



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

Planning Committee (North)

Tuesday, 10th January, 2023 at 5.30 pm
Park Suite, Parkside, Chart Way, Horsham

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

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 10
<p>To approve as correct the minutes of the meeting held on 6 December 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></p>	
3. Declarations of Members' Interests	
<p>To receive any declarations of interest from Members of the Committee</p>	
4. Announcements	

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

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

5. **Appeals** 11 - 12

Applications for determination by Committee:

6. **DC/22/0708 Land Parcel at 521897 Sandygate Lane, Lower Beeding** 13 - 50

Ward: Nuthurst and Lower Beeding

Applicant: Mr Daniel Corcoran

7. **DC/21/2028 Horsham Car Centre, 264A Crawley Road, Horsham** 51 - 78

Ward: Roffey South

Applicant: Salter

8. **DC/22/0785 Horsham Car Centre, 264A Crawley Road, Horsham** 79 - 102

Ward: Roffey South

Applicant: Salter

9. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Agenda Annex

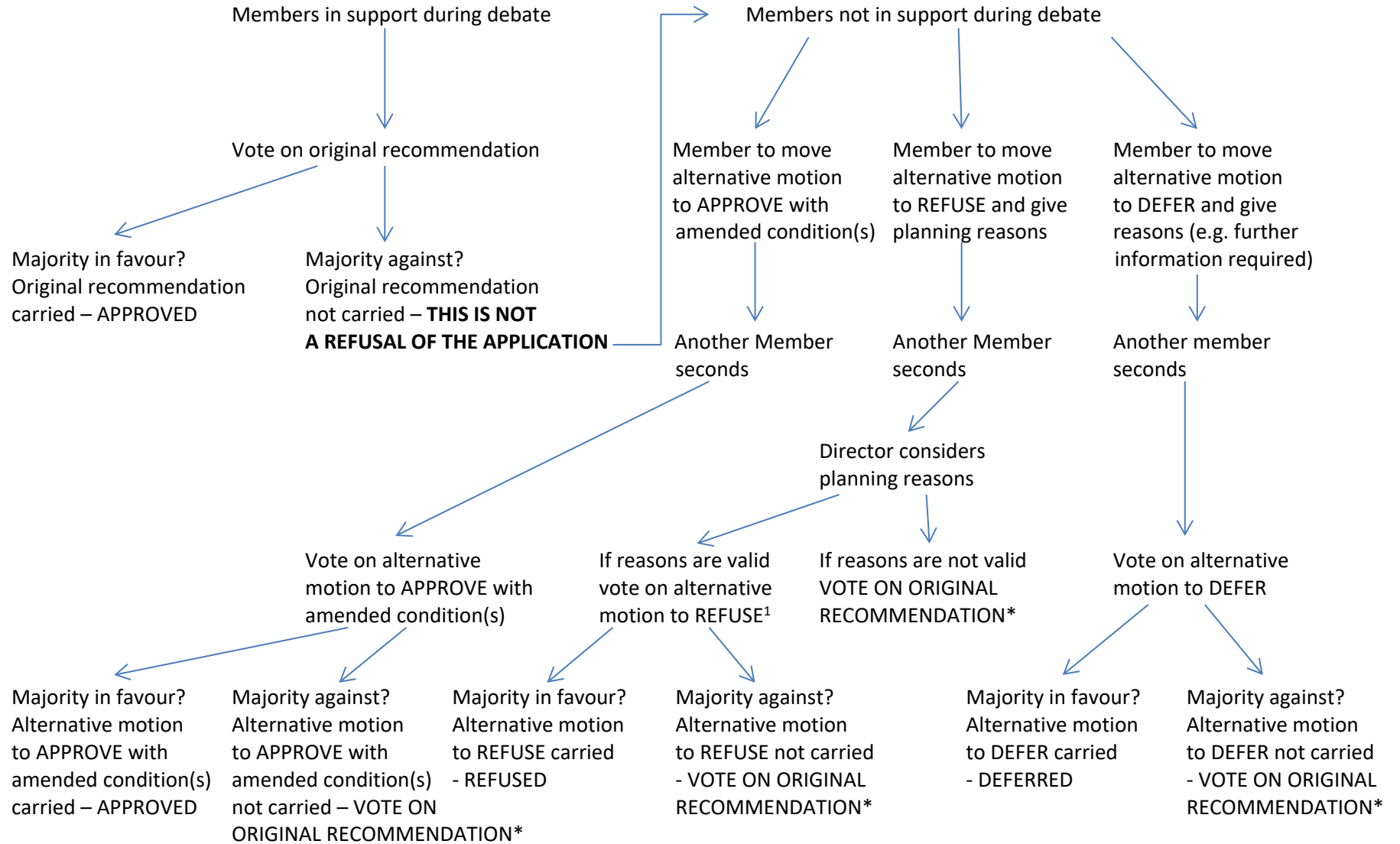
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

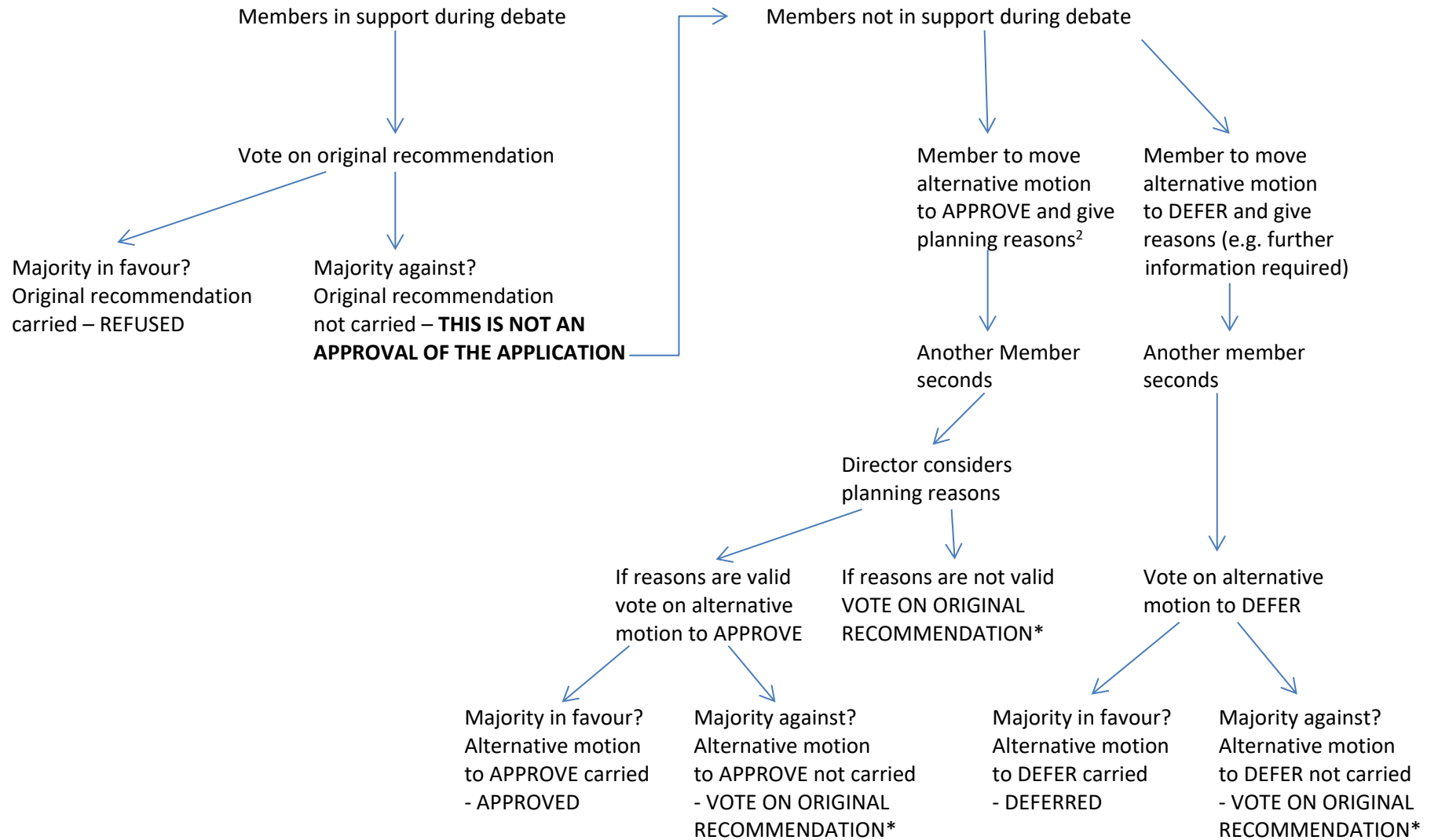
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

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

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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

Planning Committee (North)
6 DECEMBER 2022

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

Apologies: Councillors: Tony Bevis, Alan Britten, Gordon Lindsay, Tim Lloyd, Sam Raby, David Skipp, Ian Stannard, Claire Vickers and Tricia Youtan

PCN/36 **MINUTES**

The minutes of the meeting held on 1 November 22 were approved as a correct record and signed by the Chairman.

PCN/37 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/38 **ANNOUNCEMENTS**

There were no announcements.

PCN/39 **APPEALS**

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

PCN/40 **DC/21/2697 LAND AT SUMNERS POND, CHAPEL ROAD, BARNES GREEN.**

The Head of Development & Building Control reported that this application sought permission for the erection of 32 residential dwellings including 35% affordable housing, 6 commercial units (Class E) and one reception building with the creation of access and circulation routes, parking, landscaping, drainage and car parking. The applicant was seeking a phased development approach.

The site forms part of the Sumners Ponds Fishery and Campsite which is set in countryside surrounded by lakes and woodland. The site borders the Built up

Area Boundary of Barns Green which is a medium village and is within walking distance of the central amenities of Barns Green village.

Since the publication of the report the applicant had requested an amendment to Condition 42 changing delivery operating hours from 1800 to 2000 hours. Following internal consultation and advice from Environmental Health, Condition 42 and 43 will be aligned and operating hours will cease at 1800 hours Monday to Friday.

Members noted the planning history of the site.

The Parish Council had no objection in principle to the proposal. 38 letters of objection had been received from 14 different households and the Ramblers Association.

The agent, applicant and Parish Council spoke in support of the application and one speaker spoke in objection.

Members were positive about the proposal which had been identified as a site for development in the Neighbourhood Plan. It was felt the development would provide a good mix of housing to the area with a phased approach for the development.

Concern was raised over the diversion of the current Public Right of Way (PROW) and Officers advised that measures would be put in place as part of the 106 Legal Agreement to ensure a suitable alternative was provided.

RESOLVED

That application DC/21/2697 be approved in accordance with Officer recommendation subject to an amendment to condition 43 relating to delivery hours.

Resolution to Approve subject to a legal agreement to secure the affordable housing, water neutrality solution, phasing of development and re-alignment of the PROW with appropriate conditions as reported to include amendment to condition 43 (delivery hours) as follows:

Regulatory Condition: No deliveries shall be taken or dispatched from the site outside the following times:- 0800 hours and 1800 hours on Mondays to Fridays inclusive, 0900 hours and 1300 hours on Saturdays, and not on Sundays and Bank and Public Holidays.

Reason: In the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework 2015.

The meeting closed at 6.14 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee (NORTH)

Date: 10th January 2023



**Horsham
District
Council**

Report on Appeals: 24/11/2022 – 15/12/2022

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/22/1204	Hoes Farm Cowfold Road (A272) Shipley RH13 8PF	28-Nov-22	Application Refused	N/A
DC/22/1598	The Haven Cottage The Haven Billingshurst West Sussex RH14 9BG	01-Dec-22	Application Refused	N/A
DC/22/1182	10 Middle Street Horsham West Sussex	05-Dec-22	Application Refused	N/A
DC/22/0104	8 Merryfield Drive Horsham West Sussex RH12 2AB	08-Dec-22	Application Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/21/2575	Holmbush Manor Farm Hayes Lane Slinfold West Sussex	Written Representation	30-Nov-22	Application Refused	N/A
DC/22/1354	Emmanuel Cottage Rusper Road Ifield Crawley West Sussex RH11 0LN	Written Representation	01-Dec-22	Application Refused	N/A
DC/22/0495	Marlpost Meadows Bonfire Hill Southwater Horsham West Sussex RH13 9BU	Written Representation	02-Dec-22	Application Refused	N/A

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/21/2337	11 Ridgehurst Drive Horsham West Sussex RH12 1XF	Written Representation	06-Dec-22	Application Refused	N/A
DC/22/0883	Corner of Brighton Road and Tanyard Close Horsham West Sussex	Written Representation	08-Dec-22	Prior Approval Required and REFUSED	N/A
DC/21/0535	Silver Birches Bashurst Hill Itchingfield Horsham West Sussex RH13 0NY	Fast Track	13-Dec-22	Application Refused	N/A

3. Appeal Decisions

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

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



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 10th January 2023

DEVELOPMENT: Application for the erection of 22 No. dwellings with associated parking, garaging, landscaping, the creation of new access and all ancillary work associated with the proposed development

SITE: Land Parcel at 521897 127416 Sandygate Lane Lower Beeding West Sussex

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/22/0708

APPLICANT: **Name:** Mr Daniel Corcoran **Address:** 111 Bell Street Reigate RH2 7LF

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.

The proposed development represents a departure from the development plan.

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

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

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application has been submitted by Devine Homes and seeks Full planning permission for the erection of 22 dwellings, with associated landscaping and parking, and a new access point from Sandygate Lane. The application originally proposed the erection of 23no. dwellings, but in response to concerns raised, the proposal has since been revised down to 22no. dwellings which has been achieved by the loss of a 2-bed unit. The number of affordable units (8) has not changed. A mix of housing types and tenures is proposed, as per the table

below. Each unit would have a private garden space. All dwellings have been designed to meet national space standards, alongside M4(2) (Accessible and Adaptable Dwellings) requirements. The ground floor apartment block (Plot 2) has been designed for disabled occupation, and two of the units are bungalows.

	Market Tenure	Affordable Tenure
1-Bed Flat	0	2
2-Bed House	2	4
2-Bed Bungalow	2	0
3-Bed House	6	2
4-Bed House	4	0
TOTAL (22 units)	14 (63.6%)	8 (36.4%)

- 1.3 The site layout shows retention of two existing mature Oak trees, one of which provides for a landscape feature at the site entrance, and the other forms part of a central area of open space, alongside an attenuation pond. Additional planting is proposed, including new tree planting within the site, and enhanced 3m wide landscape buffers at the northern, eastern and southern boundaries.
- 1.4 Vehicular access into the site would be from Sandygate Lane to the south, and an internal access road would lead to the housing units. A pedestrian access is also proposed from the existing footpath on the south side of Sandygate Lane (B2551), connecting to a new (set back) footway within the front section of the site. Shared surface areas are proposed for the rear section of the site. Parking for a total of 57 cars is shown (comprising 52 spaces for residents and an additional 5 spaces for visitors). Several garages / car barns are proposed, some detached from their host house, and some integrated. Each of the 22 dwellings are proposed to have an electric vehicle charging point. The main access road and pedestrian footways would be surfaced in tarmac, with private driveways and the shared surface area to the rear surfaced in permeable block paving.
- 1.5 Dwellings are proposed as a mix of bungalows, detached, semi-detached, and small 3-unit terraces. Aside from the proposed 2no. single storey bungalows (plots 17 and 18), all other dwellings extend to two storeys in height. Facing materials proposed for the housing units includes Sussex stock brick, red/brown tile hanging, off-white and dark horizontal boarding, dark vertical boarding, and brick detailing to eaves, cills, plinths and band courses. Roofs would comprise a mix of Sussex red/brown roof tiles and slate tiles. Brick wall boundaries are proposed throughout the site, with close boarded fencing reserved for rear garden boundary divisions.

DESCRIPTION OF THE SITE

- 1.6 The 1.12ha site is located to the north-west of Lower Beeding, adjoining (and partly within) the defined Built-Up Area Boundary of the village. Lower Beeding is located approximately 3.5 miles southeast of Horsham and is designated in Policy 3 of the HDPF as small village. The site is located on the peripheries of the High Weald Area of Outstanding Natural Beauty.
- 1.7 The site comprises two fields forming a broadly 'L-shaped' parcel, with a mature Oak tree in the north-west corner and another along the southern frontage. The site is grassed and is currently used as agriculture / grazing land and falls gently towards the north. The southern boundary runs along Sandygate Lane (B2551), and the south-eastern boundary abuts a private road leading to residential dwellings (Church Farm Courtyard). The south-eastern boundary of the site is formed by a line of Lime trees. The northern and north-eastern boundaries are predominantly formed by woodland shaw, hedgerow and hedgerow-trees.

- 1.8 The wider area is characterised by residential housing within the village to the south and east, and wider open countryside to the north and west. Built development nearby includes the relatively recent Trinity Fields development which is located opposite the site and comprises 31 homes. To the immediate east of the site an allocation for 7 houses has been included in the draft Lower Beeding Neighbourhood Plan (draft Policy 7: Land at Trinity Cottage). The Plough, a Grade II listed pub is located around 100m to the south-east of the site, and Grade II listed Holy Trinity Church is also located nearby, with the tower/spire visible from the site. Holy Trinity Primary School is located approximately 300m to the east of the site, and a public play park and recreation space is located close to the school. Existing vehicle and pedestrian access to the site is obtained via Sandygate Lane, with a public footpath (ROW 1790) located around 80m to the east of the site.

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 (NPPF, 2021)

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 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:

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

Planning Advice Notes:

Facilitating Appropriate Development (FAD, 2022)
Biodiversity and Green Infrastructure (2022)

Environmental Impact Regulations:

The Council has undertaken an EIA Screening assessment of the proposed development. Despite the proximity of the site to the High Weald AONB, the proposal is considered not to be EIA development under either Schedule 1 or 2 of the EIA Impact Regulations 2017 (or a variation/amendment of a previous EIA development), nor taken in conjunction with other development that is likely to have a significant environmental effect.

2.4 RELEVANT NEIGHBOURHOOD PLAN

The Lower Beeding Neighbourhood Plan (LBNP) was subject to Examination in April 2021. The Examiner's Report was published on the 1 July 2021 and recommended that (subject to some minor amendments) that the plan should proceed to Referendum. The Council's Decision Statement was published on 23rd September 2021 and concluded that all recommended amendments are accepted and that the plan can proceed to Referendum. A date for a Referendum has not been announced yet. Despite not being formally 'made', the LBNP has been through the relevant public consultation phases and independent Examination (confirming the plans meets the 'basic conditions') and is therefore considered to carry significant weight in decision making.

The site subject to this application is included as an allocation for housing in the emerging LBNP under draft Policy 8 (Land north of Sandygate Lane). The allocation supports development on this site for '*around 20 dwellings*' (a guide figure meaning plus or minus 10%) where all of the following criteria applies:

1. Provide a suitable mix of dwelling types and sizes to meet the local need;
2. Design to positively respond to and enhance the prevailing surrounding character;
3. Ensures that the appearance is of a high standard of design and layout;
4. Respects the setting of Grade II Listed Holy Trinity Church;
5. Respects the wider views of Grade II Listed Holy Trinity Church;
6. Allows for the retention of existing mature trees and hedgerows;
7. Provides a landscape buffer on the northern, southern and western boundary;
8. Provides suitable access to the site off Sandygate Lane;
9. Provides suitable parking arrangements; and
10. Provides a pedestrian link to the existing footpath along Sandygate Lane.

Other Policies and Aims within the emerging LBNP that are relevant to this proposal, include:

- Draft Policy 1 – Biodiversity
- Draft Policy 2 – Landscape Character
- Draft Policy 3 – Green Infrastructure
- Draft Policy 4 – Sustainability
- Draft Policy 5 – Energy
- Draft Policy 8 – Land North of Sandygate Lane
- Draft Policy 11 – Housing Mix
- Draft Policy 12 – Design
- Draft Policy 13 – Density

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/15/0923	Outline application for the erection of 23 dwellings, with associated parking, garaging and landscaping, and creation of new access onto the B2115, Sandygate Lane (access and layout for consideration)	Application Withdrawn on 12.11.2015
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3. OUTCOME OF CONSULTATIONS

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

Following the receipt of amended plans received on 25th August 2022 (which proposed a reduction in units from 23 to 22), and further amendments on 31st October 2022 (proposing other changes to the layout and design of the site); full public re-consultation was undertaken on both occasions. Where consultees provided further comments in response to the re-consultations, these are summarised below.

INTERNAL CONSULTATIONS

3.1 **HDC Landscape Consultant: No Objection (subject to conditions)**

[Summary of Final Comments]: Based on the information presented, we deem that the development of this scale and nature in this location, with the mitigation shown would have an adverse impact on landscape character and visual amenity. We recognise the position of the development Site within the Lower Beeding Neighbourhood Plan therefore the principle of development is generally supported; however, recommendations have been put forward with the intention of enhancing the scheme to ensure landscape and visual harm is appropriately mitigated. Recommendations include inclusion of black railings near visitor spaces/pubic open space, details regarding how the landscape buffer areas will be managed, additional planting to the western boundary, avoidance of close boarded fencing where visible, and careful design of the SuDS pond and open space area to improve aesthetic and biodiversity.

[Summary of Initial Comments]: A development of this scale and nature in this location would have an adverse impact on landscape character and visual amenity. As a result, the proposal would harm the special qualities of the High Weald AONB. We acknowledge that the site does have capacity for development via its policy position within the Lower Beeding Neighbourhood Plan, therefore careful consideration of the size, scale, design, buffer, structural landscaping, and layout needs to be given. Recommendations have been put forward with the intention of enhancing the scheme to ensure landscape and visual harm is mitigated. Recommendations include the submission of further landscape studies, rationalisation of the layout, inclusion of more native tree planting, avoid fencing and parking courts, encourage block paving, and the inclusion of additional biodiversity enhancements.

3.2 **HDC Environmental Health: Comment (conditions suggested)**

[Summary]: This proposal constitutes a 'major' development in terms of impacts on air quality, in accordance with the Air Quality and Emissions Mitigation Guidance for Sussex (2021). As such, the applicant is required to submit a mitigation plan detailing measures to mitigate and/or offset the impacts and setting out itemised costing for each proposed measure, with the total estimated value of all the measures being equal to the total damage costs. Recommended conditions include: (1) Construction Management Plan, (2) Phase 1 Preliminary Risk Assessment, (3) Waste Removal, (4) Soil Testing.

3.3 **HDC Drainage Engineer: No Objection (subject to conditions)**

[Summary of Final Comments]: The submitted Drainage Strategy Report provides sufficient information that discharging surface water to the public sewer is the only viable option. The report demonstrates that suitable means of surface water and foul drainage can be achieved. As notified by Southern Water, the surface water public sewer will likely need upgrading. Notwithstanding this, I believe this is a substandard scheme with regards the 'reuse' of surface water, therefore I recommend adding a condition to require the submission of details showing the proposed means of water disposal in accordance with Part H3 of Building Regulations hierarchy as well as details of acceptable discharge points, rates and volumes in consultation with Southern Water.

[Summary of Initial Comments]: Although the surface water drainage scheme has been designed to match greenfield discharge rates as recommended by guidance, I have reservations about the proposals suggested (i.e. pumped drainage approx. 300m off site to a public sewer). While I agree that infiltration is not viable on the proposed development site, further proof is required that 'reuse' (greywater systems) of surface water and / or discharging to the local land drainage network (watercourses) have been considered. Therefore, additional evidence should be submitted that the 'surface water drainage disposal' submitted is the only viable option available.

3.4 **HDC Tree Officer: No Objection (subject to conditions)**

[Summary of Final Comments]: The revised layout and extent of protective barrier fencing is a reasonable compromise. Services must not be brought into the site through the area shown as barrier fenced off to protect the roadside oak. This is important to its future health. All services routing needs to be agreed prior to determination due to the importance of the tree and lack of control that exists in this respect post decision. If minded to approve, the following conditions are recommended: (1) Tree Protective Fencing, and (2) Compliance with the Arb Method Statement.

[Summary of Initial Comments]: The site was formerly assessed by the previous Tree Officer in 2015 in respect of withdrawn application DC/15/0923 whereby no objection was raised. I have a contrary view to this.

The two principal oak trees (T24 and T28) are visually significant and pose a constraint on development due to their species, form and size. T28 (close to the roadside) has a minimum RPA of 707m². As a result, both the access road and the nearest dwellings are partly within the Root Protection Area. T24 (north-west corner of the site) shows a new driveway and pond adjacent to the minimum recommended RPA. I recommend that the RPA of this tree shows no incursions.

In summary, I object on grounds of detriment to a tree of significant visual amenity and landscape merit. If minded to approve on the basis of former advice/consistency of approach, I would recommend the following conditions: (1) Hard and soft landscaping, (2) Protection of trees, (3) Trenches, (4) No felling, (5) Arboricultural Method Statement, and (6) Works under canopies of retained trees.

3.5 **HDC Conservation: No Objection**

[Summary]: The development site is not immediately visible in relation to either the listed Holy Trinity Church or The Plough Inn, and I am satisfied the proposal will not result in harm to their settings. In order to reinforce the vernacular design approach it would be good to include chimneys and useful to allow these to conceal any subsequent metal flues resulting from log burners or similar.

3.6 **HDC Housing: No Objection**

[Summary]: The number of affordable housing units proposed (8) is policy compliant therefore Housing Officers support the application. Housing Officers would urge the applicant to reach an agreement with an affordable housing provider as soon as possible, to clarify and confirm tenure split, and secure funding arrangements for the affordable homes and ensure the layout and specifications of the affordable units meet the provider's requirements.

