



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

Planning Committee (North)

Tuesday, 4th April, 2023 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

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

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 - 12
<p>To approve as correct the minutes of the meeting held on 7 March 2023 (<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** 13 - 14
- Applications for determination by Committee:
6. **DC/22/0096 Roundstone Park, Worthing Road, Southwater** 15 - 40
Ward: Southwater North
Applicant: Churchill Retirement Living
7. **DC/22/0302 Sony DADC UK Limited, Southwater Business Park, Worthing Road, Southwater** 41 - 76
Ward: Southwater South and Shipley
Applicant: Frontier Estates Limited
8. **DC/21/2180 Woodfords, Shipley Road, Southwater** 77 - 108
Ward: Southwater South and Shipley
Applicant: Reside Developments Ltd
9. **DC/22/1878 36 Warren Drive, Southwater, Horsham** 109 - 126
Ward: Southwater North
Applicant: Nr Niall Keelaghan
10. **Urgent Business**
- Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances
- Items 6, 7 and 8: ADDENDUM**
- Addendum including updated information regarding items 6, 7 and 8 127 - 129

Agenda Annex

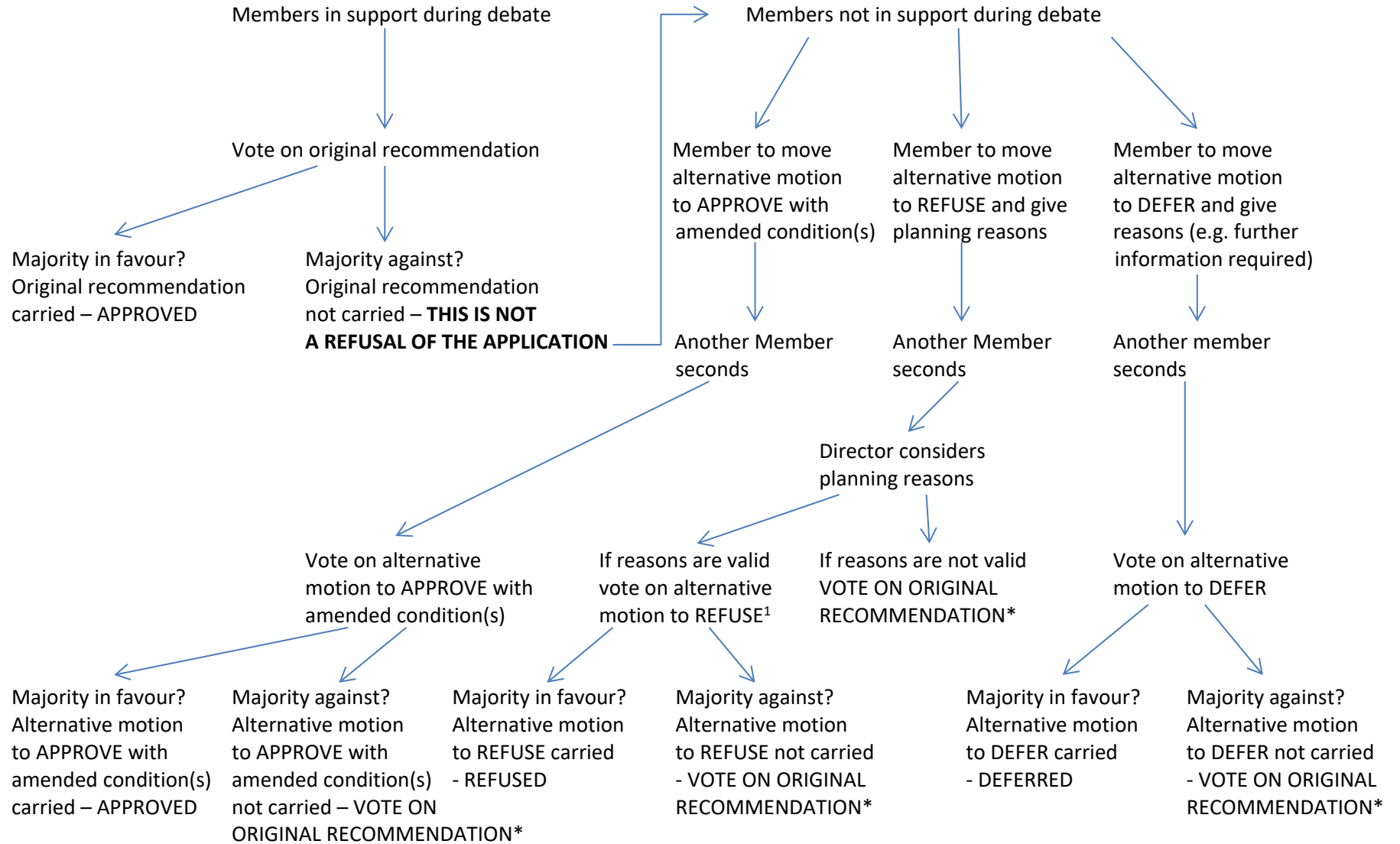
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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>

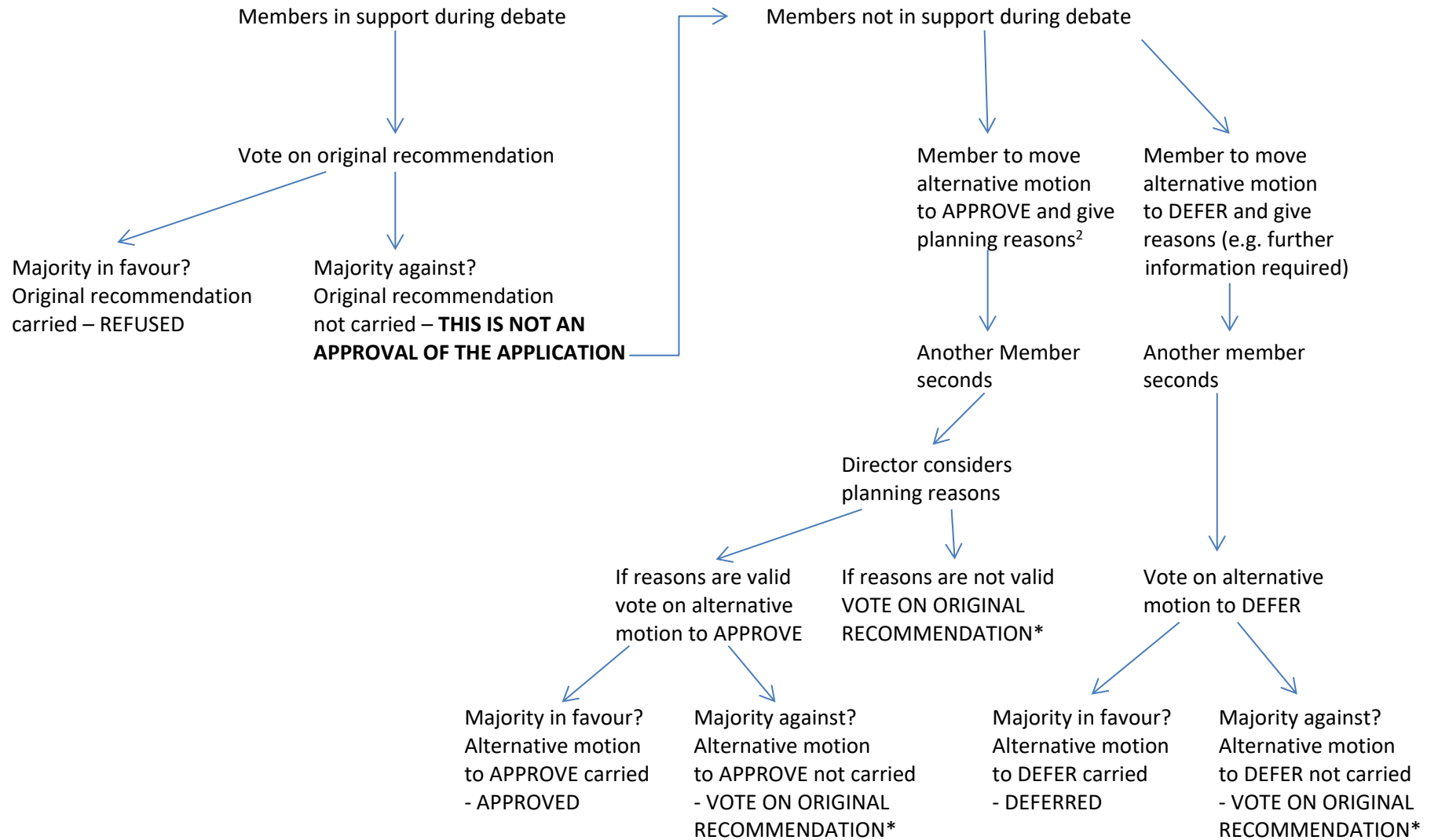
Original recommendation to APPROVE application



*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)
7 MARCH 2023

Present: Councillors: John Milne (Chairman), Clive Trott (Vice-Chairman), Matthew Allen, Tony Bevis (Deputy Chair), Martin Boffey, Toni Bradnum, Karen Burgess, Peter Burgess, Ruth Fletcher, Billy Greening, Tony Hogben, Liz Kitchen, Tim Lloyd, Colin Minto, Christian Mitchell, Jon Olson, Louise Potter, Sam Raby, David Skipp, Ian Stannard, Claire Vickers, Belinda Walters and Tricia Youtan

Apologies: Councillors: Andrew Baldwin, Christine Costin, Richard Landeryou, Gordon Lindsay and Stuart Ritchie

Absent: Councillors: Alan Britten

PCN/55 **MINUTES**

The minutes of the meeting held on 7 February were amended by Councillor Billy Greening to read: Item PCN/49 Declaration of Members' Interests, DC/22/1474 'Councillor Billy Greening declared a personal interest as he had attended Roffey Football Club'.

The minutes were amended and approved as a correct record and signed by the Chairman.

PCN/56 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/22/1976 Councillor Liz Kitchen declared a non-pecuniary interest as she had met the owner.

DC/22/1933 Councillor Sam Raby declared a personal interest as he had visited the establishment to meet the owner, he chose to participate in the discussion and vote.

DC/22/1933 Councillor John Milne declared a personal interest as he had visited the establishment on opening night, he chose not to vote.

DC/22/1933 Councillor Colin Minto declared a personal interest as he infrequently visited the establishment. He gave the committee his view as a local interested Member and then removed himself from the meeting, and did not participate in the discussion or vote.

PCN/57 **ANNOUNCEMENTS**

There were no announcements.

PCN/58 **APPEALS**

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

PCN/59 **DC/21/2733 STAFFORD HOUSE, BONNETTS LANE, IFIELD, CRAWLEY.**

The Head of Development & Building Control reported that this application sought planning permission for a material change of use, alterations and extensions to Stafford House to form a mixed-use residential unit and meeting centre serving religious and social needs of the Shia Muslim community. Plans would include alterations to the existing site entrance, formation of a formal car parking area, associated external works and landscaping.

The site has an extant planning permission under DC/20/0882 for change of use to a mixed-use community centre and associated residential unit, extensions, alterations and car parking area.

The current proposal seeks to amend the scheme with the enlargement and redesign of the approved extension and enlargement of the permitted residential unit from 1 bedroom to 3 bedrooms. The application seeks to also amend the formal parking area to the front and side of the building.

The site comprises of Stafford House, a two storey property which occupies a generous plot situated to the east of the junction between Charlwood Road and Bonnetts Lane. It is situated close to the administrative boundary of Horsham District which lies 150m to the south-east and proximity to the neighbourhood of Langley Green within Crawley Borough. The site is beyond a defined built-up areas and constitutes a countryside location in planning policy terms.

Additional information had been received from the applicant comprising an Acoustic Report and Noise Management Plan. The committee were also referred to a correction to Regulatory Condition 13 and item 6.26 of the report where hours should be 10 am to 10 pm Monday to Friday to accommodate morning prayer and set up.

Members noted the planning history of the application.

The Parish Council objected to the proposal. 32 letters of support were received from 31 separate households and 17 letter of objection from 16 households.

The applicant and agent spoke in support of the application.

Members acknowledged the concerns raised by the Parish Council and objections by local residents. Discussion considered the design and scale of the new proposal in the countryside location and car parking provision.

Members agreed that permission had previously been granted, it was extremely necessary and important for the local Muslim community and there was no reason for refusal.

RESOLVED

That DC/21/2733 be approved in accordance with the Officer recommendation and conditions set out in the report with a correction of condition 13 in relation to hours of opening.

PCN/60 **DC/22/1976 HOLMBUSH FARM, CRAWLEY ROAD, FAYGATE**

The Head of Building & Development Control reported that this application sought the removal of a restrictive occupancy Condition 4 from previously approved application DC/05/1394. This was for the erection of a building to provide a tearoom, play area and toilet facilities used by Holmbush Farm World who ceased trading during 2013, with the tea room continuing to operate until early January 2022.

Removing the restrictive planning condition would enable the building to be used independently as a café which would not include the previous soft play equipment.

The application site comprises a single storey building within the wider Holmbush Farm site which is located on the southern side of the A264. A number of smaller businesses occupy the various cluster of units and buildings within the wider site.

The site lies within the Strategic Gap between Horsham and Crawley and is in the High Weald Area of Outstanding Natural Beauty.

Since the publication of the report Condition 5 should read opening hours Monday – Friday 0900 – 1800, Saturday 0900 – 1400 and the premises would not be open Sundays and Bank Holidays. Horsham District Cycle Forum had also submitted comments regarding the lack of safe walking and cycling access to the site.

Members noted the planning history of the application.

The Parish Council neither supported nor objected to the proposal. 19 letters of objection had been received from 19 households.

One speaker spoke in objection to the proposal and the applicant spoke in support.

Members noted concerns raised by local residents especially the large volume of motorcycle gatherings along the A264 at Faygate. It was felt that support should be given to the proposal for its economical benefits and suggested opening hours would restrict motorcycle gatherings and minimise anti-social

behaviour, having regard to the proximity of neighbouring residential properties and previous café use.

Some Members felt that walking and cycling accessibility to the site should be improved, however the application was considering removal of a condition of a previously approved application.

