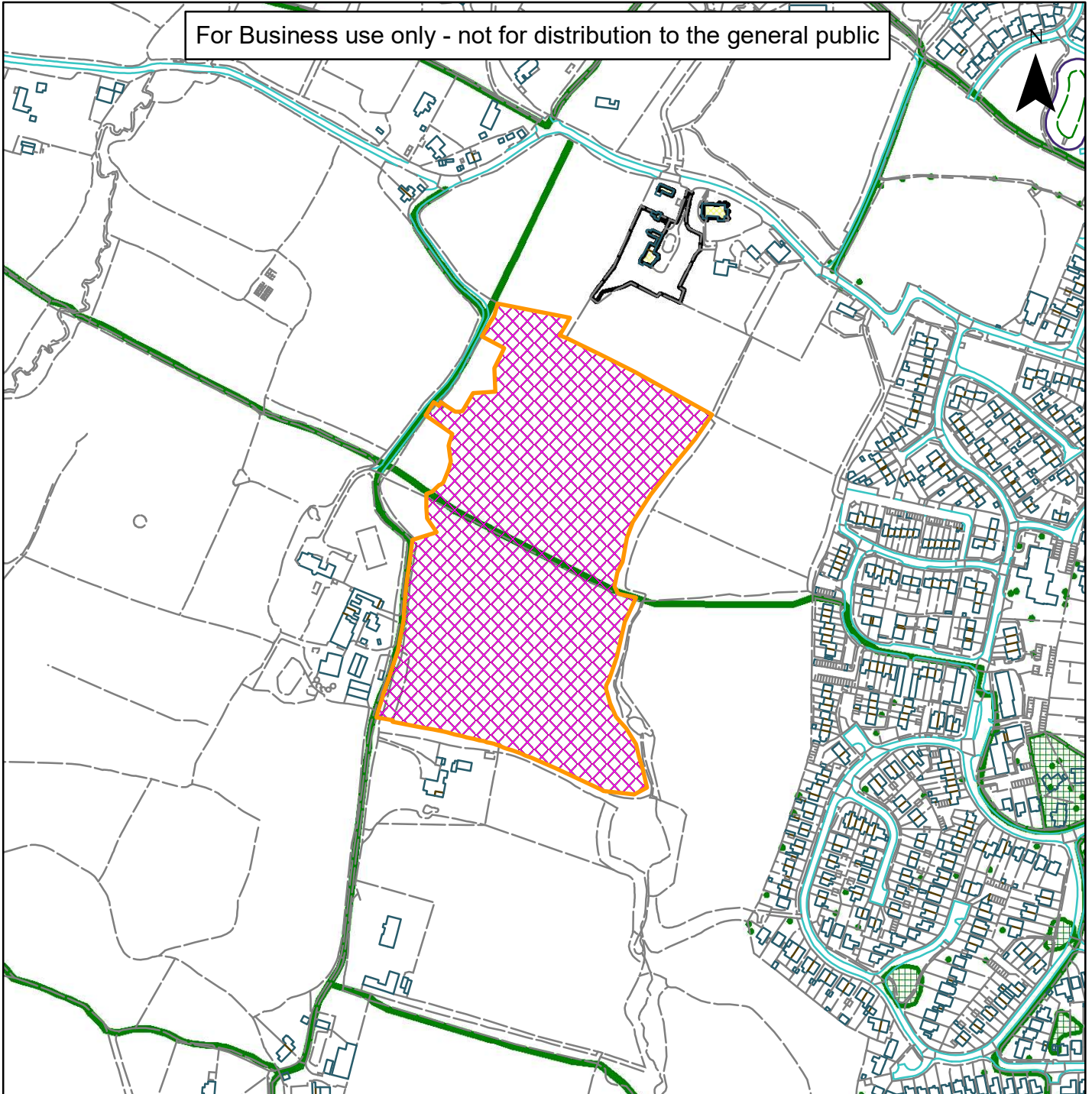
07) DC/19/2464



Horsham District Council

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

For Business use only - not for distribution to the general public



Scale: 1:5,000

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

| | |
|--------------|--------------------------|
| Organisation | Horsham District Council |
| Department | |
| Comments | |
| Date | 20/10/2022 |
| ISA Number | 100023865 |

This page is intentionally left blank



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

This page is intentionally left blank



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st November 2022

DEVELOPMENT: Demolition of existing garage building and store. Erection of a two storey dwelling. New hard landscaping, landscape planting with associated access drive and other works. Installation of 2No. solar arrays to roofs of house.

SITE: Woodlands Worthing Road Horsham West Sussex RH13 9AT

WARD: Southwater North

APPLICATION: DC/21/2148

APPLICANT: **Name:** Mrs Katie Jolliff **Address:** Woodlands Worthing Road Horsham RH13 9AT

REASON FOR INCLUSION ON THE AGENDA: By request of Southwater Parish Council

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the erection of a two storey detached dwelling with associated landscaping within the rear garden to Woodlands. The proposals also include the demolition of an existing garage and store to facilitate access.

1.3 The proposed dwelling would be located within the rearmost portion of the site and would be oriented to face south. The proposal would extend over two storeys, measuring to an overall height of 8.7m, and would incorporate a staggered roof line. The proposal would include window openings on the south, east and west elevations, with louvered panelling to a two storey window to the eastern elevation. Roof lights and solar panels would be incorporated on the roof slope, with the dwelling finished in vertical larch cladding and zinc standing seam roof.

1.4 The application has been amended variously during the course of consideration, first to relocate the dwelling from the front to the rear of the plot, and then to remove a detached garage from the proposals.

DESCRIPTION OF THE SITE

1.5 The application site comprises the rear garden to a detached bungalow known as Woodlands, located on the west side of Worthing Road, Southwater. The site is some 50m

in length (excluding the access drive that runs alongside Woodlands) and sits within the defined built-up area boundary of Southwater. The site consists of a detached garage and store serving Woodlands.

- 1.6 The wider area is characterised by detached properties on relatively large plots fronting Worthing Road. Immediately abutting the site to the south is a large recently constructed backland development at Welcome Place comprising some 13 houses. Further backland development comprising Courtlands and Willow Mead is also located further to the south.

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

RELEVANT NEIGHBOURHOOD PLAN

2.5 Southwater Parish Design Statement

SNP1 – Core Principles
SNP2 – Proposals for Residential Development
SNP9 – Home Standards
SNP10 – Residential Space Standards
SNP14 – Adequate Provision for Car Parking
SNP16 – Design
SNP17 – Site Levels
SNP18 – A Treed Landscape

PARISH DESIGN STATEMENT

2.6 Southwater Parish Design Statement 2011

PLANNING HISTORY AND RELEVANT APPLICATIONS

| | | |
|------------|--|-------------------------------------|
| DC/17/0874 | Front and rear extension to existing bungalow with roof alterations to form two storey house. Demolition of existing garage and erection of replacement double garage/workshop. | Application Permitted on 09.06.2017 |
| DC/18/1540 | Outline application with some matters reserved for the demolition of an existing outbuilding and erection of a detached dwelling and approval of access | Application Permitted on 18.09.2018 |
| DC/19/1543 | Non-Material Amendment to previously permitted application DC/17/0874 (Front and rear extension to existing bungalow with roof alterations to form two storey house. Demolition of existing garage and erection of replacement double garage/workshop.) to allow for a reduction in size to the resulting dwelling, including reduction in width and reduction to the single storey rear projection. | Application Permitted on 23.08.2019 |
| DC/19/2139 | Non Material Amendment to previously approved application DC/17/0874 (Front and rear extension to existing bungalow with roof alterations to form two storey house. Demolition of existing garage and erection of replacement double garage/workshop) Amendments sought, alterations to rear elevation to install bi-fold doors in lieu of window and doors | Application Permitted on 05.11.2019 |

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

3.2 **WSCC Highways:** No objection
Summary of responses dated 12.10.2021 and 04.10.2022):

The site is located on Worthing Road, a C-classified road subject to a speed restriction of 30 mph in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The Applicant proposes to utilise the existing vehicular access for this development. From inspection of local mapping, there are no apparent visibility issues with the existing point of access on to Worthing Road. The LHA does not anticipate that the addition of one dwelling would give rise to a material intensification of movements on the local highway network.

The site is situated within walking/cycle distance of local services and amenities. Cycling is a viable option for travel in the local area. Nearby bus stops on Worthing Road provide regular services toward Southwater and Horsham.

The applicant has repositioned the proposed dwelling, which now no longer includes a garage. The proposed driveway appears of suitable size to accommodate the anticipated parking demand, and on-site turning appears achievable as a turning head has been demonstrated.

It should be noted that as the garage has been omitted from the plans, no cycle parking provision is now proposed. Cycling is a viable option in the area and the applicant is requested to demonstrate secure cycle parking provision in accordance with WSCC Parking Standards.

In summary, 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.

3.3 WSCC Fire and Rescue: Comment

Having viewed the plans for planning application DC/21/2148, the nearest fire hydrant is 260 metres away, 85 metres more than the required 175 metres distance for a domestic property. Should an alternative supply of water for firefighting be considered it will need to conform with the details identified in Approved Document – B (AD-B) Volume 1 2019 edition: B5 section 14.

The access route does not appear to comply with AD-B Volume 1 B5 section 13. From the plans submitted there is no turning facility provided for a fire appliance to turn and make their exit. The access driveway is approximately 90 metres long, well over the 20 metre maximum reversing distance for a fire appliance

[NB] A condition has been recommended requiring details of the access and turning arrangements to be submitted, with particular reference to ensuring sufficient turning space for an emergency vehicle.

3.4 Southern Water: No Objection

3.5 Natural England: No Objection

As submitted, the application could have an adverse effect on the integrity of the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site (together the Habitats Sites).

The appropriate assessment concludes that the authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. From the evidence provided in the Water Neutrality Statement (Rev.1) the applicant is proposing mitigation measures through the use of water efficient fixtures and fittings, rainwater harvesting in the proposed building, and offsetting in the existing adjacent property, owned by the applicant.

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 as above. 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.

PUBLIC CONSULTATIONS

3.9 Southwater Parish Council (responses received 13.04.2022, 13.06.2022, 17.08.2022 and 22.09.2022): Objection

- Over intensification of the site
- Backland development
- Water neutrality not sufficiently demonstrated
- Non-compliance with the Parish Design Statement

3.10 Southwater Parish Council (response received 04.10.2022): Objection

Objection for the same reasons previously submitted. Whilst the application now omits the garage which SPC had concerns could become a third dwelling on the site, the proposal for the build of the property still remains too close to its neighbour in the content of the size of

the site and the design is incongruous in the location and not sympathetic or compliant with the provisions of Southwater Neighbourhood Plan Policy SNP16 – Design.

- 3.14 13 letters of objection were received from 3 separate households, and these can be summarised as follows:
- Design not in keeping with the surroundings
 - Disproportionate to the surroundings
 - Overlooking and loss of privacy to neighbouring properties
 - Proposal is not similar to the outline permission granted
 - Noise pollution
 - Close proximity to neighbouring properties
 - Height in comparison to neighbouring property
 - Large footprint and ridge height of garage
 - Overdevelopment
 - Scale of garage
 - Water neutrality
 - Loss of outlook from neighbouring properties
 - Use of garage for commercial purposes
 - Overhang of proposed trees
- 3.15 1 letter of support was received stating that the quality of the proposed building, along with its design would be a welcome addition to the neighbourhood.

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 demolition of the existing garage and store and the replacement with a two storey detached dwelling and associated landscaping.

Principle of Development

- 6.2 The application seeks full planning permission for the demolition of an existing garage and store and the erection of a detached two storey dwelling.
- 6.3 The application site would be located to the rear westernmost portion of the residential garden serving Woodlands, all within the Southwater built-up area boundary which runs along the northern and western site boundaries. The proposals have been amended during the course of consideration with the latest plans under consideration and subject to this recommendation detailing the dwelling now set at the rearmost part of the site.
- 6.4 The principle of residential development on the site was considered under a previous planning permission reference DC/18/1540. This sought outline planning permission for a detached dwelling, with all matters except access reserved for later consideration. It was

recognised at that stage that the proposed garden space was to be located outside of the defined built-up area, albeit still within the garden curtilage of Woodlands. It was considered that the proposal would be appropriate development, with the proposed plot size and quantum of development considered to maintain the characteristics and function of the settlement. It was also considered that a sufficient plot size was retained for the existing property. Given existing backland development to the south and west of the application site, the proposal was considered acceptable in principle, subject to all other material considerations.

- 6.5 On the basis of being located within the defined built up area boundary to Southwater, and the presence of the previous planning approval on the site, it is considered that the principle of residential development on the site has been agreed and is supportable in compliance with Policy 3 of the HDPF and Policy SNP2.1 of the Southwater Neighbourhood Plan. The currently proposed development is therefore considered acceptable in principle, subject to detailed considerations as discussed below.