OUTSIDE AGENCIES

3.7 **Archaeology Consultant: No Objection (condition suggested)**

[Summary]: We are in agreement with the archaeological desk-based assessment which states that there is low potential for significant archaeological remains. There is however potential for low to moderately significant remains, associated either with the neighbouring Bronze Age activity or with the historic settlement of Lower Beeding. As such, a condition is

recommended for the submission and approval of a programme of archaeological work (in accordance with a Written Scheme of Investigation).

3.8 Ecology Consultant: No Objection (conditions suggested)

[Summary]: We have reviewed the Ecology Surveys, Preliminary Ecological Appraisal, Ecology Reports Cover Letter, Reptile Presence/Absence Survey, and the Ecology Statement. Tree T1 (oak) found that roosting bats were absent and, as this tree is to be retained, further bat surveys are not required. Surveys identified that the site supports several bat species, but as no trees and only a small amount of hedgerow will be removed, enhanced planting will provide sufficient mitigation for this loss of habitat. We note that there will be a loss of habitat for grass snake, therefore a Reptile Mitigation Strategy should be secured by a condition.

Recommended conditions include: (1) Action in accordance with Ecological Appraisal, (2) Reptile Mitigation Strategy, (3) Biodiversity CEMP, (4) Biodiversity Enhancement Strategy, (5) Landscape and Ecological Management Plan (LEMP), and (6) Wildlife Sensitive Lighting Design Scheme.

3.9 Ecology Consultant (Water Neutrality): Holding Objection*

[Summary]: As this application does not yet demonstrate water neutrality, we are required to apply a holding objection. *UPDATE – Water Neutrality has since been demonstrated and accepted by Natural England*.

3.10 Natural England: No Objection (subject to securing appropriate mitigation)

[Summary]: The Appropriate Assessment concludes that the proposal will not result in adverse effects on the integrity of the sites in question. The submitted Water Neutrality Statement (July 2022) notes that the applicant is proposing mitigation measures through the use of water efficient fixtures and fittings, and the installation of a rainfall harvesting system at a local farm. 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.

3.11 Southern Water: Comment (conditions and informatives suggested)

[Summary]:

- Southern Water can facilitate water supply and foul sewerage disposal to service the development. A formal application for a connection is required to be made.
- There is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points. A condition to secure the proposed means of surface water run-off disposal should be agreed. SW would like to engage with the applicant on the design for disposal of surface water.
- Where SuDS are not adoptable the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities.
- An Informative note should be attached to any approval to require details of the proposed means of foul sewerage and surface water disposal to be approved by the LPA.

3.12 WSCC Highways: No Objection (conditions suggested)

[Summary of Final Comments]: 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 NPPF (paragraph 111), and that there are no transport grounds to resist the proposal.

- Access/Visibility – The visibility splays have been amended, and now show 2.4m x 101.3m to the west and 2.4m x 134m to the east, which is acceptable. The details relating to the pedestrian footway link to the south-east of the site are acceptable.

- Capacity - The TS includes trip generation data taken from the TRICS, showing that the development will generate 97 daily two-way trips. The LHA is satisfied that this number of trips can be accommodated into the local highway network.
- Stage 1 Road Safety Audit - The RSA recommends that the proposed junction is eased to allow access and egress by large vehicles without incursion into opposing lanes. The LHA agrees with the Designer Response in that access/egress of larger vehicles, such as a refuse vehicle, will be infrequent and is not anticipated to result in a severe highway safety concern. Correspondence from the Auditor shows they are satisfied with the Designer's Response, therefore there are no outstanding matters from the Audit process.
- Parking/Turning - The parking bays and garages are suitably sized and on-site turning for a refused vehicle has been demonstrated via swept path tracking. 55.5 parking spaces are shown, but the WSCC Parking Calculator indicates that the development would require 60 spaces. The applicant has supported the reduced level of parking with the inclusion of car ownership Census data which shows the proposed level of parking is in accordance with anticipated demand. As such, the LHA deem the parking provision to be acceptable. Details for EV Charing provision should be secured by condition. The applicant proposes cycle parking for each dwelling in accordance with WSCC Standards (within sheds and garages). This will help promote the use of sustainable transport methods.
- Sustainability - The village provides some local services and amenities within walking distance, including as a primary school. Cycling is a viable option within the village. There are options for sustainable travel, with bus stops on the A281, approximately 650m southwest of the site, offering hourly services to Brighton and Horsham.
- Suggested Conditions – (1) Access to be provided, (2) Car parking provision, (3) Cycle parking, (4) EV charging spaces, (5) Visibility splays, (6) CEMP.
- Suggested informative – (1) Works within the highway – consents from WSCC required.

[Summary of Initial Comments]:

- A new vehicular bellmouth access on Sandygate Lane is proposed. Splays of 2.4m x 83.6m to the northeast and 2.4m x 81.7m to the southwest have been shown. The Transport Statement states that this is in accordance with the seven-day speed survey data. However, the demonstrated length of the splays does not accord with Manual for Streets (MfS) or DMRB Stopping Sight Distance (SSD) formulae. Clarification regarding the formula that was used to determine the length of the visibility splays is requested.
- The LHA agrees with the RSA Designer Response in that access/egress of larger vehicles (such as a refuse vehicle) will be infrequent and is not anticipated to result in a severe highway safety concern. The LHA request that the RSA Auditor review the Designer Response and consider whether this is acceptable.
- The applicant has demonstrated a vehicular parking provision of 55.5 spaces. The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require 60 parking spaces.

3.13 **WSCC Fire and Rescue: No Objection (condition suggested)**

[Summary]: Condition recommended for details to be submitted for the implementation of a fire hydrant within the site.

3.14 **WSCC Waste and Minerals: No Objection**

3.15 **WSCC Flood Risk Management: No Objection**

[Summary]: The FRA and Drainage Strategy proposes that permeable paving, and an attenuation pond would be used to control the surface water. No objection is raised.

3.16 **WSCC Rights of Way: No Objection**

[Summary]: By looking at the red line boundary there is no impact on the public rights of way network therefore we have no objection or comments to make.

3.17 **Lower Beeding Parish Council: Objection**

[Summary of Final Comments]: The original comments still stand and our position on the development has not changed. The Parish consultation/ referendum on the Neighbourhood Plan has not been undertaken due to delays on water neutrality therefore the application cannot be approved until both consultations have been completed.

[Summary of Initial Comments]: Support is given in principle as the site has been selected by the Parish Council for inclusion in the forthcoming Neighbourhood Plan which (whilst not formally 'made') carries significant weight. The application is not compliant with the policies in the plan and therefore we object on the following basis:

1. Water Neutrality - the application does not mitigate the water consumption of the dwellings being proposed.
2. Policy Conflicts – The proposal is an add-on to the village rather than an inclusive part of it. The dwellings immediately back onto The Gate House and fail to connect to the properties in Church Farm Courtyard. No communal green space is provided between the proposed development and existing village properties. This design and layout lacks consideration and is not of a high standard. Little consideration given to the close proximity of the proposal to the church. Green spaces near to the church and pedestrian access are not provided. The footpath link to Sandygate Lane has not been confirmed.
3. Housing Numbers - The LBNP provides for a range of 18-22 dwellings. Additional dwellings lead to harm in the following ways:
 - a. Back garden development. Lots 1, 2, and 3 are currently proposed in the back garden of lots 4-8 as well as existing property of The Gate House.
 - b. Lack of green space. The placement of Lot 12 is an additional dwelling in this proposal that did not exist during any of the Neighbourhood Plan exhibitions and replaces an open space that buffered the new proposal to existing village properties.
4. Traffic Movements - Transport Statement, page 14, paragraphs 5.2 and 5.3 is inconsistent with the daily driving requirements of residents in a smaller village in a rural setting. Lower Beeding has limited local facilities, no train, and a single bus per day. The traffic impact of the 23 proposed dwellings will be greater than described.

3.18 **Nuthurst Parish Council: Comment**

[Summary]: The Parish Council will support Lower Beeding Parish Council's observations. Insufficient information regarding the location of where the foul and surface water will be processed. If the Southern Water Facilities in Monks Gate are intended to be utilised the Parish Council would object to this proposal. The facilities are already at maximum capacity, with regular flooding, any additional housing would worsen the present situation.

3.19 **Sussex Police: No Objection**

[Summary]: No objection is raised. 'Secure by design' principles are encouraged.

PUBLIC CONSULTATIONS

3.20 During the original consultation period, and two subsequent periods of re-consultation (following receipt of amended plans), a total of **37 letters** of representation were received (from 16 separate addresses) in connection with this proposal. All letters received objected to the proposal, citing the below (summarised) reasons for objection:

- Premature to approve ahead of Neighbourhood Plan approval
- Lower Beeding has no shops or services
- Overdevelopment – proposal exceeds Parish's plan which was originally for 13 houses
- 23 / 22 houses is excessive
- Overly dense for a rural area
- No need for more housing in the village

- Increase in vehicle movements resulting in highway's congestion / danger
- Lack of water drainage infrastructure, poor water pressure
- Flooding on nearby fields caused by poor drainage
- Design and layout is not in keeping with the village heritage
- Height of proposed houses is not in keeping with the 1.5 storey houses nearby
- Lack of green space
- Power cuts caused by damage to overhead cables in trees
- Overlooking / loss of privacy
- Light pollution, impact on wildlife
- No renewable energy proposals
- Poor capacity of foul waste system – upgrades are needed
- Insufficient parking provision
- Poor public transport connections to Horsham, no proper bus stop
- Existing issues with pedestrian footpaths / links along Sandygate Lane
- Impact on ecology / wildlife
- Increase in noise levels
- Impact on air quality / pollution
- No consideration of water neutrality

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

- 4.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.
- 4.2 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.
- 4.3 Consideration of Human Rights and Equalities 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 majority (but not all) of the site is located outside of the defined built-up area boundary (BUAB) of Lower Beeding, and does not form part of Horsham's adopted development plan comprising the Horsham District Planning Framework (HDPF), or a 'made' Neighbourhood Development Plan. As a result, residential development here would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Policy 4 'Settlement Expansion', and as such, in strict policy terms is not acceptable. In addition, as the site is not formally allocated, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location.
- 6.2 Notwithstanding the above, the application site has been selected by Lower Beeding Parish Council as a draft allocation in the forthcoming Lower Beeding Neighbourhood Plan (2014-2031) for development of 'around 20 dwellings' (draft Policy 8). The term 'around' is quoted

in the Lower Beeding Neighbourhood Plan (LBNP) to mean plus or minus 10% of the figure quoted. The range for housing units that draft Policy 8 would therefore support would be between 18 and 22. The proposal for 22 units therefore accords with the draft allocation for this site. In addition, the application site is located adjacent to (and partly within) the BUAB of Lower Beeding. In accordance with the recently published Facilitating Appropriate Development document (FAD, Oct 2022) it is considered that the proposal meets the criteria listed in paragraph 5.7, and as such, the proposal is required to be considered positively by the Council.

- 6.3 The LBNP has been through the required stages of public consultation and was subject to independent Examination in April 2021. The Examiner's Report was published in July 2021 and recommended that (subject to some minor amendments) that the plan should proceed to referendum. The Council's Decision Statement was published in September 2021 and concluded that all recommended amendments are accepted and that the plan can proceed to referendum. The plan's referendum has been delayed until a strategic solution to the Natural England water neutrality issue has been developed. Despite not yet being formally 'made', the advanced stage of the LBNP means that the policies and allocations contained with the LBNP (including the residential allocation of this site) are considered to carry significant weight in decision making.
- 6.4 As the HDPF is now over 5 years old, an updated local plan is required to be produced. A draft version of the Council's Regulation 19 draft local plan was considered by Cabinet in July 2021. However, it was not considered by Full Council as intended owing to changes to the NPPF that came into play in July 2021, as well as the implications of the Position Statement issued by Natural England in September 2021 on the requirement for all new developments to demonstrate water neutrality. The draft Regulation 19 document proposed a number of housing allocations to meet the identified need at the time, but as the plan was not approved for publication it is not a statement of Council policy and carries very little weight in decision making. Owing to its inclusion as a draft allocation in the Lower Beeding Neighbourhood Plan, the site subject to this application was not included as an allocation in the draft Regulation-19 plan.
- 6.5 In December 2021, the Council published the latest Authority Monitoring Report (AMR) which revealed that the Council has a housing land supply of 4.0 years against current targets. In light of this, it is acknowledged that the Council is unable to demonstrate a full 5-year housing land supply, and it is recognised that this diminishes the weight afforded to Policies 4 and 26 of the HDPF. In addition, the lack of a 5-year Housing Land Supply forms a material consideration in decision making which may trigger the application of the 'tilted balance' at Paragraph 11d of the NPPF which presumes in favour of sustainable development. In accordance with Paragraph 11d, the Council are required to grant permission unless either (or both) of the following limbs apply:
- (i) *policies to protect areas of importance give a clear reason to refuse the proposal; and/or,*
 - (ii) *the adverse impacts of the proposal will significantly outweigh the benefits.*
- 6.6 According to Footnote 7 of the NPPF, the areas referred to in limb (i) above include habitat sites, and those listed in NPPF para 181 (including SPAs, SACs, and Ramsar sites). A determination on whether the tilted balance is engaged or not is dependent on whether the proposal is able to protect the areas of importance listed in Footnote 7. In light of Natural England's requirement for all development in the Sussex North Water Supply Zone to demonstrate that it is 'water neutral' in order to protect the habitat sites within the Arun Valley designations, the Council (as the decision maker) is required to determine whether water neutrality has been demonstrated. If the proposal is unable to demonstrate water neutrality through mitigation (as tested by Appropriate Assessment), then the tilted balance of paragraph 11d is not engaged, and in accordance with limb (i) and paragraph 180(a) of the NPPF the application may be refused.

- 6.7 In this scenario, the presumption in favour of sustainable development would not apply (NPPF 182) and the remaining matters should be determined by the Council on a 'flat' basis. If the proposal can successfully demonstrate that it can operate without increasing water demand on the Sussex North Water Supply Zone, then the proposal will accord with limb (i), and the tilted balance is then engaged and must be applied in the determination of the remaining matters. An assessment of this application in light of Natural England's requirements for water neutrality is provided towards the end of this report.
- 6.8 In summary, whilst the site is allocated for housing development in the emerging (draft) Lower Beeding Neighbourhood Plan, the plan has not yet passed referendum, and the allocated does not form adopted Council policy. It is acknowledged that the weight afforded to the emerging plan (and to the draft allocation) carries significant weight, and this must be acknowledged in the overall planning balance. Further to this, it is acknowledged that the Council is unable to demonstrate a 5-year supply of housing land, therefore it is accepted that the provisions of Policies 4 and 26 are diminished, and that the tilted balance (NPPF Para 11d) towards a presumption in favour of sustainable development could become engaged provided that water neutrality can be demonstrated. The recently published FAD document lists criteria for development proposals outside the BUAB to be considered positively against, and this proposal is considered to accord with all the listed criteria.
- 6.9 It is recognised by Officers that in the context of the 5-year housing supply position, the public benefits that would arise from the delivery of extra housing units carries significant weight in decision making; however, in order to come to a considered conclusion it is necessary to balance the benefits of the proposed development against any policy conflict and any identified harm. The following sections of this report consider the detailed planning merits of the proposal, with the final section considering the overall planning balance, taking into account all relevant material considerations.

Affordable Housing and Housing Mix

- 6.10 Policy 16 of the HDPF requires that residential 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 Strategic Housing Market Assessment (SHMA). Policy 16 requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure. Policy 11 of the emerging LBNP seeks residential developments to include a mix of dwelling types and sizes to meet local needs. This is reflected in Policy 8 (part 1) of the LBNP.
- 6.11 The application proposes that 36.4% (8no.) of the 22no. units will be made available for affordable housing, which is policy compliant, and therefore acceptable. With the exception of an absence of any 1-bed market homes, the proposed indicative mix is largely in line with the Council's latest Strategic Housing Market Assessment (SHMA, 2019) as well as the AiRS survey undertaken in support of the LBNP which both indicate a need for a majority provision of 2 and 3-bed units. The applicant proposes that the tenure split would be in line with Policy 16, with 70% of the affordable provision as affordable rent, and 30% as intermediate ownership. In the event that the application is approved, the securing of the affordable units and details of a Registered Provider will be set out in the accompanying s106 agreement. Subject to the completion of the necessary s106 agreement, the details proposed are in accordance with Policy 16 of the Horsham District Planning Framework (2015) and are acceptable. The Council's Housing Department has been consulted on the proposal, and no objection has been raised.
- 6.12 All the residential dwellings have been designed to meet national space standards, alongside M4(2) (Accessible and Adaptable Dwellings) requirements. The ground floor apartment block

(Plot 2) has also been designed to M4(3) standards for disabled occupation, with a dedicated car parking space provided in the vicinity of the garden.

Landscape Effects

- 6.13 The site is not located within any formally defined local or national landscape designations but is located outside the settlement edge of Lower Beeding and therefore lies within open countryside. As such, the site falls within the remit of HDPF Policy 26 (Countryside Protection). The site lies on the peripheries of the High Weald Area of Outstanding Natural Beauty (AONB) which at its closest point is located around 150m to the south of the site. Whilst the distance between the site and the High Weald AONB is relatively close, there is limited intervisibility between the two, owing to the presence of the B2115/B2110 and the intervening built development of Lower Beeding village. The nearby presence of the AONB is therefore somewhat detached from the immediate landscape setting of the site.
- 6.14 Whilst the site is located outside the BUAB of Lower Beeding and surrounded to its west and north by open countryside; the site relates well to the village envelope, and the existing built form of the village is perceptible from the site. Views of the village are notable, including the tower of Holy Trinity Church, and the presence of the nearby B2115 is also perceptible.
- 6.15 The site lies within the 'High Weald National Character Area 122', as well as within the 'N1 Mannings Heath Farmlands' as defined by the Horsham District Council Landscape Character Assessment (2003). This assessment identifies the area as having a more open character compared to the nearby High Weald character areas, and notes that development in this character area should respond to historic settlement patterns as well as local design/materials.
- 6.16 The site also lies within 'Local Landscape Character Area LB2' as defined in the Landscape Capacity Study (2021). This study assesses the suitability of sites for small and medium scale development. In terms of small-scale development (up to 60 units), the visual sensitivity of this wider area is judged a 'low-moderate' due to the degree of enclosure by hedgerow and trees. The landscape value was considered 'moderate' due to some ecological and historical interest and moderate tranquillity. As the wider field pattern of this character area is generally in good condition with sensitive historic features which makes the area sensitive to housing development; the overall landscape capacity of the wider area for small-scale housing has been deemed to be 'low-moderate', which means:
- "The area only has potential to accommodate development in limited locations without unacceptable adverse landscape and visual impacts or compromising the values attached to it, taking account of any appropriate mitigation"*
[Table 6, HDC Landscape Capacity Study, 2021].
- 6.17 Policy 8 (part 6) of the emerging Lower Beeding Neighbourhood Plan seeks for the retention of existing mature trees and hedgerows across the site. Part 7 of the same policy requires a landscape buffer to be provided along the northern, southern and western boundaries of the site. In support of the application, landscaping plans have been submitted which show the retention of most of the existing vegetation within and surrounding the site, including two mature Oak trees, a line of Lime trees on the southern boundary, several trees along the northern and eastern boundaries, and a small cluster of trees near the site entrance. No trees are proposed to be removed, but two sections of hedgerow (H3 and H4) are proposed for removal to facilitate the development and the site access. New planting across the site includes 28no. new individual trees, the planting of mixed native hedgerows, ornamental hedgerows, native and ornamental shrubs, grasses, wildflowers and bulbs.
- 6.18 The Council's Landscape Consultant has reviewed the submitted plans (including the latest amendments) and has considered the acceptability of a scheme of 22no. units in this location. The Landscape Consultant is of the view that given the location of the site which is

outside the built-up area boundary of Lower Beeding, coupled with the sensitive landscape character that the site is located within (including proximity to the High Weald AONB); that the proposal will result in 'adverse' harm to the landscape character and visual amenity of the area. Notwithstanding this conclusion, the Council's Landscape Consultant is aware of the policy position of this site (i.e. that it forms a draft allocation within the Lower Beeding Neighbourhood Plan), and recognises that the wider landscape impacts have already been accepted. As such, the Council's Landscape Consultant is of the view that the principle of development in this location is generally supported, but has put forward a number of recommendations (with details to be submitted for approval by condition) that would help to enhance the scheme to ensure landscape and visual harm is minimised. The Landscape recommendations (and the extent to which they have already been implemented / or how they will be achieved) are set out below:

1. Estate Railings. Inclusion of black estate railings around the open space area to the north-west of the site to separate this area from the adjacent visitor parking. As shown in revised plans submitted on 31/10/22, railings have been included in this location as per this suggestion.
2. Management. Clarification regarding how/by whom the landscape boundary to the east and north of the site (i.e. adjacent to plots 12-22) would be managed in the long-term. As shown in the Estate Management Layout Plan submitted 31/10/22, these areas are shown to be managed by an estate management company. The requirement for a fully detailed Landscape Management and Maintenance Plan has been secured in Condition 20, so it would be reasonable to expect precise management details to come forward by condition once a management company is in place.
3. Western Boundary. Further mitigation planting to be shown along the western boundary. Condition 19 requires full landscaping details to be submitted/approved. A bespoke addition to the wording of Condition 19 has been included which seeks for particular focus to be made on enhancing planting along the western boundary of the site to enable an appropriate transition from built development to rural countryside.
4. Close-Boarded Fencing. Where visible, close boarded fencing should be avoided, in favour of other boundary treatments such as brick or stone walls. Largely, the submitted Boundary Materials Layout Plan shows that the use of close-boarded fencing is limited and restricted only to rear gardens. More prominent areas of the site show brick walls, estate railings and post and rail fencing. Notwithstanding the submitted plan, draft Condition 19 seeks final details of all boundary treatments, which enables the Council to retain control over the final boundary treatments to be installed.
5. SuDS Design. Design of the SuDS features should be considered carefully to ensure they integrate with green open spaces. Draft Condition 19 seeks details of the pond, including level gradients and proposed planting. This allows the Council to ensure the pond feature is designed appropriately to allow for multiple landscape and ecological benefits beyond water attenuation.

6.19 As well as the above recommendations, the Landscape Consultant has also recommended that a condition is imposed for the submission of a Landscape Management Plan. As detailed above, draft Condition 20 has been included to require such a plan. In response to the Landscape Consultant's initial consultation response, the applicant has also amended the scheme to include a bench in the public open space, additional tree planting, chimney features on Plots 1 – 16, and an improved mix of species to include 75% native planting (up from 50%).

6.20 In summary, whilst the development of this peripheral site will inevitably result in some level of harm to the wider landscape character (described by the Landscape Consultant as 'adverse' harm); given the allocation of the site within the emerging Lower Beeding NP, the principle of housing development on this site carries significant weight; and this coupled with an acceptable design and layout of the site, leads to the conclusion that the landscape effects are not significantly harmful. Subject to securing design improvements as suggested by the Landscape Consultant (to be secured by condition), the landscape proposals are considered to be acceptable. The proposal retains much of the existing mature landscaping within the

site, and therefore accords with the provisions of draft Policy 8 (parts 6 and 7) of the emerging LBNP, and Policy 33 of the HDPF. As such, the benefits of the housing units is considered to outweigh any resulting harm to the landscape character.

Highways and Access

- 6.21 The application site is located to the north side of Sandygate Lane (B2115) which is a two-way single carriageway, subject to national speed limit (60mph). As the road nears the village (opposite No. 32 Trinity Fields) the speed limit reduces to 30mph. The B2115 provides convenient links to other strategic highway routes including the A281, the A24 and the A23. As such, the site is well connected to the local highways network. Lower Beeding village provides some local services and amenities within walking distance, including as a primary school, and there are options for sustainable travel with bus stops located approximately 650m southwest of the site, offering hourly services to Brighton and Horsham.
- 6.22 It is proposed that the site would be accessed via a new bellmouth junction onto Sandygate Lane, which would lead to an internal access road through the site. The access has been designed with a 12.5m kerb radii to allow two vehicles to use the access simultaneously. The required visibility splays (which have been informed by speed survey results) are achievable, although existing vegetation along the highway verge will need to be cut back. West Sussex County Council as the LHA has confirmed that the proposed visibility splays of 2.4m x 101.3m to the west and 2.4m x 134m to the east are acceptable. The LHA has also confirmed that the details contained within the Stage 1 Road Safety Audit (and Designer's Response) pose no significant problems and are acceptable.
- 6.23 Swept path analysis using a fire tender and a large refuse vehicle has been undertaken for the site access and internal layout. This has confirmed that these larger vehicles are able to access and turn within the site's internal layout. The Road Safety Audit raised a minor concern regarding the potential for large vehicles to overrun into opposing lanes. The LHA acknowledge this concern but have confirmed that given the infrequent occurrence of refuse collection vehicles visiting the site (once per week), any occasional overrunning in this instance would be acceptable.
- 6.24 New pedestrian footpaths are proposed, including a single footway flanking the internal road, and new pedestrian footpaths within the southern section of the site. To facilitate pedestrian access, a crossing point across Sandygate Lane is proposed approximately 35m east of the main site access. This crossing point would be connected to the site via a pedestrian footway in the south-eastern corner and would enable pedestrians to walk to/from the village via the existing footway on the southern side of the road. The pedestrian visibility splays associated with the proposed crossing have been accepted by the LHA. The provision of this pedestrian link accords with the requirement of Policy 8 (part 10) of the draft LBNP seeks the provision of a pedestrian link to the existing footpath along Sandygate Lane. The provision of this crossing would be secured by a s278 highways agreement.
- 6.25 The Transport Statement submitted in support of the proposal includes trip generation data taken from the TRICS, showing that the originally proposed development (comprising 23no. dwellings) would generate 97 daily two-way trips. This includes 11 movements in the AM peak period, and 11 movements in the PM peak period. This trip generation was calculated based on the originally proposed scheme (23no. units) but given the proposed has now been reduced to 22no. units it is likely that this represents the very worse-case scenario. In any case, the LHA is satisfied that this number of trips can be accommodated into the local highway network.
- 6.26 Policy 8 (part 9) of the draft LBNP seeks the provision of suitable parking arrangements to the satisfaction of the Highways Authority. A total of 57 parking spaces are shown within the site (52 for residents, and a further 5 visitor spaces), against the WSCC Parking Calculator requirement of 56 spaces. As such, the proposed parking provision is considered to be in accordance with LBNP Policy 8 (part 9). The applicant has proposed each of the 22 dwellings

to include an electric vehicle car charging point, which exceeds the WSCC guidance (which requires 41%), and meets the requirements of Building Regulations Approved Document S (which requires one EV point per dwelling). The EV provision would be secured by condition. The applicant proposes cycle parking for each dwelling in accordance with WSCC Standards (within sheds and garages). This will help promote the use of sustainable transport methods.