Even though West Sussex County Highways had raised no objections to the proposal, a number of Members raised concerns regarding the traffic junctions to the site. It was suggested that a signage strategy should be submitted by way of a condition to consider how this could be improved.

It was therefore proposed and seconded for an alternative motion.

RESOLVED

That DC/22/1976 be approved in accordance with the Officer recommendation and conditions set out in the report, subject to an additional Condition to secure a Signage Strategy, and correction of Condition 5 in relation to the hours of opening.

PCN/61 **DC/22/1933 WOODSHED MUSIC LTD, UNIT 1, BLATCHFORD CLOSE, HORSHAM**

The Head of Development & Building Control reported that this application sought retrospective planning permission for the change of use from Light Industrial/Storage to E/B8 to Brewery Tap Room/Tasting Area and ancillary storage facility (Sui Generis).

The unit would comprise a number of taps and beer pumps to serve real ale and beer for on site consumption and to take away in bottled/can form. The site has a bar serving the tap area with seating to the front in the style of a drinking establishment and to the rear is a storage area and WC.

The application site (Unit 1) is situated within the Built-Up Area of Horsham, located towards the end of the Blatchford Road/Blatchford Close industrial estate. It forms the end unit in a parade of small industrial units with parking located to the front.

Since the publication of the report revised comments had been received from the Councils Economic Development Team withdrawing previous support for the proposal. The current proposal was not considered essential in allowing the business to expand, the lease was agreed as office space in a sought after business unit which conflicted with planning policy framework.

Member noted the planning history of the application.

The Parish Council raised no objection to the proposal. 11 letters of support had been received regarding the proposal.

Three speakers spoke in support of the application.

Members were extremely supportive of the Tap Room, those that had visited felt it was well supported, extremely community based and important for the local economy. It had strong public support to continue due to its safe location and benefit to the local community.

Members did however acknowledge that insufficient information had been provided to demonstrate water neutrality. It was also felt that further information was required from Economic Development as to why their previous support had been retracted and assessment of commercial viability.

It was therefore proposed and seconded to defer the application.

RESOLVED

That DC/22/1933 be deferred in order to allow a Water Neutrality Statement to be prepared, and assessed, to enable further evidence and assessment of the commercial viability, and for further assessment of the proposal in relation to economic development.

The meeting closed at 7.22 pm having commenced at 5.30 pm

CHAIRMAN

This page is intentionally left blank

Planning Committee (NORTH)

Date: 4th April 2023



**Horsham
District
Council**

Report on Appeals: 23/02/2023 – 22/03/2023

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
— None during period —				

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/22/1340	Nightingale Farm Sincox Lane Shipley West Sussex	Written Representation	01-Mar-23	Prior Approval Required and REFUSED	N/A
DC/21/1832	Land Parcel 520329 137805 Capel Road Rusper West Sussex	Written Representation	06-Mar-23	Application Refused	N/A
DC/21/1716	Arundene Orchard Loxwood Road Rudgwick Horsham West Sussex RH12 3BT	Written Representation	07-Mar-23	Application Refused	N/A

3. Appeal Decisions

HDC have received notice from the Planning Inspectorate that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/22/0166	Hillside Farm Billingshurst Road Coolham Horsham West Sussex RH13 8QN	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/0535	Silver Birches Bashurst Hill Itchingfield Horsham West Sussex RH13 0NY	Fast Track	Appeal Allowed	Application Refused	N/A
DC/21/2855	Carylls Faygate Lane Faygate Horsham West Sussex RH12 4SN	Written Representation	Withdrawn	Application Refused	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th April 2023

DEVELOPMENT: Demolition of existing buildings and erection of 36 Retirement Living Apartments and 6 Retirement Cottages, including a Lodge Manager's office, communal facilities, a guest suite, parking and landscaping.

SITE: Roundstone Park Worthing Road Southwater West Sussex

WARD: Southwater North

APPLICATION: DC/22/0096

APPLICANT: **Name:** Churchill Retirement Living **Address:** Churchill House 6 Chertsey Road Byfleet KT14 7AG

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

By request of Councillor Vickers and Greening

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

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 This planning application seeks permission to redevelop the site for 36 retirement living apartments including communal facilities, access, car parking and landscaping and 6 cottages. The mix for the apartments comprises of 25 no. one bedroom apartments and 11 no. two bedroom apartments. The six cottages each have two bedrooms. The cottages and apartments would be two-storeys high buildings with pitched and barn hipped roofs.

1.3 Vehicular access into the development is proposed to be off Worthing Road. The existing route through the site to the existing Park Homes site to the immediate east is to be

retained. This access is proposed to be upgraded and resurfaced. The 36 retirement flats are located to the north side of the access with the 6 cottages to the south side of the access. As amended, the proposal includes 18 parking spaces for the retirement flats and 7 parking spaces for the cottages. The scheme includes landscaping around the flats and cottages.

DESCRIPTION OF THE SITE

- 1.4 The application site is located in Southwater within the built-up area boundary to the north of the Village Centre. The site itself comprises of the former sales and servicing area which was associated with Roundstone Caravans. Roundstone Caravans have gone into administration and have vacated the site. There is an existing building which was the former shop which is set back within the site. The remainder of the site was used for caravan sales and is now cleared. The site is separated from Worthing Road by a ditch. There is telegraph pole at the front of the site, on Worthing Road, with a wire cutting across the site to the south. A large mature tree is at the entrance of the site.
- 1.5 The site measures 0.56 ha and is bound to the west by Worthing Road. To the immediate east of the site lies the park homes site. To the north and south are the rear gardens of residential dwellings. The site has an existing vehicular access which dissects the site in two, providing a vehicular access through to the Park Homes site to the east.

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:

2.3 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 18 - Retirement Housing and Specialist Care
Policy 19 - Park Homes and Residential Caravan Sites
Policy 24 - Strategic Policy: Environmental Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

- 2.5 **Supplementary Planning Guidance:**
 Planning Obligations and Affordable Housing SPD (2017)
 Community Infrastructure Levy (CIL) Charging Schedule (2017)
- 2.6 **Parish Design Statement:** Southwater Parish Design Statement
- 2.7 **Planning Advice Notes:**
 Facilitating Appropriate Development
 Biodiversity and Green Infrastructure
- 2.8 RELEVANT NEIGHBOURHOOD PLAN

Southwater Neighbourhood Plan (June 2021). The most relevant policies to this proposal are as follows:

- SNP1 – Core Principles
- SNP2 – Proposals for Residential Development
- SNP4 – Keeping Our Roads Moving
- SNP9 – Home Standards
- SNP10 – Residential Space Standards
- SNP12 – Outdoor Play Space
- SNP13 – Enhancing Our Non-Motorised Transport Routes
- SNP14 – Adequate Provision of Car Parking
- SNP15 – Driving in the 21st Century
- SNP16 – Design
- SNP17 – Site Levels
- SNP18 – A Treed Landscape

2.9 PLANNING HISTORY AND RELEVANT APPLICATIONS

SQ/30/02	Demolition of existing workshops shops and offices erection of new single and 2-storey workshops retail area and offices	Application Permitted on 09.05.2002
SQ/84/01	Demolition of existing workshops, shops & offices & erection of new two-storey workshops, retail area & offices	Application Permitted on 28.09.2001

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk
- 3.2 **HDC Environmental Health:** Comment:
 - The Noise Assessment (dated 11th January 2023) has not sufficiently addressed the concerns of the Environmental Officer. There is concern regarding suitable ventilation and the impact of noise on the exposed side of the development.
 - An Air Quality Assessment is required in support of the application.
 - Conditions are recommended in relation to the rain water harvesting system, land contamination and the submission of a Construction and Environmental Management Plan.
- 3.3 **HDC Ecology:** No objection subject to conditions.
- 3.4 **WSCC Highways:** No objection.
- 3.5 **Southern Water:** Comment:

- The exact position of any public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.
- Southern Water have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting.
- Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

3.6 **Natural England:** No objection subject to mitigation.

PUBLIC CONSULTATIONS:

3.7 Parish Comments: Southwater Parish are broadly supportive of the proposed development. However, there are several policy conflicts with the Southwater Neighbourhood Plan:

- **Highways and Parking:** The Parish have concerns that the lack of safe crossing from the development to the opposite bus stop (Roundstone Caravan Park Bus Stop) will make it hard for future older residents to safely reach bus services heading north to Horsham. Currently the submission does not 'actively promote alternative modes of transport' to the car as required by SNP4.1. From a review of the proposed site plan no traffic calming measures are proposed. Inadequate car parking (including electric vehicle charging) is proposed.
- **Building and Space Standards:** SNP12.1 requires major development to provide appropriate play areas and associated equipment on site, or where this is not possible ensure that suitable off-site provision can be secured by a commuted sum payment. This proposal should therefore either look to provide appropriate outdoor equipment on site, or of contribute towards off-site provision.
- **Treed Landscape:** The proposal needs to accord with Policy SNP18 and provide sufficient trees on or via a commuted sum.

Representations:

3.8 **9** objections have received from adjacent properties on the following grounds:

- The buildings are too high.
- Loss of trees.
- Overdevelopment.
- Lack of infrastructure to support additional housing.
- Highway impacts.
- Loss of amenity of adjacent properties.
- Inappropriate design.
- Type of fencing proposed.

3.9 **5** in support have also been received on the following grounds:

- This is a brownfield site and there is a lack of this type of housing.
- Design is in keeping with the surrounding area.
- Greater use of buses.

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

6. PLANNING ASSESSMENTS

Principle of Development:

6.1 Policy 3 of the Horsham District Planning Framework (2015) states that development will be permitted within towns and villages which have defined built-up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.

6.2 The application site is located within the built-up area of Southwater, which is categorised as a 'Small Town / Larger Village' within the settlement hierarchy set out under Policy 3, with a good range of services and facilities, strong community networks and local employment provision.

6.3 As the site is located within the defined built-up area boundary of Southwater there is a presumption in favour of sustainable development, subject to any proposal being of a nature and scale to maintain the characteristics and function of the settlement. In relation to the former use, the loss of existing caravan sales use is considered appropriate given that this is not a dedicated area for retail or employment uses. In addition, the business has now ceased to operate and the site is currently vacant. The use of this unused brownfield land for an appropriate alternative sustainable use would be encouraged.

6.4 In principle therefore, a proposal for the residential use of this site is acceptable. In order for the planning application to be acceptable as a whole an assessment of all other material considerations must be made.

Retirement Living:

6.5 The Planning Statement states that 'retirement living apartments' means '*specialty designed housing suitable for older people who want to maintain the independence and privacy that comes with having a home of their own but no longer want or need a family sized house. This proposal is for age-restricted one and two bedroom apartments designed to help people remain independent, safe, secure and sociable for as long as possible.*' In planning terms these units are classed as C3 (Dwellings) developments and not care homes, nursing homes, extra-care or other needs based accommodation.

6.6 The Planning Statement goes on to state that the key differences between this proposal and mainstream housing are as follows:

- The provision of extensive communal areas where neighbours can socialise, host visitors and be part of a likeminded community. This is centred on the 'Owner's Lounge'.
- The presence of a Lodge Manager to look out for people's welfare, be a point of call if help is needed, make sure the communal areas are well maintained.
- A limited number of entrances, usually one, that is close to the Lodge Manager. This keeps the community secure and allows passive surveillance of the entrance area.
- A lift to all floors (for the flats) with level access throughout.

- Each apartment with its own front door giving privacy whenever desired.
 - A guest room which can be booked by residents for visitors.
 - A digital 'Careline' support system in all apartments for emergency support 24 hours a day, 365 days a year.
 - Communal grounds with landscaped external space.
 - Communal upkeep and maintenance including the exterior of the building landscaping.
 - Reduced reliance on cars due to sustainable locations close to amenities.
 - Mobile scooter buggy store.
 - Communal areas usually amount to 30% of the internal area.
- 6.7 The statement outlines that the apartments are sold by the applicant with a lease containing an age restriction which ensures that only people of 60 years or over, or those of 60 years or over with a spouse or partner of at least 55, can live in the development. To secure this requirement, a planning condition is recommended stating that each of the apartments hereby permitted shall be occupied only by:
- Persons aged 60 or over; or
 - A spouse/or partner (who is themselves over 55 years old) living as part of a single household with such a person or persons; or
 - Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over who has since died; or
 - Any other individual expressly agreed in writing by the Local Planning Authority.
- 6.8 In addition, the details of the ongoing management and maintenance of the development is required to be submitted for approval via an obligation in a legal agreement. This would outline how the facility would operate, including details of maintenance of the communal areas and guest suite.
- 6.9 The principle of retirement housing on this site is generally supported and this carries weight above that which would be attributed to general housing. It is acknowledged that there is a growing need across the Horsham District for residential accommodation for all types of people, including an identified need for new accommodation for older people and people with continuing care needs. The latest Strategic Housing Market Assessment (SHMA, 2019) shows significant expected growth in the population of older people, with the numbers of people aged 65 or over in Horsham expected to grow by 61% by 2039. As such, there is clearly an identified need for retirement housing in the District.
- 6.10 Policy 18 of the HDPF relates specifically to this type of accommodation and states that *'proposals for development which provide retirement housing and specialist care housing will be encouraged and supported where it is accessible by foot or public transport to local shops, services, community facilities and the wider public transport network.'* This site is within the built-up area of Southwater and within walking distance of Southwater village centre to the south (approx. 720m walk away). The scheme is therefore considered to accord with Policy 18 in terms of accessibility. Overall, the provision of retirement housing in this location is considered appropriate in principle in accordance with Policies 3 and 18.
- Design and Landscape Impacts:**
- 6.11 Policy 25 of the HDPF seeks to preserve, conserve and enhance the landscape and townscape character of the district, taking into account individual settlement characteristics, and maintaining settlement separation. Policy 32 requires development to complement locally distinctive characters and to contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings. Policy 33 requires development to be locally distinctive in character and respect the character of the surrounding area (including its overall setting, townscape features, views and green corridors).