Design and Appearance

- 6.6 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape 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.
- 6.7 SNP16 of the Southwater Neighbourhood Plan states that all development must be of a high quality design. This includes facing buildings with locally sourced materials, or materials equivalent to those that would historically have been sourced locally wherever possible; encouraging a variety of complementary vernaculars to encourage contextually appropriate design and diversity in the building stock; and making sure that the design of new development actively responds to other properties in the vicinity.
- 6.8 Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.9 Southwater Parish Design Statement 2011 is an advisory document, and suggests planning guidelines for the Parish. The relevant guidelines include: ensuring any appropriate small scale development responds to historic settlement pattern and reflect local designs and building materials; design vertical structures so they are appropriate to character and nature of the area; and maintain the good mix of housing stock.
- 6.10 The wider surroundings are characterised by relatively dense residential development with examples of backland development within the immediate context. The built form comprises a mixed and eclectic character, albeit that the material palette is relatively consistent, comprising facing brick, tile hanging and render.
- 6.11 The proposed dwelling would be of a contemporary design and form, which seeks to adopt a high level of sustainability. The built form has been designed using the principles of Passivhaus, which includes siting and orientation of the dwelling and arrangement and size of windows to maximise daylight in the winter months and shading in the summer.

- 6.12 The nearby residential properties range in height from 8.6m to 9.1m, incorporating relatively steep pitched roofs and a number of projecting elements. While the proposed dwelling would extend to a height of 8.7m, the proposal would sit below the ridgeline of the frontage dwellings and would remain subservient in height to the surrounding built form. The scale of the proposed dwelling is therefore considered acceptable in this regard.
- 6.13 The Parish Council have raised an objection to the proposal on the grounds of overdevelopment of the site and the design and form of the proposal being in non-compliance with the Parish Design Statement. A number of objections have raised similar concerns.
- 6.14 It is recognised that the proposed dwelling would contrast the vernacular of dwellings within the immediate surroundings and wider locality, and would utilise a contemporary form and style that would incorporate modern building materials including grey stained vertical timber cladding and a zinc roof. While it is acknowledged that such a design would not reflect the preferences described within the Southwater Parish Design Statement, it is recognised that paragraph 130 of the NPPF states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and should be sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change. Paragraph 134 of the NPPF continues that significant weight should be given to development which reflects local design policies and government guidance on design, and/or outstanding or innovative designs which promote high levels of sustainability, or help to raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 6.15 The proposed development has been designed to Passivhaus standards, with the design rationale seeking to achieve a high level of sustainability through heat recover ventilation, solar gain, and the use of solar panels. The proposal would utilise an innovative design that would promote a high level of sustainability, and would therefore result in some environmental benefit in this regard. This is considered to be a material consideration of weight in the assessment.
- 6.16 The proposed development is considered to be of a scale, design and form that would sit comfortably within the backland context of the site and would result in a high quality and visually interesting building. The use of sustainable design and technologies would improve the efficiency of the dwelling above average standards, and this would result in some environmental benefits. While it is acknowledged that the dwelling would not reflect the building style and common use of materials within the locality, it is recognised that the wider surroundings are characterised by a mix of vernacular, form and material finishes. The proposal would not be visible from the street scene, albeit that the proposal would be read within the context of the nearby residential properties of Welcome Place.
- 6.17 The proposed development would provide an attractive and high quality design which would make efficient use of land, and would be of a scale, massing and appearance that would sit comfortably within the surroundings. While the proposal would contrast the materiality and visual appearance of nearby dwellings, and would not reflect the preferences described within the Parish Design Statement, the proposal would be of an innovative and high quality design that would not significantly harm the townscape character and visual amenities of the locality in this case.
- 6.18 On the balance of these considerations, the proposed development is considered acceptable, in accordance with the relevant policies.

Amenity Impacts

- 6.19 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes 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.
- 6.20 Matters of residential amenity were considered during the assessment of the approved outline planning permission, albeit that details relating to scale, layout and siting were reserved for later consideration. It was considered at this stage, that subject to detailed design and positioning, a dwelling could be constructed on the site without a significant adverse impact on the privacy and amenity of the occupiers of the neighbouring properties.
- 6.21 The application site would be located to the rear of the residential dwelling known as Woodlands and immediately to the north of the residential dwelling known as 11 Welcome Place. The site would be bound by natural vegetation, with the rear garden of 11 Welcome Place located immediately to the south. The rear garden of Hazelhurst is also located immediately to the south, albeit that a detached garage sits along the shared boundary.
- 6.22 The proposed development would introduce a residential dwelling to the rear of the application site, with the immediate context characterised by existing and established backland development. Given the relatively dense nature of built development within the locality, a degree of mutual overlooking is generally expected and accepted. It is however relevant that the proposed dwelling would be located in close proximity to a number of residential properties, where matters of overlooking could occur.
- 6.23 The initial proposal sought to position the proposed dwelling centrally within the site however concerns were initially raised with regard to this siting and the potential amenity impact arising. A number of objections were also received raising concerns with the scale and siting of the proposed dwelling, and the resulting overlooking and loss of privacy.
- 6.24 Following these concerns, amendments to the proposal were received to reposition the proposed dwelling to the rear north-western corner of the plot, in line with the residential dwelling known as 11 Welcome Place. This siting is considered appropriate and would limit the sense of overbearance on the residential property of 11 Welcome Plan and the properties to the south. The proposal has sought to limit potential overlooking through the use of louvre panels to the windows, along with the reduction in number and size of windows to the southern elevation. This would restrict views, with the resulting relationship considered to be reflective of the existing arrangement of mutual overlooking.
- 6.25 On the balance of these considerations, it is considered that the proposed dwelling would not result in significant adverse harm to the amenities and sensitivities of the neighbouring residential properties, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.26 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.27 The proposal seeks to utilise the existing access, with a turning area and area of hardstanding proposed within the site.
- 6.28 Following consultation with WSCC Highways, it is not anticipated that the addition of 1no. dwelling would give rise to a material intensification of movements on the highway network.

Furthermore, from an inspection of local mapping, there are no apparent visibility issues with the existing point of access on to Worthing Road.

- 6.29 The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least three car parking spaces, and the plans indicate that this number of vehicles could be accommodated on the driveway and turning head without the need for overspill parking elsewhere. It is therefore considered that the proposed parking provision would be sufficient, and it is therefore considered that the proposal would meet the anticipated parking demand.
- 6.30 For these reasons, the proposed development is considered to provide safe and adequate access and parking, suitable for all users, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Water Neutrality

- 6.31 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.
- 6.32 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.
- 6.33 The Applicant's Water Neutrality Statement details that the proposed 3-bed dwelling would incorporate water efficient fixtures and fittings alongside rainwater harvesting to be used for washing machine, toilets and external use, resulting in an anticipated consumption rate of 69 litres per person per day. The application states that the applicants (who currently live at Woodlands) would move into the new dwelling, and a CIL self-build exemption form has been submitted which confirms this. As there are currently four persons living at Woodlands, this means the total water consumption at the new dwelling would be expected to be 276 litres per day (4x 69 litres per person).
- 6.34 The Applicant's Strategy seeks to offset this water consumption against the water consumption of the existing dwelling at Woodlands. Water bills detail that Woodlands currently consumes 607 litres per day, which equates to some 151.75 litres per person per day based upon the known occupancy of four persons. An audit of the existing fixtures of the dwelling has been undertaken with a schedule of existing fixtures and fittings provided to support the values within a Part G calculator. This calculator identifies that water consumption based on existing fixtures and fittings would be expected to be 141.4 litres per person per day, equivalent to 565.6 litres per day.
- 6.35 The Strategy details that Woodlands would be retrofitted with dual flush toilets, water efficient washing machine and dishwasher, and more efficient taps and showers. Through the installation of these efficiencies, the water consumption of Woodlands would be reduced to 78.5 litres per person per day. As the occupiers of Woodlands would be moving into the new dwelling, future consumption at Woodlands must be based on average occupancy rates which in this case would be 2.47 persons. At 78.5 litres per person per day, total water consumption at Woodlands would be 193.9 litres per day.
- 6.36 In order to understand whether water neutrality has been demonstrated, it is necessary to compare the existing water consumption at Woodlands of 565.6 litres per day (based on the Part G calculator) with the combined water consumption for the applicants in the new

dwelling (276 litres per day) and the future occupiers of Woodlands (193.9 litres per day). In this case, the future consumption would be 469.9 litres per day across both dwellings, 95.7 litres per day less than the existing consumption of 565.6 litres per day, and 137.1 litres per day less than the last water bill for Woodlands. On this basis the proposal would be water neutral.

- 6.37 The Local Planning Authority has undertaken an Appropriate Assessment where it has been concluded 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. Natural England has been consulted on the Appropriate Assessment and have raised no objections subject to the mitigation measures being secured by condition. Appropriate conditions are recommended to secure the mitigation and off-setting measures.

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.
- 6.39 Should the proposed development 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
- 6.40 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusion

- 6.41 The application site would be located to the eastern-most portion of the residential garden serving the dwelling known as Woodlands, within the Southwater built-up area boundary.
- 6.42 The principle of residential development on the site was considered under a previous planning permission reference DC/18/1540. It was however considered that the proposal would be appropriate development, with the proposed plot size and quantum of development considered to maintain the characteristics and function of the settlement. It was also considered that a sufficient plot size was retained for the existing property. Given existing backland development to the south and west of the application site, the proposal was considered acceptable in principle, subject to all other material considerations. This previous permission has established the principle of residential development on the site, and this is considered a material consideration of significant weight.
- 6.43 The proposed development would provide an attractive and high quality design which would make efficient use of land, and would be of a scale, massing and appearance that would sit comfortably within the surroundings. While the proposal would contrast the materiality and visual appearance of nearby dwellings, and would not reflect the preferences described within the Parish Design Statement, the proposal would be of an innovative and high quality design that would not significantly harm the townscape character and visual amenities of the locality. On the balance of these considerations, the proposed development is considered acceptable with regard to design considerations.

- 6.44 Following amendments to the scheme, which have repositioned the proposed dwelling and made minor changes to the location and number of upper floor windows, the proposed development is considered to be appropriately sited. The proposed dwelling would be built in line with the nearest residential property, with the relationship between the proposal and the immediate neighbours considered comparable to the established build pattern. The proposed development has been designed to address potential overlooking, and the proposal would result in no greater overlooking than the established arrangement, with the proposal not considered to result in material harm to the amenities of neighbouring properties.
- 6.45 The proposed dwelling would benefit from sufficient on-site parking, and the proposal would not result in a material intensification in use of the access. As such, the proposal would not result in harm to the function and safety of the highway network.
- 6.46 Having carried out an Appropriate Assessment, subject to mitigation measures secured by condition, the proposed development would have no Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects. Natural England have concurred with this assessment and have raised no objections subject to the mitigation measures being secured by condition.
- 6.47 For these reasons, the proposed development is considered acceptable, in accordance with all relevant local and national planning policies.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.48 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.49 **It is considered that this development constitutes CIL liable development.**

| Use Description | Proposed | Existing | Net Gain |
|----------------------|----------|-------------------------|-------------|
| District Wide Zone 1 | 188.63 | | 188.63 |
| | | Total Gain | |
| | | Total Demolition | 46.6 |

- 6.50 Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.
- 6.51 Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.52 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:

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.

- 2 **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).

- 3 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of the parking, turning and access facilities for the dwelling have been submitted to and approved by the Local Planning Authority in writing. The dwelling shall not be first occupied until the approved parking, turning and access facilities necessary to serve it have been fully implemented. The parking, turning and access facilities shall thereafter be retained as such.

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

- 4 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for the 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).

- 5 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the approved cycle parking facilities associated with the dwelling has been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

- 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 occupation 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 **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 megabits 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).

- 8 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (reference NFA-001_WN_01_Rev.3 received 28.09.2022). The dwelling hereby permitted shall not 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).

- 9 **Pre-Occupation Condition:** The dwelling hereby permitted shall not 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).

- 10 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on plan reference NFA-001-P.05 rev D 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).

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

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

- 12 **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).