- 6.27 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 NPPF (paragraph 111), and that there are no transport grounds to resist the proposal. The LHA has advised that conditions should be included to secure the provision of the access, car parking, cycle parking, visibility splays, and a Construction Management Plan. It is considered that these conditions would be reasonable, and alongside an obligation within a s278 agreement to secure the off-site pedestrian crossing point, these would be included as conditions of any planning approval granted.

Heritage / Archaeological Impacts

- 6.28 Policy 8 (parts 4 and 5) of the emerging LBNP seeks for the proposal to respect the setting and wider views of the Grade 2 listed Holy Trinity Church. This echoes the requirements of both Chapter 16 of the NPPF and Policy 34 of the HDPF which require new developments to respect and preserve the historic settings of listed assets. Holy Trinity Church is located around 100m to the south-east of the application site, and whilst the grounds of the church are not readily visible, the church tower and spire is visible from the site. The Plough Inn (also Grade 2 listed) is located around 80m to the south-east of the application site, where the B2115 intersects with the B2110. This building is visible from the site entrance but owing to its location on the opposite side of Sandygate Lane as well as intervening buildings vegetation; it is not readily visible from within the application site itself.
- 6.29 The Council's Heritage Officer has reviewed the proposals and raises no objection in principle. The Heritage Officer acknowledges that the application site is not immediately visible in relation to the Grade 2 listed Holy Trinity Church or The Plough Inn and has confirmed that the proposal will not result in harm to their settings. Whilst no in principle objection is raised, the Heritage Officer has noted that in order to reinforce the local vernacular and character, it would be preferable for the inclusion of chimney features. The amended plans submitted on 25th August 2022 directly addressed this suggestion by the inclusion of 4x chimneys at plots 12-16, and further amendments in October 2022 added chimneys to plots 1-10. These additional features are a welcomed improvement to the overall design and character of the site, and helps the site to relate to the vernacular seen locally.
- 6.30 With regards to archaeology, the Council's consultant Archaeologist has reviewed the submitted archaeological desk-based assessment and is in agreement with the conclusions which state that there is low potential for significant archaeological remains. The archaeologist advises that whilst the potential for significant remains is low, there is still potential for low to moderately significant remains, associated either with the neighbouring Bronze Age activity or with the historic settlement of Lower Beeding. As such, a condition is recommended for the submission and approval of a programme of archaeological work (in accordance with a Written Scheme of Investigation). This condition is considered to be reasonable and would be attached to any consent granted.
- 6.31 In summary, it is not considered that the proposal will result in harm to the settings of Grade 2 listed Holy Trinity Church and The Plough Inn, and the layout and design of the scheme is considered to respond appropriately to the wider historic character of the village, in accordance with draft Policy 8 (parts 4 and 5) of the LBNP, and the general heritage requirements of HDPF Policy 34 and Chapter 16 of the NPPF.

Layout and Amenity Impacts

- 6.32 The application is proposed in full, therefore fixed details of the site layout have been submitted. As mentioned in the Highways section of this report, the Local Highways Authority (LHA) has confirmed that no objection is raised regarding the location or design of the proposed access or internal road layout which has been designed to accommodate appropriate access and turning for larger service vehicles including fire tenders and refuse trucks. The parking provision and layout has also been accepted by the LHA. It is noted that concerns have been raised by a resident living opposite regarding the proposed location of the bellmouth access junction, regarding the impact of this new access on the safety and visibility of their own existing access driveway. This however, has not been raised as a problem in the Road Safety Audit or as a technical highways concern by the LHA.
- 6.33 The site layout has been informed by an analysis of the wider characteristics of Lower Beeding, surrounding landscape and existing built features, and site topography. Amended plans received on 25th August 2022 reduced the overall number of units from 23no. down to 22no. This has not changed the layout dramatically but has reduced the parking requirement slightly which has enabled more flexibility in the layout. The applicant has sought to design the site by balancing the landscape and historic sensitivities with the need to make the most efficient use of the land. A landscape-led approach has therefore been adopted.
- 6.34 In accordance with Policy 8 (part 6) of the emerging Lower Beeding Neighbourhood Plan the site shows the retention of two mature Oak trees (T28 at the site entrance, and T24 within the north-west corner of the site). These trees are not protected. The retention of T28 (at the site entrance) has resulted in the creation of a landscaped area at the site frontage which sets the development back from Sandygate Lane creating a pleasant entrance to the site. This landscaped area includes the retention of the Oak tree and an existing hedge which helps to maintain the existing rural backdrop along this road. The other Oak tree (T24) shown for retention at the north-west of the site has been designed to stand as a key feature within the centre of a small area of open space. An attenuation pond is also proposed in this area, thereby creating an attractive and peaceful environment for people to visit. A bench is also shown to encourage use and enjoyment of this space.
- 6.35 The 22no. dwellings are laid out alongside the internal access road. The layout shows variation in dwelling orientation which created a more organic and less linear character which is welcomed. The housing units have been arranged in small 'clusters' which allows glimpses of Holy Trinity Church tower. The 2no. proposed bungalows are located to the far eastern side of the site which allows the overall ridge heights across the development to reduce as development nears this boundary. The density of the site also varies, with a higher concentration of semi-detached and terraced units within the southern extent (nearer the roadside), and lower density within the north-eastern section of the site featuring 8 detached units set in larger plots. This variation is considered to work appropriately. Parking is generally shown to be on-plot and to the sides of the host dwelling or garage which helps to conceal cars and to improve the overall appearance. A small parking court is shown to serve the flats at Plots 1-3 which is also concealed and therefore not considered to adversely affect the site's overall appearance.
- 6.36 Each dwelling is provided with a rear garden space for personal private amenity. The existing dwelling known as The Gate House adjoins the application site on two of its boundaries and is likely therefore to experience the greatest amenity impact from the development. Other dwellings located in neighbouring Church Farm Courtyard are also likely to be subject to some level of amenity impact.
- 6.37 The rear garden at Plot 12 shares a border with the private road that serves Church Farm Courtyard, as well as backing onto the rear boundary of The Gate House. In combination with a 1.8m fence, a 3m wide landscape buffer with native hedge and tree planting has been proposed to maintain privacy and residential amenity around Plot 12. The provision of this

buffer (which would be managed and maintained by the appointed management company) is in accordance with Policy 8 (part 7) of the emerging LBNP and is considered to be acceptable mitigation. Plot 1 and the associated parking court are sited close to the western boundary of The Gate House, therefore similar mitigation is shown in the way of a 3m landscaped buffer as well as further separation provided by way of a pedestrian footway and a 1.8m boundary fence. This mitigation is considered to reduce any amenity harm to acceptable levels. It is acknowledged that the properties in Church Farm Courtyard will experience a dramatic change to their outlook as a result of the development, however this does not warrant a refusal in planning terms. Whilst the full impact of the development cannot be removed, mitigation in the form of landscaping to the rear of Plots 13-17 (which comprises the retention of an existing line of lime trees as well as new native hedge planting and fencing) is considered to reduce perceived or actual overlooking to acceptable levels.

- 6.38 Overall, it is acknowledged that the character of the local area will change as a result of the development, which will be experienced by neighbouring residents. The layout of the site has been designed to take into consideration the landscape and historic sensitivities of the surrounds, as well as the presence of existing neighbouring properties. A detailed landscaping scheme has been proposed which shows the retention of two mature Oak trees within the site, as well as a line of lime trees along the boundary between the site and Church Farm Courtyard. In addition, in accordance with Policy 8 of the LBNP, new planting including trees and native hedging is proposed within the site and along the more sensitive western, northern and southern boundaries to help screen the development and reduce potential harm to amenity and wider landscape character. Whilst some level of harm is acknowledged, on balance it is considered that the layout is well designed, and the mitigation that has been proposed will reduce harm to an acceptable level in accordance with Policy 8 (parts 6 and 7) of the LBNP, and HDPF Policy 33.

Trees

- 6.39 The Council's Tree Officer has described the two retained Oak trees (T28 and T24) as having significant visual amenity and landscape merit, therefore their retention and incorporation into the site design and layout is welcomed. Whilst the trees are not protected under TPOs, the Tree Officer highlighted concerns with the originally submitted plans which showed encroachment of small parts of the development into the outer extents of each tree's minimum recommended Root Protection Areas (RPAs). As a result, the plans have been amended to move Plots 1-3 northwards and plot 4 westward so both buildings are now outside the RPA of T28. In addition, the boundary wall of Plot 4 has been changed from a brick wall (which would have required deep foundations) to a fence which has less impact on the tree rooting system. Finally, the pedestrian footpath on the eastern side of the access road has been removed to prevent incursion into the RPA of T28.
- 6.40 Alongside revised layout plans, a revised Arboricultural Implications Assessment (AIA) has also been submitted which sets out the mitigation measures proposed to further protect the trees during construction. The revised AIA proposes that the pedestrian pathway that is to be constructed under the canopy of T28 as well as the driveway that is partially within the RPA of T24, will both be constructed in the landscape phase of development, using above-soil surfacing which avoids any excavation. The boundary fence to Plot 4 is proposed to be installed using supervised manual excavation for the postholes, and the foundations nearest to the RPA at Plots 3 and 4 will also be excavated by hand to 750mm depth under supervision (also in the landscape phase). In addition, tree protective fencing is shown around the RPAs of both Oaks trees which would be in place throughout the construction period. In order to protect the rooting system of T28, permitted development rights for extension or outbuildings at Plot 4 have been removed by condition.
- 6.41 The Council's Tree Officer has reviewed the revised site layout and mitigation measures described in the revised AIA. The Tree Officer has confirmed that the revised layout combined with the mitigation measures proposed and the extent of protective fencing results

is an acceptable compromise and has recommended conditions to secure these measures. Such conditions are considered to be reasonable and alongside a condition to remove PD rights at Plot4, have been drafted at the end of this report.

Design and Character

- 6.42 Policy 8 (part 2) of the emerging Lower Beeding Neighbourhood Plan seeks for development of this site to incorporate a design that positively responds to and enhances the character of the surrounds. In addition, Policy 8 (part 3) seeks to ensure the scale, massing and appearance is of a high standard of design. These requirements echo the same requirements specified in HDPF Policy 33 as well as within national planning policy and guidance and is what would be expected to make the proposal acceptable.
- 6.43 As the application is proposed in full, design details (including elevations, floor plans, roof plans, and materials) for each plot have been provided. In order to assess whether the proposed design is acceptable, an understanding of the architectural design context of Lower Beeding must be made. The applicant's Design and Access Statement (DAS) helpfully presents an assessment of this, and highlights the architectural features seen readily within the village, which includes: the use of strong gable end features, barn-hipped roof forms, cat-slide roofs, chimneys, and pitched roof porches. In addition, the DAS highlights the prominent use within the village of traditional materials including: local brick (brown and red-brown hues), local stone, render, clay roof tiles, tile hanging, weatherboarding, white window frames. As per Policy 8 (parts 2 and 3) and Policy 12 of the emerging LBNP, it is right that the design approach for this site should be to replicate the existing vernacular of Lower Beeding and its character which is defined traditional Sussex rural/agricultural architecture.
- 6.44 In keeping with the scale of existing dwellings within the village, no building on site is proposed to be higher than 2-storeys. Two bungalows are proposed as well as several single-storey garages which help to provide variety in the rooflines and a stepping down of scale. Variety is also provided by the design features that have been included in several of the units, including 1930s style cat-slide roof features at Plots 1-3, 11, 12, 15, 16, 20, 21 and 22. As identified in the DAS, cat slides roofs are a common architectural feature in Lower Beeding (and Sussex as a whole) and help to add articulation and interest to a development, so the inclusion of this feature in so many of the units is welcomed. These features also help to reduce the scale of larger dwellings and work well to incorporate garages into the overall design. In addition, Plots 1-10 and 12-16 include chimney features which add further to the site's traditional styling and character. The bungalow units are more basic in design, but still include barn-style hips on the roof lines which is another local design feature identified in the DAS. Overall, it is considered that the design of the units accords with the local vernacular, and works well to create a unique character area that compliments the existing character of the village.
- 6.45 All units are designed to meet M4(2) standards (for accessible and adaptable dwellings). The ground floor apartment at Plot 2 has been designed to meet M4(3) standards, and includes a dedicated parking bay in close proximity, therefore making this unit suitable for a wheelchair user.
- 6.46 Materials proposed for the facing walls of the housing units includes a mixture of Sussex stock brick, red/brown tile hanging above brick, off-white horizontal boarding above brick recess, dark horizontal boarding above brick, and brick detailing to the eaves, window heads, cells, plinths and band courses. Roofs are proposed to include a mixture of red/brown clay tiles, and slate tiles. Whilst red coloured clay tiles are very characteristic of the village, examples of slate roofs is less common, so it is pleasing to see that the majority of the site is proposed to have red/brown roof tiles, with only three of the garage blocks proposed to be slate tiled. All window frames are proposed to be white. Overall, the palette of materials proposed for the units is considered to be acceptable and will work well to complement the local character of the village and to create a high quality and pleasant environment to live.

- 6.47 Surface materials are proposed to include tarmac for the new site access, pedestrian footpaths and half-way up the internal access road. The access road would then change to a permeable paving (details to be approved) to demarcate a shared surface, with parking spaces and driveways also laid to block paving. Private footpaths would be laid as buff concrete slabs. Precise specifications would be sought by condition, but in principle, the proposed surface materials are considered to be acceptable for this site.
- 6.48 Boundary materials would include 1.8m close board fencing to separate private rear garden spaces, 1.8m brick walls in more exposed locations, low-level estate railings around the open space area to the north-west, and post and rail fencing / hedging in some of the smaller spaces. Whilst the extent of 1.8m close board fencing fronting Church Fam Courtyard is extensive, additional planting has been proposed to soften these edges and in time, to screen the fencing behind. The appearance of the fencing when viewed from Church Farm Courtyard will therefore improve over time. Overall, subject to confirmation of specifications via condition, the boundary treatments proposed within the site are acceptable, and will help to enhance the appearance of the site as well as the privacy of future and existing residents in accordance with HDPF Policy 33 and Policy 8 (parts 2 and 3) and Policy 12 of the emerging LBNP.

Ecology

- 6.49 In support of the application, the applicant has submitted a Preliminary Ecology Appraisal, an Ecology Statement, and various Ecology Surveys. The Council's Consultant Ecologist advises that the site supports several bat species, but as no trees and only a small amount of hedgerow will be removed, it is considered that enhanced planting will provide sufficient mitigation for this loss of habitat. The Ecologist notes that there will be a loss of habitat for grass snake and has therefore advised that a Reptile Mitigation Strategy should be secured by condition. Other conditions recommended by the Ecologist include the submission of a Biodiversity Construction Management Plan (CEMP), the submission of a Landscape and Ecological Management Plan (LEMP), submission of a Biodiversity Enhancement Strategy (to demonstrate how biodiversity net gain will be achieved), and the submission of a design scheme for wildlife sensitive lighting. These conditions are considered to be reasonable and necessary, and their imposition alongside an approval is recommended by Officers to ensure the site is developed in accordance with biodiversity protection and enhancement provisions as set out in the NPPF (paragraphs 174 and 180), and Policy 31 of the HDPF.
- 6.50 The Council has recently published a new Planning Advice Note on 'Biodiversity and Green Infrastructure' (Oct 2022). The PAN is interim guidance for applicants on how biodiversity matters should be taken into account following the enactment of the Environment Act 2021 before all necessary secondary legislation is in place in respect of the emerging statutory requirement for 10% biodiversity net gain in all new developments. Given the advanced stage of this application and the recent publication of the PAN, it is not deemed reasonable to ask the applicants in this case to provide an upfront biodiversity gain calculation using the Biodiversity Metric as advised in the document. As described above, a condition to secure the submission of a Biodiversity Enhancement Strategy (as recommended by the Council's Ecology consultant) has been drafted, and it is more reasonable to expect the applicant to provide the necessary information at conditions discharge stage rather than prior to a decision being made.

Water Neutrality

- 6.51 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near

Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

- 6.52 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habitats site. Section 63 of the Regulations sets out the process by which an HRA must take place.
- 6.53 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 6.54 The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.55 In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone that is likely to increase water consumption (such as additional housing units) must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley. Until a wider strategy is developed to address this issue (which is not expected to be in place until next year and is likely to only apply to sites allocated in the new local plan), all new development must demonstrate that it can be water neutral in its own right.
- 6.56 A Stage 1 HRA screening assessment was undertaken in order to assess whether (without mitigation) the proposed development would have a Likely Significant Effect on the Arun Valley sites, and whether the proposal needs to proceed to Stage 2 Appropriate Assessment. Given the proposed development will increase the demand for mains water usage, it is likely to result in an identifiable impact on the Arun Valley SAC/SPA/Ramsar sites. As such, the HRA screening concluded that without mitigation, the proposed development will have a Likely Significant Effect on the designated features of the Arun Valley SAC/SPA/Ramsar, and as such, the assessment was required to proceed to HRA Stage 2: Appropriate Assessment to ascertain whether any mitigation proposed can enable the proposal to be authorised.
- 6.57 In support of the Appropriate Assessment (AA), the applicant has submitted a Water Neutrality Statement which proposes to neutralise predicted water consumption using water efficient fixtures and fittings, and to offset residual water demand via the installation of a rainfall harvesting system at a local farm. The calculations presented in the Water Neutrality Statement are based on the originally proposed number of units (23). A subsequent reduction to 22no. units adds to the water surplus 'buffer' which is welcomed in light of the established Habitats Regulations requirement to apply a precautionary principle when considering impacts on protected habitats and species.

- 6.58 A full assessment of the applicant's water neutrality proposal can be found in the Council's HRA Appropriate Assessment, but a summary of the water neutrality calculations for this proposal is as follows:
- Baseline water usage (greenfield site) = 0
 - Proposed water consumption (based on 23 units) = **1,582,275** litres / year
 - Existing water use at the offsetting farm = **1,856,390** litres / year
 - Rainwater yield = **2,079,400** litres / year
 - Yield exceeds farms existing water use, so can be used to offset
- 6.59 The applicant's Water Neutrality Statement shows that through the implementation of a rainwater harvesting system at the local farm, it is reasonable to assume that 2,079,400 litres of rainwater per year can be collected from the 4 existing farm buildings. Storage for 50 days' worth of rainwater has been accounted for to cover periods of drought. The existing water usage at the farm has been evidenced through water bills and shows that the average non-potable water use on the farm is 5,380 l/day (1,856,390 litres per year). The predicted water consumption from the proposed 23 houses has been calculated on the basis of a water limit of 85 litres per person per day, and an overall site occupancy of 51 people (using the Council's figures). The predicted water usage for the proposal is 4,335 l/day (1,582,275 litres per year).
- 6.60 The exercise has shown that the existing water consumption at the local farm is greater than the predicted water use of the proposed development, with a headroom of some 274,115 litres per annum (751 litres per day). As such, the proposal to offset the development's future water use against the farm's existing water use is credible. The proposed rainwater harvesting system at the farm shows that the predicted rainwater yield comfortably exceeds the farm's average non-potable water use. The reliance on the existing mains connection at the farm will therefore be limited to only the potable demand required at the existing farmhouse and office (294 litres per day). The collected rainwater will be used for other operations associated with the farm and is not required to be treated.
- 6.61 The surplus volume water that will result, coupled with the cautious approach in the calculation of rainwater yield (i.e. applying reductions for fluctuations and losses, as well as the reduction in units from 23 to 22no.) gives further credibility to the proposed scheme, in the context of the precautionary principle. Officers are therefore of the view that (subject to conditions and a s106 agreement) the water neutrality proposals are credible. An Appropriate Assessment (AA) has been completed by the Council on the basis of the applicant's proposed mitigation measures. The AA concludes that subject to conditions and obligations to be secured in a legal agreement, 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.
- 6.62 As per the requirements of s63 of the Habitat Regulations, the Council has consulted Natural England as the relevant statutory body. Having considered the Council's Appropriate Assessment and the measures proposed by the applicant to mitigate for any adverse effects, Natural England has confirmed that subject to all mitigation measures being appropriately secured, the conclusions of the Council's Appropriate Assessment are agreed with.
- 6.63 To secure the on-site water saving measures, a planning condition has been drafted to ensure the proposed development accords with the measures contained within the Water Neutrality Statement. This condition requires the submission and approval of evidence to show the on-site water saving measures have been implemented (including the specification of fittings and appliances used, evidence of their installation, and evidence they meet the required water consumption flow rates). A s106 will secure the offsite rainwater harvesting scheme in the same manner.

- 6.64 In summary, the HRA exercise undertaken by the Council (as the competent authority) has demonstrated that the water saving mitigation proposed by the application (in the form of on-site water saving appliances and rainwater harvesting at a local farm), provides sufficient certainty that the water consumption associated with the development of 22no. units would not result in adverse impact on the integrity of the Arun Valley habitat sites (subject to conditions and a s106 agreement). On this basis the development complies with s.70 of the Conservation of Habitats and Species Regulations 2017 as well as with Policy 31 of the HDPF and paragraph 180 of the NPPF. In accordance with paragraph 182 of the NPPF, the presumption in favour of sustainable development at paragraph 11d of the NPPF therefore applies in the overall determination of this proposal. The implications of this are set out in the 'Planning Balance and Conclusion' section of this report.

Other Matters

Drainage and Flood Risk

- 6.65 According to the Environment Agency maps, the application site is located entirely within an area of low flood risk (Flood Zone 1). As such, there is not requirement for the submission of a Flood Risk Assessment. No evidence has been found to show previous flooding events for this site. A Drainage Strategy has been submitted to demonstrate how foul and surface water from the site is proposed to be drained.
- 6.66 Owing to the relatively impermeable underlying geology and low infiltration potential, surface water drainage of the site through ground infiltration is not viable. As there is no nearby watercourse, discharge to such a feature is also not possible, so pumped drainage to an existing public sewer at a restricted greenfield rate (5.3 l/s) is proposed. Underground storage crates and an attenuation basin are proposed to be used for water storage. Water attenuation within the site boundary would allow for a 1 in 100-year storm event and takes into account allowances for 40% climate change and 10% for urban creep. Permeable paving is proposed within the site to further restrict flow, and a 100l water butt will be fitted to each dwelling to reduce strain on the public sewer system. Foul water will discharge into the existing public sewer. Southern Water has advised that both a foul water connection and a water supply can be facilitated at the site (subject to an application to formally connect). Southern Water has also highlighted that there is an increased risk of flooding at the site if the proposed surface water runoff rates are to be discharged at proposed connection points.
- 6.67 The Council's Drainage Engineer has reviewed the proposed drainage strategy and agrees with the applicant that the proposal to discharge surface water to the public sewer is the only viable option on this site, therefore raises no objection in principle. Whilst the development would include porous surfacing to allow surface water to infiltrate to underground storage tanks and an on-site attenuation basin (where water would be pumped to the public sewer at a low/controlled flow rate), the Drainage Engineer is of the view that the proposal has not made the most of methods to show how water can be re-used (greywater systems) to reduce pressure on the public sewer. As such, in line with the recommendation from Southern Water, the Drainage Engineer recommends a condition requiring the applicant to submit further details to show the proposed means of surface water disposal including acceptable discharge points, rates and volumes which are to be agreed in consultation with Southern Water. This condition has been drafted.