- 6.12 Policy SNP16 of the Southwater Neighbourhood Plan (SNP) also states all development must be of high quality design. In Southwater this means:
- (a) Facing buildings with locally sourced materials, or materials equivalent to those that would historically have been sourced locally wherever possible.
 - (b) Encourage a variety of complementary vernaculars to encourage contextually appropriate design and diversity in our building stock.
 - (c) Using Secure by Design principles to ensure developments are safe to live in, supported by natural surveillance.
 - (d) Making sure the design of new development actively responds to other properties in the vicinity ensuring no unacceptable impacts on residential amenity occur.
- 6.13 The proposal is for two types of retirement housing separated by the retained access road through the site. The housing to the northern side of the site is proposed as a two-storey block in a horseshoe shape with a parking area to the inside area of the building. This building would be two-storeys tall with a pitched roof. The proposed materials would be part cedar boarding, a red tiled roof, part brick elevations, upvc windows and doors. This building includes first floor balconies to the east and west elevations. Balconies are also proposed to the internal facing elevations over the car park area. The flats in this block would benefit from communal outside space around the building.
- 6.14 To the southern side of the site, 6 cottages are proposed. These are formed of three pairs of semi-detached houses. Each house would have its own private garden area. These dwellings would also be two-storeys in height with cat slide roofs. Sympathetically designed dormers windows are proposed to the front elevations of each dwelling at first floor level. The dwellings are a mix of brick and cedar cladding, each with a tiled roof.
- 6.15 In relation to the surrounding area, the character is typically defined by a mix of single-storey detached dwellings positioned closely together to the south and east, with larger 2 storey detached and semi-detached dwellings located to the north. Approximately 120m to the south of the site there is the Broadacres residential development site which has a mix of 2-3.5 storey dwellings, the tallest of which is located to the north and is visible from the site. The two storey scale of this proposal will therefore sit comfortably in this context. As stated in the Planning Statement, the predominate building material of the existing residential context is red brick and the building typology is traditional. The main brick is often supplemented by tile hanging and weatherboarding, as can be seen in the relatively new development at Broadacres.
- 6.16 Overall, it is felt that the design of the proposed development would match the residential character of the surrounding area. It is also felt that the proposed buildings are appropriately set within the site with landscaped areas. The proposal retains the existing ditch at the front of the site, setting the built forms back from Worthing Road. The proposal would therefore form a sympathetic addition in the street scene in accordance with the above policies.
- 6.17 Policy SNP18 of the SNP states that '*major development must provide a minimum of one new tree (conforming to British Standard BS 3936-1 / Standard 8-10cm girth) per 40m² of floor space created. This should be provided on-site or off-site within the Plan Area if there is nowhere suitable within the site. Measures will be implemented on any permissions granted to secure these trees and their survival. If these trees cannot be provided on site, and the applicant is unable to deliver the trees at an alternative location within the Plan Area, a commuted sum may be paid in lieu of tree planting.*'
- 6.18 Southwater Parish have referenced this policy in their comments. The large Oak tree (Category B) on site is to be retained as part of the proposal. Two trees (Category C) will be felled to enable this development. Policy SNP18 requires these to be replaced with trees of greater environmental value on site or elsewhere within the Plan Area. Trees planted should be suitably mature and, as a minimum, conform to British Standard BS

3936-1 / Standard 10-12cm girth. The Parish note that 5 new trees are proposed along the street frontage, which is welcomed.

6.19 The Parish go on to state that the proposed development will result in 2995m² additional floorspace on the site. To comply with policy SNP18, the applicant should be proposing to plant 75 new trees on site or elsewhere within the Parish. The Parish state that if the applicant is unable to deliver the trees on site, or at an alternative location within the Plan Area, a commuted sum may be paid in lieu of tree planting. In response, the agents have commented that the Landscape Strategy Masterplan provides for 43 trees with a combination of fruit trees, ornamental trees, street trees and native trees. In addition to this is hedgerow planting, shrubs and wildflower planting. If recommended for approval, a planning condition could be imposed to ensure their maintenance.

6.20 With 43 trees proposed, in accordance with Policy SNP18, this results a deficit of 32 trees which are not being provided. As such, these trees are required to be provided elsewhere within the Parish. A commuted sum is required in lieu of this deficit so these trees could be supplied elsewhere. The Parish have asked the applicants for details of the tree planting, including potential locations, number of trees to be provided, financial compensation and maintenance schedule. The details regarding the trees to be provided off site and the contribution required would be secured through a legal agreement, in the event that permission is granted.

Highways and Access

6.21 Policy 40 of the HDPF states that development will be supported if it is appropriate and in scale to the existing transport infrastructure, including public transport; is integrated with the wider network of routes, including public rights of way and cycle paths, and includes opportunities for sustainable transport.

6.22 The site fronts onto Worthing Road, which is a two-way, single carriageway road subject to a 30mph speed limit. The site is accessed currently from Worthing Road, via a bellmouth style access, shared between the former caravan dealer and the static caravan homes to the east of the site. This access will be retained to access both the proposed development and the park homes to the rear of the site. The proposed access is in the form of bellmouth junction that measures 4.7m in width, with 8.6m radii to the north and 10m radii to the south. A 1.5m wide footway is proposed to the south of the access leading into the site and linking into the existing footways on Worthing Road.

6.23 West Sussex County Council as the Highway Authority have commented that the visibility splays are achievable in accordance with the 30mph speed limit as outlined within the Transport Statement.

6.24 In relation to trip generation and highway impact, WSCC have commented that the TRICS database has been interrogated to estimate the likely number of trips generated by the site's former uses and the trips generated by the proposed development. It is estimated that the former uses generated 20 trips in the AM peak hour, 17 trips in the PM peak hour and 218 trips during total daily. The proposed development generates 4 trips in the AM peak hour, 5 trips in the PM peak hour and 76 trips during total daily. Therefore, the proposed development is estimated to generate 16 fewer trips in the AM peak hour, 12 fewer trips in the PM peak hour and 142 fewer trips during total daily. It is anticipated that the proposed development would result in a significant reduction in trip generation when compared to the existing use. Therefore, the Highway Authority consider the proposed trips would not cause an intensification of the local highway network.

6.25 Following correspondence from Southwater Parish Council additional information was requested regarding the provision of a pedestrian crossing to the bus stop on the western side of Worthing Road. The Parish also sought clarification from the Highway Authority on the trip generation.

- 6.26 As a result, the applicant has submitted a plan indicating the provision of a pedestrian crossing with dropped kerbs and tactile paving to the bus stop on the western side of Worthing Road. A Stage 1 Road Safety Audit (RSA) of the crossing point, which assesses the road safety implications of this new crossing, has been undertaken and the designer's response has been now submitted and signed off from WSCC. It is recommended that the provision of this crossing is secured via a suitably worded condition to ensure its delivery.
- 6.27 Overall, the Local Highway Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The scheme is therefore in accordance with the NPPF (paragraph 111) and Policy 40 of the HDPF, and that there are no transport grounds to resist the proposal.
- Parking Provision:**
- 6.28 Policy 41 of the HDPF states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users. Policy SNP14.1 of the Southwater Neighbourhood Plan states that residential development must include provision for adequate off-road parking spaces in accordance with the following criteria:
- (a) Apart from one bedroom flats which shall have one allocated parking space, every dwelling will provide, for use associated with that dwelling, 2 parking spaces and one additional parking space for each additional bedroom over a total of three, with an upstairs study counting as a bedroom within its curtilage (or within the development).
 - (b) The proposed solution should avoid car parking dominating the street-scene. Therefore parking should be to the side rather than in front the property.
- 6.29 As amended, the proposal includes 18 car parking spaces for the flats and 7 spaces for the cottages. This is considerably lower than would normally be expected for an application for standard housing and would not be in accordance with the above Parish policy on parking, which would expect some 59 parking spaces. In this case this application is for retirement living where it is commonplace that parking demand is lower than for normal housing, for reasons including an absence of dependants. Policy SNP14.1 does not directly address demand from retirement living accommodation therefore officers consider it to be reasonable to review the applicant's evidence to support the number of parking spaces they propose. The Highway Authority have similarly commented that the County Parking Standards do not have a specific standard for retirement flats and that these types of applications are assessed on a case-by-case basis. In these circumstances, it is not uncommon for the Highway Authority to rely on, but critically assesses, the information provided by the applicant which seeks to justify the proposed level of car parking.
- 6.30 The applicant states that in this development they are providing 0.5 spaces per retirement flat and 1 space per cottage. They state that research undertaken at previous Churchill Retirement Living developments identifies an average car parking demand of only 0.28 spaces per apartment and therefore based on this information conclude that the provision of 0.5 spaces per flat is sufficient to cater for the likely demand. Of the 8 sites the applicant has surveyed only one site (Lord Roseberry Lodge, Epsom) has a higher parking ratio (0.52 spaces per flat) than is proposed within this application. The Highway Authority have commented that they have no reason to doubt this information from the applicant or evidence to disprove that the proposed level of parking is unacceptable for this type of development.
- 6.31 As a further check WSCC have reviewed the TRICS database (the survey database used to establish trip generation). The database includes details of sites and their parking provision. From reviewing the retirement flat land use, in broadly comparable locations

across the country, this shows that there are five sites. These show varying parking ratios with two sites providing 1 space per dwelling with the others providing the following:

- Yarmouth Road, Norwich – 48 dwellings with 21 spaces. This is a parking ratio 0.438 spaces per flat.
- Chapel Lane, Monkseaton, Whitley Bay – 27 dwellings with 18 spaces. This is a parking ratio 0.667 spaces per flat
- Sewardstone Road, Walthamstow – 40 dwellings with 12 spaces. This is a parking ration 0.300 spaces per unit.

6.32 The Highway Authority have commented that this shows that there are other locations where parking ratios have been provided well below 1 space per flat. Whilst the 0.28 spaces per development quoted as an average at the other Churchill Retirement Living sites appears low, the Highways Authority do not consider that a provision of 0.5 spaces is unreasonable, based on the evidence provided.

6.33 The concerns raised by the Parish regarding the proposed level of car parking are fully understood and has been carefully considered by officers as at face value the level of parking provision does appear lower than would be expected for a development of this size. However, it is clear from the evidence provided that retirement flats generally have significantly lower levels of car parking associated with them when compared to other residential uses and both the applicant and WSCC Highways have provided information on parking ratios at other sites which corroborate this. In the event visitor parking demand at any point over weekends exceeds onsite capacity, there is opportunity for overspill parking in nearby residential streets which are a sufficient distance to preclude their use by residents of the development, however the data supplied indicates this is unlikely.

6.34 In addition, the site benefits from bus public transport provision and is close to all necessary day-to-day facilities at Southwater including a GP surgery, bank, pharmacy, cafes, post office and shops some 700m to the south. The applicant is also providing a crossing point to access the bus stop opposite the site which provides for regular busses into Horsham. In this regard the site is in a sustainable location with occupants not needing to be reliant on a car for everyday needs.

6.35 It should be further noted that whilst occupancy would be limited to persons over 60 years of age, the applicants have stated that the average age of purchasers of their apartments is 79 and occupants are typically widows, with their decision to move into a retirement home led by their existing property becoming too large to maintain, the death of a partner/spouse, and/or the acceptance of the need to give up car ownership/use. Whilst this cannot be corroborated, officers are of the view that this information is helpful in explaining why parking demand will not be the same or similar to standard housing.

6.36 As such, officers conclude that the low level of parking provision for these retirement flats has been sufficiently evidenced and justified by the applicant, and the Highway Authority strongly recommended against refusing the application on transport grounds due the level of car parking.

Affordable Housing and Housing Mix:

6.37 Policy 18 of the HDPF states that proposals for 'continuing care retirement communities' will be support in appropriate locations which include 'affordable' provision to meet identified needs, or where this is not possible, provide an appropriate commuted sum lieu of on-site units. For on-site provision, this proposal would be expected to provide 35% affordable housing in accordance with Policy 16 of the HDPF.

6.38 A report on affordable housing and viability accompanies the application. This outlines that this proposal does not include any on-site affordable units. The applicant has commented that there are additional costs associated with delivering retirement housing as opposed to

standard open market housing. In this case around 25% of floor space is proposed for communal facilities such as the owner's lounge and guest accommodation. This is unsaleable floor area which therefore reduces income. In addition, the applicant has stated that retirement accommodation has a reduced sales rate, due to the smaller section of the market that is eligible, increasing borrowing and empty property costs. Overall, the report outlines that on site delivery of affordable housing is not practicable due to issues relating to the affordability of service charges and achieving a sustainable long-term management arrangement on site.

- 6.39 As part of the application process, officers have sought the independent review of the viability report from Bespoke Property Consultants (BPC). Based on a policy compliant scheme with affordable housing, BPC agree that the scheme is marginally unviable. This assessment concurs with many of the assumptions relied upon in the submitted viability and affordable housing report in respect of cost calculations and expected sales values. Given the development is for retirement living with associated service charges for occupiers, officers are of the view that an appropriate commuted sum in lieu of on-site units is appropriate in this instance.
- 6.40 Based on the Planning Obligations and Affordable Housing SPD (2017), the sum in lieu of affordable housing is calculated at £280.00 per square metre. On the basis of a square meterage of 2308.39sqm (which excludes communal areas) for this development, a policy compliant contribution for this development is £646,349. The applicant has agreed to this figure. Therefore, in the event that planning permission is granted, this contribution towards off-site affordable housing would be secured through a legal agreement.
- 6.41 In relation to the housing mix, the one and two bedroom units would be in accordance with the latest housing market assessment and would provide small units of accommodation appropriate for residents looking to downsize.

Residential Amenity

- 6.42 Policy 33 of the HDPF states that development should ensure it is designed to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land, for example through overlooking and noise, whilst having regard to the sensitivities of the surrounding development.
- 6.43 The site is surrounded by existing properties to the north, south and east. In relation to the properties to the east, these would be separated from the proposed units by distances in excess of 18m such that the two storey nature of the proposal would not significantly affect the amenity of these properties. In relation to the existing properties to the north of the site, these are closer to the common boundary with the site. However, given the set back and orientation of the main part of the development to the northern boundary of the site at some 10m, the two-storey building proposed would not result in a significant impact on the amenity of these adjacent properties in relation to loss of light, outlook, overlooking or an increased sense of enclosure. The closest part of the development to the northern boundary would include north facing windows (one serving a kitchen and the other secondary to the main living room), both of which would overlook the front parking area of Boyajian but would not otherwise harm private amenity space.
- 6.44 The arrangement of the proposed six cottages to nos. 1-3 Green Close to the southern boundary is sufficiently distanced to avoid loss of light and outlook, whilst first floor rooms facing 1-3 Green Close are studies and ensuites served by high level rooflights sufficient to retain suitable privacy. No first floor side windows are proposed to the cottage immediately adjacent to 1 & 2 Green Close, and a condition is recommended to remove the opportunity for any such windows in the future to protect their privacy.
- 6.45 The Council's Environmental Health has commented that the submitted Noise Assessment has not sufficiently addressed their concerns regarding traffic impact from the Worthing

Road. It is though considered that within the built-up area boundary, adjacent to existing dwellings, this is a suitable location for housing with the development is suitably set back from Worthing Road with the retained ditch in place. To address the concerns of the Environmental Health officer, a condition is recommended requiring full details of ventilation and noise impact on the western side of the development adjacent to Worthing Road.