08) DC/21/2148

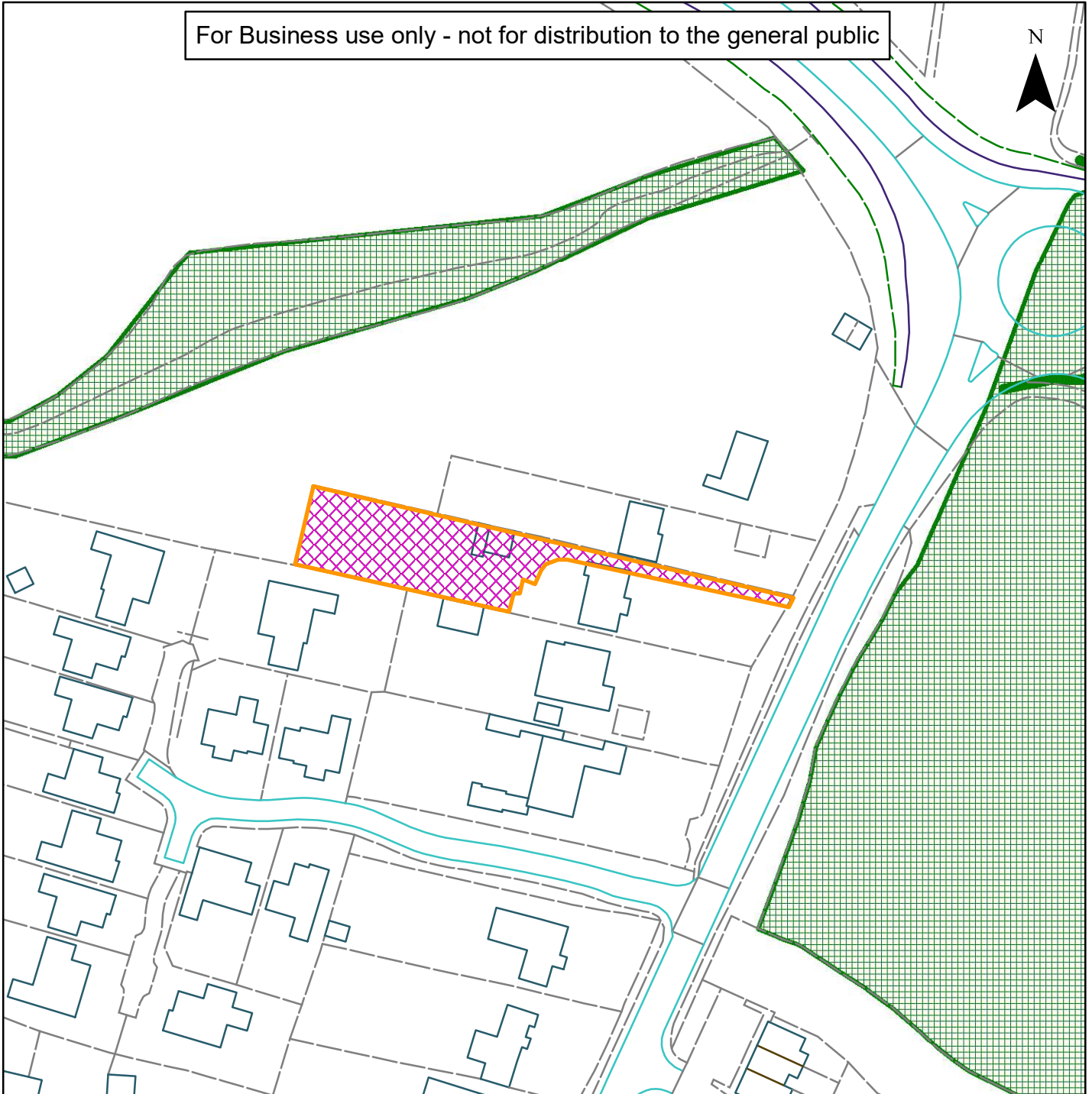


Horsham District Council

Woodlands, Worthing Road, Horsham, West Sussex, RH13 9AT

For Business use only - not for distribution to the general public

N



Scale: 1:1,250

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

| | |
|--------------|--------------------------|
| Organisation | Horsham District Council |
| Department | |
| Comments | |
| Date | 20/10/2022 |
| 114 Number | 100023865 |

This page is intentionally left blank



**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1ST November 2022

DEVELOPMENT: Demolition of a pool house and storage building and erection of a single dwellinghouse. Creation of a new independent access and construction of a garage for Birchenbridge House.

SITE: Birchenbridge House Brighton Road Mannings Heath Horsham West Sussex RH13 6HY

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/21/0761

APPLICANT: **Name:** Mr & Ms Pickering & Tinker **Address:** c/o New Bartram House 3-4 Swan Court Pulborough RH20 1RL

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

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 7th September 2021 where members resolved that the application be approved, subject to the addition of a contaminated land assessment condition. The 7th September 2021 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 conditions, but before the decision was legally issued, 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 decision notice granting planning permission had not been issued 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 Subsequent to the previous planning committee resolution the Council has adopted two new documents- Facilitating Appropriate Development (FAD) and a Planning Advice Note (PAN) 'Biodiversity and Green Infrastructure' relating to the implementation of biodiversity net gain. The relevance of these documents to this application are discussed below. No other material considerations have changed since the resolution and therefore this committee report just addresses the new FAD and PAN documents and the requirement for the development to be water neutral.

Water Neutrality and the Arun Valley Sites

- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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).
- 2.8 The Applicant has submitted a Water Neutrality Statement by Melin (dated 14th October 2022). This sets out the strategy for achieving water neutrality. The strategy is based on the extant planning permission approved under DC/19/0455 as a baseline figure for water usage on the site (234.81 litres per day). For the Council to accept the extant permission for water usage purposes, it must first be established that the fallback scheme would be implemented in the event this planning application is refused. To help demonstrate this, evidence is required that all relevant planning conditions on the fallback scheme have been discharged, and written evidence that the applicant intends to then build the fallback scheme if permission is not granted.
- 2.9 The applicants have applied to discharge all pre-commencement conditions relating to the fall-back planning permission DC/19/0455, and these conditions have now all been discharged (DISC/22/0267). These conditions are in relation to materials, drainage and an approved Natural England Bat Licence. The extant scheme can therefore now be implemented.
- 2.10 The applicants have also submitted a signed written statement of intent to the Council (dated 20th September 2022) which states that if this current planning application does not achieve planning permission then the extant permission will be implemented at the earliest opportunity. The extant planning permission requires implementation no later than 4th May 2023.
- 2.11 In light of the applicant's statement of intent and the relevant conditions on the fallback scheme having been discharged, there is now sufficient evidence that the fallback scheme would be implemented in the event planning permission for the current proposal is not forthcoming. The consequence of this is that the applicants now have an unfettered planning

permission for the fallback development which requires no further consents from the Council in order to commence. Although this fallback proposal is not yet consuming water, the water consumption and consequential impact of this consented development on the Arun valley sites is already known and cannot be prevented. As this additional level of water consumption is now established in principle, it can be used to offset the water consumption of the current alternative development on the site.

- 2.12 The consented scheme is required to be built to the Building Regulations Part G water consumption rate of 125 litres per person per day. The information submitted with the application details that it will have a total water consumption figure of 124.9 litres per person per day, which equates to 234.81 litres per day for the whole dwelling based on an average occupancy rate of 1.88 persons for a two-bed dwelling. The currently proposed scheme has a total water consumption rate of 94.9 litres per person per day, equivalent to 234.40 litres per day based on a higher average occupancy rate of 2.47 persons for a three-bedroom dwelling (based on census data).
- 2.12 The consumption rate of 94.9 litres per person per day is achieved through the installation of water efficient appliances (in particular showers, dishwasher and washing machine with lower water usage) to mitigate the increase in average occupancy rate of the new scheme (from the approved two bedroom house to the proposed three bedroom house). As the proposed consumption (234.40 litres per day) is lower than the approved consumption for the extant permission (234.81 litres per day), the development would be water neutral.
- 2.12 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, 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. Natural England have raised no objection to this position. 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.

Facilitating Appropriate Development (FAD) and Planning Advice Note (PAN) documents

- 2.13 The FAD has been adopted to provide guidance on how applications for housing development that fall outside of site allocations and built up area boundaries will be considered in the absence of a five year housing land supply, and presuming water neutrality is demonstrated. In this case the application site does not meet the requirements of the FAD, which essentially mirror those of Policy 4 of the HDPF with the exception of the need for a site to be allocated. This does not though alter the balance of considerations in this case as the site was already acknowledged to conflict with Policies 4 and 26 of the HDPF when considered at the 7th September 2021 Planning Committee. The key material consideration that justifies the grant of planning permission on this site remains the fact that there is an extant planning consent for a dwelling on this site granted under DC/19/0455.
- 2.14 The PAN document 'Biodiversity and Green Infrastructure' requires that applicants for small scale development of 1-9 homes with a site area less than 0.5ha demonstrate a net gain in biodiversity. This reflects the requirements for biodiversity enhancements that already sit within Policy 31 of the HDPF. The PAN states that applicants will be expected to use the Small Sites Metric to demonstrate the gain to be achieved. The delivery of a net gain is to be additional to any biodiversity mitigation/compensation otherwise required. The PAN has not been subject to public consultation and therefore does not carry the same weight as adopted policy. It forms guidance on how the local and national requirement to deliver biodiversity enhancements/gains can be demonstrated prior to the emerging statutory requirement for a 10% biodiversity net gain coming into force.

- 2.15 As submitted, the application included a detailed Ecological Impact Assessment that was fully considered within the original officer report appended to this item. The Assessment recommended a series of enhancements to achieve a net gain including use of flowering plants, nesting boxes, bat boxes, bug hotels, native seed and fruit bearing species, and pale and night scented species to increase bat foraging resources. These measures were supported by the Council's ecologist and were secured by condition 7, as replicated below.
- 2.16 Although a Small Sites Metric has not been completed in this instance, it is nevertheless considered that suitable net gain has been demonstrated in this case. It should be noted that the site already accommodates some built form whilst the extant planning permission forms a realistic fallback scheme that would be implemented in the event this application is refused. This extant consent includes a similar condition to that proposed in this case, and does not require that a Small Sites Metric be completed to demonstrate the strict percent gain being delivered. Given this extant consent, and the fact that the PAN provides guidance and not formal Council policy, it is considered that a suitable gain can be demonstrated in this case to comply with Policy 31 of the HDPF.

Other matters

- 2.17 The resolution of the committee on 7th September 2021 was to approve planning permission subject to the recommended conditions plus a condition relating to contaminated land to be added. The conditions recommended below include all original conditions along with the recommended contaminated land condition as well as the necessary conditions to ensure water neutrality is achieved.

Conclusion

- 2.18 The new information submitted to address Water Neutrality has been considered, and an Appropriate Assessment has been carried out. Natural England has raised no objection to the approach and the Council is satisfied that the application is capable of achieving water neutrality and consequently will not adversely impact on the integrity of the Arun Valley habitat sites.
- 2.19 The Council is satisfied that the extant planning permission DC/19/0455 would be implemented if the new planning permission were not granted and it is therefore considered acceptable that this fall-back position is taken into account when determining the water neutrality position for the site. Suitable biodiversity enhancement are included in the submission to meet the requirements of Policy 31 and satisfy the guidance set out in the recently adopted Planning Advice Note 'Biodiversity and Green Infrastructure'.
- 2.20 The Officer's recommendation to approve planning permission therefore remains as previous, but with new conditions to secure the Water Neutrality mitigation and a contaminated land condition as requested by the planning committee on 7th September 2021.

3. RECOMMENDATIONS

- 3.1 To approve full planning permission, subject to the following conditions:

Conditions:

- 1 A list of the 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 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).

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

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

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

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

6 **Pre-Commencement Condition:** Any works which will impact the building identified as B2 shall not in in any circumstances commence unless the local planning authority has been provided with either:

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

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998 and in accordance with the Horsham District Planning Framework (2015).

7 **Pre-Commencement (Slab Level) 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).

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

- 9 **Pre-commencement (Slab Level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures by the approved water neutrality strategy (prepared by 'Melin' and dated 14/10/2022) have been 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).

- 10 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy prepared by Melin dated 14/10/2022. The dwelling hereby permitted shall not 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 the 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).

- 11 **Pre-Occupation Condition:** Prior to occupation of the dwelling hereby permitted, a lighting design scheme for biodiversity shall be submitted and approved in writing by the local planning authority. 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: 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).

12 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Ecological enhancement measures set out in LLD1713-ECO-REP- 002-01-EcIA of the Ecological Impact Assessment by LIZARD, dated 29 July 2019

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 or retained 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).

13 **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 approved drawing P221-101 Rev A.

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

14 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking and turning facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan P221-101 Rev A 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).

- 13 **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 garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.
- Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).
- 14 **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).
- 15 **Regulatory 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).
- 16 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021
- 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).
- 17 **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).
- 18 **Regulatory Condition:** No works for the implementation of the development hereby approved, 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
- Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 19 **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, AA, B, C, D, E, and F Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of

all plots without express planning consent from the Local Planning Authority first being obtained.

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 buildings of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 5 of the Slinfold Neighbourhood Plan.