Climate Change and Sustainability

- 6.68 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. A chapter on sustainability is included in the applicant's Design and Access Statement (section 7.0) which details several

measures which seek to build resilience to climate change and reduce carbon emissions, including:

- Air tightness standards to be enhanced above Building Regulation requirements
- All windows to be double-glazed
- Improved thermal detailing
- Insulation to exceed Part L of the Building Regulations
- Home-Owners Packs to be distributed including information on public transport services, energy efficiencies, environmental technologies installed in the home, and water efficiency measures
- Inclusion of street trees, shrubbery and open spaces within the site
- Integration of SUDS and green infrastructure to manage flood risk
- Limiting water consumption to 85 l/p/d (installation of low-flow taps, low flush WCs, low-capacity baths)
- Provision of 100l water butts to each unit
- 100% of units provided with EV charging points
- Dedicated refuse and recycling storage capacity
- Opportunities for biodiversity net gain
- Provision of dedicated cycle parking facilities
- Improved pedestrian links to existing networks
- Use of locally sourced materials and suppliers

Subject to the implementation of these measures (either within the design of the site or secured by condition); the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Air Quality

- 6.69 The application site is not located within or in close proximity to any of the district's defined Air Quality Management Areas (AQMAs), so the submission of an Air Quality Statement for this proposal is not a necessary validation requirement. However, given the acknowledgement of the proposal as 'major development', and its direct connection to Cowfold along the A281; the applicant has provided a statement to address air quality matters. Overall, the statement concludes that the proposal for 22no. dwellings (whilst 'major'), is considered to result in low air quality impact owing to the relatively low number of additional vehicle movements. As described in the Transport Statement, the proposal is anticipated to result in 11 two-way vehicle movements in the AM peak and 11 during the PM peak period; thereby not expecting to result in a material impact on the local highways network (nor on local air quality).
- 6.70 To ensure the development enables future occupants to choose move away from traditional fuels in favour of electric vehicles, the applicant is proposing that 100% of the dwellings (22no.) would be equipped with an EV charging point. Whilst the provision of 22no. EV charging points exceeds the 2020 WSCC guidance (which requires 41% of spaces to have EV charging); the proposed provision does not go beyond the standards that are already required by Part S of the Building Regulations, which requires one EV point per dwelling. As such, whilst the provision of an EV charging point at each new dwelling on this site is welcomed (and would be secured by condition), this provision cannot strictly count towards additional air quality mitigation. Notwithstanding this, as the site is not located within or in close proximity to an AQMA, the Council are not in a position in this case to insist on the submission of an Air Quality Statement, Damage Cost Calculation or any specific air quality mitigation measures.

Minerals Safeguarding

- 6.71 The application site is located outside of any of the Minerals Safeguarding Area (as defined in the WSCC Joint Minerals Local Plan (JMLP), 2018). As such, the submission of a Minerals

Resource Assessment is not required, and WSCC Minerals and Waste Team have confirmed that no objection is raised to the proposal.

S106 Legal Agreement

- 6.72 A s106 legal agreement is currently being drafted and will include obligation on the owner to provide a policy compliant level of affordable housing (8no units) with at least one of these units to be designed to M4(3) standard for disabled occupation. In addition, the s106 agreement will obligate the owner to submit a Water Neutrality Strategy prior to commencement of development, and to provide evidence that the water saving measures have been installed at the development site, as well as evidence to show the provision of a rainwater harvesting system at the offsetting land. The agreement will also set out an obligation on the Owner and the Third Party Landowner to maintain and operate the water offsetting measures in perpetuity, or until such a time as the offsetting measures are no longer needed.

Parish Council Objection

- 6.73 It is acknowledged that despite the selection of this site for development in the emerging Lower Beeding Neighbourhood Plan, Lower Beeding Parish Council has raised an objection to the proposal owing to a lack of compliance with the draft policies of the emerging plan, including:
- Design Concerns. The Parish Council considers the development to be an ‘add on’ to the village, rather than being part of it, and do not consider the scale and appearance to be a high standard. Concerns are also raised regarding a lack of connectivity to adjacent Church Farm Courtyard, and lack of communal greenspace. As described in this report, Officers are of the view that the proposed design and layout responds positively to the prevailing character of the village, and includes design features and materials that are typically seen in the village. The site does not physically connect to Church Farm Courtyard, but this is considered a positive as it allows for the retention and enhancement of boundary screening as required by LBNP draft Policy 8 (part 7). Communal greenspace is provided within the north-western corner which includes the retention of a mature Oak tree and the creation of a pond feature with public seating.
 - Heritage Harm. The Parish Council are of the view that the proximity of the proposal to Grade 2 Listed Holy Trinity Church has been considered. As described in this report, the Council’s Heritage Officer has not objected to the proposal, therefore it is not considered that heritage harm would result.
 - Pedestrian Footpath. Draft Policy 8 (part 10) requires a pedestrian link to be included to the existing footpath along Sandygate Lane. The Parish Council note that this link is not shown, but the plans clearly show this link in the south-eastern corner of the site with a new crossing facility over Sandygate Lane to connect pedestrians from the site directly to the village.
 - Housing Numbers. The draft policy allocates the site for ‘around 20 dwellings’ which is defined as being a range of 18-22 units. The originally submitted proposal for 23 units was clearly in conflict with this allocation, therefore the applicant reduced the number of units to 22 to be in line with the allocated range. The Parish Council has confirmed that the reduced number of units has not changed their stance, and that an objection is still maintained.
 - Traffic Impact. The Parish Council are of the view that the traffic impact outlined in the Transport Statement will be greater than described. As noted in this report, the Local Highways Authority (WSCC) has reviewed the proposal and has confirmed that no Highways objection is raised.
 - Water Neutrality. The Parish Council are of the view that the proposal does not demonstrate that the development can be water neutral. This Officer Report has detailed why Officers consider the proposal to be able to achieve water neutrality (through the use of water saving appliances, and the installation of a rainwater harvesting system at

a local farm to offset the remaining water consumption). Natural England has reviewed the applicant's water neutrality proposal, and has agreed with the Officer view, meaning that (subject to conditions and a legal agreement) the proposal can proceed to be determined positively.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
Application for the erection of 23 dwellings (35% affordable), with associated parking, garaging and landscaping, creation of a new access onto the B2115, Sandygate Lane, and all ancillary work associated with the proposed development.	2273.1m2	0m2	2273.1m2
		Total Gain	2273.1m2
		Total Demolition	0m2

- 6.75 Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change. Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development. In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Conclusion and Planning Balance

- 6.76 In accordance with planning law, the starting point for the assessment of this proposal is to consider whether or not it accords with the provisions of the adopted development plan (comprising the HDPF). The site is not allocated for housing development in the HDPF, therefore in the first instance, it must be concluded that the development of the site for housing is contrary to Policies 1, 2, 4, and 26 of the HDPF. This carries significant weight against the proposal.
- 6.77 Notwithstanding this, it is acknowledged that the site has been selected for housing allocation in the emerging Lower Beeding Neighbourhood Plan (LBNP) for 'around 20 dwellings' (with a range of between 18-22 dwellings). The proposal for 22 dwellings falls within this range. Due to its advanced stage in production (having been through consultation and passed independent Examination), the allocation of this site in the emerging LBNP is judged to hold significant weight in decision making which carries significant weight in favour of the proposal. The proposal is also considered to accord with the main criteria listed within the newly published Facilitating Appropriate Development (FAD) document which also carries weight in favour of the proposal.
- 6.78 This report has established that (subject to conditions and a legal agreement) key matters including impact on highways, landscape, ecology, heritage, drainage, and sustainably/climate change are judged to be acceptable. The proposal has been designed to accord with the surrounding landscape and heritage characteristics and has taken care to ensure that neighbouring amenity is not unduly compromised by the inclusion of suitable boundary treatments and additional planting. The application proposes a policy compliant number of affordable units which adds weight in favour of the proposal.

- 6.79 Some harm has been identified within the report, including an inevitable change to the rural character of the local area, and minor encroachments into the outer RPAs of two mature Oak trees on site. Whilst this harm is acknowledged, Officers are of the view that the level of harm can be reduced through mitigation and the use of conditions to ensure a suitable landscaping scheme is included, and to ensure that tree protection measures as identified in the Arboricultural Implications Assessment are adhered to.
- 6.80 As established within this report, the Council is unable to demonstrate a 5-year supply of deliverable housing sites when calculated against the identified need. As such, the weight attributed to the conflict with HDPF Policies 4 and 26 is diminished, and the provisions of paragraph 11d of the NPPF are relevant, which requires the decision makers to apply a presumption in favour of sustainable development (the tilted balance) in such circumstances. As the proposal has been demonstrated to be water neutral, no policies that protect areas of particular importance provide for a clear reason to refuse permission, therefore the presumption in favour of sustainable development (the 'tilted balance') fully applies in the consideration of this application.
- 6.81 Whilst the site is not allocated for development in the adopted local plan (the HDPF), the emerging LBNP allocates the site for housing with the number of units proposed (22no.) falling within the range provisionally allocated. Compliance with this draft allocation and the contents of the new FAD document, coupled with the Council's 5-year housing land supply position and associated application of the tilted balance, leads to the conclusion that the benefits of the 22no. market and affordable dwellings coupled with improved crossing facilities on the B2110, would far outweigh the conflict with the HDPF.
- 6.82 Officers are therefore recommending to Committee that the subject to the conditions listed below, and the completion of a s106 legal agreement (to secure 8no. affordable housing units and the rainwater harvesting system) the application for 22no. dwellings on this site should be granted planning approval.

7. RECOMMENDATIONS

- 7.1 To approve full planning permission subject to the conditions listed below and the completion of a Section 106 Legal Agreement.
- 7.2 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.

Conditions

1. Plans list

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

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

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

- ii. Details of how residents will be advised of site management contact details and responsibilities;
- iii. Detailed site logistics arrangements (to include details shown on a plan), including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil);
- iv. Details regarding parking or site operatives and visitors, deliveries, and storage (to include details shown on a plan);
- v. The method of access to and from the construction site;
- vi. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc;
- vii. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;
- viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan).
- ix. Identification of “biodiversity protection zones”.
- x. Practical measures to avoid or reduce biodiversity impacts during construction, including the use of protective fences, exclusion barriers and warning signs.
- xi. The location and timing of sensitive works to avoid harm to biodiversity features.
- xii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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 wildlife and biodiversity, nearby occupiers and highway safety during construction and in accordance with Policies 31, 33 and 40 of the Horsham District Planning Framework (2015).

4. Pre-Commencement Condition:

- i. No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- ii. The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

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

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

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

- 6. Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and

required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Implications Assessment [David Archer Associates, DAA AIR 02, October 2022]. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. Pre-Commencement Condition: No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- i. All trees on the site shown for retention on approved drawing number [P101 Rev S], as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- ii. Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- iii. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

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

8. Pre-Commencement Condition: No development shall commence, including any ground remediation, demolition or groundwork preparation, until a detailed, scaled Tree Protection Plan and related Arboricultural Method Statement that addresses the key points of the submitted Arboricultural Implications Assessment [by David Archer Associates, ref DAA AIR 02, dated October 2022] has been submitted to and approved in writing by the Local Planning Authority. The required information shall include details of the pre-start meeting, Arboricultural supervision and monitoring, specification and location of tree protective fencing, ground protection and the phasing and method of all earthworks and construction activity that may take place within the Root Protection Area of trees, including installation of service routings. All works shall be carried out in strict accordance with the approved details.

Reasons: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

9. Pre-Commencement Condition: No development shall commence until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- i. Purpose and conservation objectives for the proposed enhancement measures;
- ii. Detailed designs to achieve stated objectives;
- iii. Locations of proposed enhancement measures by appropriate maps and plans;
- iv. Persons responsible for implementing the enhancement measures;

- v. Details of initial aftercare and long-term maintenance (where relevant).

The works shall have regard to the requirements set out within the Horsham District Council 'Biodiversity and Green Infrastructure' Planning Advice Note (October 2022) to seek to achieve a measured 10% net gain in biodiversity. 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).

- 10. Pre-Commencement Condition:** No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include the following.

- i. Purpose and conservation objectives for the proposed works.
- ii. Review of site potential and constraints.
- iii. Detailed design(s) and/or working method(s) to achieve stated objectives.
- iv. Extent and location/area of proposed works on appropriate scale maps and plans.
- v. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- vi. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- vii. Persons responsible for implementing the works.
- viii. Details of initial aftercare and long-term maintenance of the Receptor area(s).
- ix. Details for monitoring and remedial measures.
- x. Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

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

- 11. Pre-Commencement Condition:** No development shall commence until a lighting design scheme for biodiversity has been submitted to 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-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 in consultation with Southern Water. As part of the details required, a Surface Water Drainage Scheme should be

submitted (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) which should demonstrate how surface water run off would be disposed of, in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes. 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 prevent increased risk of flooding, in accordance with Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 13. 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).

- 14. 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).

- 15. Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement [Daedalus Environmental, July 2022]. 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 evidence they meet the required water consumption flow rates. The installed measures shall be retained and operated as such at all times thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 16. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the pedestrian crossing point on Sandygate Lane has been implemented and made available for use in accordance with the approved details as shown on in Appendix B of the Transport Statement [drawing number 067.0002.005 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).

- 17. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of the types and locations of fast charge electric vehicle charging points for each of the 22no. dwellings has been 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 means for charging electric vehicles shall be installed as approved and 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).

- 18. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the first-floor bathroom window on the east elevation of Plot 1 (shown on plan [P110 Rev S] has been fitted with obscured glazing. No part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

- 19. 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 (in accordance with Condition 11)
 - Details of the attenuation pond (including gradients, planting, etc)

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.

Particular focus shall be made to enhance planting along the western boundary of the site to enable an appropriate transition from built development to rural countryside.

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).

- 20. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Landscape Management and Maintenance Plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas has been submitted to and approved in writing by the Local Planning Authority. 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 Policy 33 of the Horsham District Planning Framework (2015).

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

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

- 22. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces (including garages where applicable) necessary to serve it have been constructed and made available for use in accordance with approved drawing number [P101 Rev S]. The car parking spaces permitted shall thereafter be retained as such for their designated use.

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

- 23. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled "Access Design and Visibility Splay" numbered [067.0002.005 Rev B] and shall be thereafter retained as such.

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

- 24. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans

and details to be submitted to and approved by the Local Planning Authority. 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).

- 25. Pre-Occupation Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 101.3 metres to the southwest and 2.4 metres by 134 metres to the northeast have been provided at the proposed site vehicular access onto Sandygate Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 26. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings has been 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).

- 27. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fire hydrant(s) to BS750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

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

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

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

- 29. 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).

- 30. Regulatory Condition:** All works shall be executed in full accordance with the details contained within the submitted Arboricultural Implications Assessment [David Archer Associates, DDA AIR 02, October 2022].

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).

- 31. Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the submitted Ecology Statement [Version 002 by aLyne Ecology Ltd, dated 03 November 2021]. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: 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).

- 32. 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 Class B of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of neighbouring amenity and in order to safeguard the character and visual amenities of the locality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 33. 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, E and F of Part 1 of Schedule 2 of the Order shall be erected, constructed or placed within the curtilages of Plot 4 as shown on the approved Site Layout Plan [P101 Rev S] without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to protect the rooting system and associated health and longevity of nearby trees in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 34. 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 proposed building 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 amenities of the locality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 35. Regulatory Condition:** The garages hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

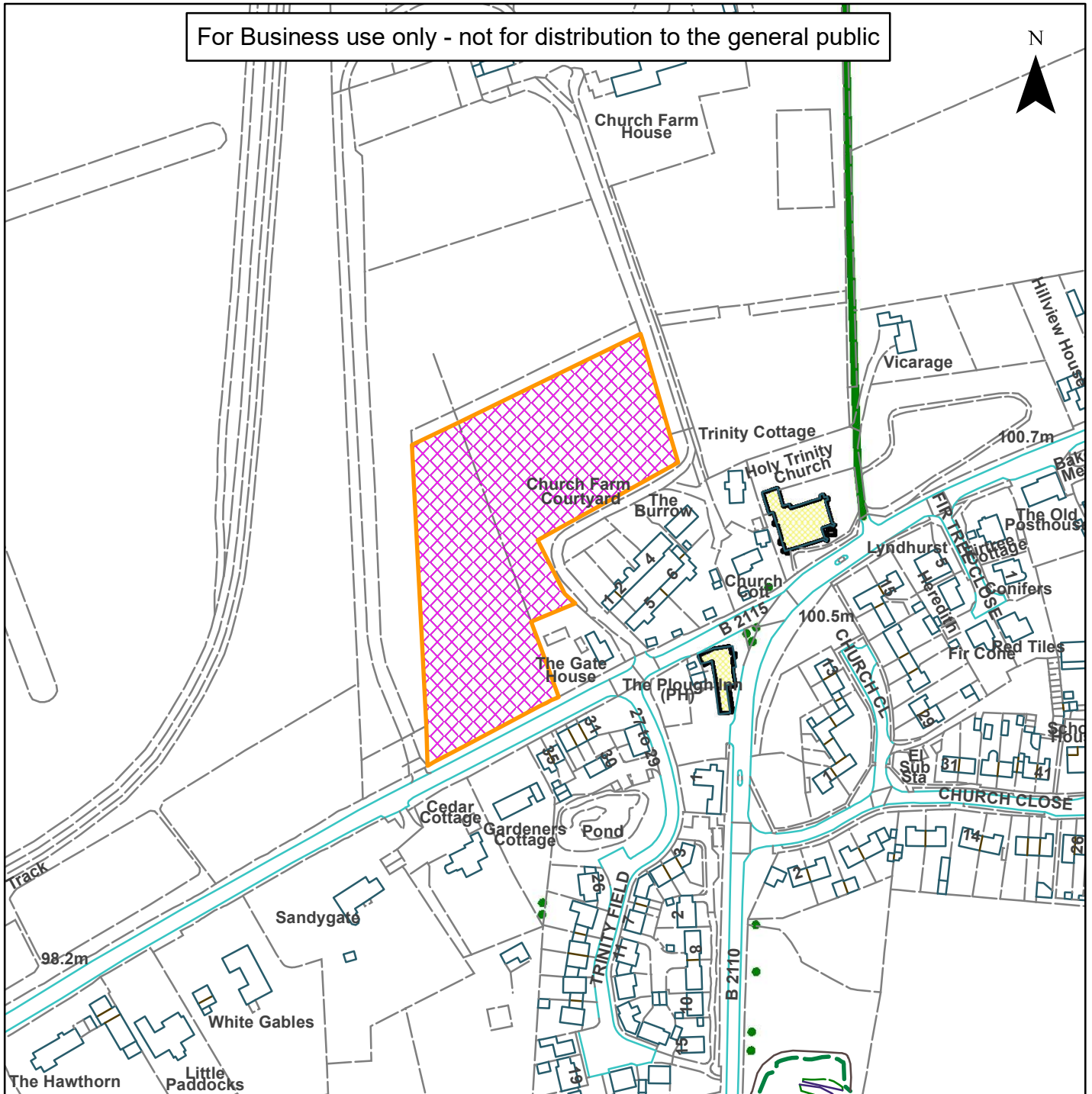
Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

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Land at Sandygate Lane, Lower Beeding, West Sussex

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	16/12/2022
SA Number	100023865

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PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development and Building Control

DATE: 10th January 2023

DEVELOPMENT: Change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking.

SITE: Horsham Car Centre 264A Crawley Road Horsham West Sussex RH12 4HG

WARD: Roffey South

APPLICATION: DC/21/2028

APPLICANT: **Name:** Salter **Address:** Fewhurst Farm, Coneyhurst Road Billingshurst RH14 9DF

REASON FOR INCLUSION ON THE AGENDA: At the discretion 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 full planning permission for the change of use of the car showroom (sui generis) to a retail unit (Use Class E(a)). The proposal would also include single storey extensions to the southern and eastern elevations, alterations to the external fenestration, and internal alterations.

1.3 The proposal also seeks to make changes to the parking layout to provide 10no. customer parking spaces.

DESCRIPTION OF THE SITE

1.4 The application site is located to the east of Crawley Road, within the designated built-up area boundary of Horsham. The site comprises a vacant single storey building set back from the road frontage, previously used a car showroom. To the front of the site is the sales forecourt, with a detached two storey building located to the west which formerly comprised the wider car showroom site.

1.5 Access is provided by an existing dropped kerb along the road frontage, with two storey semi-detached properties located to the south of the application site.

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 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 14 - Shop Fronts and Advertisements

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 43 - Community Facilities, Leisure and Recreation

2.5 Neighbourhood Plan

North Horsham Parish Council voluntarily withdrew their Parish from the Neighbourhood Development Plan process on 30 July 2018.

PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/166/84	Redevelopment of existing garage to provide new car sales showroom workshops and display area (From old Planning History)	Application	Permitted	on
NH/127/89	Demolition of existing garage and erection of 2 storey office units with car parking Comment: Appeal (From old Planning History)	Application	Refused	on
NH/66/90	Demolition of existing building and erection of 2 storey office building Site: County Croft Garage Roffey Corner Crawley Rd Horsham	Application	Permitted	on
NH/68/93	Extension to workshop & store Site: Horsham Car Centre Crawley Rd Horsham	Application	Permitted	on
NH/30/94	Extension to showroom Site: Horsham Car Centre Crawley Rd Horsham	Application	Permitted	on

NH/60/02	First-floor extension to provide store & office Site: Horsham Car Centre 264A Crawley Road Horsham	Application Permitted on 26.06.2002
DC/22/0785	Change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking.	Pending Consideration

3. BACKGROUND

- 3.1 An earlier application under planning reference DC/21/2028 was submitted to and determined by the Council. This application related to the southern portion of the site and sought a change of use of the car showroom to a retail unit, along with extensions to the building and associated parking.
- 3.2 A separate planning application (submitted on behalf of a different Applicant) was also being considered for the northern portion of the site under planning reference DC/21/1806. This related to the change of use of the building to a café.
- 3.3 Application reference DC/21/2028 was determined on 10 February 2022 following the recommendation made in the delegated Officer Report. On 9 March 2022, the Council's decision was challenged following the receipt of a Pre-Action Protocol Letter claiming that the Council had failed to take into account an obviously material consideration, namely to assess and determine the application's transport and highway safety impact cumulatively with the separate café application; and failing to weigh the potential cumulative harm from both applications in the planning balance.
- 3.4 The Council conceded that the Officer Report had dealt with highway impact and amenity impact in an inconsistent manner as highways matters had been considered individually but the cumulative impact of both applications had been considered with regard to amenity matters.
- 3.5 The Council's decision was quashed on 5th May 2022, where the application was returned to the Council to be reconsidered.
- 3.6 The café application on the northern portion of the site (reference DC/21/1806) was withdrawn on 01.04.2022. As such, this application is no longer a material consideration and there are no other pending applications on this portion of the site.
- 3.7 An application by the same Applicant for a similar development is currently being considered under planning reference DC/22/0785. This relates to the change of use and extension of the building for a Sainsburys Local as proposed under this application, but with differences in the fenestration and elevational treatments. A nil EV charging provision is also sought.

4. OUTCOME OF CONSULTATIONS

- 4.1 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

- 4.2 **HDC Environmental Health (Initial Response dated 19.10.2021):** No Objections to development subject to conditions, including restrictions on hours of opening.
- 4.3 **HDC Environmental Health (Subsequent Response dated 12.01.2021):** The concern in this instance is not for the noise levels over a period of time. The department considers the potential noise from a development in the context of planning, noise and WHO guidance, but it also considers the likelihood of noise as a statutory nuisance from the development under The Environmental Protection Act 1990. In this instance a number of factors are considered, including infrequent impact noise (car doors shutting), infrequent vehicle engine and exhaust noise, the noise from a vehicle moving into flowing traffic and the increase in traffic and its noise from the development. These are recognised factors that are likely to provide nuisance under the act to neighbouring properties. The test that is considered in determining nuisance is does the reasonable use of one property affect the reasonable use of another. This is of course subjective, and any decision is made on experience of similar developments in the context of its setting and existing noise at this time of the evening from again a similar setting. Based on above this department will support the development with an opening time of no later than 22:00hrs. This is based on the likelihood of a statutory nuisance from infrequent noise provided by vehicles arriving, shutting of car doors and vehicles pulling away. Highways and roads are considered a fixed noise source due to their nature. A commercial premises car park however is not, so the potential noise is considered in isolation and not as an average over a time period.
- 4.4 **HDC Environmental Health (Subsequent Response dated 19.05.2022):** This department could support the application with the conditions relating to no external lighting or floodlighting and restrictions on opening hours between 09:00 and 22:00 Monday to Saturday and 10:00 to 22:00 on Sundays.

OUTSIDE AGENCIES

- 4.4 **WSSC Highways (Initial Response dated 08.10.2021):** More Information:-
- 4.5 The Local Highway Authority request the Applicant commission an independent Stage 1 Road Safety Audit and submit the results at planning for scrutiny by the Local Highways Authority. Alternatively, the applicants can provide justification why they believe this application does not meet with the WSSC's current Road Safety Audit Policy.
- 4.6 No tracking plans have been submitted to demonstrate that the new access width and radii will facilitate the two way passing movement of vehicles at the access point. This should formally be demonstrated by the applicants. Until such time as the applicants satisfy comments above concerning the following matters no further substantive comments regarding the access can be provided.
- Tracking plans to demonstrate that the new access width and radii will facilitate the two way passing movement of vehicles at the access point.
 - Lack of Speed Survey Data to support the demonstrated visibility splays
 - Lack of a Stage 1 Road Safety Audit
- 4.7 WSSC Car Parking Guidance advises that a retail store typically generates vehicle parking demand of 1 space per 14 sqm and a cycle parking demand of 1 space per 100 sqm for staff

and an additional 1 space per 100 sqm for customers. For the proposed 372 sqm of E Class retail floorspace this would equate to 26.5 vehicular spaces and 3 cycle parking spaces for staff and 3 cycle spaces for customers (6 in total). A site-specific assessment has been made taking into consideration the number of 'in' trips associated with similar convenience store sites, 29 in the peak hour. An adjustment has been made as it has been established in similar cases that the length of stay at this type of site is circa 9 minutes. It has also been accepted that the distribution of these customers will not all be spread evenly across the course of the peak hour and a spike in customers can result. The applicant has anticipated that this spike would be no more than 50% of all the 29 customers arriving by car within a 20-minute period. This would be considered a reasonable adjustment to make. Taking the above into consideration it would be anticipated that 7-8 car parking spaces would be required at any one time. This level of demand can be accommodated within the proposed layout. The Local Highways Authority is satisfied with this approach taken with regard to anticipated parking demand.