Ecology

- 6.46 There are no statutory designated sites of nature conservation interest located within or immediately adjacent to the application site boundary. The site is within a bat sustenance zone and in support of the application, the applicant has submitted a Bat Survey and Ecological Impact Assessment. The Council's consultant Ecologist has reviewed these documents and is satisfied that the likely impacts upon designated sites, protected and Priority species and habitats is appropriate with the identification of appropriate mitigation. A Biodiversity Net Gain metric has been submitted indicating a net gain of some 21% for habitat units and 318% for hedgerows which would be delivered by onsite planting and the enhancements secured by condition. Subject to conditions to secure the mitigation measures outlined, the proposal is considered appropriate in relation to its ecological impact.

Water Neutrality

- 6.47 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.
- 6.48 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 habits site. Section 63 of the Regulations sets out the process by which an HRA must take place.
- 6.49 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'*.
- 6.50 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.

- 6.51 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 offsetting 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.
- 6.52 In support of the submitted water-neutrality statement the applicant has provided 50 meter readings concerning the period of February 2018 to July 2022. The meter reading concerns the commercial unit subject of this application, together with ~86 residential park homes contained within the wider Roundstone Park site rear of the site. The commercial unit subject of this application ceased trading circa February 2021 with no retail (or other commercial) activity having taken place since this date.
- 6.53 In order to ascertain a baseline associated with the commercial use the applicant has assessed initial usage for the period of February 2018 - February 2020 and prior to the imposition of Covid-19 'lockdown' restrictions, which would have likely impacted upon the scale and nature of commercial activity and associated water-consumption.
- 6.54 The proposed development would provide 25x 1-bedroom units and 17x 2-bedroom units. The submitted WNS models an occupancy rate of 1.18 for the proposed 1-bedroom units and 1.47 for the proposed 2-bedroom units, yielding an expected 30x 1-bed occupants and 25x 2-bed occupants with regard to the balance of 1 and 2-bed units respectively proposed.
- 6.55 The occupancy rate advanced, therefore, is lower than that anticipated for general market housing within the District, with occupancy rates extrapolated from Census data, being 1.32 for a 1-bedroom unit and 1.88 for a 2-bedroom unit respectively.
- 6.56 The proposed development, however, would provide specialist accommodation in the form of retirement housing which would not be available to younger age-groups as reflected within District-wide statistics. It is a reasonable presumption that those occupying retirement housing will have fewer resident dependents (and, therefore, smaller householder sizes) relative to the general open-market.
- 6.57 In support of the occupancy rates specifically advanced the applicant has assessed existing occupancies for 1 and 2-bed retirement units within 10 developments managed by the applicant within the South East. This data equates to a retirement population of 531 persons across 413 total retirement units (encompassing both 1 and 2 bed types). This data is considered sufficient to provide a reliable representation of occupancy rates for the sizes of retirement accommodation as proposed and as an alternative to occupancy rates attributable to general market housing within the District.
- 6.58 The conclusions of the water neutrality statement are as follows:
- The baseline usage associated with the previous retail use is considered to be 3,850 litres/day.
 - Before mitigations are applied it is anticipated that the proposed development would consume 6,050 litres/day.
 - The proposed mitigations would reduce mains-water consumption to 3,312.63 litres/day. The proposed mitigations would be the provision of appliances to meet specified standards of efficiency and the provision of a rainwater-harvesting and supply system to support W/C use and external usage associated with the proposed development.
 - The net-difference between baseline and proposed consumption is considered to be -537 litres/day. The proposed development, therefore, would achieve net-neutrality in respect of the use of mains-water.

- 6.59 As per the requirements of s63 of the Habitat Regulations, the Council has consulted Natural England as the relevant statutory body when undertaking an appropriate assessment of the proposals. Having considered the Council's appropriate assessment, Natural England concurs with the conclusion that the development would be water neutral.

Drainage

- 6.60 The site is located within Flood Zone 1, meaning a less than 1 in 1000 annual probability of river or sea flooding which is the lowest classification of fluvial flood risk. The application includes a Flood Risk & Drainage Technical Note to determine the potential flood risks associated with the site to provide a suitable strategy for the disposal of surface and foul water from the proposed development. Runoff generated by the building, access road and external hard paving will be collected via rainwater pipes and gullies and be conveyed into proposed attenuation tanks. Foul flows generated by the proposed development will drain through a new private foul network and will discharge to Southern Water's adopted 175mm diameter foul sewer within Worthing Road as per existing conditions.
- 6.61 The details outlined in the Technical Report are considered appropriate in relation to foul and surface water disposal. This is subject to a formal application for a connection to the public foul sewer to be made by the applicant to Southern Water.

Air Quality

- 6.62 The application site is not located within or close to either of the district's defined Air Quality Management Areas (AQMAs). An Air Quality Assessment (AQA) was not submitted with this application. Key air quality consideration during the construction phase of development is dust emissions emanating from demolition, earthworks and construction. It is considered that mitigation in the form of a Construction Management Plan to include measures to reduce dust emissions (such as dust monitoring, dust suppression/screening etc) could reasonably be secured by condition. During the operational phase, the development is not expected to generate substantial vehicle movements, and the effect on air quality on the surrounding area is judged to be 'not significant'.
- 6.63 Subject to the inclusion of a condition to secure an Air Quality Management Plan to demonstrate costed mitigation measures, as well as a condition to secure a Construction Environmental Management Plan (CEMP) as set out in the Air Quality Assessment report, it is considered that the proposal would not further reduce air quality in the local area, in accordance with Policy 24 of the HDPF and Paragraph 186 of the NPPF.

6.64 Climate Change and Sustainability

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The Planning statement details several measures which seek to build resilience to climate change and reduce carbon emissions, including:

- Providing shared facilities for a large number of residents in a single building which makes more efficient use of material and energy resources.
- All areas of the building will be lit using low energy lighting and where applicable utilise daylight and movement sensor controls.
- Placement of the proposal in sustainable location, accessible to local shops and facilities by non-motorised modes of transport.
- Making efficient use of available land.
- Opportunities for biodiversity net gain.
- Inclusion of street trees, shrubbery and open spaces within the site.

- Dedicated refuse and recycling storage capacity.
- Provision of dedicated cycle parking facilities.
- Improved pedestrian links to existing networks
- Provision of electric vehicle charging points.
- Limiting water consumption through the installation of water efficient appliances and rain water harvesting.

6.65 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.

Heritage Impact

6.66 Policy 34 of the HDPF also states that heritage assets are an irreplaceable resource which require preserving. The nearest listed building is location approximately 90m to the north of the site, separated from the site by existing houses. Given this distance, the proposal would not result in a detrimental impact on the setting of this heritage asset.

Southwater Parish Comments

6.67 The parish commented that they are broadly supportive of the proposal but have raised concerns regarding the following:

- Highways and Parking: The Parish have concerns that the lack of safe crossing from the development to the opposite bus stop (Roundstone Caravan Park Bus Stop) will make it hard for future older residents to safely reach bus services heading north to Horsham. Inadequate car parking (including electric vehicle charging) is proposed.
- Building and Space Standards: SNP12.1 requires major development to provide appropriate play areas and associated equipment on site, or where this is not possible ensure that suitable off-site provision can be secured by a commuted sum payment. This proposal should therefore either look to provide appropriate outdoor equipment on site, or contribute towards off-site provision.
- Treed Landscape: The proposal needs to accord with Policy SNP18 and provide sufficient trees on or via a commuted sum.

6.68 As outlined in the report, the low level of parking has been appropriately evidenced and addressed to the satisfaction of the Highway Authority. Details of EV charging spaces is required by condition. The proposal has also been amended to include dropped kerbs to allow a pedestrian crossing area to access the bus stop on the west side of Worthing Road, as requested by the Parish. The Parish's request for play equipment for this proposal is not considered relevant to a proposal for retirement housing. The scheme also includes appropriate outdoor space for the future residents of the scheme. In relation to the policy on a Treed Landscape, the applicants have included as many trees as possible on site and have committed to providing the remaining requires trees, via a commuted sum, elsewhere within the parish.

Conclusion

6.69 It is considered that the loss of the former caravan sales use is acceptable and that the proposed development would provide much needed housing for older people in a sustainable location. The proposal is also considered appropriate in relation to design and its appearance in the context of the surrounding area and would not result in a harmful effect on the amenity of any adjacent properties which would warrant refusal of the application. The proposal is also considered appropriate in terms of its ecological impacts and drainage / flooding. Whilst the scheme offers a low level of parking, this has been evidenced as appropriate for this type of use and no highway objections have been raised. The proposal overall accords with the requirements of the HDPF and Southwater Neighbourhood Plan.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.70 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
	2367	642	1725
		Total Gain	1725
		Total Demolition	642

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

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

- 7.1 To approve planning permission, subject to the conditions set out below and a legal agreement to secure the following:
- Details to secure a contribution for 32 trees to be provided elsewhere within the Parish.
 - A contribution of £646,349 towards affordable housing within the District.
 - Details of management and maintenance of the facility as retirement homes with communal facilities.

Conditions:

1. **Plans Condition.**
2. **Pre-Commencement Condition:** No development, including any works of demolition, shall 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. Details of measures to reduce impacts on biodiversity features.

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

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

3. **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
- (a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
- The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.
- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
 - (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
 - (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

4. **Pre-Commencement Condition:** The development hereby approved shall not commence until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the local planning authority. The PWSMP shall include, but not necessarily be limited to, the following information:
- i. Detail on the likely contaminants associated with the rainwater harvesting system.
 - ii. Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
 - iii. Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
 - iv. Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.

- v. Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
- vi. Detail on the continuity of supply during dry periods extending beyond 35 days.
- vii. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

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

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

5. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Survey Note (Tyler Grange, January 2023) and the Preliminary Ecological Appraisal and Ecological Impact Assessment ((Tyler Grange, January 2022) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

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

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

7. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a revised Noise Assessment has been submitted, with details of appropriate ventilation, has been submitted to and approved by the Local Planning Authority in writing. The approved details hereby permitted shall be implemented prior to occupation and thereafter retained as such.

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

8. **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement. No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained as such thereafter.

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

9. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

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

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

10. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied 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: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

11. **Pre-Occupation Condition:** The development hereby permitted shall not 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. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

12. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the local planning authority and retained as such thereafter.

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

13. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details of the types and locations has been submitted to and approved by the Local Planning Authority. The approved details shall be provided and retained at all times for their designated purpose.

Reason: To provide EV charging points to support the use of electric vehicles in accordance with national sustainable transport policies and to mitigate the impact of the development on air quality within the District in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

14. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until as a Travel Information Pack for all new occupants of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage and promote sustainable transport in accordance with Policy 40 of the Horsham District Planning Framework (2015).

15. **Pre-Occupation Condition:** The development hereby permitted shall not be 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

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted,

felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

16. **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 a minimum 30 megabits per second through full fibre broadband connection has been provided to the premises.

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

17. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme of air quality mitigation has 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. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain 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 1 no. fire hydrant 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 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).

19. **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Note (Tyler Grange, January 2023) and the Preliminary Ecological Appraisal and Ecological Impact Assessment (Tyler Grange, January 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC

Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

20. **Regulatory Condition:** No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

21. **Regulatory Condition:** No part of the development hereby permitted shall be first occupied until the highway works (including dropped kerbs) to Worthing Road, shown on drawing no.536.0036.004) have been completed.

Reason: To encourage and promote sustainable transport in accordance with Policy 40 of the Horsham District Planning Framework (2015).

22. **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 windows or other openings (other than those shown on the plans hereby approved) shall be formed in the first floor side elevation of the south western cottage (rear of 1 Green Close) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: To protect the amenities of adjoining residential properties from loss of privacy and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

23. **Regulatory Condition:** The development hereby permitted shall be implemented strictly in accordance with the Arboricultural Assessment and Method Statement and Tree Protection Plan.

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).

24. **Regulatory Condition:** The development hereby permitted shall be occupied only by:
- Persons aged 60 or over; or
 - A spouse/or partner (who is themselves over 55 years old) living as part of a single household with such a person or persons; or
 - Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over who has since died; or
 - Any other individual expressly agreed in writing by the Local Planning Authority.

Reason: To limit the use of the development for elderly occupants in accordance with Policies 18 and 41 of Horsham District Planning Framework (2015).

25. **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).