20 **Regulatory Condition:** The garage(s) hereby permitted shall be used only as private domestic garages incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

This page is intentionally left blank

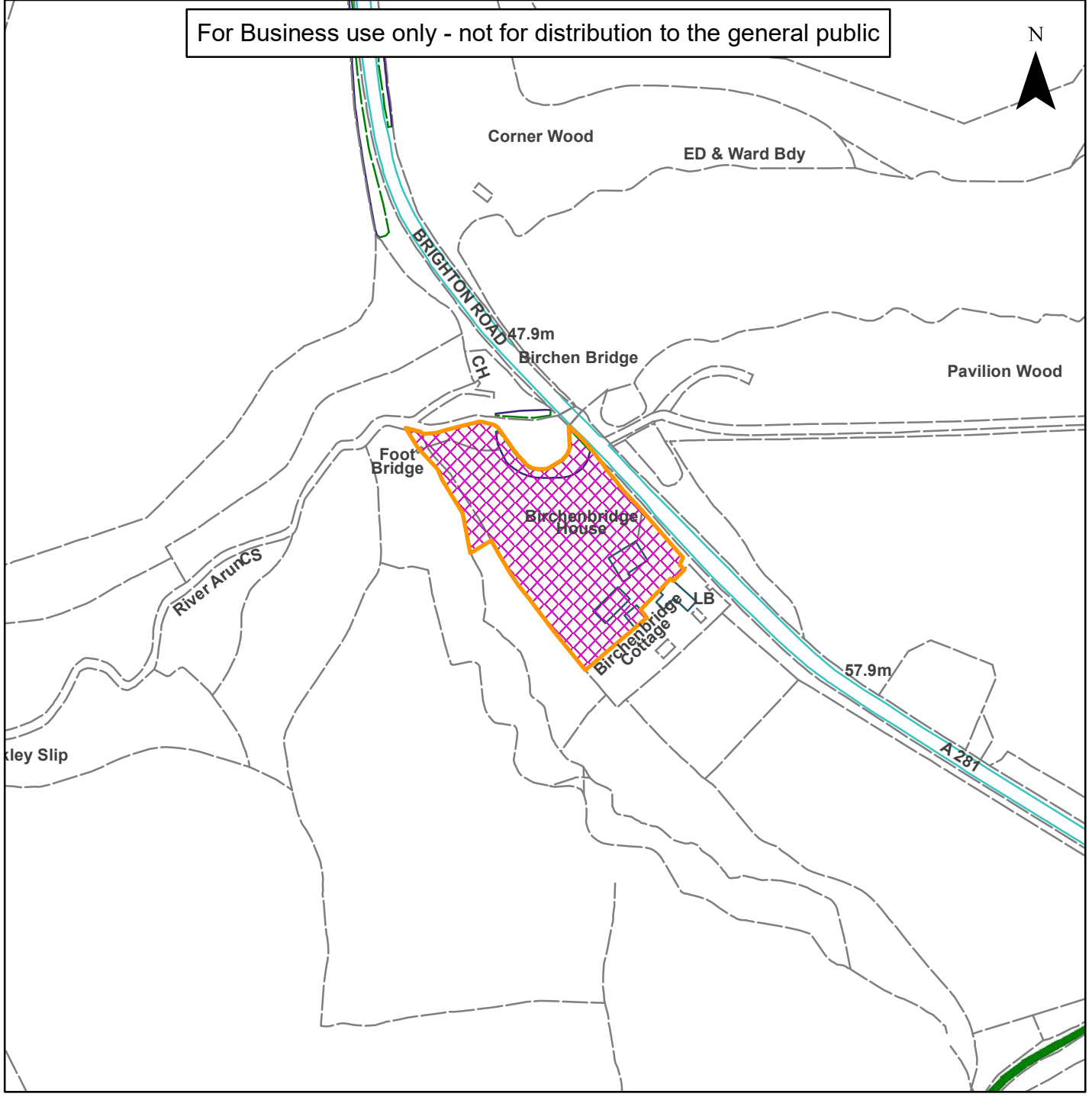
09) DC/21/0761



Horsham District Council

Birchenbridge House, Brighton Road, Mannings Heath, Horsham, West Sussex, RH13 6HY

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

| | |
|------------------|--------------------------|
| Organisation | Horsham District Council |
| Department | |
| Comments | |
| Date | 20/10/2022 |
| Reference Number | 100023865 |

This page is intentionally left blank



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 7th September 2021

DEVELOPMENT: Demolition of a pool house and storage building and erection of a single dwellinghouse. Creation of a new independent access and construction of a garage for Birchenbridge House.

SITE: Birchenbridge House Brighton Road Mannings Heath Horsham West Sussex RH13 6HY

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/21/0761

APPLICANT: **Name:** Mr & Ms Pickering & Tinker **Address:** c/o New Bartram House 3-4 Swan Court Pulborough RH20 1RL

REASON FOR INCLUSION ON THE AGENDA: The recommendation of the Head of Development and Building Control would represent a departure to the development plan.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the demolition of two residential outbuildings in the curtilage of Birchenbridge House and the erection of one dwelling with a detached garage in their place. The existing buildings on the site consist of a pool house (102 sqm) and a domestic storage building (16 sqm).
- 1.2 The conversion of the outbuildings on the site to a separate residential dwelling was approved at appeal under DC/19/0455. This established the conversion of the buildings and the principle of the creation of 1no dwelling on the site. The current planning application seeks the demolition of the outbuildings and erection of one detached dwelling as an alternative to the permitted conversion.
- 1.3 The proposed dwelling would be situated on the footprint of the existing buildings, extending the footprint by 3.3% (3.75% smaller than that of the extant scheme (DC/19/0455)). As part of the proposals, new garages are proposed to the front of the proposed new dwelling and Birchenbridge House.

- 1.4 The new dwelling would have a single storey appearance from Brighton Road and would feature pitched roofs at the same pitch of the existing pool house. A flat roofed garage is proposed to the front of the property with solar panels above. The materials would consist of natural timber cladding, render and plain roof tiles.
- 1.5 The overall GIA to be created would measure 204.8 sqm. The new dwelling would consist of an open plan living kitchen dining room and a snug or study on the ground floor together with one bedroom. The remaining two bedrooms would be located at basement level below.
- 1.6 The outbuildings and main dwelling are all currently served by the same access point leading from Brighton Road. This application proposes to utilise the existing access for the new dwelling and create a new access for Birchenbridge House. Space will be provided for at least 4 cars on the gravelled drive adjacent to the proposed garage with space for cycle parking within the garage. At least one electric charging point will be provided.

DESCRIPTION OF THE SITE

- 1.7 The application site is located in the countryside outside of the Built up Area Boundary along the Brighton Road (A281), close to the River Arun and between the built up areas of Horsham and Mannings Health. Separation between these settlements is formed by small irregularly shaped fields bounded by hedgerows and woodlands. Trees, hedge, and verges dominant the road side.
- 1.8 The site comprises a detached dwellinghouse and its large garden to the west and north. Boundary treatments and falling ground levels create a reasonably secluded garden. In the garden is a black stained timber outbuilding to the south and rear of the property, forming an indoor pool house (102 sqm permitted 2002). A small shed building sits further south still, which forms part of the southern boundary to Birchenbridge Cottage, the neighbouring dwelling (16 sqm) . Birchenbridge Cottage is partly situated on the boundary line, alongside the driveway.
- 1.9 The host property and its southern neighbour have independent accesses off Brighton Road, where the speed limit is 50mph at this point. Overtaking is restricted in both directions by the presence of solid white lines. The boundary line is cut back at the front to allow increased visibility towards the north, with an overall highway verge depth that is around 4 metres.
- 1.10 The northern most perimeter of the garden to Birchenbridge House is in Flood Risk Zone 2 and 3, as is a large pond to the north on the opposite side of the A281 (Birchen Bridge). Neither of these flood zones encroach into the site of the proposed house. Ancient woodland exists to the south and north, and on the opposite side of the Brighton Road (including Pavilion Wood), again all outside the site of the proposed house. The site abuts the High Weald Area of Outstanding Natural Beauty on the opposite side of the Brighton Road
- 1.11 As set out above the site benefits from full planning permission for the conversion of the existing outbuildings granted under planning reference DC/19/0455. The principle of the creation of one new dwelling on this site has therefore been established and represents a fall-back position which can realistically be implemented.

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 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 27 - Settlement Coalescence
- Policy 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 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

Nuthurst Neighbourhood Plan 2015 - 2031 'made' 2015

- Policy 1 – Spatial Plan
- Policy 10 – Housing Design

Material Consideration - The High Weald Area of Outstanding Natural Beauty Management Plan 2019 – 2024

2.2 PLANNING HISTORY AND RELEVANT APPLICATIONS

| | | |
|------------|---|---|
| DC/19/0455 | Conversion of existing residential outbuildings into a single dwelling and the creation of a new access onto Birchenbridge House | Application Refused on 30.08.2019. Appeal Allowed 4.05.2021 |
| DC/17/1750 | Outline application for the conversion and extension to existing residential outbuildings to form 1x dwelling with all matters reserved except for access | Application Refused on 09.10.2017 |
| DC/08/0741 | Erection of 3-bay garage to replace old garage | Application Permitted on 19.06.2008 |

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Conservation:** No Objection

Birchenbridge House and the neighbouring Birchenbridge Cottage appear to be mid to late nineteenth century dwellings. It may have been the case that the cottage was an ancillary building built for staff. There appears to be a large building built between the house and the cottage at the very end of the nineteenth century on the site of the existing pool house. The complex may have had a connection with the historic Birchenbridge Mill and possibly the Foxhole Outfarm but I am satisfied there is little historic significance of the site on which the house is proposed. I make no objection in heritage terms and leave the question of whether this is overdevelopment of the site to you.

3.3 **HDC Environmental Health:** Comment

Noise

An Environmental Health Officer has recently visited the application site and road traffic noise from the heavily trafficked A281, located to the north of the site, was very noticeable. Where this is the case and residential development is proposed in close proximity to a predominant source of noise we would reasonably expect the application to be supported by a noise impact assessment which quantifies and assesses the impact of road traffic noise on residential amenity and, crucially, provides the LPA with confidence that noise levels are capable of being mitigated through conditions.

A report of the nature has not however been submitted with the proposals – it has therefore not been adequately demonstrated that road traffic noise will not give rise to adverse impacts on the amenity of future occupants of the proposed dwellings.

In addition to the above, given the proximity of the A281 it is our expectation that the layout of the development is designed in accordance with ProPG: Planning & Noise. In particular that the dwellings have appropriate layout with amenity spaces suitably screened and bedrooms/living rooms not overlooking the A281. We will be able to provide further comment on the proposed layout once the above-mentioned noise assessment has been undertaken.

Contaminated Land

During the above-mentioned site visit we formed the view that a significant amount of made ground is likely to be present in the area of the site where the dwelling is proposed. Made ground can be a potential source of contamination, we are of the view therefore that the ground on the site has the potential to be contaminated.

Given the above contamination assessments will need to be undertaken to assess the risks to future site users, we are however happy to request this information through conditions.

OUTSIDE AGENCIES

3.4 **WSCC Highways:** No Objection

This latest application is similar in principle to that previously approved, though seeks the demolition of outbuildings and erection of a dwelling than the conversion. The latest proposal includes the new access works to serve Birchenbridge House but now includes a garage to serve Birchenbridge House. As with the 2019 application this application has been submitted with the support of a Transport Statement prepared by John Elliott Consultancy and Transport and Traffic Consultancy.

Access & Visibility

Access to the new dwelling is to be achieved via an existing point of access onto Brighton Road (A281), which is 'A' classified and subject to a 50 mph speed limit at this point. Overtaking is restricted in both directions by the presence of solid white lines. The access will be widened within the site to 4.5 metres to allow two way passing of vehicles and access gate located with a setback to allow a vehicle to be fully removed from the highway while the

gate is opened. Given this access will continue to serve only 1 dwelling it would not be anticipated that there is any material change in its use and thus no highways concerns would be raised to its continued use. A new replacement point of access for Birchenbridge House is to be provided circa 30 metres North West of the existing access.

The supporting Transport Statement details to the satisfaction of the Local Highways Authority that suitable visibility splays are achievable within land considered public highway for actual recorded 85 percentile approach speeds. All access works within the public highway (both new and widening) must be implemented under licence to a specification obtained from the area highways engineer.

Parking (New Dwelling)

Parking for the proposed dwelling will be achieved via a car port / garage facility and hardstanding. The proposed garages scales to 4.2 x 2.1 metres in size. WSCC require garages to measure 3 x 6 to be considered allocated parking spaces. While WSCC would not count this garage space as part of the parking allocation the car port and remaining hardstanding area are considered adequate to meet the parking and turning requirements of a dwelling of this size in this location.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) Horsham Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

The new dwelling should be provided with a secure and covered cycle parking provision.

Parking (Birchenbridge House)

A garage is proposed to serve Birchenbridge House. This garage seems to scale to 4 x 4 metres on the submitted site plan. A garage should measure 3 x 6 (or 6 x 6 for a double garage) to meet WSCC guidance. Nevertheless a suitable quantity of hardstanding / drive is demonstrated to provide a sufficient parking and turning provision to serve Birchenbridge House.

The proposed garage provision could be used to store cycles given the existing outbuilding could have potentially provided this function.

Conclusion

The Local Highways Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. If the Local Planning authority is minded dot grant planning consent the following conditions and informative note would be advised:

- Access works
- Vehicle parking and turning
- Cycle parking
- Construction plant and materials
- EV Charging points

3.5 **Ecology Consultant:** No Objection

We have reviewed the Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly bats and identification of proportionate

mitigation. We are satisfied that there is sufficient ecological information available for determination.

The mitigation measures identified in the Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. As concluded in the Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and verified in the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021), the conversion of the building identified as B2 will require a European Protected Species Licence for bats, as the building supports day roosts for one soprano pipistrelle and one Whiskered bat. We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured prior to slab level.

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.

3.6 **Southern Water:** No Objection

PUBLIC CONSULTATIONS

3.7 **Nuthurst Parish Council:** Objection

In 2019 the owner applied (DC/19/0455) for conversion of existing residential outbuildings into a single dwelling and creation of a new access onto Birchenbridge House. The Parish Council strongly objected on various grounds including not in Neighbourhood Plan, outside the BUAB, inappropriate development in the countryside and new entrance creating additional safety hazard on A281. HDC refused planning permission on similar grounds to the Parish Council's objection. The owner appealed to the Planning Inspectorate and the Inspector upheld the appeal commenting that material considerations such as accessible location, not remote or isolated, outweighed the policies in HDC Local Plan and the Parish's Neighbourhood Plan. So the owner has permission for a single dwelling and a new independent access.