- 4.8 Notwithstanding the above, in the unlikely event that overspill parking was to be required the layby fronting the site could be used. This layby is capable of accommodating circa 9/10 cars. Any overspill parking would be required to park safely in accordance with any traffic regulation orders that are in place.
- 4.9 The site plan details areas where customer and staff cycle parking can be accommodated, these provisions should be covered, the specific details of which can be secured via a suitably worded planning condition.
- 4.10 No provision of EV car parking has been demonstrated. While it is accepted that the length of stay for customers at this type of site are short in nature there would be some benefit in providing some form of EV provision for staff. Please raised this with the applicant so a formal justification can be provided of no EV parking provision is to be provided.
- 4.11 The Applicant has provided tracking plans 'APPENDIX 4.3' that demonstrates how a 10m rigid delivery vehicle can access the site, turn and park to service the site without prejudicing the remaining parking layout. No concerns would be raised to these details. It would be beneficial if the service and delivery matters can be secured via a suitably worded planning condition within a formal Delivery and Servicing Management Plan.
- 4.12 Before any final recommendation can be made it would be requested that the above matters are raised with the Applicants and the Local Highways Authority be re-consulted.
- 4.13 **WSCC Highways (Subsequent response dated 10.01.2022):** More Information:-
Currently the Local Highways Authority requires additional information in order to be satisfied that the proposed will provide safe and suitable access and will not result in unacceptable cumulative impacts on the operation of the highway network, namely:
- Presentation of tracking plans to demonstrate that the currently presented access arrangements (drawing 5154-06, Appendix 2.0 within the Road Safety Audit Designers Response) can will facilitate the two was passing movement of vehicles at the access point. This should formally be demonstrated by the applicants.
 - Agreement of access closure works for the redundant dropped crossing that fronts the site. Details of which can be secured via condition.
 - Design Audit for Highway Works.
 - Referral of Designers solutions to Road Safety Auditor for additional comment. Review of the Overseeing Organisations comments regarding the Stage 1 Road Safety Audit including additional justification with regard to the perceived loss of queuing capacity at the Crawley Road/B2195 signal junction or conversely that traffic conditions / modelling is such that reduced queuing capacity can be accommodated.

- 4.14 **WSCC Highways (Subsequent Response dated 02.02.2022):** No Objection:-
- 4.15 Access to the site is currently achieved via an existing dropped crossing that extends across the whole frontage of the site. The site is located on Crawley Road which is a 'B' classified road subject to a 30-mph speed limit at this point. Currently any driver accessing the site has to drive through the existing layby parking provision that fronts the length of the site.
- 4.16 The submitted plans detail that the access point will be improved and modified. A 5.9m wide bell-mouth style access will be set out with kerb radii and tactile pedestrian dropped crossing points at either side will be implemented. The proposed access geometry can facilitate the two-way passing of vehicles, in this case a standard medium sized saloon car. The range and combinations of vehicles for which tracking plans have been provided would be considered reasonable for the access requirements for the proposed use.
- 4.17 A Stage 1 Road Safety Audit has been commissioned and Designers Response provided by ADL Traffic & Highways Engineering Ltd. The Road Safety Audit identified 2 problems, 3.1.1 (Reduced visibility should vehicles be parked within layby) and 3.1.2 (Insufficient right turn provision could lead to rear end shunts). The Local Highways Authority is satisfied that the designers' solution does meet the Road Safety Auditors recommendations sized car parking spaces, one of which will be disabled accessible. All spaces are given suitable manoeuvring room to turn within the confines of the site. WSCC Car Parking Guidance advises that a retail store typically generates vehicle parking demand of 1 space per 14 sqm and a cycle parking demand of 1 space per 100 sqm for staff and an additional 1 space per 100 sqm for customers. spaces and 3 cycle parking spaces for staff and 3 cycle spaces for customers (6 in total). A site-specific assessment has been made taking into consideration the number of 'in' trips associated with similar convenience store sites, 29 in the peak hour. An adjustment has been made as it has been established in similar cases that the length of stay at this type of site is circa 9 minutes. It has also been accepted that the distribution of these customers will not all be spread evenly across the course of the peak hour and a spike in customers can result. The applicant has anticipated that this spike would be no more than 50% of all the 29 customers arriving by car within a 20-minute period. This would be considered a reasonable adjustment to make. Taking the above into consideration it would be anticipated that 7-8 car parking spaces would be required at any one time. This level of demand can be accommodated within the proposed layout. The Local Highways Authority is satisfied with this approach taken with regard to anticipated parking demand.
- 4.18 Notwithstanding the above, in the unlikely event that overspill parking was to be required the layby fronting the site could be used. This layby is capable of accommodating circa 9/10 cars. Any overspill parking would be required to park safely in accordance with any traffic regulation orders that are in place.
- 4.19 The site plan details areas where customer and staff cycle parking can be accommodated, these provisions should be covered, the specific details of which can be secured via a suitably worded planning condition.
- 4.20 No provision of EV car parking has been demonstrated. It is accepted that the length of stay for customers at this type of site are short in nature. While there would be some benefit in providing some form of EV provision for staff the Local Planning Authority should consider if staff use alone is enough to justify securing EV car parking provision by way of condition in accordance with Horsham District Council Local Plan Policy.
- 4.21 The Applicant has provided tracking plans 'APPENDIX 4.3' that demonstrates how a 10m rigid delivery vehicle can access the site, turn and park to service the site without prejudicing the remaining parking layout. No concerns would be raised to these details. It would be beneficial if the service and delivery matters can be secured via a suitably worded planning condition within a formal Delivery and Servicing Management Plan.

- 4.22 The Local Highway Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in a 'severe' cumulative impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and as such there are no transport grounds to resist the proposal.
- 4.23 **WSCC Highways (Subsequent Response dated 10.06.2022):** No Objection:-
- 4.24 The proposal seeks the change of use of the vacant Horsham Car Centre, 264A Crawley Road, Horsham from car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking.
- 4.25 It is noted that an adjacent building within the wider Horsham Car Centre site was subject of application DC/21/1806 which sought change of use from motor trade showroom (Sui Generis) to a Cafe (Class E(b)). This adjacent application site would be provided with its own independent parking provision which would be accessed via the access arrangements subject of this application. DC/21/1806 was withdrawn on 01/04/2022, after application DC/21/2028 was initially determined.
- 4.26 Given the remaining adjacent building is not currently subject to any live planning application it is difficult to consider the cumulative highways impacts that any additional development of the wider site may have. As such any future application made within the wider site will be considered on its own merits at the time of application. If an application is made within the wider site, prior to this application being determined, then the Local Highways Authority should be re-consulted so that any cumulative impacts can be fully assessed.
- 4.27 This application has been submitted with the support of a Transport Statement, Road Safety Audit and Designers Response, and Supplementary Technical Highways Letter (dated 13/01/2021) prepared by ADL Traffic & Highways Engineering Ltd. The application form details that the existing car showroom equated to 278 sqm of floorspace, the proposed retail space will equate to 372 sqm by virtue of a rear extension.
- 4.28 The Transport Statement presents the results of a Trip Rate Assessment which has used data sourced from the TRICS Database. The existing use 278 sqm car sales, has been summarised as generating 5 (4 in / 1 out) two-way movements in the peak am hour, 08:00 – 09:00 and 6 two-way movements (2 in / 4 out) in the peak pm hour 17:00 – 18:00. The proposed use 372 sqm retail, has been summarised as generating 57 (29 in / 28 out) two-way movements in the peak am hour, 08:00 – 09:00 and 58 two-way movements (29 in / 29 out) in the peak pm hour 17:00 – 18:00. The Transport Statement sets out a methodology whereby a 72% reduction has been made to represent the number of pass by and diverted trips.
- 4.29 While the Local Highways Authority accepts this with regard to impact upon the capacity of the wider highway network it does not consider this discounting should be applied with regard to trips specifically being associated with the site itself and site access point. Typically, any major development proposal that includes highways works, or results in an intensification of use at an access point of greater than 50 movements per day should be supported with a Stage 1 Road Safety Audit. A Stage 1 Road Safety Audit has now been commissioned.
- 4.30 Access to the site is currently achieved via an existing dropped crossing that extends across the whole frontage of the site. The site is located on Crawley Road which is a 'B' classified road subject to a 30-mph speed limit at this point. Currently any driver accessing the site has to drive through the existing layby parking provision that fronts the length of the site.
- 4.31 The most recently proposed access arrangements are presented by drawing 5154-06 A, 5154-07 as per the appendices within the Supplementary Technical Highways Letter (dated 13/01/2021) prepared by ADL Traffic & Highways Engineering Ltd. The plan details that the

access point will be improved and modified. A 5.9m wide bell-mouth style access will be set out with kerb radii and tactile pedestrian dropped crossing points at either side will be implemented. Plan 5154-07 demonstrates that the proposed access geometry can facilitate the two-way passing of vehicles, in this case a standard medium sized saloon car. Prior to this tracking of a 10m rigid delivery vehicles has been provided within the initial Transport Statement (Appendix 4.3). The range and combinations of vehicles for which tracking plans have been provided would be considered reasonable for the access requirements for the proposed use.

- 4.32 It is also noted that the existing wider dropped crossing access that fronts the remained of the site will become redundant as a result of this proposal. The unrequired dropped kerbs should be raised to full height. The Local Highway Authority is satisfied that the details of this can be demonstrated and secured via condition as the 'access closure works' can be included as part of Section 278 agreement that will be required to implement the wider access works required at the site. The Applicant / client has agreed to include these access closure works as part of the scheme.
- 4.33 It is noted that it could be interpreted that these works are shown on plan 5154-06 A, with a red line demarking the kerb of the entire layby past dwellings 264 and 260 Crawley Road. The Local Highways Authority would only be seeking the redundant dropped crossing fronting the site be raised. It is appreciated that dropped crossing within this layby serves both 264 and 260 Crawley Road, and this should remain as existing. As such the recommended access closure condition requires plans and detailed to be submitted to clarify these works. This can take place once Technical Approval for the wider Section 278 works has been granted.
- 4.34 A Stage 1 Road Safety Audit has been commissioned and Designers Response provided by ADL Traffic & Highways Engineering Ltd. The Road Safety Audit identified 2 problems, 3.1.1 (Reduced visibility should vehicles be parked within layby) and 3.1.2 (Insufficient right turn provision could lead to rear end shunts).
- 4.35 *3.1.1 - Reduced visibility should vehicles be parked within layby*
The Audit recommended that visibility at the access should be protected, this could be achieved via building out the access point and removing the northern section of the layby. The latest iteration of the access arrangements as demonstrated by plan 5154-06 A demonstrate that the northern part of the layby will be sacrificed and converted to footway in order to preserve visibility north. A short length of build out south of the access will provide a physical barrier to protect the southern visibility splay being obstructed by on street car parking.
- 4.36 Subsequently to the north a visibly splay of 2.4 x 43 metres has been demonstrated, this splay now is not intersected by any on street car parking within the layby as it has been converted to footway. The splay is wholly contained within the extent of the public highway. The splay is considered to be in accordance with the Stopping Sight Distance providing vehicle are approaching the site at a speed equal to or slower than the posted speed limit, 30 mph. Given vehicles approaching from this direction will be approaching a signalised junction it would not be anticipated that the 85th percentile approach speed is above the posted speed limit. While the Local Highways Authority could request an on-site speed detection survey is undertaken to provide a check on this matter, it could only insist on such a request if it was considered reasonable and required to make a recommendation on the application. While such additional data would be of benefit the Local Highway Authority does not feel it has justification to insist on such data being presented. The Local Highway Authority is minded to accept that the vehicle visibility in this direction, with the build out feature, is acceptable.
- 4.37 To the south a visibly splay of 2.4 x 55 metres has been demonstrated, this has been drawn to the pedestrian refuge island at the signalised crossing south of the site. The Local

Highways Authority accepts that it is appropriate to draw the splay to this point as per Manual for Streets guidance. A splay of 55 metres is in excess of that required for the vehicle approach speeds providing they are approaching at a speed equal to or slower than the posted speed limit, 30 mph. While the Local Highways Authority could request an on-site speed detection survey is undertaken to provide a check on this matter, it could only insist on such a request if it was considered reasonable and required to make a recommendation on the application. While such additional data would be of benefit the Local Highway Authority does not feel it has justification to insist on such data being presented. Given the presence of the signalised crossing, in principle vehicle visibility in this direction this would be considered acceptable.

- 4.38 These 'build out' features will result in the loss of 2 -3 on start car parking spaces. The Local Planning Authority would be advised to consider the amenity implications of this. The Local Highways Authority is satisfied that the designers' solution does meet the Road Safety Auditors recommendations.
- 4.39 Comment / representation has been made that queuing vehicles will obstruct southern visibility and that full visibility will only be provided if the adjacent traffic lights are green. This is not uncommon when turning right out of an access point, typically vehicles emerge cautiously until such time as visibility left can be obtained. It is noted that current plans include a keep clear area so that a right turning vehicle has the opportunity to emerge cautiously.
- 4.40 Comment / representation has also been provided that a full topographic plan should be provided to ensure that the visibility demonstrated is not obstructed by overgrowing boundary treatment or street furniture. The Local Highway Authority is satisfied that any street furniture here will not impact upon the entire envelope of visibility. The Local Highway Authority is also satisfied that in each direction the visibility demonstrated is wholly within the extent of the public highway. As such any encroachment into the splay due to overgrowing vegetation can be dealt with by other powers. In conclusion a request for a full topographic plan for these reasons would be difficult to substantiate.
- 4.41 *3.1.2 - Insufficient right turn provision could lead to rear end shunts*
The Audit recommended that further assessment / analysis should be undertaken to determine the appropriate level of right turn provision / requirement. The latest iteration of the access arrangements as demonstrated by plan 5154-06 A demonstrate that a 30m ghost right turn in lane that is 2.5 metres in width will be provided.
- 4.42 The Local Highways Authority is mindful that in principle this does resolve the problem identified by the Safety Auditor, even if no analysis has been undertaken to determine the requirement for the dedicated right turn in lane. The provision of the right turn in lane and keep clear markings will also require amendments to the queuing capacity at the merge taper of the southbound right-turn lane approaching the Crawley Road/B2195 signal junction. I have consulted with WSCC Signals, they are not aware of any queuing capacity issues at this junction. The Applicant has subsequently demonstrated that the queuing for right turns at this junction will be reduced from 11 to 8. On balance it seems that this would be difficult to justify as resulting is a 'severe' cumulative impact on the operation of the highway network.
- 4.43 The solutions proposed to resolve problems identified by the Road Safety Audit have resulted in significant changes to Crawley Road, the proposed highways works have subsequently been through a design review with West Sussex County Council. As a result of this it has been agreed that while there could be some scope to reduce the north bound through lane width to facilitate a wider right turn ghost lane this is a matter that can be further investigated at the detailed design stage for the Section 278 Agreement and that in principle West Sussex County Council is satisfied with the principle of the proposed highways works.
- 4.44 To this end it is considered that plan titled 'Proposed Access Arrangements (Further to Stage 1 Road Safety Audit)' and numbered '5154-06A' should be considered indicative at this stage

as the highways works may be subject to minor modifications as part of the Section 278 process.

- 4.45 The proposed seeks to formally set out a parking arrangement that provides 10 suitably sized car parking spaces, one of which will be disabled accessible. All spaces are given suitable manoeuvring room to turn within the confines of the site. WSCC Car Parking Guidance advises that a retail store typically generates vehicle parking demand of 1 space per 14 sqm and a cycle parking demand of 1 space per 100 sqm for staff and an additional 1 space per 100 sqm for customers. For the proposed 372 sqm of E Class retail floorspace this would equate to 26.5 vehicular spaces and 3 cycle parking spaces for staff and 3 cycle spaces for customers (6 in total). A site-specific assessment has been made taking into consideration the number of 'in' trips associated with similar convenience store sites, 29 in the peak hour. An adjustment has been made as it has been established in similar cases that the length of stay at this type of site is circa 9 minutes. It has also been accepted that the distribution of these customers will not all be spread evenly across the course of the peak hour and a spike in customers can result. The applicant has anticipated that this spike would be no more than 50% of all the 29 customers arriving by car within a 20-minute period. This would be considered a reasonable adjustment to make.
- 4.46 Taking the above into consideration it would be anticipated that 7-8 car parking spaces would be required at any one time. This level of demand can be accommodated within the proposed layout.
- 4.47 The Local Highways Authority is satisfied with this approach taken with regard to anticipated parking demand. Notwithstanding the above, in the unlikely event that overspill parking was to be required the layby fronting the site could be used. This layby is capable of accommodating circa 9/10 cars. Any overspill parking would be required to park safely in accordance with any traffic regulation orders that are in place. The site plan details areas where customer and staff cycle parking can be accommodated, these provisions should be covered, the specific details of which can be secured via a suitably worded planning condition.
- 4.48 No provision of EV car parking has been demonstrated. It is accepted that the length of stay for customers at this type of site are short in nature. While there would be some benefit in providing some form of EV provision for staff the Local Planning Authority should consider if staff use alone is enough to justify securing EV car parking provision by way of condition in accordance with Horsham District Council Local Plan Policy.
- 4.49 The applicant has provided tracking plans 'APPENDIX 4.3' that demonstrates how a 10m rigid delivery vehicle can access the site, turn and park to service the site without prejudicing the remaining parking layout. No concerns would be raised to these details. It would be beneficial if the service and delivery matters can be secured via a suitably worded planning condition within a formal Delivery and Servicing Management Plan.
- 4.50 The Local Highway Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in a 'severe' cumulative impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and as such there are no transport grounds to resist the proposal.
- 4.51 **WSCC Highways (Subsequent Response dated 18.10.2022):** This latest consultation seeks comments pertaining to amended information about Water Neutrality. After review of the latest submitted information highways comments dated 10/06/2022 are still considered relevant when determining this application from a highway safety can capacity perspective.

- 4.52 **Southern Water (Initial Response dated 06.10.2021):** Comments:-
- 4.53 Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the Applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements
- 4.54 In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments: reuse; infiltration; watercourse; storm sewer; combined Sewer.
- 4.55 It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 4.56 **Southern Water (Subsequent Response dated 26.09.2022):** The comments in response dated on 05/10/2021 remain unchanged and valid.
- 4.57 **Natural England:-** Standing Advice
- 4.58 It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 4.59 To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS

- 4.60 **North Horsham Parish Council (Initial Response date 11.10.2021):** No Objection in principle, however:
- Important that traffic management issues are identified and a solution to these resolved prior to opening the retail unit.
 - Traffic along Crawley Road and around Roffey Corner is often congested which could cause issues to the site, including for delivery of goods, if left unresolved.
- 4.61 **North Horsham Parish Council (Subsequent Response dated 23.12.2021):** No change to previous comments, but additional comments specific to the issue of noise and the published Operational Noise Impact Statement:
- Whilst residents of nearby houses and flats are currently impacted by traffic using Crawley Road, the retail unit would add considerably to the noise levels. Although efforts have been taken to record dB levels at various times of the day and night, there is concern that the closing/slamming of doors at night could be more irritating/disturbing.

- Agree with suggested revised trading hours to reduce the impact of noise
 - Concern regarding considerable noise during demolition, clearance, and construction
- 4.62 **North Horsham Parish Council (Subsequent Response dated 08.02.2022):** No Objection in principle, however:
- Important traffic management issues should be identified and a solution resolved
 - Traffic congestion could cause access issues, including for deliveries
 - Considerable noise levels
 - Reduced trading hours
 - Construction noise and disturbance
- 4.63 **North Horsham Parish Council (Subsequent Response dated 26.05.2022):** No change to previously submitted comment of No Objection, however specific comments regarding noise and the Operational Noise Impact Statement.
- Use of retail unit would add considerably to the noise levels experienced by nearby houses and flats, particularly at night
 - Agree with trading hours suggested by Environmental Health
 - Agree with construction hours suggested by Environmental Health, although reduction to 16:30 Monday to Friday would be preferred
- 4.64 **North Horsham Parish Council (Subsequent Response dated 26.09.2022):** No objection in principle. However, it is important traffic management issue are identified and a solution to these issues are resolved prior to the opening of the retail unit. The traffic along Crawley Road and around Roffey Corner is often congested which could cause access issues to the site, including for the delivery of goods, if left unresolved.
- 4.65 **North Horsham Parish Council (Subsequent Response dated 24.11.2022):** No Objection
- 4.66 25 representations were received (from 6 individual addresses) objecting to the proposal for the following reasons:
- Increased vehicle movements
 - Safety of proposed access arrangement
 - Danger to public road users
 - Parking on the public highway due to under provision
 - Poor visibility from junction and impact of traffic lights on safety of access
 - Noise and disturbance
 - Level of activity in parking area
 - Adverse impact on neighbouring properties
 - Inadequacy of Stage I Road Safety Audit
 - Unacceptable operating hours
 - Overdevelopment
 - Further urbanisation
 - Conclusions of Noise Assessment
 - Cumulative impact of development alongside change of use to café (subject of planning application DC/211806)
 - Loss of privacy
 - Impact on trees and wildlife
 - Construction noise
 - Impact of ATM and associated night-time disturbance, including traffic noise
 - Crime and anti-social behaviour resulting from presence of ATM
 - Inaccuracies with the highway consultation response in relation to number of car parking spaces available in the layby, the assessment of required parking spaces for the development given the limited on-street parking, failure to describe hazards and difficulties already existing within the local highway network, flawed description of the

nature of the store, significant over-estimation of how many customers would walk to the store.

- Proposal will have a severe residual cumulative effect on the local highway network
- Conflict with Policy 13 of the HDPF and inability to assess against Policies 24 and 40 of the HDPF
- Material intensification of traffic over the existing use
- The use would require a greater number of parking spaces than calculated
- TRICS examples are not comparable to the proposed use because they are quiet edge of town convenience stores with significant local parking provision
- Policy non-compliant parking provision proposed
- Only a small percentage of visitors would be pedestrian with most of the visits arriving at the site by vehicle
- Pedestrians would not walk to the site due to narrow pavements, poor cut-throughs and footways, and hard barriers (gardens, walled estates, and church grounds) restricting access
- Application mischaracterises the daily turnover of the store based on the floor area and the likely number of visits generated by this
- Overflow layby would not accommodate 9 cars due to the required alterations to the access to accommodate entrance/exit and safety splays.
- Other possible overflow parking in the vicinity would be on principal busy highways which would be unsafe and obstructive
- Queries benchmark for existing water usage, particularly given closure of business since 2020, and the usage of a 'properly managed' car showroom
- References other development on the wider site (namely a café and other unspecified sites) and the implications on the proposed water usage/demand
- Water usage of the proposed store is understated and does not incorporate water usage from the supply chain
- Figures provided for washing a car using a bucket and hose are overstated (it is possible to wash a car using as little as 10 litres and then a 100 litre hose down of all cars)
- The number of cars per annum are overstated (reviewing the business accounts the average turnover is lower than what would be expected given the average sale cost of a car)
- Extremely high water usage for employees at the car showroom
- Does not take account of the floor area for the wider site
- Water usage of the proposed development is understated when considering turnover
- Figures provided by the Applicant are not supported by evidence and do not correlate to factual information

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

- 5.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.
- 5.2 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.
- 5.3 Consideration of Human Rights and Equalities forms part of the planning assessment below.

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

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

7. PLANNING ASSESSMENTS

- 7.1 The application seeks full planning permission for the change of use of the car showroom (sui generis) to a retail unit (Use Class E(a), along with associated extensions, alterations and parking arrangements.