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

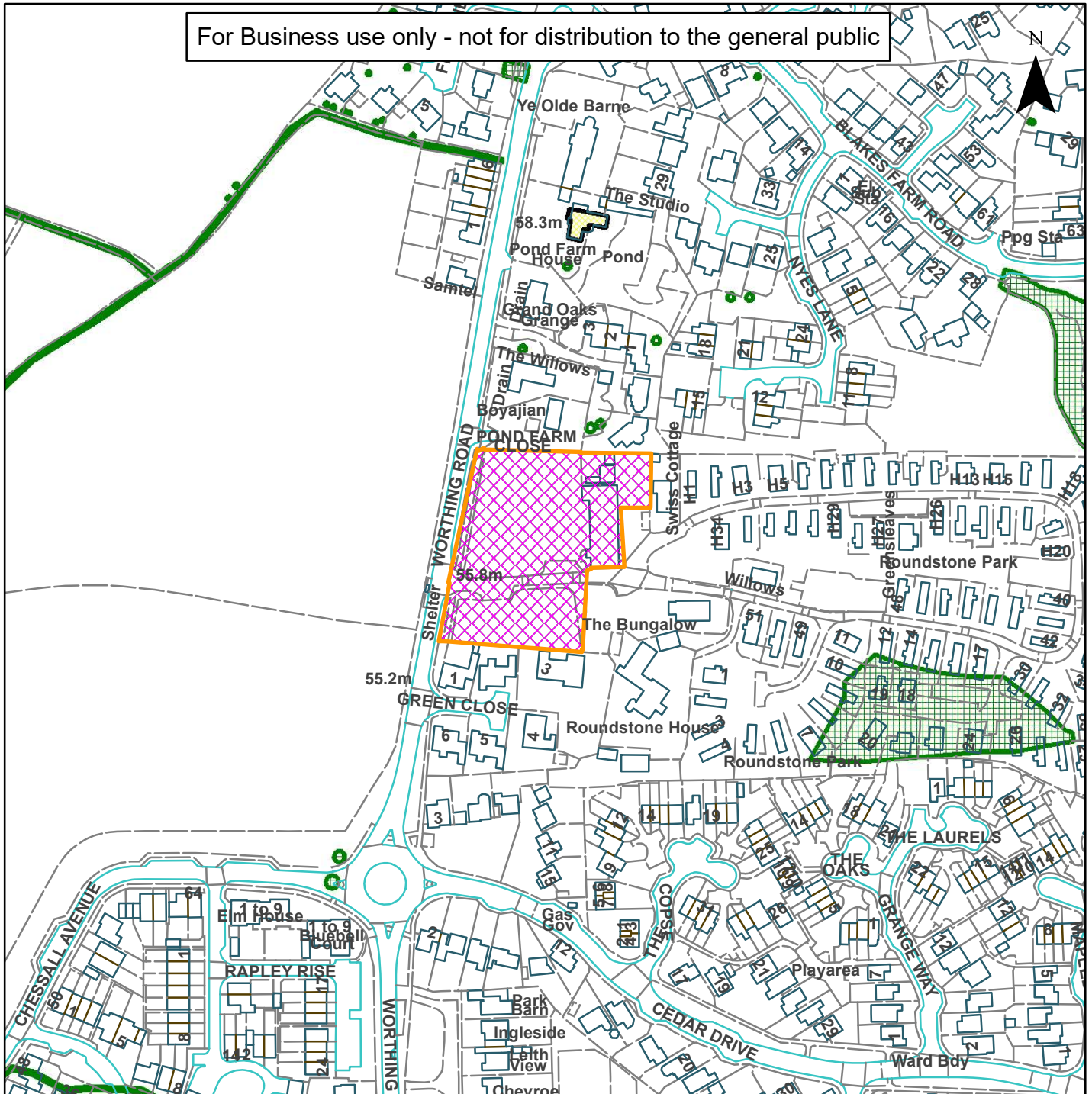
Reason: In the interest of visual amenity and the amenity of adjacent residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

This page is intentionally left blank



Roundstone Park, Worthing Road, Southwater, West Sussex

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



Scale: 1:2,500

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

Organisation	Horsham District Council
Department	
Comments	
Date	24/03/2023
SA Number	100023865

This page is intentionally left blank



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th April 2023

DEVELOPMENT: Demolition of existing warehouse buildings and redevelopment to provide employment units for a flexible range of employment uses (Use Classes E(g)(iii), B2 and/or B8) erection of ancillary offices, together with the provision of yard areas, parking, landscaping and associated works

SITE: Sony DADC UK Limited Southwater Business Park Worthing Road Southwater Horsham West Sussex RH13 9YT

WARD: Southwater South and Shipley

APPLICATION: DC/22/0302

APPLICANT: **Name:** Frontier Estates Limited **Address:** 25 Oldbury Place, London, W1U 5PN

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 Full planning permission is sought for the demolition of existing warehouse buildings and redevelopment to provide employment units for a flexible range of employment uses (Use Classes E(g)(iii), B2 and/or B8) erection of ancillary offices, together with the provision of yard areas, parking, landscaping and associated works at Sony DADC UK Limited Southwater Business Park Worthing Road, Southwater. In relation to Class E, the application is for light industrial floorspace under Class E(g)(iii).
- 1.3 The application is accompanied by a suite of plan drawings and technical reports, including a Transport Assessment, Noise Impact Statement, and Delivery and Servicing and Parking Management Plan. Also submitted is a Water Neutrality Statement (Issue 05 by BWB Date: 09/11/2022).
- 1.4 Sony DADC UK ceased operations on the site in June 2018, having occupied the site since 1985, due to the decline of CD/DVD sales. The site has remained vacant since that time.

- 1.5 The redevelopment scheme would comprise seven units in a mix of sizes. The proposed floorspaces range between 656 square metres and 3,723 square metres (GIA). Each of the warehouses are predominately arranged over ground floor level with ancillary office accommodation provided at the first floor. Taken together, the units extend to a total of 8,707 square metres of floorspace (GIA).
- 1.6 The layout and configuration of the proposed buildings is a terrace positioned parallel to the north east boundary with service yards positioned to the south. The buildings will have shallow pitch roofs behind parapets. The buildings will be clad using both vertical and horizontal systems with a neutral colour palette of materials and finishes.
- 1.7 The service yards and parking spaces are designed to meet operational requirements of future use occupiers so that the site can operate safely and efficiently. A total of 119 car parking bays will be provided, 20% of which will include active charging points for electric vehicles, along with HGV spaces (including loading and servicing bays) and separate cycle parking spaces. Access to the site will utilise the existing entrance at the north end of the site, via an internal estate road linking onto Worthing Road and the adopted highway network.
- 1.8 The submission to the Council proposes that the buildings will operate unfettered 24 hours a day seven days a week, and this is considered in detail within this report. The proposal is speculative; no end users are made evident in the submission.
- 1.9 A landscaping scheme includes biodiversity and sustainable drainage measures, as well screening. The proposal includes a range of sustainability measures to reduce carbon dioxide emissions and energy and water efficiencies. The buildings are targeted to achieve a BREEAM rating of 'Very Good'.

DESCRIPTION OF THE SITE

- 1.10 The application site, which is 1.86 hectares in area, is located within the defined Built-Up Area Boundary of the village of Southwater. The site is part of Southwater Business Park, an established business park comprising several large business units. This includes a research and development facility, currently occupied by Bowers & Wilkins. There is an area of hardstanding northeast of the application site.
- 1.11 Southwater is classified as a Small Town/Larger Village in Policy 3 of the Horsham District Planning Framework (HDPF) which means it is a *'settlement with a good range of services and facilities, strong community networks and local employment provision'* Southwater Business Park is allocated as a 'Parish Employment Area' by Policy 21 in the Southwater Neighbourhood Plan 2019 – 2031. It is designated an 'Existing Employment Site' by Policy 9 of the HDPF.
- 1.12 On the site itself, there are three manufacturing and storage buildings (Planning Use Classes B1c (now Eg(iii)) and B8) which total 10,469 square metres of floorspace. The main building is located at the southeast of the site that accommodates a reception area, offices and packing rooms. To the west is a warehouse unit and covered bay area and detached building (store for production materials). All are situated within a self-contained yard, accessed via a security gate house. An area of car parking accommodates 118 spaces, located east and south of the main building.
- 1.13 The site is bound to the south by a tree belt directly beyond which lies the Southwater Country Park complex. Public Bridleway 3657 (National Trail Downs Link and a Parish Heritage Asset (Policy SNP19)) runs north-west to south-east bordering the site to the north-east by a mature tree belt, beyond which lies a residential area predominately north of Station Road. The site adjoins Ancient Woodland to the east and Local Wildlife Site, which is part sited in

Southwater Country Park. The site falls within The Mens SAC bat substance zone (HDPF Policy 31).

- 1.14 The site falls within Flood Zone 1 according to the Environment Agency's Flood Map, which represents the lowest restrict of flooding. The site falls within an Archaeological Notification Area. The closest designated heritage asset is The Cock Inn, Worthing Road, a Grade II Listed Building.
- 1.15 A number of bus stops are within 500 metres of the site, offering services to Horsham, Crawley and Worthing. The nearest train station is Christ's Hospital, some 3 km northwest of the site. Southwater Business Park is connected to the A24, which provides vehicular access to Gatwick Airport, south coast ports, and the motorway network.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

RELEVANT NEIGHBOURHOOD PLAN

Southwater Neighbourhood Plan (June 2021)

SNP 1 Core Principles
SNP 4 Keeping our Roads Moving
SNP 8 Southwater County Park
SNP13 Enhancing our non-motorised transport network
SNP 15 Driving in the 21 Century Policy
SNP 16 Design
SNP 17 Site levels
SNP 18 A treed landscape

SNP 19 Parish heritage assets
SNP 21 A growing economy

Parish Design Statement:

Southwater Parish Design Statement (2011)

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

The first factory unit on record was approved on the site in 1978 (Ref: HR/132/78), and subsequently new industrial buildings and various extensions to this have been approved. These include an industrial building with ancillary offices and new access (HR/124/85) permitted 08-07-1985 and, to serve Sony's needs, a two storey extension to existing main building, relocated air handling units, reconstructed chemical stores, upgrading of street boundary treatment and reconfiguration of staff parking (DC/09/2124) permitted 18-02-2010).

From the planning history, the use of the subject buildings has been within Classes B1(c) 'Light Industrial' and B8 'Storage & Distribution'. The hours of operation and deliveries associated with the subject buildings are unfettered.

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** No Objection
If minded for approval, advise that implementation of details above should also be concurrent with the following conditions: Prior to commencement: soft landscaping, hard landscape, arboricultural method, landscape management plan.
- 3.3 **HDC Conservation:** No Objection
Not considered to result in harm to setting of Grade II Listed Cock Inn (which now trades as 'Topsy Fox')
- 3.4 **HDC Environmental Health:** Advice and formally object to unrestricted 24 hour use

Construction Phase

During site clearance, preparation and construction there is the potential for local residents to experience adverse impacts from noise, dust and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management (CEMP) plan is recommended as a condition.

Water Neutrality

Reviewed the BWB Water Neutrality Statement, dated 9 November 2022.

1. The fact that a report of this nature has been produced is welcomed, note however that a rainwater harvesting scheme is being proposed to supply non-potable water for the development.

2. Rainwater harvesting schemes can be highly contaminated. However, from reviewing the supporting information, and taking into account the proposed commercial use of the private water supply, of the view that that the risk assessing, testing and maintenance of the supply for the lifetime of the development can be secured through conditions.

Air Quality (Final comments)

Request mitigation plan detailing measures to mitigate and/or offset impacts and sets out itemised costing for each proposed measure, with total estimated value of measures being equal to total damage costs.

Request applicant avoids duplication of measures required through other regimes. The Sussex air quality and planning guidance intended to encourage mitigation measures specifically targeted at preventing and/or mitigating air pollution and going beyond and above what is otherwise a legal requirement. As the Approved Document S is now in force, would accept provision of ev charging as an air quality measure on proviso that the provision goes above what is already required by the Approved Document.

Also recommend provision of ev charging points to support EV Charging Network and Delivery Plans for local area, and may be opportunity to contribute to funding of publicly-available charging points at Lintot Square in Southwater, which would encourage staff and visitor's use of ev vehicles.

(initial comments)

Air quality assessment not submitted. Damage cost calculation also required. Applicants required to submit a mitigation plan.

Noise (Final comments)

The number of loading bays was an oversight by the applicants acoustic consultant. In our view it is however unlikely to have a significant impact on overall noise levels.

Would like to see a 4.5m screen located between the buildings, as proposed as the western end of the site, present between the buildings. To clarify, in our view these acoustic screens should still be installed even if 24/7 use is not permitted.

Note the calculations and comments in the report in relation to the maximum number of vehicles on the site to protect residential amenity. To safeguard the amenity of residential receptors located in close proximity to the main access road to the development we are of view that no more than 16 vehicle movements should take place during the night time period (2300 to 0700).

If the LPA are minded to approve 24 hour use at this location we are of the view therefore that this needs to be tightly controlled by way of a condition and recommend a condition controlling vehicle movements to one two-way movement in every hour during the night time period (2300 to 0700).

Environmental Health understands that this degree of control is unlikely to be enforceable as planning conditions. **In the absence of this degree of control, we would therefore formally object to unrestricted 24 hour use.**

If the LPA are minded to approve this application therefore recommend conditions to limit outside work; deliveries and dispatches to between 07:00hrs– 20.00hrs Monday – Friday, 07:00 – 18:00hrs Saturdays, and not at all on Sundays, Bank Holidays or Public Holidays; require a noise management plan; and an acoustic assessment of any plant and machinery.

(Initial comments)

Reviewed Sharp Acoustics Assessment of noise impact dated February 2022.

Includes monitoring results from unattended noise survey between 13th and 15th October 2021. Result confirm background noise levels are consistently below 30dB late at night and during the early hours of the morning.

Plans show proposed development using same service road as existing development with residential properties, with associated first floor bedrooms, located on north side of the access road near to its junction with Worthing Road. Given this and the low background noise levels, as discussed above, we are of the view that there is the potential for significant disturbance from operation at night. Appreciate the previous/existing development had permission to operate 24/7, however previous operators did not undertake external night-time operations due to the close proximity of residential dwellings, both to this site and to the access road.

Nature and character of noise events will be distinguishable in a manner not fully characterised by decibel measurements. The pattern of operations modelled in the report may also not fully reflect the actual pattern of night-time activities at site. If frequency of servicing were to increase from that predicted then the impacts would also increase. In our view the distribution of these noise events is also important, experience of other sites with extended hours has shown that activity does not occur at regular intervals but tends to intensify in early morning as drivers seek to avoid congestion or commence long distance journeys and at night when vehicles arrive from distant locations.

Given the very low background noise levels currently prevailing at site at night, as detailed above, operational noise from the development at night is likely to be perceived as series of distinct discrete events. The impact of night noise events will therefore be best represented by the magnitude of night-time noise events above the prevailing background noise. There is however no commentary on the LA_{max} levels in the report.

Consequently, it is important to limit the number of noise events with a LA_{max} exceeding 45 dB. Adopting the criteria for peak noise events 45dB(LA_{max}) may not be sufficiently protective where background noise levels are very low.

In summary – although there are no objections to the principle to the development, the proposal for unrestricted hours of operation at the site is a concern given the proximity of the residential dwellings to the application site and adjoining access roads. Noise generated from vehicles, plant and equipment may all be potential sources of disturbance at night.