The new application is to demolish the pool house and storage building and to erect a single dwelling and garage as an alternative to conversion of those buildings into a single dwelling. However, the fact remains that this proposed dwelling is outside the BUAB for Mannings Heath, is not allocated in the Neighbourhood Plan, is in a countryside location, does not support a countryside activity and creates an additional safety hazard on the A281. Therefore the Parish Council maintains its objection to a dwelling for the same reasons as for the previous application, namely:

- i) The proposed development is located in the countryside, outside the defined built-up area boundary of any settlement, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. Furthermore the proposed development has not been demonstrated as being essential to its countryside location. Consequently the proposal represents unsustainable development contrary to policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015), policy 1 of the Nuthurst

Neighbourhood Plan (2015) and would fail to meet the definition of sustainable development within the National Planning Policy Framework (2018).

- ii) The proposed development, by reason of the siting and relationship with the host dwelling and neighbouring property, would lead to an intensification of the use that would therefore result in significant harm to residential amenity and is contrary to policy 33 of the Horsham District Planning Framework (2015). It would also be out of keeping with those two dwellings because it does not reflect the architectural and historic character and scale of the surrounding buildings contrary to policy 10 of the Nuthurst Neighbourhood Plan (2015) and the overarching aim of the Nuthurst Parish Design Statement (2016).
- iii) The proposed development would create a third access onto the very busy A281 within 50 metres. This would reduce the safety of users of the A281 and would result in harm to those users of the public highway contrary to policies 33, 40 and 41 of the Horsham District Planning Framework (2015).

3.8 Representations: None received

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

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

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

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

6. PLANNING ASSESSMENTS

Principle of development

- 6.1 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.
- 6.2 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 80 of the NPPF and policies 3, 4, and 26 of the Horsham District Planning Framework (HDPF).
- 6.3 HDPF Policy 3 and 4 advises that development will be permitted within towns and villages which have defined built up areas, and outside built up areas expansion of settlements will be permitted where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. Policy 26 states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location. The application site is located within the countryside outside of any defined settlement and is not allocated in either the Local Plan or the Nuthurst Neighbourhood Plan and thus the application proposals directly conflicts with these policies. On this basis, the proposal therefore fails to accord with the HDPF strategy for development

and the grant of this planning permission would represent a departure from the development plan.

- 6.4 Notwithstanding the above, it is noted that the conversion of the buildings on site to form one new independent residential dwelling has planning permission granted in August 2019 by the Planning Inspectorate at the Planning Appeal (DC/19/0455). This is a significant material consideration in the determination of this current planning application.
- 6.5 The presence of an extant planning permission which could still be implemented, represents a viable and realistic fall-back position were the current application to be refused. A refusal of the current application would not therefore prevent the introduction of a new dwelling in this location.
- 6.6 It is therefore considered, subject to detailed considerations, that refusal of the application on the basis of the conflict with Policies 4 and 26 of the HDPF would not be warranted and would not prevent a new dwellinghouse from being created on the site. On this basis, the principle of development is considered acceptable, subject to the requirement of the existing buildings on site to be demolished and other relevant detailed considerations.

Character and Design and Heritage Impacts

- 6.7 With regards to design, Paragraph 134 of the National Planning Policy Framework (NPPF) states that - “great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area”.
- 6.8 Policies 26 (countryside protection), 32 (quality of new development) and 33 (Development Principles) of the HDPF require development to be of high quality design which is sympathetic to the character and distinctiveness of the site and surroundings.
- 6.9 The site lies in a rural stretch of the Brighton Road, just south of Birchen Bridge and outside of the southern limits of Horsham Town and the village of Manning Heath. Along this (unlit) stretch of the A281 the physical and perceived separation between settlements is strongly evident and maintained by the verdant roadside character, with dense established tree and thicket planting adjacent to the highway. There are few suburban interventions and only sporadic residential buildings.
- 6.10 The proposal would involve the creation of 1no detached dwelling which would be sited in the location of the existing outbuildings to be demolished and removed from the site. The proposed dwelling would have a single storey design when viewed from the front principle elevation, taking the form of a modern barn style conversion, mimicking the type of building that would be readily seen and typical within this countryside setting. The materials to the external walls consisting of timber cladding would also be reflective of the existing buildings to be removed. Notwithstanding this, the design and appearance of the existing buildings to be removed are not considered to be of any architectural merit or value.
- 6.11 The Nuthurst Neighbourhood Plan at Policy 10 Housing Design, states that “The scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings”. This Policy also states that “Residential development proposals should: i. make use of high quality building materials and finishes”. It is considered that the proposals would adhere to the above requirements, delivering a scheme of high quality, with appropriate materials and a scale and configuration of the dwelling which is also common and evident within the immediate vicinity.
- 6.12 It is considered that the design of the proposed dwelling would represent an enhancement to the site when compared to the existing buildings to be removed and their potential conversion to residential. In the appeal decision it was stated that the outbuildings are in a

deteriorating condition and that with the use of sympathetic materials the proposal would have a positive impact on the site and enhance the visual impact of the site. This proposal, resulting in a purpose built dwelling, is considered to enhance the visual impact of the site further. The existing buildings are limited in terms of aesthetic value and the proposal, whilst it is acknowledged would create a greater overall GIA when compared to that which would be achieved under the conversion, would occupy a lesser overall footprint when compared to the existing buildings, resulting in a reduction in overall built form.

- 6.13 While part of the site is visible from a public vantage point, when view from the entrance, given the nature of the road, taking into account the rural location and the speed limit, it is considered that the proposed development would not appear prominently within the landscape. Together with the modest size and scale of the proposal, coupled with the design and materials to be used, it is considered that the proposed dwelling would represent an enhancement when compared to the extant permission and would result in an appropriate and sympathetic form of development, introducing buildings of architectural merit and interest, when compared to the existing buildings to be removed.
- 6.14 The extant permission is subject to a planning condition removing all permitted development rights justified to prevent enlargement of the dwelling and the erection of additional buildings on site. It is recommended that a similar condition is attached to this planning permission if approved.
- 6.15 The proposed garage to serve the new dwelling would be reflective of the proposed dwelling and would be acceptable. The new garage proposed to the front of Birchenbridge House, although located forward of the main dwelling is also considered appropriate owing to the mature screening to the road, large plot and the lack established building line along this stretch of road.
- 6.16 This current full planning application gives greater control over the eventual development of the site, particularly in respect of detailed design, landscaping matters and ecological enhancements. These elements are considered to weigh in favour of supporting the current scheme. As a consequence of the circumstances described above, it is considered that the proposals would accord with Policies 26, 32 and 33 of the HDPF, Policy 10 of the Nuthurst Neighbourhood Plan, as well as Paragraph 134 of the NPPF.

Amenity Impacts

- 6.17 Policy 33 of the HDPF requires that new development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.18 The basement level of the house would not be visible from Brighton Road and the main elevation of the property would appear as a single storey dwelling. The footprint is 3.75sqm smaller than the existing approved scheme that involved a linking extension which increased the existing footprint. The dwelling would have a height of 2.89m to the eaves and 5.8 metres to the highest ridge point. This ridge height is around 0.5m higher than the existing highest ridge point of the buildings to be removed.
- 6.19 The design of the dwelling is such that it fits in with the character of the area and does not detract from the amenities of the adjoining properties as there are no facing windows likely to suffer any adverse effects as a result of the proposal. The proposed dwelling is set back some way from Birchenbridge Cottage so as to avoid a loss of privacy. Further, with accommodation arranged at ground floor and basement level, views into the neighbouring garden would be intercepted by the boundary fence.
- 6.20 Overall it is not considered that the resulting impact on neighbouring amenity would be markedly different from that of the existing situation on site or the approved scheme to form

1no residential dwelling. Further, the proposed garage which serve the existing property at Birchenbridge House is located at a suitable distance where it would not result in any harmful amenity impact. The proposal is therefore considered to be acceptable in this regard.

Accessibility and Highways

- 6.21 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. The proposed development would be served by an existing access point from Brighton Road with a new access being created for Birchenbridge House. West Sussex Highways have assessed these accessways and consider them to be acceptable, raising no highways concerns. Both properties will have sufficient on-site parking to accommodate their parking needs.
- 6.22 The Local Highways Authority does not consider that the 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. Conditions are advised in relation to the new access, vehicle parking, cycle parking, Electric Vehicle Charging Points, Construction plant and materials.

Ecology Considerations

- 6.23 Policy 31 of the HDPF states that proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites.
- 6.24 The Council's ecologists have reviewed the Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly bats and identification of proportionate mitigation. They are satisfied that there is sufficient ecological information available for determination.
- 6.25 The mitigation measures identified in the Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. As concluded in the Ecological Impact Assessment and verified in the Ecological Addendum the demolition of the building identified as B2 will require a European Protected Species Licence for bats, as the building supports days roosts for one soprano pipistrelle and one Whiskered bat.
- 6.26 The proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021 are supported. These reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured via condition prior to slab level.

Climate Change

- 6.27 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:

- All glazed areas to have elements of shading provided by the building form or internal curtains or blinds.
- Solar gains controlled through Low E glazing.
- All external elements to be well insulated.
- Use of mechanical ventilation with heat recovery (MVHR) to provide fresh filtered air into the dwelling whilst re-using up to 95% of the heat that would have otherwise been lost.
- 100% low energy/LED lighting.
- A+++ rated white goods.
- Solar panels to be installed on roofs to provide a renewable energy supply to the dwelling.
- Water consumption limited to 110 litres per person per day
- Refuse and recycling storage
- Biodiversity mitigation and enhancement
- Cycle parking facilities
- Electric vehicle charging points

6.28 In addition to these measures, conditions are attached to secure the following:

- Water consumption limited to 110litres per person per day
- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling storage
- Biodiversity mitigation and enhancement
- Cycle parking facilities
- Electric vehicle charging points

Other matters:

Noise

6.29 For the previous application which involved the conversion of the existing pool house the EHO raised no objection with regard to noise from the Brighton Road. Similarly the Inspector did not raise any noise concerns. Although the concerns relating to noise from the Brighton Road are noted it is considered that the purpose built new build scheme now proposed will be far better insulated than the conversion scheme, so would be less exposed to noise. There will also be a garage that sits in between the house and the road which will reduce any noise even further and the layout of the house puts all main rooms towards the rear with only a guest bedroom at the front. The applicants live in Birchenbridge House next door to the application site and inside their property, which sits much closer to the road than the proposed house and apparently do not experience road noise. A Noise Assessment is therefore not considered to be required in planning terms in this case.

Conclusion

6.30 The site is within a countryside location and has not been allocated for residential development. The proposal therefore conflicts with policies 4 and 26 of the HDPF. However, the principle of residential development on the site has been established by the recent grant of planning permission for 1no dwelling at appeal. This is considered to form a realistic fall-back position carrying significant weight in the planning balance.

6.31 The proposed development would provide a purpose built dwelling and would represent an improved appearance to the site and landscape and a reduction in overall footprint. The proposed dwelling would be positioned further from the boundary when compared to the development that could otherwise come forward on the site under the extant permission, resulting a better relationship with existing neighbouring development.

6.32 Therefore, whilst being a departure from planning policy, the current application is considered to enhance the immediate setting and ensure that the development would not result in harm to the countryside setting, neighbouring amenity or highway safety. These benefits compared to the fall-back position provided by the extant consent are considered to outweigh the conflict with Policies 4 and 26 such that the grant of planning permission is recommended.

6.33 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

| Use Description | Proposed | Existing | Net Gain |
|---------------------------|-------------------------|----------|--------------|
| District wide residential | 236.68 | 149 | 87.68 |
| | Total Gain | | 87.68 |
| | Total Demolition | | 149 |

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 It is recommended that planning permission is permitted subject to the following conditions-

1 A list of the 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 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).

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

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

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

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

- 6 **Pre-Commencement Condition:** Any works which will impact the building identified as B2 shall not in in any circumstances commence unless the local planning authority has been provided with either:

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

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998 and in accordance with the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement (Slab Level) 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).

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

- 9 **Pre-Occupation Condition:** Prior to occupation of the dwelling hereby permitted, a lighting design scheme for biodiversity shall be submitted and approved in writing by the local planning authority. 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: 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).

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Ecological enhancement measures set out in LLD1713-ECO-REP- 002-01-EcIA of the Ecological Impact Assessment by LIZARD, dated 29 July 2019

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 or retained 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).

- 11 **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 approved drawing P221-101 Rev A.

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

- 12 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking and turning facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan P221-101 Rev A 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).
- 13 **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 garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.
- Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).
- 14 **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).
- 15 **Regulatory 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).
- 16 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021
- 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).
- 17 **Regulatory Condition:** No works for the implementation of the development hereby approved, 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
- Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 18 **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, AA, B, C, D, E, and F Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of

all plots without express planning consent from the Local Planning Authority first being obtained.

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 buildings of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 5 of the Slinfold Neighbourhood Plan.