Principle of Development:

- 7.2 Policy 13 of the Horsham District Planning Framework (HDPF) states that proposals for main town centre uses, including new retail warehouses, superstores, extensions to existing retail units, recreation, leisure and entertainment uses, should be located in town centres and at an appropriate scale in village centres in accordance with the Council's Town Centre First Strategy. Proposals for main town centre uses outside the defined town and village centres will be permitted only when a sequential test has been applied.
- 7.3 The proposed Sainsbury's Local Store is a small scale local convenience shop that is likely to fill a predominantly everyday top-up convenience shopping function for local residents. The catchment area defined by the Applicant is approximately 500m walking distance. The Applicant's business model is specifically tailored to providing a commercially prominent location in Roffey area, relative to the main transport networks and surrounding area; a full range single level convenience shop, providing for high quality everyday top-up food shopping needs for the local population; a densely populated residential area; and a small number of on-site car parking spaces. The Sequential Assessment undertaken by the Applicant recognises that given the desire to serve the local residents in and around Roffey, there will be no sequentially preferable sites.
- 7.4 No sites that could serve the Roffey area would be considered either town centre or edge of centre sites due to the distance of the catchment area from Horsham Town Centre. The Assessment has however identified two sites (98 Crawley Road, Roffey and 45a West Street, Horsham). The first has been trading as a dry cleaning business and is located within walking distance of the existing parade of shops serving Roffey. The site is not within either a town centre or edge of centre location and is therefore not sequentially preferable to the application site. The very limited size of the unit and the lack of parking means that the site is physically incapable of accommodating the proposed development, taking account of the need to demonstrate flexibility. On this basis, the site is unsuitable in this instance. The latter is a retail unit located within Horsham Town Centre.
- 7.5 While the site is in a sequentially preferable location, being within the town centre and by applying the business model requirements flexibly the unit could accommodate a convenience store, the site is over 2.5km from the local community and would not serve the Roffey area. On this basis, the site is considered unsuitable to support the needs of the business model. The Retail Impact Assessment thereby concludes that there are no suitable alternative sites that are sequentially preferable to the application site.
- 7.6 The proposed retail shop would provide convenience facilities and would service the local community. The proposal would result in economic benefit through the provision of jobs and employment, but would also provide social benefits to the local community. While providing a retail use outside of the defined Town Centre, and sited outside of the defined Out of Centre

location, the proposal would support the needs of the local community, and would be of a scale and nature that would not significantly nor demonstrably impact the viability and vitality of the Main Town Centre. As such, while the proposal would result in some conflict with Policy 13 of the HDPF, the sequential test has justified the location of the proposed development, with economic and social benefits considered to result. On the balance of these matters, it is considered that the public benefit arising from the proposal would outweigh the conflict as identified. The principle of development is therefore considered acceptable, subject to all other material considerations.

Design and Appearance:

- 7.7 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.
- 7.8 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.
- 7.8 The proposed development would involve extension to the southern elevation and eastern elevation of the building, which would follow the shared boundary, albeit set slightly back from it. The proposed extensions would incorporate flat roof set down from the main ridgeline but raised above the existing eaves, with the additions finished in red brickwork and grey cladding. External alterations including the repositioning of the glazing and front access door to the western elevation and the infilling of side windows are also proposed.
- 7.9 The proposed extensions would be of a form that would sit in general conformity with the vernacular of the existing building, and the proposed extensions would be subservient in height and scale to the existing building. The proposed extension would also be set to the side/rear of the existing building and would not therefore be readily apparent from the street frontage. While the additions would increase the bulk and mass of the building, given the siting of the extensions and the set back from the road frontage, it is not considered that the proposal would result in significant or demonstrable harm. It is therefore considered, on balance, that the proposed extensions would sit appropriately within the context of the building, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:

- 7.10 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.
- 7.11 Paragraph 130 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area; establish or maintain a strong sense of place to create attractive and welcoming places; and create places that are safe,

inclusive and accessible, with a high standard of amenity of existing and future users. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by "...preventing new and existing development from contributing to, being out at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability..." Paragraph 187 furthers that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the Applicant should be required to provide suitable mitigation. Paragraph 183 of the NPPF continues that *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions."*

- 7.12 The application site comprises a commercial unit, occupied as a car showroom. The nature of activity on the site is therefore already characterised as commercial, albeit that this is subject to restrictions on operating hours. The proposed development would involve the change of use of the building from a car showroom to retail shop. It is proposed that the local convenience store would be open between the hours of 7am and 11pm.
- 7.13 A Technical Note reference 90204/TN01.Rev2 by Noise Solutions Ltd and dated 27 October 2021 was submitted, alongside an Operational Noise Impact Assessment reference 90204 dated 1 December 2021 (revision). A background and ambient noise survey was undertaken at the site, with the recordings carried out between the hours of 07:00 and 09:00 and 21:00 and 23:00. The measurements indicated that the noise impact would be equal or lower than the permitted hours of use. It was recognised that the site is located on a busy road, where any noise impact arising from the use of the car park would be negligible in comparison with the impact of the existing road. All residential facades with a line of sight to the car park also have a line of sight to the road, and would therefore be exposed to road traffic noise. Therefore, it was not considered that the arrival and departure of cars would be audible or distinct above the existing road traffic. It was thereby concluded that the change in the hours of the operation would have a negligible impact on residential amenity. The Technical Note also outlined that delivery movements would be through the car park and to the northwest corner of the store. As a result, only residential facades with an existing line of sight to the Crawley Road, and therefore subject to the existing levels of road traffic noise, would have a line of sight to delivery vehicles and any resulting noise. The existing Horsham Car Centre and commercial building to the east provide a high degree of screening to residential receptors to the north, while receptors to the east and south are well screened by the latter building and the proposed store. Both documents conclude that the noise levels from car park activity when considered from the most impact receptors would be below the prevailing noise climate, even late in the evening when prevailing levels are quieter. It was therefore concluded that operation during the hours as proposed (07:00 to 23:00) would unlikely have an adverse impact on the closest residential properties.
- 7.14 A number of objections have been received raising concerns with potential noise and disturbance arising from the proposed development, particularly due to the extended opening hours, with concerns with regard to potential activity and noise within the car park during these times.
- 7.15 Following consultation with the Environmental Health officer, concerns were raised regarding the potential impact the proposed opening hours would have on the nearest residential properties. It was recognised that the application site is located within a dense residential area, with a number of residential properties located immediately adjacent to the site. The proposed opening hours, particularly when considered against the nature of activity associated with the use, was therefore considered to result in some noise and disturbance that would be detrimental to the amenities of nearby residential occupiers. It was noted that while the noise itself is not significant, the levels and inconsistency of the noise (i.e. vehicle engines and exhausts, vehicle movements, slamming of doors, shouting etc) has the

potential and likelihood to cause disturbance and nuisance. Given these concerns, the Environmental Health Officer has suggested that the opening hours be restricted.

- 7.16 The application site is located within close proximity to a number of residential properties, with the layout and arrangement of the built form enclosing the site in a manner that would direct and enclose the noise emanating from the associated activities. It is however recognised that the site is also located immediately adjacent to a busy road, with the residential properties impacted by this background noise. Any activity would therefore be experienced within this context, with the findings of the Operational Noise Impact Assessment confirming that the noise levels would be no greater than that already experienced. It is however recognised that infrequent bursts of noise have a different affect that than continuous background noise, so that noise resulting from activity within the car park are more greatly perceived.
- 7.17 While the nature and scale of the proposed development is considered appropriate and acceptable within the immediate context, it is recognised that the site shares a close relationship with neighbouring residential properties, where certain types of activity could have a detrimental impact. Given this context, it is therefore considered reasonable to restrict the operating hours of the proposed retail unit. It is considered that an opening hour of 07:00 would be acceptable. The Operational Noise Impact Assessment and Technical Note indicate that the noise levels experienced during this hour would be no greater than that experienced at 08:00, as such there are considered to be no reasons to require a later opening. Subject to the imposition of such a condition, the proposed development is not considered to result in significant adverse harm to the amenities and sensitivities of neighbouring properties.
- 7.18 The application also proposes an ATM to be situated on the front elevation of the building. While an ATM itself would not cause direct harm to the amenity of neighbouring properties, the potential for noise disturbance resulting from people using the facility. It is recognised that the ATM would be located in a visible location on the main road, where users may be attracted to the machine while making late night or early morning journeys, rather than only using the machine in combination with a trip to the retail facility. While such use may be infrequent and occasional, it is a type of noise and disturbance in the night that could cause harm to the residential area. Use of the ATM would inevitably include car doors closing, manoeuvring and pulling away, and other associated sources of noise. This type of noise and activity does have the potential to affect the living conditions of neighbouring residential properties. However, it is considered that a condition restricting use of the ATM to store hours only could mitigate the harm arising, particularly during the night-time hours. Subject to the imposition of such a condition, along with conditions restricting hours of opening and hours of delivery, the proposed development is not considered to result in significant adverse harm to the amenities and sensitivities of neighbouring properties.

Highways Impacts:

- 7.19 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 7.20 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 continues that within this context, development should allow for the efficient delivery of goods, and access by service and emergency vehicles.
- 7.21 A Transport Statement, Road Safety Audit and Designers Response has been submitted over the course of the application, include a Supplementary Technical Highways Letter by ADL Traffic & Highways Engineering Ltd. The Transport Statement presents the results of a Trip Rate Assessment, which has used data sourced from the TRICS Database. The

proposed 372sqm of retail floorspace generates 57 two-way movements in the peak am hour (08:00 to 09:00) and 58 two-way movements in the peak pm hour (17:00 to 18:00). This is a substantial increase above the existing use which generates 5 two-way movements and 6 two-way movements respectively. Typically, any major development proposal that includes highways works, or results in an intensification of use at an access point of greater than 50 movements per day should be supported with a Stage 1 Road Safety Audit. A Stage 1 Road Safety Audit has now been commissioned and a Designers Response provided. The Road Safety Audit identified reduced visibility should vehicles be parked in the layby, and insufficient right turn provision which could lead to rear end shunts.

- 7.22 The Audit recommended that visibility at the access should be protected, this could be achieved via building out the access point and removing the northern section of the layby. The amended access arrangements demonstrate that the northern part of the layby will be sacrificed and converted to footway in order to preserve visibility north. A short length of build out south of the access will provide a physical barrier to protect the southern visibility splay being obstructed by on street car parking. Subsequently to the north a visibly splay of 2.4 x 43 metres has been demonstrated, this splay is not now intersected by any on street car parking within the layby as it has been converted to footway. The splay is wholly contained within the extent of the public highway. The splay is considered to be in accordance with the Stopping Sight Distance providing vehicle are approaching the site at a speed equal to or slower than the posted speed limit, 30 mph. Given vehicles approaching from this direction will be approaching a signalised junction it would not be anticipated that the 85th percentile approach speed is above the posted speed limit. To the south a visibly splay of 2.4 x 55 metres has been demonstrated, this has been drawn to the pedestrian refuge island at the signalised crossing south of the site. The Local Highways Authority accepts that it is appropriate to draw the splay to this point as per Manual for Streets guidance. A splay of 55 metres is in excess of that required for the vehicle approach speeds providing they are approaching at a speed equal to or slower than the posted speed limit, 30 mph. The Local Highways Authority recognise that while an on-site speed detection survey could be requested to confirm the assumption, it could only insist on such a request if it was considered reasonable and required to make a recommendation on the application. While such additional data would be of benefit the Local Highway Authority does not feel it has justification to insist on such data being presented. The Local Highway Authority is minded to accept that the vehicle visibility in this direction, with the build out feature, is acceptable. The Local Highways Authority is satisfied that the designers' solution does meet the Road Safety Auditors recommendations.
- 7.23 Objections have been received stating that queuing vehicles will obstruct southern visibility and that full visibility will only be provided if the adjacent traffic lights are green. This is not uncommon when turning right out of an access point, typically vehicles emerge cautiously until such time as visibility left can be obtained. It is noted that current plans include a keep clear area so that a right turning vehicle has the opportunity to emerge cautiously. Representations have also been received regarding potential obstructions to the visibility through street furniture and hedging. The Local Highway Authority is satisfied that any street furniture here will not impact upon the entire envelope of visibility. The Local Highway Authority is also satisfied that in each direction the visibility demonstrated is wholly within the extent of the public highway. As such any encroachment into the splay due to overgrowing vegetation can be dealt with by other powers. In conclusion a request for a full topographic plan for these reasons would be difficult to substantiate.
- 7.24 The Audit recommended that further assessment / analysis should be undertaken to determine the appropriate level of right turn provision / requirement. The amended access arrangements demonstrate that a 30m ghost right turn in lane that is 2.5 metres in width will be provided. The Local Highways Authority is mindful that in principle this does resolve the problem identified by the Safety Auditor, even if no analysis has been undertaken to determine the requirement for the dedicated right turn in lane. The provision of the right turn in lane and keep clear markings will also require amendments to the queuing capacity at the

merge taper of the southbound right-turn lane approaching the Crawley Road/B2195 signal junction. WSCC Signals are unaware of any queuing capacity issues at this junction. The Applicant has subsequently demonstrated that the queuing for right turns at this junction will be reduced from 11 to 8. On balance it is considered that concerns in this regard would be difficult to justify as resulting in a 'severe' cumulative impact on the operation of the highway network.

- 7.25 The proposal seeks to provide 10no. suitably sized car parking spaces, one of which will be for disabled access. All spaces are given suitable manoeuvring room to turn within the confines of the site. WSCC Car Parking Guidance advises that a retail store typically generates vehicle parking demand of 1 space per 14 sqm and a cycle parking demand of 1 space per 100 sqm for staff and an additional 1 space per 100 sqm for customers. For the proposed 372 sqm of E Class retail floorspace this would equate to 26.5 vehicular spaces and 3 cycle parking spaces for staff and 3 cycle spaces for customers (6 in total). A site-specific assessment has been made taking into consideration the number of 'in' trips associated with similar convenience store sites, 29 in the peak hour. An adjustment has been made as it has been established in similar cases that the length of stay at this type of site is circa 9 minutes. It has also been accepted that the distribution of these customers will not all be spread evenly across the course of the peak hour and a spike in customers can result. The applicant has anticipated that this spike would be no more than 50% of all the 29 customers arriving by car within a 20-minute period. This would be considered a reasonable adjustment to make. Taking the above into consideration it would be anticipated that 7-8 car parking spaces would be required at any one time. This level of demand can be accommodated within the proposed layout. The Local Highways Authority is satisfied with this approach taken with regard to anticipated parking demand.
- 7.26 Objections have however been received which raise objection to the proposed level of parking and the assumptions made by the Applicant. These state that the undersupply of on-site car parking spaces would result in greater level of congestion and queueing on the public highway and would have implications on highway safety. It is also outlined that the retained layby parking spaces would be less than assumed and would result in a loss of spaces for residents while also limiting access to these properties. The representations also consider that the number of vehicular trips to the site is undercalculated, with the proposal resulting in a greater number of movements and parking requirement than proposed.
- 7.27 The application site is located within the built-up area and is within walking distance to a number of residences. It is reasonable to assume that the proposal would act as a local convenience for nearby residents, who would likely walk or cycle to the site. It is also acknowledged that staff employed may also be from the local area, where walking and cycling could be an option. The application has sought to address this by advising that parking on-site would be for customers only. The application site is therefore considered reasonably situated to allow for more sustainable modes of transport, whilst also helping to minimise the distance residents need to travel to access groceries and other goods.
- 7.28 Given the nature of the store, the assumptions made regarding average length of stay are considered reflective of other stores of similar size and service within comparable localities, with the discounts applied in this regard considered reasonable. Whilst it is acknowledged that the on-site parking provision would result in a shortfall of 16 spaces (as calculated using the West Sussex Car Parking Calculator) it is acknowledged that visits to the store would not be consistent nor spread evenly, with discount applied to these peaks and troughs also considered reasonable. The Local Highways Authority is satisfied with this approach, and consider the 10no. parking spaces proposed acceptable given the nature and likely spread of trips to the site. The details submitted in support of the application indicate that delivery vehicles can enter and exit the site without conflicting with users of the car park, so that potential conflict will be mitigated in this regard. On the balance of these considerations, it is considered that the proposal would provide adequate parking to meet the anticipated needs of users.

- 7.29 It is noted that concerns have been raised regarding the reliance on the existing layby along the frontage of the site. The existing layby forms part of the public highway under the control of the Local Highways Authority. There are no parking restrictions in place and the layby does not comprise dedicated resident parking, and is not under the control of the Applicant. It does however provide overspill parking for businesses and residents alike, as the previous/current situation and representations evidence.
- 7.30 The Local Highways Officer considers that the likely level of demand could be accommodated within the proposed layout. However, it has been acknowledged by both the Applicant and the Local Highways Officer that the layby could be used for any overspill parking if necessary. The proposed development requires highway alterations which would reduce the availability of this layby in order to provide appropriate visibility splays and a footway. As such, the previous parking provision accommodation would be reduced. Whilst it is acknowledged that any part retained could be utilised for parking purposes, the availability of this additional parking is not relied upon to make the development acceptable. The on-site parking provision is considered adequate for the anticipated demand and nature of trips to the site, and no highways objections have been raised in this regard.
- 7.31 On the basis of the evidence available, and on the balance of considerations, it is considered that the proposed access and parking arrangements, which would involve works to improve the layout and function of the public highway, would provide adequate access suitable for all users, and would not result in a severe cumulative impact on the operation of the highway network. The proposed development is therefore considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Water Neutrality:

- 7.32 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 7.33 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 7.34 The Water Neutrality Statement submitted by the Applicant indicates that the existing car showroom resulted in a high water demand, particularly due to the regular external water use required to wash cars for sale. The Applicant has provided a Statutory Declaration from the previous owner outlining that the water demand arose from washing and cleaning the cars stored on the forecourt, with approximately 50-70 litres of water per wash. The resulting consumption is thereby estimated as between 3,000-3,500 litres per week. Additional water demand arose from the 9no. staff members employed at the business, along with visitors attending to view and purchase cars. With a conservative estimate, it was outlined that this resulted in a consumption of 2,362.5 litres per week. In total, this resulted in 298.5m³ per year. Subsequent water bills have been provided over the last 3 year period for the car showroom operation, and these indicate an average water use of 318.3m³ a year.
- 7.35 It is noted that an objection has been received which queries the benchmark used for the existing baseline, particularly as the Car Centre has been closed since 2020, and also the amount of water previously used by the commercial enterprise. The Council's FAQ's on Water Neutrality confirms that existing baseline can be calculated using the water

consumption over the last three years. While it is recognised that the business has been closed for a period of time, the Statutory Declaration as detailed above provides an overview of water demand when last in use. This use falls within the three-year period and is therefore considered to be sufficient for comparative purposes. The objection also states that the baseline figures provided go beyond what would be considered a 'properly managed' car showroom that uses water responsible procedures. The Statutory Declaration makes reference of the water-using practices of the car showroom, with the figures provided justified with regard to the activities carried out on a weekly basis. It is not the purpose of the HRA Screening to assess the nature of water-using practices having taken place, but rather to confirm based upon the evidence provided, whether the development would result in greater water demand than the existing situation. The Statutory Declaration, when read alongside the water bills provided, are considered to provide an existing baseline for comparative purposes.

- 7.36 Following a request for further information with respect to the proposed use, the Applicant has confirmed that the average water use for the proposed premises would be around 167m³ per year (based on the 'Type C' Sainsburys store model). It is outlined that this type of store ranges between 372sqm and 465sqm in size, with the proposal being the smallest size that Sainsburys would consider a 'Type C' store. The email outlines that the principal driver of water use in the store would be dependent on sales, rather than unit size, where busy city centre stores would have 4 or 5 times the turnover of a store like the one proposed. This results from the number of staff, customers, and the water used in the general operation of the store. The expectation, given the location of the proposed store and its size, is that the store would have below average water use. Notwithstanding this, the water consumption of the proposal would be below that of the former use. To demonstrate this, the Applicant has provided evidence of water charges for 2no. similar stores in Hassocks and Haywards Heath. It is stated that these stores have similar footprints to that proposed, but would have a similar number of staff. The evidence provided indicates that the stores use between 76m³ and 94m³ a year, with the stores consuming an average of 84.5m³ annually.
- 7.37 The information provided demonstrates that the proposed use would result in less water consumption than the existing use. The proposed development would not therefore result in an increased water consumption which has the potential to have a likely significant effect on the protected sites. The development has thereby been screened out.
- 7.38 It is noted that the objection also makes reference to the proposed water consumption failing to make reference to the subdivided site and the potential café to the northern portion of the wider site. As outlined previously, there are currently no pending applications for development on other portions of the site, with the café application having been withdrawn. There are no other pending applications on the northern portion of the site, and it is not therefore necessary to take account of other potential water use in this regard. Any future application(s) on the adjoining site would be considered on their own merits and having regard to all relevant material considerations.
- 7.39 Based on the above information, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation that would necessitate an increased consumption of water which would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Climate change:

- 7.40 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.

7.41 Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:

- Cycle parking facilities
- Electric vehicle charging points

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

Conclusions:

7.43 The proposed retail shop would provide convenience facilities and would service the local community. The proposal would result in economic benefit, through the provision of jobs and employment, as well as social benefits to the local community. While providing a retail use outside of the defined Town Centre, and sited outside of the defined Out of Centre location, the proposal would support the needs of the local community, and would be of a scale and nature that would not significantly nor demonstrably impact the viability and vitality of the Main Town Centre. As such, while the proposal would result in some conflict with Policy 13 of the HDPPF, the sequential test has justified the location of the proposed development, with economic and social benefits considered to result. On the balance of these matters, it is considered that the public benefit arising from the proposal would outweigh the conflict as identified, and the principle of the development is acceptable.

7.44 It is recognised that the proposed development would increase the level and intensity of activity within the site, as well as vehicle movements to and from the site. While this does have the potential to affect the neighbouring residential properties, it has been demonstrated that the resulting noise levels would be no greater than the background levels. It is also considered that conditions on hours of opening and deliveries could be reasonably imposed to limit potential conflict. Subject to such conditions, the proposed development is not considered to result in harm to the amenities and sensitivities of neighbouring properties.

7.45 Following the submission of a Road Safety Audit and Designers Note, the proposed access arrangements are considered to provide safe and adequate access for all users, with the Local Highways Authority concluding that the development would not result in a severe cumulative impact on the highway network. Furthermore, the proposed parking arrangements are considered acceptable to meet the needs of the operation.

7.45 On the balance of all considerations, and subject to appropriate conditions, the proposed development is considered acceptable, in accordance with all relevant local and national planning policies.

7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions.

1 Approved Plans

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

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

- 3 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the remaining existing redundant vehicular crossover onto Crawley Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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).

- 4 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access and highways works serving the development has been constructed in accordance with plan reference 5154-06A which may be subject to minor modification as part of the Section 278 Technical Approvals process. The approved details shall thereafter be 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).

- 5 **Pre-Occupation Condition:** No part of the development shall be first occupied until the car parking has been constructed in accordance with the plan reference 6844[P]102 rev C. These spaces shall thereafter be retained at all times for their designated purpose.

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).

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be 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. 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).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Delivery, Collection & Service Management Plan, which includes details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries has been submitted to and approved in writing by the Local Planning Authority. All deliveries and collections shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 8 **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 site boundaries. 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).

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

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

- 10 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall be used for Class E(a) and for no other purposes whatsoever, (including those falling within Class E(b), (c), (d), (e), (f), (g) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to (insert with reasons) under Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 07:00 and 22:00 Monday to Sunday.

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

- 12 **Regulatory Condition:** The Automated Teller Machine (ATM) and associated lighting shall be switched off between the hours of 22:00 hours and 07:00 hours.

Reason: To safeguard the amenities of nearby residents in accordance with the aims of Policy 33 of the Horsham District Planning Framework (2015)

- 13 **Regulatory Condition:** No deliveries to or from the site in connection with the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Saturdays and 10:00 hours to 16:00 hours on Sundays, Bank or Public Holidays

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

- 14 **Regulatory Condition:** No external storage of any materials or waste shall take place at any time.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

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

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

- 16 **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).

Background Papers: DC/21/2028
DC/22/0785

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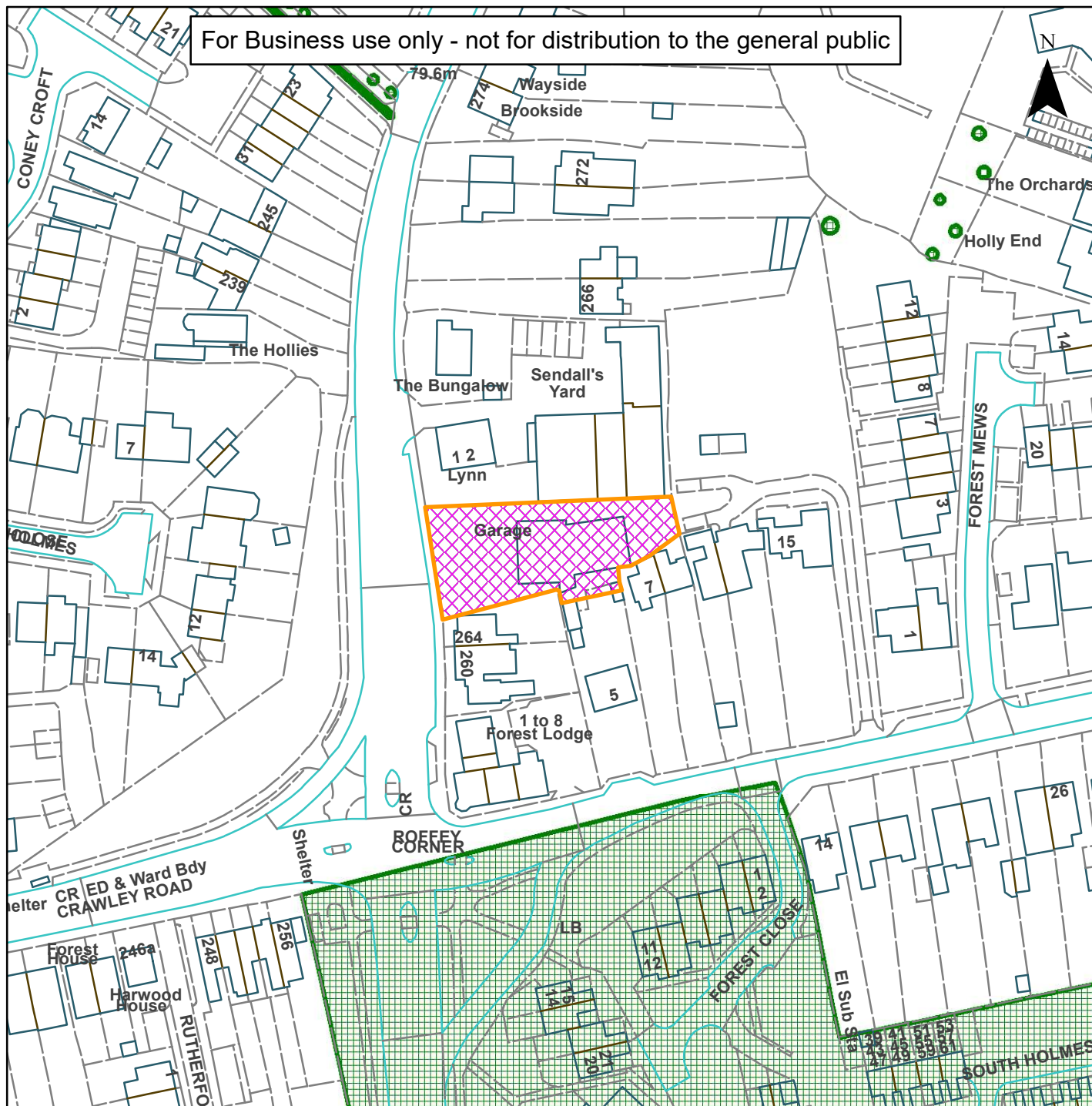
07) DC/21/2028 and 08) DC/22/0785

Horsham Car Centre, 264A Crawley Road, Horsham, West Sussex,
RH12 4HG



Horsham District Council

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	16/12/2022
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development and Building Control

DATE: 10th January 2023

DEVELOPMENT: Change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking.