If the application is approved it is recommended that restrictions on vehicle movements, loading, unloading and other external activities are applied to ensure appropriate respite and to protect the amenity of the adjoining residential occupiers at night.

Contamination (Final comments)

Reviewed the Mewies Engineering Consultants Ltd Phase II Ground Investigation Report, dated December 2021.

1. Very high levels of methane were detected in WS106 which consider unusual given the source of the methane is likely to be the historic infilled/made ground and given that the levels in WS201 and WS202, which are located reasonably close to WS106, are in the region of <0.1%v/v to 16.2%v/v.

2. The borehole log for WS106 has not been supplied as part of the report. Appreciate it was installed as part of a previous investigation, and from checking our records we have

been unable to find a copy of this report, do however consider it crucial that the log for this location, and any associated historic ground gas monitoring, are provided.

3. Given the above further assessment of the risks from ground gases/vapours is required.

4. In addition to the above note that strong solvent odours were noted within soils recovered from 0.50m and 1.00m mbgl in WS201, along with associated elevated VOC readings.

5. Given the data gaps agree with the conclusions in the report that further investigations will be required following demolition to fully delineate the extents of any risks. In a particular, as detailed in the report, under areas currently covered by buildings and in the vicinity of underground fuel storage tanks.

6. However now happy to request this further assessment through conditions and therefore recommend the below. Welcome dialogue with the applicants environmental consultants before the additional works are undertaken so that we can ensure it meets our requirements.

3.5 **HDC Economic Development:** No Objection

Welcome more modern and higher-quality commercial floorspace in Southwater but have some concern regarding the overall loss of commercial floorspace.

3.6 **HDC Drainage Engineer:** No Objection

Satisfied with the additional evidence provided. If this development is permitted would recommend suitable drainage conditions.

OUTSIDE AGENCIES

3.7 **WSCC Highways:** No Objection

The LHA does not consider the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 111), and that there are no transport grounds to resist the proposal.

3.8 **WSCC Public Right of Way:** No Objection

Application does not impact upon, or propose any alteration, to the Public Right of Way.

3.9 **Archaeology Consultant:** No Objection

No archaeological recommendations to make.

3.10 **Ecology Consultant:** No Objection.

Recommended conditions

3.11 **Southern Water:** No Objection

Southern Water can facilitate water supply and foul sewer disposal to service the proposed development. Southern Water requires a formal application for a connection to the water supply/public foul sewer to be made by the applicant or developer.

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

3.13 **Natural England:** No Objection

No Objection subject to appropriate mitigation being secured.

3.14 **Sussex Police:** No Objection

No major concerns with this proposal. Direct applicant to Secured by Design.

PUBLIC CONSULTATIONS

3.15 **Southwater Parish Council:** Objection

Reasons:-

1. Existing site vs proposed development comparison:-

1. Travel demand and type of vehicle servicing the development has a greater impact on Southwater and vastly different to what exists.
2. Access to site is through Southwater.
3. Existing site was a manufacturing facility.
4. Proposed development is logistics centre/hub.
5. Existing site closed since June 2018.
6. Based on current situation and making comparisons between the two, travel demand increases significantly through village.

2. Waste (Refuse) Storage and Collection - Storage and transport through Southwater of collected waste or refuse from outside the site is unacceptable.

3. From travel demand calculations, estimate number of vehicle movements is 562/day. This includes vehicles servicing site and therefore LGV's and HGV's.

4. 24hr Operation would have significant impact to residents north of site and on route to and from the A24 along Mill Straight, passing Roman Lane and Mullberry Fields. Impact of pollutants such as noise, light and air quality (emissions) not acceptable. Reference Southwater Neighbourhood Plan, para. 9.7.

5. Construction transport and Traffic Route – Access and egress via Mill Straight and Pollards Hill to be compulsory.

6. Upgrade Roman Lane roundabout on route to Pollards Hill to support additional traffic.

7. WSCC to confirm Pollards Hill roundabout on A24 would not need upgrading as part of Worthing to Horsham A24 corridor improvements.

8. Cumulative effect of traffic increase from developments since existing facility was constructed, means Transport Assessment/Survey, Traffic Management Plan and Construction Management Plan for the construction and operation period should be provided.

9. According to WSCC Highways, a Road Safety Audit not required. However when calculating increase of vehicle movements correctly, that is inaccurate. Therefore due to increase in traffic travelling through Southwater, a Stage 1 Road Safety Audit (RSA) should be carried out.

10. LPA to confirm contradiction in supporting documentation of using access road for overspill car parking.

11. LPA to confirm using access road for overspill car parking will not impact Swept Path access/egress to the site from the access road.

12. LPA to confirm Swept Path access/egress from access road to the site during operation will not impact other business.

13. LPA to confirm neighbouring business sharing access road consulted.

14. LPA to confirm 'Use Class' change for this site is incorporated in this planning application. Parish should be consulted on this change.

15. LPA to confirm and correct various planning application errors.

16. Emissions (Air Quality) Assessment – Reason for not producing an Emissions Assessment is there was no predicted increase in traffic flow. Emissions Mitigation Assessment based incorrectly on comparing existing operational manufacturing plant with development. Existing facility closed since June 2018. Demonstrable impact to traffic flow/Travel Demand is 562 vehicles / day. Sufficient to warrant Emissions Assessment. Should include site and A24 via Pollards Hill. Once true reflection of emissions established, complete Emissions Mitigation Assessment can be produced, incorporating site and route.

17. Noise & Light Assessments are limited in understanding of travel demand and consider only the site, disregarding route from A24. Revised noise and light assessments should be produced based on travel demand of 562 vehicles / day and should include site but also route from A24 via Pollards Hill and Mill Straight.

18. Other documents do not consider travel demand figure of 562 vehicles / day and impact to both site and route.

19. Clash with Churchill's proposed Southwater Retirement Site Roundstone Caravan Park (DC/22/0096). The construction phase of this development should not coincide/clash with the Churchill construction phase. A condition of this development is that a schedule of work is prepared and forwarded to Churchill.

3.16 No comments received from residents.

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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 Development Plan for this part of Horsham District consists of the Horsham District Planning Framework (HDPF) and the Southwater Neighbourhood Plan (SNP). The HDPF sets the strategy for economic growth within the District to 2031. Policy SNP1 of the Southwater Neighbourhood Plan sets out the core principles to guide development in Southwater until 2031. Principle (f) of SNP1 requires all development to contribute to sustainable development.

- 6.2 Consideration of this proposal starts with the HDPF where policy 7 (Economic Growth) is of relevance. This policy seeks to protect existing employment and commercial sites to ensure sufficient local employment opportunities are maximised. HDPF Policy 9 deals with sustainable economic development and sets out this will be achieved by, amongst others, the expansion of existing employment sites within the built-up area boundary which will be supported where business requirements cannot be met within the existing premises, through acceptable on-site expansion or intensification.
- 6.3 The Council has evidenced how it can meet the needs of the industrial/warehouse sector, most recently in the Lichfields Northern West Sussex EGA Updates (Jan 2020 and Nov 2020 for Horsham District) studies as part of the Council's evidence base for its Local Plan Review. The Lichfields Updates concluded that it continues to be necessary to protect valued employment and commercial sites to ensure there are sufficient local employment opportunities to meet the needs of the District.
- 6.4 The application site is located within the built-up area boundary and is allocated in the Southwater Neighbourhood Plan as 'Parish Employment Area' under Policy SNP 21 A *Growing Economy* which states proposals in such areas will be approved, "where they maintain net employment floorspace or the number of full time equivalent (FTE) jobs".
- 6.5 The applicants anticipate the proposed development will exceed the number of full-time equivalent jobs, when compared against Sony DADC's former activities at the site, in compliance with Policy SNP21. However, there is an overall loss of commercial floorspace.
- 6.6 The proposed development seeks to deliver 9,179 sqm of floorspace. When compared to the existing warehouse buildings – a total 10,469 sqm of floorspace – this results in a reduction of 1,290 sqm of floorspace. The existing warehouse buildings, which date back to the 1980s, are said by the applicant to be inefficient by modern day standards and are approaching the end of their economic lives. The applicant, therefore, considers that the proposed development would lead to a significant upgrade in floorspace across the site, in accordance with HDPF Policy 7.
- 6.7 There is also the applicant's suggestion that loss of commercial floorspace is also influenced by the constraints presented to providing a layout which seeks to protect the amenity of nearby residents whilst also sufficient service yard and parking areas that meet the requirements of modern-day occupiers and to ensure that the site can operate safely and efficiently.
- 6.8 A flexible range of employment uses (within Planning Use Classes E(g)(iii), B2 and/or B8) are being applied for at the site. To quantify the permanent and temporary jobs that could be created, assumptions have been made by the applicant in terms of the density of employment normally expected for the different floorspace types (sourced from the HCA Employment Densities Guide). Using this guidance, a density of one job per 47 sqm (NIA) has been applied to the E(g)(iii) floorspace, one job per 36 sqm (GIA) to the B2 floorspace and one job per 70 sqm (GEA) to the B8 floorspace. On this basis, once fully developed and occupied, it is estimated the proposed development could support between 131 and 255 gross full-time equivalent (FTE) jobs on-site depending on proposed uses.
- 6.9 The applicant notes the 131 figure provides the absolute minimum number of jobs that the proposed development could create and is predicated on all units being used by B8 operators which is considered highly unlikely, particularly when considering the sizes of some of the proposed units and their service yards etc.
- 6.10 Information obtained by the applicant from Sony DADC confirms that its former activities at the site culminated in a total of 148 jobs, comprising a mix of FTE and part-time equivalent (PTE) jobs. While the total number of previous jobs is 148, this accounts for FTE and PTE roles and the number of FTE roles is likely to be lower than this.

- 6.11 The Council's Economic Development team still query whether this proposal could have delivered more on the amount of commercial floorspace, to maximise opportunities at this location and limit loss of commercial floorspace. Nonetheless, they believe the redevelopment would be positive for the local economy and an improvement on the existing offer, as it seeks to deliver some smaller, more modern, and higher-quality units between 656 sqm and 3,723 sqm, which would potentially make this site more viable. This contrasts with the site's current offer, which is a selection of what appear to be quite large and potentially outdated units. In their view, the redevelopment would be likely to attract businesses looking to start-up or relocate, therefore would facilitate business growth within the district.

Summary

- 6.12 The principle of development on the site is established through its allocation for employment use in the SNP. Taken together, the adopted planning policies SNP21 and HDPF 7 & 9, seek to encourage and promote employment (B1c (now reclassified under Class E(g)(iii), B2 and/or B8) uses in locations such Southwater Business Park. The proposed planning uses in this submission scheme align with those uses supported and promoted in those policies.
- 6.13 The proposed development would result in redevelopment of a previously developed site. The proposals would lead to employment opportunities, both through the construction phase and in provision of a range of industrial units to support economic growth. There is some suggestion in the applicant's evidence that the level of employment opportunities may be equivalent to or even add to what is currently on offer at this site.
- 6.14 In light of the above, the principle of employment-based redevelopment on the site is acceptable, subject to all other considerations. As the supporting text of Policy SNP 21 notes, this includes scrutiny to ensure impacts of growth do not have unacceptable impacts.

Design and Appearance

- 6.15 The proposals should have regard to HDPF Policies 32 and 33: Development Principles which states that proposals should, amongst others, be distinctive and respect the character of the surrounding area, through good design and landscaping. SNP 16 seeks to secure similar design outcomes.
- 6.16 The proposed layout places the buildings lined along an internal access road, parallel to the northeast part of the site, with the service yard on its side. This is responsive to the constraint of the shape of the site. The units are configured in an efficient and commercially feasible way, each with appropriate access and operational yard space.
- 6.17 The scale and massing of the storey height of the unit at the southern end of the site is said by the applicant to be responsive to the sensitivity of the County Park and The Downs Link (ensuring compliance with policies 8 and 17 of the SNP relate to site levels and the Country Park). At the southern end of the site the proposed scale and massing is broadly in line with the existing building heights. Due to the embedded location of the site, the public views would be read in context with the commercial context and its location within the built-up area of Southwater. In addition, the majority of these views would be predominantly observed by workers and visitors associated with the business park and its commercial uses.
- 6.18 The elevation treatment, a mix of vertical and horizontal profiled metal cladding, reflects the simple, rectilinear form of large industrial buildings. The elevations provide for integrated signage to avoid a disfiguring proliferation of applied adverts. The acoustic fencing is not considered to result in any adverse visual harm as it is within the confines of the business park and would not be readily visible to users of The Downs Link or the Country Park.

- 6.19 There is reliance on front servicing for deliveries. The industrial uses are likely to require areas on which to store materials. Some such area is provided as well as refuse stores to serve the units, to help reduce visual clutter. The new development minimises crime opportunities and attempts to balance visual harms arising from security and other functional mitigations (such as the acoustic fencing) with some landscape setting for the buildings. External lighting is controllable by condition to reduce light pollution and nuisance. These outcomes are important to deliver given the character of the area and the qualities of the nearby Ancient Woodland/ Southwater County Park/Downs Link.

Summary

- 6.22 The Council's Landscape Architect consultant judges that, given the siting of the proposals within the Southwater Business Park and its existing employment land use and somewhat enclosed character (due to dense woodland and treed landscape which bounds the majority of the business park's boundaries), the proposed re-development would be indistinguishable from development that already exists within the Business Park. It would not therefore have a significant adverse impact on the character and appearance of the area, and the scheme complies with relevant development plan policies in this respect.