- 19 **Regulatory Condition:** The garage(s) hereby permitted shall be used only as private domestic garages incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st November 2022

DEVELOPMENT: Creation of access and field gates onto Old Guildford Road (west); excavation of lake and associated works; and importation and deposit of soil and chalk (Part retrospective)

SITE: Field Place Estate Byfleets Lane Broadbridge Heath West Sussex

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/21/1235

APPLICANT: **Name:** Mr Kenneth Prichard Jones **Address:** Field Place Estate Byfleets Lane Broadbridge Heath West Sussex

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

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks permission (predominantly retrospective) for the creation of an access and field gates onto Old Guildford Road (west); works to 'Lake 4'; and earthworks to 'Lake Field' including the importation and deposit of soil and chalk.

Field Access

1.3 The proposals include the retention of the gated vehicular access that had been constructed off Old Guildford Road (west), which includes a formal bell mouth and a narrow track extending into the field.

Lake 4

1.4 The proposals include:

- The removal of silt from Lake 4 and the grading of the banks of Lake 4 to allow rising waters to spread out and slow down for the purposes of flood protection downstream in Broadbridge Heath

- The formation of three islands in Lake 4 to provide safe and secure nest sites for waterfowl and to slow down the flow of water through Lake
- The formation of a silt sump and subsequent reed filter bed to filter out and retain in the silt sump clay carried by the water flowing from the Ducky Pond and to provide a filtration system in the reed filter bed to reduce or remove oil pollution and excess nitrates and phosphates from the water entering Lake 4.
- The construction of a clay dam at the western end of Lake 4 with a pipe leading directly into the culvert feeding into Lake 2 beyond.

Lake Field

- 1.5 The proposals include the raising of the land throughout the field by around two metres via the deposit of an imported mixture of topsoil and chalk on top of the heavy clay subsoil and the re-laying of the original topsoil (mixed with some chalk) over the whole of the field. This will improve fertility and increase water retention in Lake Field both to provide ample water for the plants growing there and to slow and reduce the flow from the field into Lake 4 thereby contributing to water management and flood protection. The four existing trees in Lake Field (two oaks and two maples) are to be retained.
- 1.6 The proposals also include the planting of a large number of tree seedlings from elsewhere on the Estate to provide shelter and sustenance for the cattle in future years and enhance the beauty of Lake Field and Lake 4 (English Oak, Turkey Oak, Oak hybrids, English Elm, Lime, White Poplars, Maples and other trees are all available for transplanting to Lake Field). Many of the trees are to be planted between the external faces of the raised areas and the tree screens on the east and south boundaries of Lake Field.
- 1.7 Matters no longer forming part of the application include:
Bunds: The application originally proposed the formation of 2m high bunds along the eastern and southern edges of the Lake Field. However, as part of ongoing discussion with the Council the bunds have been removed from the scheme and no longer form part of the application. Instead there is a trench around the perimeter of the field which prevents passage to the woodland area beyond. A second 7m high bund to the west of the access onto Old Guildford Road was proposed to hide the Lawson Hunt Industrial Park and its lights from the Grade 1 listed building, however absent of supporting information the Applicant has confirmed that this bund will be sought under the remit of a separate application.
- 1.8 Hardstanding: The application originally proposed the retention and continuation of the hard-standing that has been laid extending from the vehicular access off Old Guildford Road. The hardstanding has been used for the parking of agricultural vehicles and temporary parking of cars. Following ongoing discussion with the Council this hard-standing area has now been removed from the application proposals.

Works still outstanding

- 1.9 The majority of the above works are now complete. The remaining works include the formation of a silt sump and subsequent reed filter bed adjacent to Lake 4, and an area of land along the west boundary of the application site which requires soil improvement following the removal of the unauthorised bund and removal of the hardstanding area. It is advised by the applicant that no further truck movements are required to complete these works.

Supporting Information

- 1.10 The following documents and supporting statement have been submitted with the application for consideration:

- The applicant's Planning Statement and attachments (26 May 2021);
- Supplemental Planning Statement and attachments (26 May 2021) produced by Collegate Legal Limited;
- Environmental Report (Lake Field) (26 May 2021) produced by Riverbank Management Services Ltd;
- Summary Report on ecological observations at Field Place Estate over a six-year period 2015 -2021 produced by Riverbank Management Services Ltd (dated 25 October 2021).

DESCRIPTION OF THE SITE

- 1.11 The site comprises an agricultural field and adjacent lakes located in the rural area immediately to the north of Broadbridge Heath. The site forms part of the Field Place Estate. Field Place is a Grade 1 Listed Building located to the south of Byfleets Lane that falls within the Parish of Warnham. Field Place Estate contains a number of Grade II listed buildings in the South West, including Stable Field Place; Byfleets Lane; Hovel Stable, Field Place, Byfleets Lane; Hovel Field Place, Byfleets Lane; Unit 8, Field Place Estate, Byfleets Lane; Cartshed, Field Place, Byfleets Lane.
- 1.12 The agricultural land and grounds surrounding the mansion form part of the wider area known as Field Place Estate, which is situated to the north of the A281 Old Guildford Road and to the west of Broadbridge Heath Road. The site comprises 73 hectares of agricultural grassland supporting a herd of 80-125 Winter Park Beed Cattle and a flock of 20-50 ewes. The site comprises an undulating landscape, with an area of woodland positioned to the south of the site. The wider surroundings are enclosed by a mature tree line, with the built-up area of Broadbridge Heath located to the south of the site.
- 1.13 The application site lies in the south east corner of the estate and comprises a piece of land known as Lake Field, and a paddock situated close to the boundary with Old Guildford Road (West). The area in question, which measures approx. 5.5ha, is enclosed by a woodland belt or shaw on three sides and a landscaped area to the west consisting of mainly trees and two ornamental lakes. The wider area of the agricultural land on the estate is down to permanent pasture and/or grass leys.
- 1.14 Lake Field is located on the south-eastern corner of Field Place Estate on the edge of Broadbridge Heath. Lake 4 lies on its northern boundary. Lake Field now comprises around 3.5 hectares and Lake 4 comprises around 0.4 hectares. There is a gate leading from Old Guildford Road (west) into Lake Field.
- 1.15 The site lies outside the built-up area boundary of Broadbridge Heath. However, a point of access to the field has been formed in the south east corner of the paddock giving access from Old Guildford Road West (OGRW). Earth works in the Lake Field commenced in June 2020. It has been advised by the Applicant that the works are in connection with the formation of a lake to form part of flood prevention measures utilising the existing water features on the estate. The works also relate to the creation of boundary features to prevent egress by White Park cattle and the ongoing soil improvement programme on the estate.
- 1.16 The import of this soil was initially the subject of a Prior Notification approval (DC/18/1185) however further importation of chalk and horticultural grade topsoil has taken place and has been used to improve areas of grassland on the native clay soils in the southern section of Lake Field. This further importation is the reason for this current application.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 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 43 - Community Facilities, Leisure and Recreation

Warnham Neighbourhood Plan (2019)

There are no relevant policies relating to this application within the Neighbourhood Plan.

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:

Parish Design Statement:

Warnham Parish Design Statement

Planning Advice Note

Biodiversity and Green Infrastructure Planning Advice Note (PAN) Planning Guidance Document (HDC, 2020)

2.2 PLANNING HISTORY AND RELEVANT APPLICATIONS

| | | |
|------------|---|---|
| DC/17/2763 | Erection of an agricultural barn (Retrospective). | Application Permitted on 08.02.2018 |
| DC/19/1169 | Prior notification for the creation of a new agricultural access track | Prior Approval Required and REFUSED on 27.08.2019 |
| DC/19/1170 | Proposed creation of a means of access (Certificate of Lawful Development - Proposed) | Application Refused on 30.07.2019 |

EN/19/0570 Enforcement Notice Without planning permission, the construction on the land of a vehicular means of access by removal of the boundary planting and the deposit of material to form a hard surface access track and concrete apron as a crossover onto the highway - Served 08/07/2020

(Appeal Dismissed High Court Challenge also dismissed and Notice upheld – should PP be granted the Notice will need to be withdrawn

EN/20/0304 Enforcement Notice Without planning permission, the carrying out of operational works on the Land involving the importation and deposit of hard core, soils and inert waste materials to raise the level of the Land, including the formation of earth bunds, a

track and hardstanding together with the associated re-grading and contouring of the Land within the red line area on the attached plan Unauthorised operational development comprising excavation of the land and engineering operations to raise the level of the land in connection with the creation of the lake and formation of earth bunds Served - 12/03/2021 (In Progress) Subject to an Appeal Held in abeyance awaiting outcome of this application (some of Enforcement Notice will fall away should this application be granted).

EN/20/0304 Temporary Stop Notice Without planning permission, the carrying out of operational works on the Land involving the importation and deposit of hard core, soils and inert waste materials to raise the level of the Land, including the formation of earth bunds, a track and hardstanding together with the associated re-grading and contouring of the Land within the red line area on the attached plan Unauthorised operational development comprising excavation of the land and engineering operations to raise the level of the land in connection with the creation of the lake and formation of earth bunds Served 08/07/2021 - Notice Expired

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect:** Comment

- Concerns about the height of bund to the west and no details received.
- Noted that bund to the west has been removed from application (verbal)

3.3 **HDC Conservation:** No Objection

Field Place has a well-known history but it is also a building of more ancient origin than the time of its most famous occupant. The house sits in a parkland typical of an eighteenth century style of designed landscape. There is evidence that a large amount of planting was undertaken in the mid-twentieth century to the south of the house. This is seen as a wood beyond the historic fish ponds. The proposed bunds will be glimpsed through the wood and will not be a conspicuous feature in the landscape in views from the house. The benefit will be screening of some light spill and noise coming from the Lawson Hunt industrial estate, Broadbridge Heath and the A264. This will have a benefit to the setting of the listed building. For this reason I raise no objection to the proposed bunding.

3.4 **HDC Tree Officer:** No Objection

3.5 **HDC Environmental Health:** No Objection

Confirm the soil testing results are satisfactory and show the material is suitable for placement

3.6 **HDC Drainage Engineer:** Comment

Initial Comments - August 2021

With reference to the above mentioned planning application, no drainage information has been submitted to make any relevant comments or observations. It should be noted that the site area / watercourse includes areas of 'high risk' flooding from surface water. (Ref; gov.uk – long term flood risk) Therefore any modifications / additions to local features can greatly affect / increase the chances and severity of flooding to the local area.

Verbal Comments Sept 2022

The removal of bunds and silt from lakes to improve drainage is welcomed, however concerns still exist about potential for future flood risk from surface water. However the extent or effects of this will not be evident until extreme weather conditions are experienced and may then require further mitigation.

3.7 **HDC Arboricultural Officer:** No Objection

OUTSIDE AGENCIES

3.8 **Historic England:** Comment

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

3.9 **WSCC Highways:** No Objection

3.10 **Agricultural Adviser (RAC):** Comment

On the basis of the information provided by the applicant in support of this planning application, RAC would conclude that proposal will support a sustainable agricultural regime that improves the soil structure and therefore improves the grassland with a beneficial effect of increasing biodiversity. Furthermore it is likely to reduce emissions.

3.11 **Ecology Consultant:** Objection

We note that the Environmental Report (Riverbank Management Services Limited, undated) does not provide sufficient information on the project impacts on designated sites, protected and Priority species as required by Government Standing Advice (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species>).

As noted in our earlier response (September 2021), we recommend that a Preliminary Ecological Appraisal is undertaken by a suitably qualified and experienced ecologist to assess the impacts of the development on designated sites, protected and Priority species and habitats. The project may cause impact to bats and Great Crested Newt (European Protected Species) as well as to breeding birds, Badger, Dormouse, reptiles, amphibians and Stag Beetle and their habitats. The report should also include any appropriate precautionary mitigation measures and propose reasonable enhancements for biodiversity. The report should be produced following the CIEEM guidelines for Ecological Report Writing.

3.12 **Southern Water:** No Objection

3.13 **WSCC Minerals and Waste:** Comment

On the basis that the proposals would involve an element of waste recovery WSCC would highlight the need for the application to be considered against Policy W8 of the West Sussex Waste Local Plan (WLP) as it would relate to a purported recovery operation involving the deposit of inert waste to land.

PUBLIC CONSULTATIONS

3.14 9 letters of objection have been received from 9 households which are summarised as follows:

- Works already completed or underway
- Use of access and related noise and pollution
- Use of earth moving equipment noisy and disruptive
- Access causes safety hazard as at end of cycle route
- Adverse impact on countryside
- Adverse impacts on highway surfaces

- impacts of climate change on drainage
- Noise disturbance -working hours unsociable
- Dust
- Soil importation
- Impact on Grade 1 Listed Building

Warnham Parish Council: Comment

Subsequent comments: Objection withdrawn

The Parish Council at this time is unable to comment based on the lack of information received. Therefore, the parish council withdraws any previous comments made.

Initial comments: Objection

The Parish Council strongly object to this application which appears to have been submitted retrospectively once work has been carried out illegally. There have been industrial level landfill works and land destruction on going in Field Place since 2018 backing onto Farlington School, the A281 Guildford Road, Old Guildford Road and Broadbridge Heath road. Illegal entrance ways have been installed already and are causing traffic chaos. There has been destruction of the road surface Robin Hood Lane, Broadbridge Heath Road, Warnham Road and Billingshurst road as 40 tonne earth movers access Field Place, regularly on a daily basis. This application appears to be attempting to legalise the illegal construction and destruction already taking place on the fields and countryside around Broadbridge Heath old village at Field Place. We ask that the Planning Authority acts on this illegal works and puts a stop to it.