SITE: Horsham Car Centre 264A Crawley Road Horsham West Sussex RH12 4HG

WARD: Roffey South

APPLICATION: DC/22/0785

APPLICANT: **Name:** Salter **Address:** Fewhurst Farm Coneyhurst Road Billingshurst RH14 9DF

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

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 change of use of the car showroom (sui generis) to a retail unit (Use Class E(a)). The proposal would also include single storey extensions to the southern and eastern elevations, alterations to the external fenestration, and internal alterations. This would include the addition of an ATM to the front elevation.

1.3 The proposal also seeks to make changes to the parking layout to provide 10no. customer parking spaces.

DESCRIPTION OF THE SITE

1.4 The application site is located to the east of Crawley Road, within the designated built-up area boundary of Horsham. The site comprises a vacant single storey building set back from the road frontage, previously used as a car showroom.. To the front of the site is the sales forecourt, with a detached two storey building located to the west which formerly comprised the wider car showroom site.

1.5 Access is provided by an existing dropped kerb along the road frontage, with two storey semi-detached properties located to the south of the application site.

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 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 14 - Shop Fronts and Advertisements

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 43 - Community Facilities, Leisure and Recreation

2.5 Neighbourhood Plan

North Horsham Parish Council voluntarily withdrew their Parish from the Neighbourhood Development Plan process on 30 July 2018.

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/166/84	Redevelopment of existing garage to provide new car sales showroom workshops and display area (From old Planning History)	Application	Permitted	on
NH/127/89	Demolition of existing garage and erection of 2 storey office units with car parking Comment: Appeal (From old Planning History)	Application	Refused	on
NH/66/90	Demolition of existing building and erection of 2 storey office building Site: County Croft Garage Roffey Corner Crawley Rd Horsham	Application	Permitted	on
NH/68/93	Extension to workshop & store Site: Horsham Car Centre Crawley Rd Horsham	Application	Permitted	on
NH/30/94	Extension to showroom Site: Horsham Car Centre Crawley Rd Horsham	Application	Permitted	on

NH/60/02	First-floor extension to provide store & office Site: Horsham Car Centre 264A Crawley Road Horsham	Application Permitted on 26.06.2002
DC/22/0785	Change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking.	Pending Consideration

3. BACKGROUND

- 3.1 An earlier application under planning reference DC/21/2028 was submitted to and determined by the Council. This application related to the southern portion of the site and sought a change of use of the car showroom to a retail unit, along with extensions to the building and associated parking.
- 3.2 A separate planning application (submitted on behalf of a different Applicant) was also being considered for the northern portion of the site under planning reference DC/21/1806. This related to the change of use of the building to a café.
- 3.3 Application reference DC/21/2028 was determined on 10 February 2022 following the recommendation made in the delegated Officer Report. On 9 March 2022, the Council's decision was challenged following the receipt of a Pre-Action Protocol Letter claiming that the Council had failed to take into account an obviously material consideration, namely to assess and determine the application's transport and highway safety impact cumulatively with the separate café application; and failing to weigh the potential cumulative harm from both applications in the planning balance.
- 3.4 The Council conceded that the Officer Report had dealt with highway impact and amenity impact in an inconsistent manner as highways matters had been considered individually but the cumulative impact of both applications had been considered with regard to amenity matters.
- 3.5 The Council's decision was quashed on 5th May 2022, where the application was returned to the Council to be reconsidered.
- 3.6 The café application on the northern portion of the site (reference DC/21/1806) was withdrawn by the Applicant on 01.04.2022. As such, this application is no longer a material consideration and there are no other pending applications on this portion of the site.
- 3.7 An application by the same Applicant for a similar development is currently being considered under planning reference DC/21/2028. This relates to the change of use and extension of the building for a Sainsburys Local as proposed under this application, but with differences in the fenestration and elevational treatments.

4. OUTCOME OF CONSULTATIONS

- 4.1 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

- 4.2 **HDC Environmental Health:** This is a single storey property on a small industrial site with habitable properties surrounding/adjoining the site. There are no ongoing complaints of statutory nuisance in the surrounding area. Due consideration of the Noise Assessment has been given. There is no concern on averaged increased noise levels as detailed in the Noise

Impact Assessment affecting the neighbouring properties. This department could support the application with conditions regarding opening hours and delivery hours imposed.

OUTSIDE AGENCIES

4.3 **WSSC Highways:** No Objection:-

4.4 West Sussex County Council was consulted previously on Highway Matters for this site under application reference DC/21/2028 which sought change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking.

4.5 Ultimately no overriding highway safety or capacity concerns were raised, consent was granted by the Local Planning Authority. The approval was then subject to Judicial Review and the decision quashed. That application is currently being redetermined. The Local Highways Authority principle view on the application has not changed for the purposes of the redetermination.

4.6 This application seeks the change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking. In principle this is the same as DC/21/2028.

4.7 It is noted that an adjacent building within the wider Horsham Car Centre site was subject of application DC/21/1806 which sought change of use from motor trade showroom (Sui Generis) to a Cafe (Class E(b)). This adjacent application site would be provided with its own independent parking provision which would be accessed via the access arrangements subject of this application. DC/21/1806 was withdrawn on 01/04/2022.

4.8 Given the remaining adjacent building is not currently subject to any live planning application it is difficult to consider the cumulative highways impacts that any additional development of the wider site may have. As such any future application made within the wider site will be considered on its own merits at the time of application. If an application is made within the wider site, prior to this application being determined, then the Local Highways Authority should be re-consulted so that any cumulative impacts can be fully assessed.

4.9 This Applicant has submitted a Transport Statement prepared by ADL Traffic & Highways Engineering Ltd, within which contains additional technical highways documentation, namely Stage 1 Road Safety Audit, Designers Response and Design Audit of the highways works, which have now been plotted on more detailed topographic plans.

4.10 The application form details that the existing car showroom equated to 278 sqm of floorspace, the proposed retail space will equate to 372 sqm by virtue of a rear extension.

4.11 The Transport Statement presents the results of a Trip Rate Assessment which has used data sourced from the TRICS Database. The existing use 278 sqm car sales, has been summarised as generating 5 (4 in / 1 out) two-way movements in the peak am hour, 08:00 – 09:00 and 6 two-way movements (2 in / 4 out) in the peak pm hour 17:00 – 18:00. The proposed use 372 sqm retail, has been summarised as generating 57 (29 in / 28 out) two-way movements in the peak am hour, 08:00 – 09:00 and 58 two-way movements (29 in / 29 out) in the peak pm hour 17:00 – 18:00. The Transport Statement sets out a methodology whereby a 72% reduction has been made to represent the number of pass by and diverted trips.

4.12 While the Local Highways Authority accepts this with regard to impact upon the capacity of the wider highway network it does not consider this discounting should be applied with regard to trips specifically being associated with the site itself and site access point.

- 4.13 Access to the site is currently achieved via an existing dropped crossing that extends across the whole frontage of the site. The site is located on Crawley Road which is a 'B' classified road subject to a 30-mph speed limit at this point. Currently any driver accessing the site has to drive through the existing layby parking provision that fronts the length of the site.
- 4.14 The most recently proposed access arrangements are presented by Proposed Site Layout Plan 6844[P]102 Revision D Off-Site Highways Works General Arrangement Plan 5150-101. The plan details that the access point will be improved and modified. A 5.9m wide bell-mouth style access will be set out with kerb radii and tactile pedestrian dropped crossing points at either side will be implemented.
- 4.15 Vehicle Tracking – Cars Plan Appendix 5.5 demonstrates that the proposed access geometry can facilitate the two-way passing of vehicles, in this case a standard medium sized saloon car. Vehicle Tracking – Delivery Vehicles Appendix 5.6 demonstrates tracking of a 10m rigid delivery vehicles. The range and combinations of vehicles for which tracking plans have been provided would be considered reasonable for the access requirements for the proposed use.
- 4.16 It is also noted that the existing wider dropped crossing access that fronts the remainder of the site will become redundant as a result of this proposal. The unrequired dropped kerbs should be raised to full height. The Local Highway Authority is satisfied that the details of this can be demonstrated and secured via condition as the 'access closure works' can be included as part of Section 278 agreement that will be required to implement the wider access works required at the site. The Applicant has agreed to include these access closure works as part of the scheme.
- 4.17 For clarity The Local Highways Authority would only be seeking the redundant dropped crossing fronting the site be raised. It is appreciated that dropped crossing within this layby serves both 264 and 260 Crawley Road, and this should remain as existing.
- 4.18 The recommended access closure condition requires plans and detailed to be submitted to clarify these works. This can take place once Technical Approval for the wider Section 278 works has been granted.
- 4.19 A Stage 1 Road Safety Audit has been commissioned and Designers Response provided by ADL Traffic & Highways Engineering Ltd. The Road Safety Audit identified 2 problems, 3.1.1 (Reduced visibility should vehicles be parked within layby) and 3.1.2 (Insufficient right turn provision could lead to rear end shunts).
- 4.20 *3.1.1 - Reduced visibility should vehicles be parked within layby*
The Audit recommended that visibility at the access should be protected, this could be achieved via building out the access point and removing the northern section of the layby. The latest iteration of the access arrangements as demonstrated by plans 6844[P]102 Revision D & 5154-101 detail that the northern part of the layby will be sacrificed and converted to footway in order to preserve visibility north. A short length of build out south of the access will provide a physical barrier to protect the southern visibility splay being obstructed by on street car parking. Subsequently to the north a visibly splay of 2.4 x 43 metres has been demonstrated, this splay now is not intersected by any on street car parking within the layby as it has been converted to footway. The splay is wholly contained within the extent of the public highway. The splay is considered to be in accordance with the Stopping Sight Distance providing vehicle are approaching the site at a speed equal to or slower than the posted speed limit, 30 mph. Given vehicles approaching from this direction will be approaching a signalised junction it would not be anticipated that the 85th percentile approach speed is above the posted speed limit. While the Local Highways Authority could request an on-site speed detection survey is undertaken to provide a check on this matter, it could only insist on such a request if it was considered reasonable and required to make a recommendation on the application. While such additional data would be of benefit the Local Highway Authority does not feel it has justification to insist on such data being presented.

The Local Highway Authority is minded to accept that the vehicle visibility in this direction, with the build out feature, is acceptable.

- 4.21 To the south a visibly splay of 2.4 x 54 metres has been demonstrated, this has been drawn to the pedestrian refuge island at the signalised crossing south of the site. The Local Highways Authority accepts that it is appropriate to draw the splay to this point as per Manual for Streets guidance. A splay of 55 metres is in excess of that required for the vehicle approach speeds providing they are approaching at a speed equal to or slower than the posted speed limit, 30 mph. While the Local Highways Authority could request an on-site speed detection survey is undertaken to provide a check on this matter, it could only insist on such a request if it was considered reasonable and required to make a recommendation on the application. While such additional data would be of benefit, the Local Highway Authority does not feel it has justification to insist on such data being presented. Given the presence of the signalised crossing, in principle vehicle visibility in this direction this would be considered acceptable.
- 4.22 These 'build out' features will result in the loss of 2 -3 on start car parking spaces. The Local Planning Authority would be advised to consider the amenity implications of this. The Local Highways Authority is satisfied that the designers' solution does meet the Road Safety Auditors recommendations.
- 4.23 Comment / representation has been made that queuing vehicles will obstruct southern visibility and that full visibility will only be provided if the adjacent traffic lights are green. This is not uncommon when turning right out of an access point, typically vehicles emerge cautiously until such time as visibility left can be obtained. It is noted that current plans include a keep clear area so that a right turning vehicle has the opportunity to emerge cautiously. Comment / representation has also been provided that a full topographic plan should be provided to ensure that the visibility demonstrated is not obstructed by overgrowing boundary treatment or street furniture. The highway works are now plotted on topographic plans. The Local Highway Authority is satisfied that any street furniture here will not impact upon the entire envelope of visibility. The Local Highway Authority is also satisfied that in each direction the visibility demonstrated is wholly within the extent of the public highway. As such any encroachment into the splay due to overgrowing vegetation can be dealt with by other powers.
- 4.24 *3.1.2 - Insufficient right turn provision could lead to rear end shunts*
The Audit recommended that further assessment / analysis should be undertaken to determine the appropriate level of right turn provision / requirement.
- 4.25 The latest iteration of the access arrangements as demonstrated by plans 6844[P]102 Revision D & 5154-101 demonstrate that a 30m ghost right turn in lane that is 3.0 metres in width will be provided.
- 4.26 The Local Highways Authority is mindful that in principle this does resolve the problem identified by the Safety Auditor, even if no analysis has been undertaken to determine the requirement for the dedicated right turn in lane. The provision of the right turn in lane and keep clear markings will also require amendments to the queuing capacity at the merge taper of the southbound right-turn lane approaching the Crawley Road/B2195 signal junction. I have consulted with WSCC Signals, they are not aware of any queuing capacity issues at this junction. Previously under DC/21/2028 the applicant demonstrated that the queuing for right turns at this junction will be reduced from 11 to 8. On balance it seems that this would be difficult to justify as resulting is a 'severe' cumulative impact on the operation of the highway network.
- 4.27 The solutions proposed to resolve problems identified by the Road Safety Audit have resulted in significant changes to Crawley Road, the proposed highways works have subsequently been through a design review with West Sussex County Council.

- 4.28 The proposed seeks to formally set out a parking arrangement that provides 10 suitably sized car parking spaces, one of which will be disabled accessible. All spaces are given suitable manoeuvring room to turn within the confines of the site.
- 4.29 WSCC Car Parking Guidance advises that a retail store typically generates vehicle parking demand of 1 space per 14 sqm and a cycle parking demand of 1 space per 100 sqm for staff and an additional 1 space per 100 sqm for customers. For the proposed 372 sqm of E Class retail floorspace this would equate to 26.5 vehicular spaces and 3 cycle parking spaces for staff and 3 cycle spaces for customers (6 in total). A site-specific assessment has been made taking into consideration the number of 'in' trips associated with similar convenience store sites, 29 in the peak hour. An adjustment has been made as it has been established in similar cases that the length of stay at this type of site is circa 9 minutes. It has also been accepted that the distribution of these customers will not all be spread evenly across the course of the peak hour and a spike in customers can result. The applicant has anticipated that this spike would be no more than 50% of all the 29 customers arriving by car within a 20-minute period. This would be considered a reasonable adjustment to make.
- 4.30 Taking the above into consideration it would be anticipated that 7-8 car parking spaces would be required at any one time. This level of demand can be accommodated within the proposed layout. The Local Highways Authority is satisfied with this approach taken with regard to anticipated parking demand.
- 4.31 The site plan details areas where customer and staff cycle parking can be accommodated, these provisions should be covered, the specific details of which can be secured via a suitably worded planning condition. Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.
- 4.32 The Applicant has provided tracking plans 'APPENDIX 4.6' that demonstrates how a 10m rigid delivery vehicle can access the site, turn and park to service the site without prejudicing the remaining parking layout. No concerns would be raised to these details. It would be beneficial if the service and delivery matters can be secured via a suitably worded planning condition within a formal Delivery and Servicing Management Plan.
- 4.33 The Local Highway Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in a 'severe' cumulative impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and as such there are no transport grounds to resist the proposal.
- 4.34 **WSCC Highways (Subsequent Response dated 18.10.2022):** This latest consultation seeks comments pertaining to amended information about Water Neutrality. After review of the latest submitted information highways comments dated 10/06/2022 are still considered relevant when determining this application from a highway safety capacity perspective.
- 4.35 **Southern Water (Response dated 13.06.2022):** Southern Water requires a formal application for any new connection to the public foul sewer to be made by the Applicant or developer.
- 4.36 **Southern Water (Subsequent Response dated 26.09.2022):** The comments in response dated on 13/06/2022 remain unchanged and valid.

4.37 **Natural England: Standing Advice:-**

4.38 It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

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

PUBLIC CONSULTATIONS

4.40 **North Horsham Parish Council:** Refer to comments provided for previously submitted application DC/21/2028 as follows:-

- No objection in principle however, it is important traffic management issue are identified and a solution to these issues are resolved prior to the opening of the retail unit. The traffic along Crawley Road and around Roffey Corner is often congested which could cause access issues to the site, including for the delivery of goods, if left unresolved.
- Whilst residents of nearby houses and flats are currently impacted by traffic using Crawley Road, the use of a retail unit would add considerably to the noise levels i.e. slamming of car doors, cars entering and reversing, wheeled shopping trolleys, loud conversations, shop doors opening and closing, goods being delivered and waste removal. Although efforts have been taken to record Db levels at various times of the day and night, there is concern that the closing/slamming of car doors in the car park at night could be more irritating/disturbing to residents living close by. Agree with the Environmental Health suggested revised trading hours to reduce the impact of noise (8.00 to 22.00 Monday to Sunday and revised delivery times (8.00 to 22.00 Monday to Friday and 8.00 to 12.00 on Saturday) Concern regarding the considerable noise during demolition, clearance and construction of the site and therefore agree with the Environmental Health suggestion that this should only take place between 8.00 to 18.00 Monday to Friday and 8.00 -12.00 Saturday) although I think that 8.00 to 16.30 Monday to Friday may be preferable.

4.41 **North Horsham Parish Council (Subsequent Response dated 22.09.2022):** No objection in principle. However, it is important traffic management issue are identified and a solution to these issues are resolved prior to the opening of the retail unit. The traffic along Crawley Road and around Roffey Corner is often congested which could cause access issues to the site, including for the delivery of goods, if left unresolved.

4.42 **North Horsham Parish Council (Subsequent Response dated 24.11.2022):** No Objection

4.43 14 representations were received (from 6 separate addresses) objecting to the proposal for the following reasons:-

- Out of character with the locality and ambience of the neighbourhood
- Severe detrimental impact on the environment
- New road layout increases danger to motorised road users, cyclists and pedestrians
- Alterations to existing layby parking will result in a severe reduction in parking spaces
- Increase in traffic
- Traffic pollution

- Noise and disturbance
- ATM resulting in disturbance and anti-social/criminal behaviour
- Crime and anti-social behaviour resulting from presence of ATM
- Light pollution
- Hours of opening and impact on neighbour amenity
- Undersupply of parking on-site
- Increased congestion
- Increased likelihood of accidents and impediment to emergency service vehicles
- Number of deliveries and conflict with road users
- Potential overspill parking
- Restricted access to neighbouring properties
- Impact on Root Protection Area
- Inaccuracies with the highway consultation response in relation to number of car parking spaces available in the layby, the assessment of required parking spaces for the development given the limited on-street parking, failure to describe hazards and difficulties already existing within the local highway network, flawed description of the nature of the store, significant over-estimation of how many customers would walk to the store.
- Proposal will have a severe residual cumulative effect on the local highway network
- Conflict with Policy 13 of the HDPF and inability to assess against Policies 24 and 40 of the HDPF
- Material intensification of traffic over the existing use
- The use would require a greater number of parking spaces than calculated
- TRICS examples are not comparable to the proposed use because they are quiet edge of town convenience stores with significant local parking provision
- Policy non-compliant parking provision proposed
- Only a small percentage of visitors would be pedestrian with most of the visits arriving at the site by vehicle
- Pedestrians would not walk to the site due to narrow pavements, poor cut-throughs and footways, and hard barriers (gardens, walled estates, and church grounds) restricting access
- Application mischaracterises the daily turnover of the store based on the floor area and the likely number of visits generated by this
- Overflow layby would not accommodate 9 cars due to the required alterations to the access to accommodate entrance/exit and safety splays.
- Other possible overflow parking in the vicinity would be on principal busy highways which would be unsafe and obstructive
- Queries benchmark for existing water usage, particularly given closure of business since 2020, and the usage of a 'properly managed' car showroom
- References other development on the wider site (namely a café and other unspecified sites) and the implications on the proposed water usage/demand
- Water usage of the proposed store is understated and does not incorporate water usage from the supply chain
- Figures provided for washing a car using a bucket and hose are overstated (it is possible to wash a car using as little as 10 litres and then a 100 litre hose down of all cars)
- The number of cars per annum are overstated (reviewing the business accounts the average turnover is lower than what would be expected given the average sale cost of a car)
- Extremely high water usage for employees at the car showroom
- Does not take account of the floor area for the wider site
- Water usage of the proposed development is understated when considering turnover
- Figures provided by the Applicant are not supported by evidence and do not correlate to factual information

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

- 5.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.
- 5.2 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.
- 5.3 Consideration of Human Rights and Equalities forms part of the planning assessment below.

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

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

7. PLANNING ASSESSMENTS

- 7.1 The application relates to the change of use of the building and land to a retail shop which would provide convenience facilities, including an ATM.

Principle of Development:

- 7.2 Policy 13 of the Horsham District Planning Framework (HDPF) states that proposals for main town centre uses, including new retail warehouses, superstores, extensions to existing retail units, recreation, leisure and entertainment uses, should be located in town centres and at an appropriate scale in village centres in accordance with the Council's Town Centre First Strategy. Proposals for main town centre uses outside the defined town and village centres will be permitted only when a sequential test has been applied.
- 7.3 The proposed Sainsbury's Local Store is a small scale local convenience shop that is likely to fill a predominantly everyday top-up convenience shopping function for local residents. The catchment area defined by the Applicant is approximately 500m walking distance. The Applicant's business model is specifically tailored to providing a commercially prominent location in Roffey area, relative to the main transport networks and surrounding area; a full range single level convenience shop, providing for high quality everyday top-up food shopping needs for the local population; a densely populated residential area; and a small number of on-site car parking spaces. The Sequential Assessment undertaken by the Applicant recognises that given the desire to serve the local residents in and around Roffey, there will be no sequentially preferable sites. No sites that could serve the Roffey area would be considered either town centre or edge of centre sites due to the distance of the catchment area from Horsham Town Centre. The Assessment has however identified two sites (98 Crawley Road, Roffey and 45a West Street, Horsham). The first has been trading as a dry cleaning business and is located within walking distance of the existing parade of shops serving Roffey. The site is not within either a town centre or edge of centre location and is therefore not sequentially preferable to the application site. The very limited size of the unit and the lack of parking means that the site is physically incapable of accommodating the proposed development, taking account of the need to demonstrate flexibility. On this basis, the site is unsuitable in this instance. The latter is a retail unit located within Horsham Town Centre. While the site is in a sequentially preferable location, being within the town centre and by applying the business model requirements flexibly the unit could accommodate a convenience store, the site is over 2.5km from the local community and would not serve the Roffey area. On this basis, the site is considered unsuitable to support the needs of the business model. The Retail Impact Assessment thereby concludes that there are no suitable alternative sites that are sequentially preferable to the application site.

- 7.4 The proposed retail shop would provide convenience facilities and would service the local community by providing a 'local' store that could minimise the distance people need to travel to access groceries and goods. The proposal would result in economic benefit through the provision of jobs and employment and would also provide social benefits to the local community. While providing a retail use outside of the defined Town Centre, and sited outside of the defined Out of Centre location, the proposal would support the needs of the local community, and would be of a scale and nature that would not significantly nor demonstrably impact the viability and vitality of the Main Town Centre. As such, while the proposal would result in some conflict with Policy 13 of the HDPF, the sequential test has justified the location of the proposed development, with economic and social benefits considered to result. On the balance of these matters, it is considered that the public benefit arising from the proposal would outweigh the conflict as identified. The principle of development is therefore considered acceptable, subject to all other material considerations.

Design and Appearance:

- 7.5 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.
- 7.6 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.
- 7.7 The proposed extensions would be of a form that would sit in general conformity with the vernacular of the existing building, and the proposed extensions would be subservient in height and scale to the existing building. The proposed extension would also be set to the side/rear of the existing building and would not therefore be readily apparent from the street frontage. While the additions would increase the bulk and mass of the building, given the siting of the extensions and the set back from the road frontage, it is not considered that the proposal would result in significant or demonstrable harm. It is therefore considered, on balance, that the proposed extensions would sit appropriately within the context of the building, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:

- 7.8 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.
- 7.9 Paragraph 130 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area; establish or maintain a strong sense of place to create attractive and welcoming places; and create places that are safe, inclusive and accessible, with a high standard of amenity of existing and future users.