Landscaping and Trees

- 6.21 The Council's Landscape Architect consultant does not object to the principle of the development, advising that planting proposals should include well-designed soft landscape and planting. A soft landscape plan has now been provided, with full details to be secured by condition. The suggested 'naturalised corridor' use of permeable paving to car parking areas and concrete surfacing to service yards is welcomed. Requested details of all external hard surfaced / landscaped areas, including planting schedules and specifications informed by the adjacent woodland, existing and finished levels, and construction measures to ensure the protection of retain trees, hedgerows, and vegetation can all be provided by condition. Notwithstanding the indicative security fencing within the DAS, details of the means of enclosure and other boundary treatments (gates, fencing, balustrades, planters, walls, kerbs, etc) are also requested by condition. Further detail by condition will also be required regarding the landscape management and maintenance.
- 6.22 In order to implement the proposal, the submitted 'Arboricultural Impact Assessment' initially suggested a loss of 10 No. trees and 7 No. groups (inclusive of Categories B, C and U). Tree planting on site is suggested in mitigation. At your officer's advice, the applicant has agreed to retain T10 and T11 (Willow) in the proposed car park. Elsewhere on site, proposed landscaping and amenity planting is limited in achieving a transition between urban and wooded landscapes.
- 6.23 The northern and southern tree belts are Ancient Woodland and the southern shaw forms part of the Southwater Country Park. A 5.5m buffer is secured along the boundaries, which is welcomed and satisfies Natural England Standing Advice. Nonetheless, the Council's consultant Landscape Architect requests details by condition of a proprietary temporary load-bearing surface to prevent compaction damage to tree roots during construction and demolition phases, as well as areas of 'no dig' construction methods and information. With such measures, there would be compliance with Policy SNP8 (Southwater Country Park) which requires the proposal be sympathetic and in keeping with the natural environment of the Country Park and not have a negative impact on existing flora and fauna.
- 6.24 Policy SNP18 *A Treed Landscape* of the Southwater Neighbourhood Plan states that a minimum of one new tree per 40m² of floorspace created is required. However, the proposal represents a net loss of existing floorspace so the provisions of SNP18 are not triggered.

Heritage

- 6.25 Policy 34 of the HDPF and SNP19 requires the Council to sustain and enhance its historic environment through positive management of development affecting heritage assets.
- 6.26 The proposal is located close to prehistoric activity to the west, with Neolithic flints recovered north of site and Post-medieval remains on the Horsham-Shoreham railway line. However, the site has already been heavily impacted by construction of the current commercial buildings, and it is likely any archaeological remains, if present, have already been extensively disturbed. Consequentially, the Council's Consultant Archaeologist has no recommendations.
- 6.27 The Council's Conservation Officer is satisfied no harm would result to the setting of the Grade 2 listed Cock Inn (now trading as "Topsy Fox") the closest designated heritage asset to the proposed redevelopment, due to the significance derived from its setting, the distance involved and the intervening built environment.
- 6.28 Neither would harm in heritage terms arise onto the Downs Link (afforded non-designated heritage asset status in the SNP), given its qualities would be preserved for the reasons explained earlier in this report.
- 6.29 As such, officers consider that that development would accord with Local Policy 34 of the HDPF and SNP 19 and National Policy.

Residential Amenity

- 6.30 Policies 32 and 33 of the HDPF seek to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land. HDPF Policy 24 expects developments to minimise exposure to and the emission of pollutants including noise, odour, air and light pollution.
- 6.31 The site is located in the centre of the residential village of Southwater. The route to and from the A24 approach to the site is via residential roads along Worthing Road and Mill Straight, passing Roman Lane and Mullberry Fields. Residential properties, with associated first floor bedrooms, are located north of the site and near to the business park junction with Worthing Road.

Construction Phase

- 6.32 Amenity impacts arising during demolition and construction works, such as the potential to create dust, can be mitigated through suitable measures secured through condition, in a construction environmental management plan. Given the distance and intervening tree belt and structural vegetation, the physical form of the proposed development at operational phase would not result in harmful loss of light, loss of privacy or loss of outlook. The main issues to consider are that of contamination, noise, light and air quality at operational phase, and these are set out below.

Contamination

- 6.33 A Phase II Site Investigation and qualitative risk assessment accompanies the application. This confirms concentrations within the made ground do not pose a risk to human health receptors but require additional remediation works. The Council's Environmental Health Officer (EHO), whilst not raising an objection, has requested further information on gas monitoring and full details of any remediation measures by condition.

Light

- 6.34 The application is supported by a Lighting Impact Assessment setting out artificial lighting of the proposed development; a combination of column and wall mounted LED fittings, as well

as bat sensitive lighting. LED lights sources proposed have very low light emissions (a colour temperature of 4000K or less) and fitted to minimise upward light spill. Environmental Health Officers have not raised an objection to the proposed lighting. The submitted light scheme can be secured through condition, so negative impacts through light pollution onto neighbouring residential amenity are avoided.

Air Quality

- 6.35 The application is supported by an Air Quality Assessment and Mitigation Statement. During operation phase, some particle concentrations are predicted at a number of locations adjacent to the road network, but air quality impacts have been classified as 'negligible'.
- 6.36 The accompanying Air Quality Mitigation Statement estimates the total damage cost value at £11,359 and sets out a mitigation package to reflect this monetary value. The mitigation package includes the provision of cycle storage and EV charging points (active/passive provision).
- 6.37 Environmental Health Officers have not raised objection on air quality grounds, subject to securing the delivery of a mitigation package that does not duplicate other measures realised under separate legislative regimes (such as EV provision under Building Regulations). This can be secured by condition. Having regard to this, no negative impact on neighbouring residential amenities will occur as a result of air quality effects.

Noise and Disturbance

The Applicant's case

- 6.38 The applicant's case is that noise and disturbance impact on the amenity of nearby residential properties north of the site, has been considered; the layout of the proposed buildings is configuration into terraces with service yards positioned to the south away from the residential to the north, providing a physical barrier from yard noise, disturbance and activity.
- 6.39 A Noise Impact Assessment (NIA) has been prepared by Sharps Acoustics LLP in support of this application. The applicant's assertion is that the NIA has demonstrated that the proposed development would not have an adverse impact on the amenity of nearby residential properties. This is based on the uses being applied for and 24 hour operations at the site.
- 6.40 The applicant asserts that the NIA confirms that with mitigation in place, the predicted noise levels would be below the lowest observable adverse effect level at all times. No further noise mitigation measures are required and there would be, by definition, no observed adverse noise effects resulting from the proposed 24 hour operations. The NIA confirms that mechanical services and any other external plant can be controlled by condition to ensure no adverse noise effects from its operation.

24 hour operations

- 6.41 It is said by the applicant that 24/7 operations are applied for to ensure the proposed units are fit to meet the operational requirements of prospective tenants. A letter from Dowley Turner Real Estate (the industrial agent for the proposed development) accompanies this application. It notes that whilst the proposed development is yet to be widely marketed, there is likely to be strong interest, owing to the lack of available stock in the area. The letter says that potential occupiers are highly likely to be put-off by any form of restrictions being placed on the proposed units (both in terms of operational hours and delivery hours).
- 6.42 The letter draws on comparable examples within the district to demonstrate this point, including schemes at Oakwood Business Park and Nowhurst Business Park. In relation to the former, the letter notes that the scheme reached practical completion in January 2021 and remained vacant for over 12 months, despite being marketed from an early stage. The agents for the scheme confirmed that many discussions with prospective occupiers came to an abrupt halt when the hours of use restrictions were disclosed. Similarly at Nowhurst Business Park which received planning permission in December 2017, the letter confirms there has been little success in securing pre-lets for the approved employment units, with many prospective occupiers citing the hours of use restriction as the main barrier for reaching an agreement.
- 6.43 The above is asserted to demonstrate the importance of applying for 24/7 operations as part of this application, as this would provide the necessary flexibility for prospective businesses looking to occupy the proposed units. Unrestricted activities in this respect would enable the proposed units to better meet the needs of industrial / commercial operators and would make them a much more desirable proposition to the market.

Your Officer's advice

- 6.44 All of the noise limits assessed in the NIA are health-based values. Broader issues of amenity, character of the locality and quality of life as described under national policy should be considered; the potential for impact, particularly from night-time delivery vehicles, is significant.
- 6.45 24 hour operation would have significant impact to residents north of the site and on route to and from the A24 along Worthing Road and Mill Straight, passing Roman Lane and Mullberry Fields. Impact of pollutants such as noise, light and air quality (emissions) are not considered to be acceptable without the mitigation measures recommended by your Environmental health Officers. Policy support for continued growth at Southwater Business Park is caveated by the need to ensure that the impacts of growth in this location does not have unacceptable impacts on the rest of the community (SNP, para. 9.7).
- 6.46 The Council's Environmental Health Officer has formally objected to unrestricted 24 hours use as the degree of control necessary to protect the amenities of nearby residents would not be enforceable as planning condition. This degree of control took the form of suggested planning conditions by the Environmental Health Officer to control vehicle movements to one two-way movement in every hours during the night time period (2300 to 0700) and for no more than 16 vehicle movements to take place during the same. In your Officer's view neither would satisfy the planning tests as enforceable. Night-time noise from increased traffic movements particularly at the entrance to the site off Worthing Road will be readily audible to nearby residents. There will be harmful impact and as a result the proposal conflicts with HPDF Policies 24 and 33 in relation to this matter.
- 6.47 The close relationship of the site with residential properties, with associated first floor bedrooms, located north of the site and near to the business park junction with Worthing Road, is such that they would be exposed to noise disturbance from 24/7 operations at the site. This outcome is considered to arise despite inclusion of acoustic screens on site, as the

Environmental Health Officer advice is that it is necessary for all acoustic screens to still be installed even if 24/7 use is not permitted, and for the currently proposed 2 no. 2.4 metre screens located between the buildings to be increased in height to 4.5 metres (this can be secured by condition). The acoustic screens are mitigation put forward by the applicant to address potential for noise break-out from delivery and despatch areas of the site to impact residential receptors on Station Road, Little Bridges Close and Lakeside Drive. Your Environmental Health Officer is broadly in agreement and therefore welcome the proposal to include screens. Your Environmental Health Officer would however like to see a 4.5-metre-high screen, as proposed at the western end of the site, present between the proposed buildings.

- 6.48 It is not possible to restrict occupation to un-named businesses only; therefore, regard must still be had to the potential for alternative businesses to occupy the units in a more intensive manner. To be clear, your Environmental Health and Planning officers are satisfied sufficient evidence has been submitted via the applicant's noise assessment to demonstrate that it is not necessary to restrict internal operations inside the new buildings themselves, given the construction standards to be used avoid the dispersal of harmful noise originating from operations within the buildings onto exterior receptors.
- 6.49 Accordingly, the main amenity harm would be from vehicle movements at the entrance to the site and as such officers recommend that a condition is applied to restrict such movements at night. Environmental Health officers have recommended that movements be restricted to between 07:00hrs– 20.00hrs Monday – Friday, 07:00 – 18:00hrs Saturdays, and not at all on Sundays, Bank Holidays or Public Holidays. However, it is noted that existing operations are unrestricted at the site therefore acknowledging this existing situation and the need to avoid unduly constraining employment at this allocated employment site, it is considered that an alternative restriction to that recommended by Environmental Health officers is reasonable in this case. As the main concern is delivery/dispatch traffic movements at night, officers recommend that that these movements are limited to between 07:00hrs– 22.00hrs Monday – Saturday, and 09:00 – 18:00hrs on Sundays, Bank Holidays or Public Holidays. In addition, and as recommended by Environmental Health officers, a condition preventing works of construction, fabrication, repair, servicing or maintenance in the open air is recommended. With these conditions, internal operations would remain unfettered as existing, however the harmful impact of traffic movements during the night from deliveries/dispatches, would be mitigated.
- 6.50 In order to further ensure the safe operation of the development and to protect the amenities of nearby residents, it is also recommended that a noise management plan be submitted to and approved by the Local Planning Authority. This should include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries and servicing. The noise management plan shall be regularly reviewed to ensure that it take account of current operational practices at the site.
- 6.51 Additionally, it is also judged necessary to condition no internal/external plant, machinery equipment or building service plant be operated until an assessment of the acoustic impact has been approved by the Local Planning Authority.
- 6.52 With these conditions, it is judged that a reasonable balance has been struck between accommodating flexible operating hours whilst ensuring the protected of the residential amenities of nearby neighbours. It is noted that no detail has yet been evidenced by the applicant to your officer on the operational requirements of any prospective end user. Under these circumstances, it is concluded that Policies of 32 and 33 of the HDPF are satisfied

Highway Matters

- 6.53 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users, as well as adequate parking and facilities. It should be noted that developers can only be required to mitigate the impact of their development, in accordance with CIL Regulations. Policy SNP15 requires development proposals support electric vehicles, and demonstrate car-charging point installation adjacent to all parking spaces on site.
- 6.54 A Transport Statement (TS) and a Framework Travel Plan (FTP) have been prepared by Velocity in support of this planning application. Both should be read in conjunction with one another. A Parking Management Plan (PMP) has also been prepared together with a draft Delivery and Servicing Plan (DSP). West Sussex County Council (WSSCC), as the Local Highway Authority (LHA), has carefully reviewed these, and raised no objection to the scheme.

Access

- 6.55 The site will utilise an existing access point. The Local Highway Authority (LHA) considers access arrangements acceptable and does not judge a Stage 1 Road Safety Audit (RSA) to be required as the access is existing with no changes proposed and the number of movements would not materially change. A swept path analysis has been provided to demonstrate that vehicles can access and egress without conflict within the TS. Given the LHA comments, your officers accept that the proposed access arrangements are acceptable, and will not give rise to any highway safety issues.

Network Capacity

- 6.56 Turning to the impact on the highway network, the applicants have used TRICS software (industry standard) to calculate the trip generation from the proposed development. It should be noted that TRICS is an industry standard software that has been tested successfully many times at planning appeal and is considered a robust system to ascertain traffic generation.
- 6.57 The applicant has undertaken a trip generation analysis for the maximum number of proposed and previous usage at the site using the industry standard TRICS software. The proposed development will result in a decrease in the number of vehicle trips in the AM peak by 18 and a net decrease of the number of vehicle trips in the PM peak by 14. The total daily vehicle trips will increase by 120. Given the results of the TRICS analysis, including a positive impact in the AM and PM peak hours due to a reduction in vehicle trips, the LHA does not consider the proposals would have an 'unacceptable' impact on the network and do not consider the application requires any further assessment on local junction capacity.
- 6.58 A Delivery & Servicing Plan (DSP) outlines the principles associated with servicing of the proposed development and establishes management measures that will be implemented to ensure activity associated with deliveries, servicing and refuse collection will not adversely impact upon the operation of the highway network (inclusive of the internal estate road and Worthing Road). The applicant would implement the DSP alongside a Parking Management Plan (PMP) so servicing and parking activity are managed efficiently.
- 6.59 Having regard to the above, officers accept the conclusions by both that the proposed development will not have a 'severe' impact on the capacity of the existing highway network. Equally, there is compliance with SNP4 *Keeping our Roads Moving*.