Broadbridge Heath Parish Council: Objection

Objection owing to:

- The likely effects of importing materials onto the site by the continued use of HGVs on local/village roads. This includes the witnessed state of the road surfaces in terms of damage and mud
- Noise and other environmental detrimental effects of the site workings to nearby domestic and commercial properties
- Unknown quality of the material being brought onto the site and its long term effects on the land
- The risks and complexities of the unknown and possibly unintended effects on surrounding land, by the creation of the new lake (Lake 4) and surrounding earthworks
- Old Guildford Road is not a suitable access point for HGVs.

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 25 of the Horsham District Planning Framework (HDPF) states that the natural environment and landscape character of the District, including landscape, landform and

development pattern, together with protected landscapes, will be protected against inappropriate development. Proposals should protect, conserve and enhance the landscape character, taking into account areas identified as being of landscape importance.

- 6.2 Policy 26 continues that outside built-up area boundaries, development should protect, and/or conserve, and/or enhance the key features and characteristics of the landscape character area in which it is located, including the development pattern of the area, its historic and ecological qualities, tranquillity and sensitivity to change; the pattern of woodlands, fields, hedgerows, trees and other features; and the landform of the area.
- 6.3 Policy 32 of the HDPF states that high quality and inclusive design for all development in the district will be required based on a clear understanding of the local, physical, social, economic, environmental and policy context for development.
- 6.4 Policy 33 of the HDPF states that development should conserve and enhance the natural and built environment, and ensure that the appearance of the development is of a high standard and relates sympathetically with the built surroundings, landscape, open spaces and routes, adjoining and within the site. In addition, Policy 25 of the HDPF states that the natural environment and landscape character of the District, including landscape, landform and development pattern, together with protected landscapes, will be protected against inappropriate development. Proposals should protect, conserve and enhance the landscape character, taking into account areas identified as being of landscape importance.
- 6.5 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

Earth works and re-profiling of Land

- 6.6 The re-profiling of the land in Lake Field has been completed, (shown hatched orange on the Lake Field Application Plan). The applicant advises that a process has been used to improve the structure of the soils involving hand mixing marls, a clay like substance, into the topsoil to improve the soils agricultural performance. The land levels have risen incrementally across the site to approximately 2m above the original land levels. The works that have been carried out are not considered to result in any appreciable harm and are considered to be acceptable in visual terms.
- 6.7 The remaining works to be carried out within Lake Field include the formation of a silt sump and reed filter bed. These are to filter out and retain in the silt sump clay carried by the water flowing from the Ducky Pond and to provide a filtration system in the reed filter bed to reduce or remove oil pollution and excess nitrates and phosphates from the water entering Lake 4. A Kingfisher wall is also proposed which would use the spoil from the silt sump to form a mound at the end of the earth bank with an almost vertical face towards the lake where two Kingfisher tunnels will be inserted. These are considered to be more minor formations and works around the perimeter of the lake and it is not considered that they will result in any appreciable harm. These works are also considered acceptable.
- 6.8 The applicant has advised in writing that whilst 'not all the land works have been completed, the works to the whole of Lake Field have largely been completed but the silt sump and filter bed for Lake 4 have not yet been dug. When they are created, the resulting soil will be formed into a small mound to act as a Kingfisher wall on the easternmost end of Lake 4. This will not involve deliveries of soil from elsewhere. Otherwise, the re-profiling of Lake Field has been completed'.
- 6.9 The Council's Agricultural Adviser (RAC) has been consulted. RAC advise that that the applicants previous methods of improvements to the land structure and its fertility which has included importation of chalk and topsoil placed to a sufficient depth on top of the native clay

as approved under DC/18/1185 has worked well and was part of the Prior Notification approval (DC/18/1185) and the successful experiment in Reservoir Field.

- 6.10 RAC note that the objectives of the applicant are to 'farm the land in the most economical and sustainable way. The native clay does not lend itself to intensification' they note that this application is in part concerned with similar improvements to the soil structure in Lake Field, and will provide sufficient land areas for the White Park Cattle to be out wintered rather than being housed. RAC confirm that 'this will add additional benefits to the management and production on the estate in that there will be improved grass growth, less manure to spread on the land as a result of the cattle being outside, less machinery will be used on the land and the cattle being a hardy breed are likely to suffer less health issues'.
- 6.11 It is advised by RAC that 'the improvements to the soil structure are likely to lead to less poaching of land and better resistance to drought with subsequent improvement to grazing and potential for surplus grass to be made into hay. The removal of silt from the Lakes is likely to lead to less potential flooding and less pollution and that the applicant has created a safe and secure environment for his White Park Cattle which will preserve this historic breed of cattle. The supporting documents note that existing landscape features will be retained and enhanced with additional trees, hedges and wild flowers'. Overall RAC conclude that the existing and proposed development at Field Place Estate is sustainable and complies with national and local planning policy and national environmental objectives.
- 6.12 On the basis of the advice received by RAC and the officer site visit it is considered that the land works to Lake Field and Lake 4 are appropriate and offer clear environmental benefits in compliance with policies 25, 32 and 33 of the HDPF.

The access

- 6.13 Details have been provided for the Old Guildford Road (West) access which has been formed and has been in use for some time. The access comprises a formalised bellmouth with kerbstones that is set towards the end of the truncated Old Guildford Road (West) opposite the entrance to the industrial estate to the south, and next to an area of informal parking at the point the road terminates. In this context the bellmouth does not appear out of place and has not resulted in harm to the appearance of the area.
- 6.14 A narrow pedestrian / vehicular tract remains as hatched in brown extending north across the field from the point of the access onto Old Guildford Road (West). This is a modest extent of chalk and topsoil track that does not dominate or otherwise harm the appearance of the field or wider countryside. The use of chalk on a narrow track would not be un-typical of farm accesses in a countryside location.

The Hardstanding

- 6.15 The hard standing area initially proposed to the southeast part of the site subject has been deleted from the plans and does not form a part of this application. The removal of the hardstanding is welcomed and will need to be removed in order to comply with the requirements of the Enforcement Notice EN/20/0304. Details of the removal of the hardstanding are subject to the imposition of a condition to ensure that this is done within 3 months of any permission granted, and that a suitable landscape scheme is agreed to restore the land.

The Bunds

- 6.16 The concerns of the Council's Landscape Architect primarily related to the proposed bunds to the perimeter of Lake Field 4 (as hatched in green on the superseded Lake Field Application Plan F210520-1) and as proposed to the west of the access to Old Guildford Road (West). These bunds no longer form part of the application proposals and have been removed from the most recent plan (as shown on the most recent Lake Field Application Plan F210520-1 rev B), and instead the land levels across the area have been raised and a trench created between the edge of Lake Field 4 and the adjacent woodland. This trench will

prevent the crossing by cattle into the woodlands adjacent to the field. The bund to the west of the southern part of the site has also been removed from this application and will be considered separately.

Other Matters:

Trees:

- 6.17 Policy 25 of the states that the Natural Environment and landscape character of the district, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development.
- 6.18 It is advised within the Environmental Report (by Dr Rosylyn Case) that there are two grass filled depressions in the field area itself one of which has two maple trees and the other oak. The remaining trees are confined to the Estate boundary forming a tree screen as well as along the north bank of the ditch. All trees have been retained and protected by leaving a canopy wide area of untouched soil around them. Willow will be added to the island created in Lake 4. Single mature trees have been retained on the two other islands within the lake. Scrub will be retained under the existing tree line as this is part of the natural process where fallow or unmanaged ground progresses to weeds and shrubs and then later to trees. It is valuable for wildlife and the natural regeneration of trees and the numerous small oak saplings found in this area (and elsewhere on the Estate) support this.
- 6.19 The applicant advises that they intend to plant a large number of tree seedlings from elsewhere on the Estate to provide shelter and sustenance for the cattle in future years and enhance the beauty of Lake Field and Lake 4 (English Oak, Turkey Oak, Oak hybrids, English Elm, Lime, White Poplars, Maples and other trees are all available for transplanting to Lake Field). Many trees will be planted between the external faces of the raised areas and the tree screens on the east and south boundaries of Lake Field.
- 6.20 The Council's Tree Officer, and Landscape Architect have been consulted. There are no objections to the physical re-profiling of the land across the application site as set out in the supporting documents.
- 6.21 The concerns of the Council's Tree Officer primarily related to the creation of the craters around the mature trees within the field to be retained. However following a site visit, it was confirmed that the trees were not considered to be at risk, and that relocating them would likely result in more harm to them than leaving them in situ. It is advised that the tree officer has no tree related concerns with this application and as such the proposals comply with Policy 33 of the HDPF.

Heritage Impacts:

- 6.22 The Council's Conservation officer and Historic England were consulted. Historic England had no specific comments to make and referred the matter to the attention of the Council's own Specialist Officers'. The Councils Conservation Officer has raised no objections.
- 6.23 Field Place is set well away from Lake Field where the re profiling works have taken place. Given the distance of Lake Feld from Field Place and the intervening tree screening, no concerns were raise about the impact of the previously proposed bunds on its setting. Notwithstanding this the bunds no longer form part of the application proposals. The bunds would have been more visually dominant than any other land re profiling works on the site to which no objections were raised.
- 6.24 It is considered that the works carried out and remaining works will not harm the setting of the heritage setting in compliance with Policy 34 of the HDPF.

Amenity Impacts:

- 6.25 It is not considered that there are any appreciable visual impacts arising from the re profiling of the land within the application site.
- 6.26 The application was submitted by the applicant following complaints received by the Council regarding noise nuisance arising from movements associated with heavy goods vehicles which occurred while soil materials were being imported onto the site for the purpose of land levelling and re profiling of the Lake Field. The application was submitted to address unauthorised works that were taking place on site during this process. The applicant has confirmed that there will be no further deliveries of soils onto the site.
- 6.27 It is considered however that a suitable condition be imposed to ensure that no further soil importation is permitted to complete the development. A further condition is also recommended to ensure that working hours are restricted on site for the purposes of any land re profiling within the site.
- 6.28 Accordingly the proposals are not considered to result in any appreciable harm to amenities in accordance with Policy 33.

Highways Impacts:

- 6.29 WSCC Highways have been consulted as part of the application process. No objections have been raised to the access onto Old Guildford Road (West) which they accept has been in use for some time, albeit unlawfully. The current application seeks to regularise this position.
- 6.30 WSCC advised that a CEMP condition be imposed given that there was still importation of materials at the time of the consultation. The applicant has since advised that no further soils are to be imported onto the site. Notwithstanding this, a condition to prevent the importation of any soil onto the site for the completion of the development has been imposed along with a hours of works condition to restrict the hours of work on the site in connection with any further works within the site itself.
- 6.31 A condition has also been imposed to ensure that the hardstanding area within the site which has been used for parking is removed and that the access track is restored as per the grant of any planning permission that may be forthcoming.
- 6.32 It is considered that the works carried comply with Policy 40 and 41 of the HDPF.

Drainage

- 6.33 The application site is identified on the Environment Agency's records as being located in an area considered to be of low surface water risk and very low risk of flooding by rivers and sea. The Council's Drainage Officer has been consulted and verbal discussions had since the original bunds were replaced with ditches around the perimeter of the site to prevent cattle from crossing over to woodland areas.
- 6.34 The Council's Drainage officer has advised (verbally) that the removal of bunds and silt from the lakes to improve the field drainage is welcomed, as this will help to reduce water capture within the area which was originally enclosed by the proposed bunded area, the soil improvements and removal of the earth bunds around the fields along with the creation of the banked ditches would be better for drainage, however the overall extent or effects of surface water drainage will not be evident until extreme weather conditions are experienced.

Ecology:

- 6.35 Policy 31 of the HDPF seek net gains in biodiversity, through creation/expansion, restoration, enhancement and management of habitats and features to improve the status of priority habitats and species.