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by "...preventing new and existing development from contributing to, being out at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability..." Paragraph 187 furthers that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the Applicant should be required to provide suitable mitigation. Paragraph 183 of the NPPF continues that *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions."*

- 7.10 The application site comprises a commercial unit, occupied as a car showroom. The nature of activity on the site is therefore already characterised as commercial, albeit that this is subject to restrictions on operating hours. The proposed development would involve the change of use of the building from a car showroom to retail shop. It is proposed that the local convenience store would be open between the hours of 7am and 10pm.
- 7.11 An Operational Noise Impact Assessment by Noise Solutions Ltd reference 90204 revision 02 dated 9th December 2021 and revised 7th April 2022 has been submitted. Two environmental noise surveys were undertaken to establish the typical background sound levels at the façades of the nearest noise sensitive receptors to the plant area and the proposed store's car park activity respectively. It is concluded that noise levels from the associated plant and car park activity would be no greater than the prevailing noise levels, with operating during the proposed hours unlikely to have an adverse noise impact on the closest residents.
- 7.12 A number of objections have been received raising concerns with potential noise and disturbance arising from the proposed development, particularly due to the extended opening hours, with concerns with regard to potential activity and noise within the car park during these times.
- 7.13 The application site is located within close proximity to a number of residential properties, with the layout and arrangement of the built form enclosing the site in a manner that would direct and enclose the noise emanating from the associated activities. It is however recognised that the site is also located immediately adjacent to a busy road, with the residential properties impacted by this background noise. Any activity would therefore be experienced within this context, with the findings of the Operational Noise Impact Assessment confirming that the noise levels would be no greater than that already experienced. It is however recognised that infrequent bursts of noise have a different affect than continuous background noise, so that noise resulting from activity within the car park are more greatly perceived.
- 7.14 Following consultation with the Environmental Health officer, concerns were raised regarding the potential impact the proposed opening hours would have on the nearest residential properties. It was recognised that the application site is located within a dense residential area, with a number of residential properties located immediately adjacent to the site. The proposed opening hours, particularly when considered against the nature of activity associated with the use, was therefore considered to result in some noise and disturbance that would be detrimental to the amenities of nearby residential occupiers. It was noted that while the noise itself is not significant the levels and inconsistency of the noise (i.e. vehicle engines and exhausts, vehicle movements, slamming of doors, shouting etc) has the potential and likelihood to cause disturbance and nuisance. Given these concerns, the Environmental Health Officer has suggested that the opening hours be restricted to between 08:00 and 22:00 Monday to Saturday, and 09.00 to 22.00 on Sundays and bank holidays.

- 7.15 The application site is located within close proximity to a number of residential properties, with the layout and arrangement of the built form enclosing the site in a manner that would direct and enclose the noise emanating from the associated activities. It is however recognised that the site is also located immediately adjacent to a busy road, with the residential properties impacted by this background noise. Any activity would therefore be experienced within this context, with the findings of the Operational Noise Impact Assessment confirming that the noise levels would be no greater than that already experienced. It is however recognised that infrequent bursts of noise have a different affect than continuous background noise, so that noise resulting from activity within the car park are more greatly perceived.
- 7.16 While the nature and scale of the proposed development is considered appropriate and acceptable within the immediate context, it is recognised that the site shares a close relationship with neighbouring residential properties, where certain types of activity could have a detrimental impact. Given this context, it is therefore considered reasonable to restrict the operating hours of the proposed retail unit. It is considered that an opening hour of 07:00 would be acceptable. The Operational Noise Impact Assessment and Technical Note indicate that the noise levels experienced during this hour would be no greater than that experienced at 08:00, as such there are considered to be no reasons to require a later opening. Subject to the imposition of such a condition, the proposed development is not considered to result in significant adverse harm to the amenities and sensitivities of neighbouring properties.
- 7.17 The application also proposes an ATM to be situated on the front elevation of the building. While an ATM itself would not cause direct harm to the amenity of neighbouring properties, the potential for noise disturbance resulting from people using the facility. It is recognised that the ATM would be located in a visible location on the main road, where users may be attracted to the machine while making late night or early morning journeys, rather than only using the machine in combination with a trip to the retail facility. While such use may be infrequent and occasional, it is a type of noise and disturbance in the night that could cause harm to the residential area. Use of the ATM would inevitably include car doors closing, manoeuvring and pulling away, and other associated sources of noise. This type of noise and activity does have the potential to affect the living conditions of neighbouring residential properties. However, it is considered that a condition restricting use of the ATM to store hours only could mitigate the harm arising, particularly during the night-time hours. Subject to the imposition of such a condition, along with conditions restricting hours of opening and hours of delivery, the proposed development is not considered to result in significant adverse harm to the amenities and sensitivities of neighbouring properties.

Highways Impacts:

- 7.18 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 7.19 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 continues that within this context, development should allow for the efficient delivery of goods, and access by service and emergency vehicles.
- 7.20 This application is supported by a Transport Statement prepared by ADL Traffic & Highways Engineering Ltd, within which contains additional technical highways documentation, including a Stage 1 Road Safety Audit, Designers Response and Design Audit of the highways works. The Transport Statement presents the results of a Trip Rate Assessment, which has used data sourced from the TRICS Database. The proposed 372sqm of retail floorspace generates 57 two-way movements in the peak am hour (08:00 to 09:00) and 58 two-way movements in the peak pm hour (17:00 to 18:00). This is a substantial increase

above the existing use which generates 5 two-way movements and 6 two-way movements respectively. Typically, any major development proposal that includes highways works, or results in an intensification of use at an access point of greater than 50 movements per day should be supported with a Stage 1 Road Safety Audit. A Stage 1 Road Safety Audit has now been commissioned and a Designers Response provided. The Road Safety Audit identified reduced visibility should vehicles be parked in the layby, and insufficient right turn provision which could lead to rear end shunts.

- 7.21 The Audit recommended that visibility at the access should be protected, this could be achieved via building out the access point and removing the northern section of the layby. The amended access arrangements demonstrate that the northern part of the layby will be sacrificed and converted to footway in order to preserve visibility north. A short length of build out south of the access will provide a physical barrier to protect the southern visibility splay being obstructed by on-street car parking. Subsequently to the north a visibly splay of 2.4 x 43 metres has been demonstrated, This splay is not intersected by any on street car parking within the layby as it has been converted to footway, and the splay is wholly contained within the extent of the public highway. The splay is considered to be in accordance with the Stopping Sight Distance provided vehicles are approaching the site at a speed equal to or slower than the posted speed limit, 30 mph. Given vehicles approaching from this direction will be approaching a signalised junction it would not be anticipated that the 85th percentile approach speed is above the posted speed limit. To the south a visibly splay of 2.4 x 55 metres has been demonstrated, this has been drawn to the pedestrian refuge island at the signalised crossing south of the site. The Local Highways Authority accepts that it is appropriate to draw the splay to this point as per Manual for Streets guidance. A splay of 55 metres is in excess of that required for the vehicle approach speeds providing they are approaching at a speed equal to or slower than the posted speed limit, 30 mph. The Local Highways Authority recognise that while an on-site speed detection survey could be requested to confirm the assumption, it could only insist on such a request if it was considered reasonable and required to make a recommendation on the application. While such additional data would be of benefit the Local Highway Authority does not feel it has justification to insist on such data being presented. The Local Highway Authority is minded to accept that the vehicle visibility in this direction, with the build out feature, is acceptable. The Local Highways Authority is satisfied that the designers' solution does meet the Road Safety Auditors recommendations.
- 7.22 Objections have been received stating that queuing vehicles will obstruct southern visibility and that full visibility will only be provided if the adjacent traffic lights are green. This is not uncommon when turning right out of an access point, typically vehicles emerge cautiously until such time as visibility left can be obtained. It is noted that current plans include a keep clear area so that a right turning vehicle has the opportunity to emerge cautiously. Representations have also been received regarding potential obstructions to the visibility through street furniture and hedging. The Local Highway Authority is satisfied that any street furniture here will not impact upon the entire envelope of visibility. The Local Highway Authority is also satisfied that in each direction the visibility demonstrated is wholly within the extent of the public highway. As such any encroachment into the splay could be dealt with by other powers.
- 7.23 The Audit recommended that further assessment / analysis should be undertaken to determine the appropriate level of right turn provision / requirement. The amended access arrangements demonstrate that a 30m ghost right turn in lane that is 2.5 metres in width will be provided. The Local Highways Authority is mindful that in principle this does resolve the problem identified by the Safety Auditor, even if no analysis has been undertaken to determine the requirement for the dedicated right turn in lane. The provision of the right turn in lane and keep clear markings will also require amendments to the queuing capacity at the merge taper of the southbound right-turn lane approaching the Crawley Road/B2195 signal junction. WSCC Signals are unaware of any queuing capacity issues at this junction, and the Applicant has demonstrated that the queuing for right turns at this junction will be reduced

from 11 to 8. On balance it is considered that concerns in this regard would be difficult to justify as resulting in a 'severe' cumulative impact on the operation of the highway network.

- 7.24 The proposal seeks to provide 10no. suitably sized car parking spaces, one of which will be for disabled access. All spaces are given suitable manoeuvring room to turn within the confines of the site. WSCC Car Parking Guidance advises that a retail store typically generates vehicle parking demand of 1 space per 14 sqm and a cycle parking demand of 1 space per 100 sqm for staff and an additional 1 space per 100 sqm for customers. For the proposed 372 sqm of E Class retail floorspace this would equate to 26.5 vehicular spaces and 3 cycle parking spaces for staff and 3 cycle spaces for customers (6 in total). A site-specific assessment has been made taking into consideration the number of 'in' trips associated with similar convenience store sites, 29 in the peak hour. An adjustment has been made as it has been established in similar cases that the length of stay at this type of site is circa 9 minutes. It has also been accepted that the distribution of these customers will not all be spread evenly across the course of the peak hour and a spike in customers can result. The Applicant has anticipated that this spike would be no more than 50% of all the 29 customers arriving by car within a 20-minute period. This would be considered a reasonable adjustment to make. Taking the above into consideration it would be anticipated that 7-8 car parking spaces would be required at any one time. This level of demand can be accommodated within the proposed layout. The Local Highways Authority is satisfied with this approach taken with regard to anticipated parking demand.
- 7.25 Objections have however been received which raise objection to the proposed level of parking and the assumptions made by the Applicant. These state that the undersupply of on-site car parking spaces would result in greater level of congestion and queueing on the public highway and would have implications on highway safety. It is also outlined that the retained layby parking spaces would be less than assumed and would result in a loss of spaces for residents while also limiting access to these properties. The representations also consider that the number of vehicular trips to the site is under calculated, with the proposal resulting in a greater number of movements and parking requirement than proposed.
- 7.26 The application site is located within the built-up area and is within walking distance to a number of residences. It is reasonable to assume that the proposal would act as a local convenience for nearby residents, who would likely walk or cycle to the site. It is also acknowledged that staff employed may also be from the local area, where walking and cycling could be an option. The application has sought to address this by advising that parking on-site would be for customers only. The application site is therefore considered reasonably situated to allow for more sustainable modes of transport, whilst also helping to minimise the distance residents need to travel to access groceries and other goods.
- 7.27 Given the nature of the store, the assumptions made regarding average length of stay are considered reflective of other stores of similar size and service within comparable localities, with the discounts applied in this regard considered reasonable. Whilst it is acknowledged that the on-site parking provision would result in a shortfall of 16 spaces (as calculated using the West Sussex Car Parking Calculator) it is acknowledged that visits to the store would not be consistent nor spread evenly, with discount applied to these peaks and troughs also considered reasonable. The Local Highways Authority is satisfied with this approach, and consider the 10no. parking spaces proposed acceptable given the nature and likely spread of trips to the site. The details submitted in support of the application indicate that delivery vehicles can enter and exit the site without conflicting with users of the car park, so that potential conflict will be mitigated in this regard. On the balance of these considerations, it is considered that the proposal would provide adequate parking to meet the anticipated needs of users.
- 7.28 It is noted that concerns have been raised regarding the reliance on the existing layby along the frontage of the site. The existing layby forms part of the public highway under the control of the Local Highways Authority. There are no parking restrictions in place and the layby

does not comprise dedicated resident parking, and is not under the control of the Applicant. It does however provide overspill parking for businesses and residents alike, as the previous/current situation and representations evidence.

- 7.29 The Local Highways Officer considers that the likely level of demand could be accommodated within the proposed layout. However, it has been acknowledged by both the Applicant and the Local Highways Officer that the layby could be used for any overspill parking if necessary. The proposed development requires highway alterations which would reduce the availability of this layby in order to provide appropriate visibility splays and a footway. As such, the previous parking provision accommodation would be reduced. Whilst it is acknowledged that any part retained could be utilised for parking purposes, the availability of this additional parking is not relied upon to make the development acceptable. The on-site parking provision is considered adequate for the anticipated demand and nature of trips to the site, and no highways objections have been raised in this regard.
- 7.30 The Applicant has outlined that electric vehicle charge points are not sought at the development in order to control the dwell time at the site and mitigate potential parking implications. The Planning Statement outlines that a fast charge connection could take an average of 6 hours to fully charge using an 22kw Fast Charge connection. Whilst the approach taken by the Applicant is acknowledged, paragraph 112 of the NPPF states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient networks.
- 7.31 The inclusion of charging points would contribute to the network of EV charge points locally and would provide some environmental and public benefit in this regard. This does however need to be balanced against the parking provision being proposed and the nature of stays generated by the store. It is acknowledged that the introduction of fast charging points would encourage longer dwell times at the site, which could have implications for parking provision on-site and potential overspill demand in the immediate surroundings. Notwithstanding this, it is considered that the provision of a single rapid charging point, which can take an average of 10-15 minutes to notably charge a vehicle, could offer some benefit whilst also addressing the concerns regarding dwell time. A condition to require the installation of 1no. rapid charging point is therefore recommended and considered reasonable.
- 7.32 On the basis of the evidence available, and on the balance of considerations, it is considered that the proposed access and parking arrangements, which would involve works to improve the layout and function of the public highway, would provide adequate access suitable for all users, and would not result in a severe cumulative impact on the operation of the highway network. The proposed development is therefore considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Water Neutrality:

- 7.33 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.
- 7.34 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.

- 7.35 The Water Neutrality Statement submitted by the Applicant indicates that the existing car showroom resulted in a high water demand, particularly due to the regular external water use required to wash cars for sale. The Applicant has provided a Statutory Declaration from the previous owner outlining that the water demand arose from washing and cleaning the cars stored on the forecourt, with approximately 50-70 litres of water per wash. The resulting consumption is thereby estimated as between 3,000-3,500 litres per week. Additional water demand arose from the 9no. staff members employed at the business, along with visitors attending to view and purchase cars. With a conservative estimate, it was outlined that this resulted in a consumption of 2,362.5 litres per week. In total, this resulted in 298.5m³ per year. Subsequent water bills have been provided over the last 3 year period for the car showroom operation, and these indicate an average water use of 318.3m³ a year.
- 7.36 It is noted that an objection has been received which queries the benchmark used for the existing baseline, particularly as the Car Centre has been closed since 2020, and also the amount of water previously used by the commercial enterprise. The Council's FAQ's on Water Neutrality confirms that existing baseline can be calculated using the water consumption over the last three years. While it is recognised that the business has been closed for a period of time, the Statutory Declaration as detailed above provides an overview of water demand when last in use. This use falls within the three-year period and is therefore considered to be sufficient for comparative purposes. The objection also states that the baseline figures provided go beyond what would be considered a 'properly managed' car showroom that uses water responsible procedures. The Statutory Declaration makes reference of the water-using practices of the car showroom, with the figures provided justified with regard to the activities carried out on a weekly basis. It is not the purpose of the HRA Screening to assess the nature of water-using practices having taken place, but rather to confirm based upon the evidence provided, whether the development would result in greater water demand than the existing situation. The Statutory Declaration, when read alongside the water bills provided, are considered to provide an existing baseline for comparative purposes.
- 7.37 Following a request for further information with respect to the proposed use, the Applicant has confirmed that the average water use for the proposed premises would be around 167m³ per year (based on the 'Type C' Sainsburys store model). It is outlined that this type of store ranges between 372sqm and 465sqm in size, with the proposal being the smallest size that Sainsburys would consider a 'Type C' store. The email outlines that the principal driver of water use in the store would be dependent on sales, rather than unit size, where busy city centre stores would have 4 or 5 times the turnover of a store like the one proposed. This results from the number of staff, customers, and the water used in the general operation of the store. The expectation, given the location of the proposed store and its size, is that the store would have below average water use. Notwithstanding this, the water consumption of the proposal would be below that of the former use. To demonstrate this, the Applicant has provided evidence of water charges for 2no. similar stores in Hassocks and Haywards Heath. It is stated that these stores have similar footprints to that proposed, but would have a similar number of staff. The evidence provided indicates that the stores use between 76m³ and 94m³ a year, with the stores consuming an average of 84.5m³ annually.
- 7.38 The information provided demonstrates that the proposed use would result in less water consumption than the existing use. The proposed development would not therefore result in an increased water consumption which has the potential to have a likely significant effect on the protected sites. The development has thereby been screened out.
- 7.39 It is noted that the objection also makes reference to the proposed water consumption failing to make reference to the subdivided site and the potential café to the northern portion of the wider site. As outlined previously, there are currently no pending applications for development on other portions of the site, with the café application having been withdrawn. There are no other pending applications on the northern portion of the site, and it is not therefore necessary to take account of other potential water use in this regard. Any future

application(s) on the adjoining site would be considered on their own merits and having regard to all relevant material considerations.

- 7.40 Based on the above information, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation that would necessitate an increased consumption of water which would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Climate change:

- 7.41 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.
- 7.42 Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:
- Cycle parking facilities
- 7.43 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusions:

- 7.44 The proposed retail shop would provide convenience facilities and would service the local community. The proposal would result in economic benefit through the provision of jobs and employment, but would also provide social benefits to the local community. While providing a retail use outside of the defined Town Centre, and sited outside of the defined Out of Centre location, the proposal would support the needs of the local community, and would be of a scale and nature that would not significantly nor demonstrably impact the viability and vitality of the Main Town Centre. As such, while the proposal would result in some conflict with Policy 13 of the HDPF, the sequential test has justified the location of the proposed development, with economic and social benefits considered to result. On the balance of these matters, it is considered that the public benefit arising from the proposal would outweigh the conflict as identified, and the principle of the development is acceptable.
- 7.45 It is recognised that the proposed development would increase the level and intensity of activity within the site, as well as vehicle movements to and from the site. While this does have the potential to affect the neighbouring residential properties, it has been demonstrated that the resulting noise levels would be no greater than the background levels. It is also considered that conditions on hours of opening and deliveries could be reasonably imposed to limit potential conflict. Subject to such conditions, the proposed development is not considered to result in harm to the amenities and sensitivities of neighbouring properties.
- 7.46 The proposed access arrangements are considered to provide safe and adequate access for all users, with the Local Highways Authority concluding that the development would not result in a severe cumulative impact on the highway network. Furthermore, the proposed parking arrangements are considered acceptable to meet the anticipated needs of the operation.

- 7.47 On the balance of all considerations, and subject to appropriate conditions, the proposed development is considered acceptable, in accordance with all relevant local and national planning policies.

7. RECOMMENDATIONS

- 7.1 To approve the application subject to the following conditions.

1 **Approved Plans**

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

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

- 3 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the remaining existing redundant vehicular crossover onto Crawley Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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).

- 4 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access and highways works serving the development has been constructed in accordance with Proposed Site Plan reference 6844[P]102 rev D and Off Site Highways Works General Arrangement reference 5154-101 which may be subject to minor modification as part of the Section 278 Technical Approvals process. The approved details shall thereafter be 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).

- 5 **Pre-Occupation Condition:** No part of the development shall be first occupied until the car parking has been constructed in accordance with the plan reference 6844[P]102 rev D. These spaces shall thereafter be retained at all times for their designated purpose.

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).

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until means for the charging of electric vehicles by way of 1no. rapid charging point has been installed in accordance with details that have been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document and include a plan of the charging point, it's specification, means of allocation, and means for its 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 and 41 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Delivery, Collection & Service Management Plan, which includes details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries has been submitted to and approved in writing by the Local Planning Authority. All deliveries and collections shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 8 **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 site boundaries. 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).

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

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

- 10 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall be used for Class E(a) and for no other purposes whatsoever, (including those falling within Class E(b), (c), (d), (e), (f), (g) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to (insert with reasons) under Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 07:00 and 22:00 Monday to Sunday.

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

- 12 **Regulatory Condition:** The Automated Teller Machine (ATM) and associated lighting shall be switched off between the hours of 22:00 hours and 07:00 hours.

Reason: To safeguard the amenities of nearby residents in accordance with the aims of Policy 33 of the Horsham District Planning Framework (2015)

- 13 **Regulatory Condition:** No deliveries to or from the site in connection with the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Saturdays and 10:00 hours to 16:00 hours on Sundays, Bank or Public Holidays

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

- 14 **Regulatory Condition:** No external storage of any materials or waste shall take place at any time.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

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

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

- 16 **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).

Background Papers: DC/22/0785
DC/21/2028

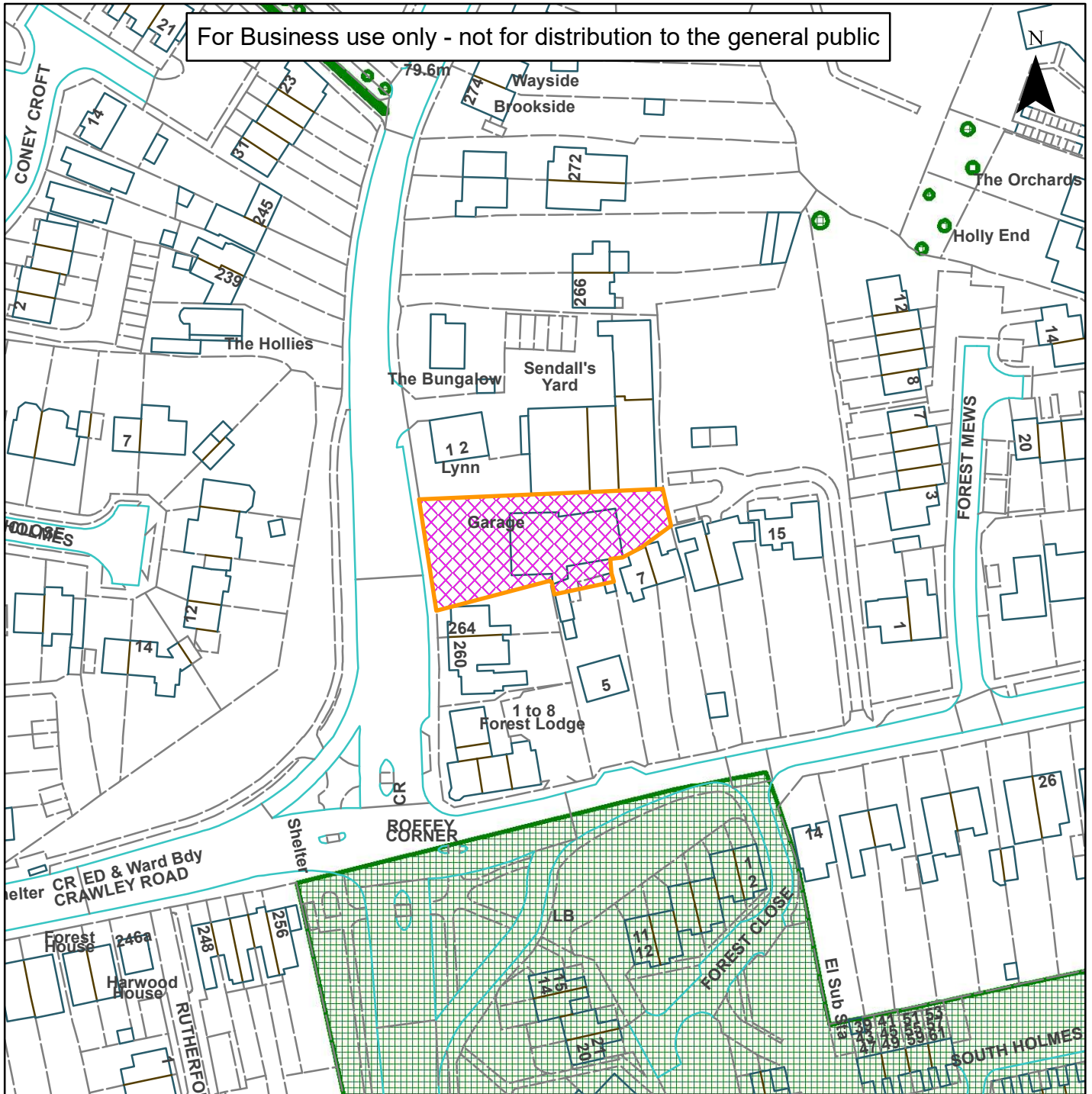
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07) DC/21/2028 and 08) DC/22/0785



Horsham District Council

Horsham Car Centre, 264A Crawley Road, Horsham, West Sussex,
RH12 4HG



Scale: 1:1,250

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