- 6.36 An Ecological Appraisal and an Environmental Report (prepared by Dr Roselyn Case PhD Environmental Biology) has been submitted with the application. The details are specific to Lake Field and Lake 4 of Field Place Estate. The information sets out the description of the site and the proposed improvements.
- 6.37 Lake Field is described within the report as having ‘very poor agricultural land being classified as Grade 3c by the Ministry of Agriculture before the current owners bought the Estate. Grass growing on it developed in tussocks and despite frequent manuring, rolling, and harrowing, the hay crop was meagre. Cattle grazing on it in wet weather seriously poached the ground’.
- 6.38 The report advises (Survey Methods Part 4) that ‘over the long-term field notes and photography have formed the basis of records of flora and fauna but where appropriate additional notes have been made on weather conditions, season and so forth. Habitats were examined and features of ecological interest noted. Particular attention was paid to indications of the presence of protected species.
- 6.39 Assessment of the presence of protected species was carried out prior to the commencement of any works on the Estate. The pasture in Lake Field was regularly subjected to impact from farm animals and farm vehicles. There was, as elsewhere on the Estate an annual hay cut although it was of poor quality and quantity compared to elsewhere on the estate’.
- 6.40 The information within the submitted reports is advised as being based upon an overview of observations made over a 10 year period along with additional and further supporting information contained within the Riverbank Managements Services Report dated the 25th October 2021, which is part of an annual review of the ecology of Field Place Estate.
- 6.41 The Riverbank Management Services Report also advises that:
- Agricultural use for pasture and the absence of significant clean water in the shallow ditch suggested the site would be unfavourable for sensitive species. Surveys were carried out to support this view.
 - Recommendations are made to avoid or mitigate negative effects of any works carried out but in fact surveys showed the area to be of poor-quality grassland and a highly compromised water source.
 - Enhancement of existing poor-quality grassland to improve grazing for White Park Cattle, wildflower populations and production of improved quality and quantity of hay
 - No overall effect on protected species due to improvement of habitat (licences may be needed for work handling bats, dormouse, or great crested newt)
 - Reduction in the vulnerability to floods and drought by the enhancement of water retention for flood control (flood storage reservoirs) following periods of high rainfall and the expected unfavourable impact of climate change on existing water systems
 - Improvements in the biodiversity associated with a Lakeland habitat including Lake Field
- 6.42 The annual Environmental Report submitted concludes that there is ‘*evidence already of an increase in biodiversity associated with the improvements carried out so far on the Estate. General walkovers have been regularly carried out although it should be noted that the areas covered are slightly restricted when the cattle are grazing out in fields. These walkovers have allowed the identification of species not found on the Estate in previous years but have proved that in general, grazed pasture does not provide a species rich habitat*’.
- 6.43 The potential effects of the Lake Field Improvements are set out in Part 9 of the submitted report and include impacts on habitats and in Part 10 mitigation measures that were advised as minimising any negative effects of improvements to Lake Field. Mitigation measures include:
- Restoration of pasture for use of cattle grazing and for annual hay cut.
 - Hand sown wildflowers in the pasture and on the banks of the lake

- Marling the field with chalk and topsoil to increase water retention to benefit vegetative growth.
- Exotic or problematic weed control to allow native species to establish without competition Fallen timber and unstable trees left for natural process of decomposition (provided no safety issues or danger)
- Manage Grassland that is not pasture to enhance ecological value by encouraging wildflowers, controlling damaging weeds and mowing when appropriate as a traditional meadow.
- Kingfisher wall built with tunnels to provide a new habitat in Lake 4
- Reptiles and Amphibians to positively benefit by the work carried out especially in regards to native planting and establishment of an unpolluted water system.
- Long term ecological effects of the work to Lake Field and Lake 4
- Improvements in the pasture by marling the soil prior to sowing a mix of grasses and wildflowers
- Improvements of the water retention of the field through marling providing a stable structure that rain can penetrate and be held rather than a previous run off on solid clay.
- Water storage in Lake 4 for periods of drought and retaining water and slowing throughput at times of heavy rainfall preventing flooding downstream.
- Water health monitoring and the control; of incoming pollution by silt trap and reed bed
- Planting vegetation and or installing equipment to encourage wildlife such as grasses herbs for water voles, fishing perches for Kingfishers, lake island for wildfowl.

6.44 The Council's Ecology Consultants advises that the Environmental Report (Riverbank Management Services Limited, undated) does not provide sufficient information on the project impacts on designated sites, protected and priority species as required by Government Standing Advice, and that a Preliminary Ecological Appraisal (PEA) should be undertaken. The PEA report was required as it was considered that the project may cause impact to bats and Great Crested Newt (European Protected Species) as well as to breeding birds, Badger, Dormouse, reptiles, amphibians and Stag Beetle and their habitats.

6.45 The applicant was advised that further information was required, however the land re-profiling and re-levelling subject to this application has already taken place and was largely completed prior to the consultation comments of the Council's Specialist Ecology Consultant being received. Therefore the works for which further assessment was required were largely completed, and any impacts would have already taken place. The remaining outstanding works are minor in nature and as such it is considered that they would not result in any ecological harm. Notwithstanding this, a significant part of purpose of the works was to improve the overall drainage and ecological value of the site as detailed above. Mitigation measures formed part of the proposals as set out in the above ecology documents, and it is considered that these should be secured by way of a suitable condition. Overall, whilst it is regrettable that the works were carried out before the necessary PEA was carried out, it is clear that the works have resulted in considerable ecological improvement to the site, thereby according with Policy 31 of the HDPF, the accompanying Planning Advice Note on Biodiversity, and Paragraph 180 of the NPPF.

Climate change:

6.46 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:

- Opportunities for biodiversity gain as set out above

It is considered that the works carried out comply with Policies 35, 36 and 37.

Minerals and Waste

- 6.47 The WSCC Minerals and Waste Team were consulted as part of the application. As the proposals involve the importation of material onto the site they fall to be considered under Policy W8 of the West Sussex Waste Local Plan. Policy W8 'Recovery Operations involving the Depositing of Inert Waste to Land' states that:

'Proposals for recovery operations involving the depositing of inert waste to land (including for the continuation in duration, or the physical extension of, existing operations) will be permitted provided that:

- (a) the proposal results in clear benefits for the site and, where possible, the wider area;*
- (b) the material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated;*
- (c) there is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used;*
- (d) the material to be reused is suitable for its intended use;*
- (e) the amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a);*
- (f) there would be no unacceptable impact on natural resources and other environmental constraints;*
- (g) the proposal accords with Policy W13 (Protected Landscapes);*
- (h) any important mineral reserves would not be sterilised; and*
- (i) restoration of the site to a high quality standard would take place in accordance with Policy W20.'*

- 6.48 It is considered that the works comply with point [a] above in that there are clear benefits for the site including soil improvement, bio diversity improvements and flood management. It is also considered that the proposals meet with point [d] in that the materials are considered suitable for the use. The applicant has advised in their supporting statement that the imported topsoil and chalk are both growing mediums which have been transferred to Lake Field by the original owners of that soil as a growing medium in the knowledge that they will be used at Lake Field for their original purpose as a growing medium. They further advise that this is in accordance with DEFRA guidance, and state that the imported topsoil and chalk are not waste.
- 6.49 Soil test certificates have been provided with the application supporting information and the Council's Environmental Health Department have advised, having considered the test certificates that there are no concerns arising. Environmental Health have confirmed that the soil testing results are satisfactory and show the material is suitable for placement. In respect of the hardcore laid on the track and in the hard-standing area is a processed product and, therefore, not waste. Notwithstanding this, the hardstanding is to be removed from the proposals and will not benefit from any planning permission that may be granted.
- 6.50 It is therefore considered that the works carried out comply with Policy W8 of the West Sussex Waste Local Plan.

Conclusions:

- 6.51 This application (for which land works have already been carried out and is partially retrospective) has been submitted for the land engineering works and associated drainage measures, as well as the widening of the access and a new access gate. It is noted that the works identified in the application have caused concerns regarding noise disturbance during the course of the works. Complaints received from local residents resulted in the submission of the application currently under consideration. The vast majority of works subject to this application have been completed, although there are some limited works outstanding including the formation of a silt sump and subsequent reed filter bed as set out above. The applicant has advised that there will be no further deliveries of soil into the site in respect of

this and that any soil movement in respect of the project that remain outstanding will reuse soils already within the site.

- 6.52 The works are not considered to result in any adverse or appreciable harm to the visual amenities of nearby residents or the setting and appearance of the Grade I Listed Building or the wider countryside area. The increased height of land by approximately 2m is considered to be acceptable and complies with HDPF policies 25, 32 and 33.
- 6.53 The proposal is therefore considered acceptable and it is considered that the rural character and the informal landscape character would be conserved. The proposal is therefore considered to be in accordance with Policies 25, 26, and 30 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

7.1 To approve planning permission subject to the following conditions:

1 Plans list

- 2 **Regulatory Condition:** Within 3 months of the date of this permission all hardstanding areas other than the retained access track detailed on drawings F210520-1 Rev B shall have been demolished and all materials arising from the demolition of the hardstanding areas shall have been removed from site. Within one month thereafter the land shall have been restored in accordance with details of a landscaping scheme which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: The retention of the existing hardstanding area detracts from the character of the area and is contrary to Policy 22 of the Horsham District Planning framework (2015).

- 3 **Regulatory Condition:** Within 3 months of the date of this permission the access track (as approved by this permission) shall have been restored in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: The retention of the existing hardstanding area detracts from the character of the area and is contrary to Policy 22 of the Horsham District Planning framework (2015).

- 4 **Regulatory Condition:** All works of demolition, construction and ancillary activities, including deliveries and dispatch, shall be restricted to 08:00-18:00 hours on Monday to Friday, from 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

- 5 **Regulatory Condition:** No further soil importation shall take place to complete the development unless otherwise agreed in writing to the Local Planning Authority.

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

- 6 **Regulatory Condition:** All works shall be carried out and remain in full accordance with the mitigation measures set out in Section of the Environmental Report (Riverbank Management Services Limited (undated) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the successful and satisfactory retention of important trees, shrubs and hedges on the site in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

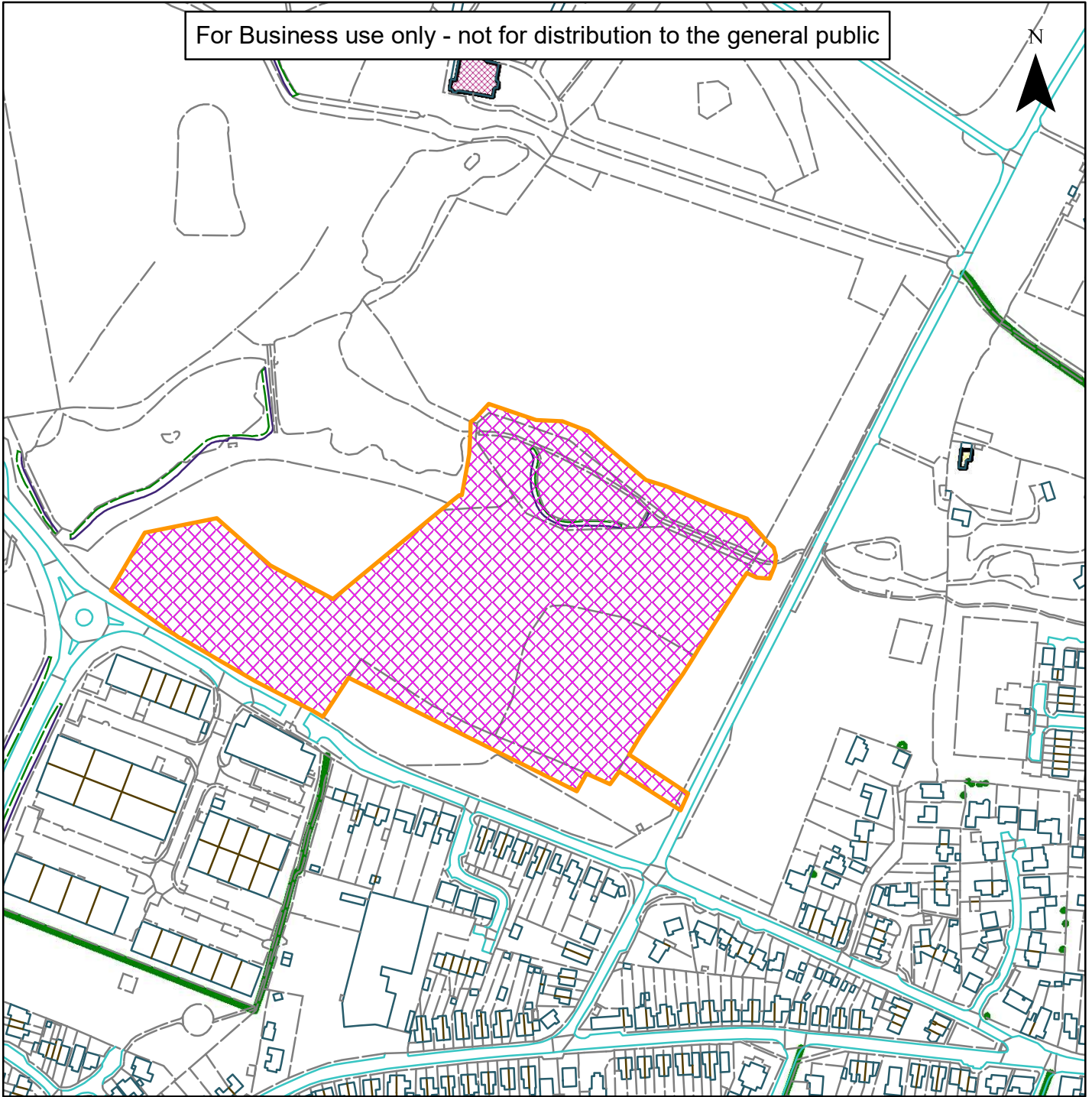
10) DC/21/1235



**Horsham
District
Council**

Field Place Estate, Byfleets Lane, Broadbridge Heath, West Sussex

For Business use only - not for distribution to the general public



Scale: 1:3,500

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

| | |
|--------------|--------------------------|
| Organisation | Horsham District Council |
| Department | |
| Comments | |
| Date | 20/10/2022 |
| MSA Number | 100023865 |

This page is intentionally left blank