Parking

- 6.60 On the advice of the LHA, the Transport Assessment has undertaken a site-specific assessment and in considering the need to balance operational requirements with available space and to ensure efficient use of land, it is proposed to include 119 car parking spaces. This is equivalent to 1 space per 73 sqm which provides a blended ratio to reflect the flexible use sought, whilst remaining flexible to the needs of future occupiers. The LHA supports this approach in principle; the maximum parking demand is assessed as 58 spaces over a weekday period, so the proposed provision would sufficiently accommodate demand and minimise overspill on the public highway.
- 6.61 There is provision of shared secure cycle parking spaces that exceed the WSSC 'Guidance on Parking at New Developments' standards, when applying the average standard for the use classes involved in the flexible use scheme (short stay - Sheffield stands for 18 bicycles, long stay – double stacked covered and secure cycle parking for 44 bicycles). This is considered appropriate given the future occupiers are unknown. 24 spaces (a minimum of 20% of parking spaces) will have Active charging points with the remainder 'passive' enabled for connection at a later date. It is noted that the yearly EV provision index in the WSSC guidance for 2023 is for 40% provision but given nature of the planning uses applied for with a large parking area and future proofing in the passive provision, a balance is considered appropriate in this case.
- 6.62 The LHA have not raised an objection to the proposal in respect of the proposed parking provision and your officers are content that the scheme provides for an adequate level of provision to meet the needs of the intended uses. This provision would equally satisfy the standards prescribed in SNP 15 *Driving in the 21st Century*.

Sustainable Access

- 6.63 The proposed development is accompanied by a suite of management strategies, including a framework travel plan to promote modes of travel other than the private vehicle and reduce the reliance of motor trips to and from the site for future staff/visitors, and to manage associated parking and freight, servicing and deliveries. This has been reviewed by the LHA to its satisfaction, with a detailed travel plan to come forward for agreement once occupiers are known secured by condition. The framework travel plan content is in compliance with SNP13 *Enhancing our non-motorised transport network*.
- 6.64 The LHA advises that footway improvement works as a form of mitigation are required. It is reasonable to request only improvements at the site access to this employment development that might need implementing, this includes crossing improvements in the form of tactile paving at proposed newly aligned vehicular access/egress points within the business park itself, but also at the business park junction with Worthing Road. These additional improvements would benefit pedestrians and cyclists travelling to site. The works could be delivered via Section 278 Agreement and would be compliance with SNP13.

Summary

- 6.65 The proposal has been carefully considered by the LHA who has confirmed the proposed development will not result in any unacceptable highway safety issues or have a severe impact on the operation of the road network. The level of parking is acceptable to meet the needs of the development and a Travel Plan can be secured by condition to promote alternative modes of travel to and from the site. It is therefore considered the application complies with policy and guidance contained within local and national policy, and that there are no transport grounds to resist the proposal.

Ecology

- 6.66 The proposals should have regard to HDPF Policy 31 which requires development to contribute to the enhancement of existing biodiversity.

Protected and Priority Habitats and Species

- 6.67 The Council's consultant Ecologist has reviewed the Preliminary Ecological Appraisal, and the badger and bat surveys (Rev. 1 Phlorum Limited, Nov 2021) which accompany this application, relating to likely impacts on protected and priority habitats and species, particularly bats, badgers, reptiles, nesting birds and hedgehogs and identification of proportionate mitigation. Whilst the site itself is not subject to statutory/non-statutory designations related to ecology, it is located within a 'Bat Sustenance Zone' and adjacent to Southwater Country Park, a local wildlife site.

Bats

- 6.68 The survey results are low level of bat activity at the site and no potential bat roosting features seen in buildings. However, as mobile species, there is potential for bats to roost in the buildings, or in offsite trees and a precautionary approach to start of works is agreed. It is also agreed a Wildlife Friendly Lighting Strategy be implemented, with technical specification to avoid lighting impacts to habitat corridors and foraging and commuting bats present in the local area. This can be secured by planning condition.
- 6.69 The proposal is within 12km of The Mens Special Area of Conservation, with Barbastelle bats listed as a qualifying feature. As competent authority, your officers have undertaken Appropriate Assessment of the proposals concluding that, with the implementation of the sensitive lighting scheme, there will be no adverse effect on integrity of the above site. Natural England are satisfied with this.

Badgers

- 6.70 One historic badger sett was found on site, but no evidence of the site being used now. The site is considered to provide high potential for breeding badgers and moderate potential for foraging and commuting badgers and, as such, precautionary measures are agreed (site walkover before start of works).

Biodiversity Enhancement

- 6.71 Also supported are proposed reasonable biodiversity enhancements (bat and bird boxes and bricks and wildlife friendly pathways and planting), recommended to secure measurable net gains for biodiversity. The measures should be outlined within a Biodiversity Enhancement Strategy and secured by condition prior to slab level. The measures ensure compliance with the Council's Biodiversity and Green Infrastructure PAN.

Summary

- 6.72 The Council's Ecologist is satisfied there is sufficient ecological information available for determination, for certainty of likely impacts on protected and priority species and to demonstrate compliance with statutory duties and that, with appropriate mitigation secured, the development can be made acceptable. This is subject to action in accordance with recommended conditions, including securing a Construction and Environmental Management Plan (Biodiversity) and Landscape and Ecological Management Plan.

Water Neutrality

- 6.73 From the evidence provided in the submitted Water Neutrality Statement (BWB Consulting Ltd Version P05 November 2022) the applicant is proposing to achieve neutrality by using efficient fixtures and fittings, as well as implementing rainwater harvesting. This follows advice from your officers and Natural England.

Existing water consumption

- 6.74 Metred water bills have been provided for the previous 3 years (period 07/2020 to 02/2022) but actual metered data reflecting full operation and evidenced baseline consumption for Sony's operations at the site is for a period of only six months. However, there is no evidence to suggest the use for another 6 months of the year would be any different. The water consumption was 6,072 litres per day for the six-month period.
- 6.75 Alternative methodologies (BREEAM and OffPAT) have also been used to devise the calculated water consumption for the existing development (undertaken at differing levels of occupancy and for alternative use classes and based on 252 days operation). The BREEAM water consumption calculators show the consumption to be 18,725 litres per day: 4,718,662 litres per annum. Using OffPAT occupancy figures then the water consumption amounts to 8,207 litres per day: 2,068,093 litres per annum. The OffPAT figures provide certainty that the six month bill period is sufficiently representative of existing water consumption.

Proposed water consumption

- 6.76 Alternative methodologies (BREEAM and OffPAT) have been used to devise the calculated water consumption for the proposed new development. The calculations have been undertaken at differing levels of occupancy and for alternative use classes to ensure all conditions were considered in respect of the number of occupants and type of use.
- 6.77 The calculated water consumption for the proposed new development without mitigation, based on OffPAT occupancy figures (198 persons), is 7,709 litres per day (1,942,640 litres per annum). Based on BRE occupancy figures (511 persons), it is 19,880 litres per day (5,009,746 litres per annum).

Mitigation

- 6.78 Efficiencies include dual flush WCs, flow restrictors to wash hand basins, showers and sinks. The result of the efficiencies is to reduce water consumption to 26.58 litres per person per day.
- 6.79 In addition to water efficiency measures, to further reduce water consumption rainwater harvesting has been included. Rainwater harvesting will be used to feed flushing WC cisterns only.
- 6.80 Individual rainwater harvesting systems may be provided for each unit, avoiding shared supplies with storage tanks more manageable in size. An alternative is a single system under which rainwater is collected from each unit roof via downpipes to a common storage tank with the harvested water pumped to each unit on a common distribution system.
- 6.81 The annual rainwater yield for the development is 5,308,276 litres/annum. The rainwater storage capacity based on 35 day storage using OffPAT occupancy levels would be 125m³ whilst at BRE occupancy levels the total storage required would be 322m³.
- 6.82 The rainwater harvesting system is to supply non-potable water for the development. From reviewing the submitted information and considering the proposed commercial use of the private water supply, Environmental Health officers are of the view that the risk assessing,

testing and maintenance of the supply for the lifetime of the development can be secured through conditions alongside the final details of the rainwater harvesting system.

Summary

- 6.83 In both cases (BREEAM and OffPAT occupancy) the water consumption of the proposed development, based on the efficiency fittings and rainwater harvesting, occupants and frequency of use post development, is substantially less than that of the existing development when compared to the evidence of the former site use.
- 6.84 In the case of OffPAT levels of occupancy, the proposed development with water efficiency measures will use 1,700 litres per day (a reduction of 4,372 litres per day: 1,587,055 litres less per annum). With the increased level of occupancy given by the BREEAM methodology, the proposed development will use 4,385 litres per day (a reduction of 1,688 litres per day; 612,575 litres less per annum). This means in the 'worst case' scenario the site will consume less mains water than the previous use of the site.
- 6.85 As competent authority, your officers have undertaken Appropriate Assessment in respect of impacts on the Arun Valley SAC/SPA/Ramsar habitat sites, concluding that, with mitigation, the project will not have Adverse Effect on their integrity. Your Officers are satisfied conditions to be imposed are sufficiently robust to ensure mitigation measures can be fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations. Natural England concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured.

Other Matters

Sustainable Construction

- 6.86 The proposed development will incorporate measures to improve its sustainability, which in addition to an approach to building fabric and construction set out in the Energy Statement that accompanies this application, includes the installation of EV charging spaces within the car park. It is considered that the application complies with policies. An. The development is accessible by means other than the motor car. The buildings are targeted to achieve a BREEAM rating of Very Good.

Drainage

- 6.87 Policy 38 of the HDPF deals with flood risk and drainage. The application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy (DS), the latter updated with evidence on surface water run-off rates requested from the Local Lead Flood Authority (LLFA) and Council's Drainage Officer.
- 6.88 In respect of flooding, the site is in flood zone 1 at low risk for fluvial flooding, and at very low surface water flood risk with no historic flooding records. Foul water drainage will be discharged to an existing foul sewer. In respect of the proposed surface water drainage strategy the submitted details show it is intended to deal with this via Sustainable Urban Drainage. In addition to using the existing drainage network, permeable paving and two attenuation tanks on site will be utilised.
- 6.89 The above measures will result in a 50% betterment when compared to the existing discharge rates. While discharging at no greater than 2 l/s/ha is acceptable, the LLFA's preference is that runoff should where possible be restricted to 'greenfield runoff' rate. With evidence now received from the applicant that greenfield run-off rate is not achievable due to various constraints, the drainage authorities have no further adverse comments and recommend suitable conditions.

Conclusions

- 6.90 The proposed redevelopment of this existing commercial site will bring forward new employment premises on previously developed land and on an existing allocated employment site in the District and the Neighbourhood Plans. This would assist in supporting sustainable economic development within the district. Your Officers are satisfied that the proposal is both justified and consistent with Local Plan policy in this regard. As directed by paragraph 81 of the National Planning Policy Framework, significant positive weight is placed on the economic benefits arising from this proposal.
- 6.91 Turning to the impact of the proposals, the layout and design of the scheme is an appropriate response to the townscape context for the development as well as mitigating visual impact on the surrounding area and maintaining its character. Subject to appropriate controls and mitigations secured via through condition, there will be a neutral impact in respect of highway safety and parking provision, drainage, air quality, and ecology with no Adverse Effect on the Arun Valley habitat sites. Subject to imposing limits and controls on future operations, including operating and delivery hours, residential amenities can be protected (whilst recognising that, regarding amenity impacts, unfettered 24/7 operation in this location is judged by your officers to be harmful).
- 6.92 On this last matter of 24/7 operation, whilst it is acknowledged the existing site is historically unfettered, this proposal seeks to redevelop the site to bring forward an increased number of business units (from 1 to 7). The broader context must be considered rather than just noise impacts. The noise impacts from the limited external activity as modelled in the noise survey may be unlikely to be harmful to health, but that does not make it desirable or appropriate given the speculative nature of the development proposals. It remains the view of your officers that the conditions advised by your EHO represent the right balance between the applicant's desire to market the development as widely as possible and the protection of the amenity and character of the area.
- 6.93 It is therefore recommended that planning permission be approved subject to the conditions set below.
- 6.94 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
Other Development	8,704	10,437.58	-1,733.58
		Total Gain	-1,733.58
		Total Demolition	10,437.58

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

7. RECOMMENDATIONS

Conditions:

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

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

3. **Pre-Commencement Condition:** No development, including demolition, 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) An intrusive site investigation 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.
 - (b) 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 a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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

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

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

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 17 of the Southwater Neighbourhood Plan (2021).

5. **Pre-Commencement Condition:** The development, including demolition, 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 which identifies activities likely to cause high levels of noise or dust;
 - ii. Details of how residents will be advised of site management contact details and responsibilities
 - iii. Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
 - iv. Details regarding parking or site operatives and visitors, deliveries, and storage and details regarding dust and noise mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;

- v. The arrangements for public consultation and liaison prior to and during construction works - newsletters, fliers etc - including notification as to when any significant noise activities such as piling will be taking place
- vi. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
- vii. Locations and details for the provision of wheel washing facilities and dust suppression facilities and details of traffic construction routing to and from the site and hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network
- viii. A Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities, including but not exclusive to pollution, vegetation clearance, open excavations particularly for dormice, bats and badger.
- b) Identification of biodiversity protection zones
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities onsite of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non native species on site.

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

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

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015) and to conserve Protected and Priority species and allow the LPA to discharge its duties under the UK habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework.

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

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

7. **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 Method Statement. 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) and SNP16 of the Southwater Neighbourhood Plan (2021).

8. **Pre-Commencement (slab level) Condition:** No development above ground floor slab level 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.

To protect the amenities of nearby residents, the lighting scheme shall be in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light and shall have been designed by a suitably qualified person in accordance with the recommendations. The scheme shall be implemented in accordance with the approved scheme and thereafter retained as such.

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 and to protect the amenities of nearby residents in accordance with Policies 24, 31, 32 and 33 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).

9. **Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (WATER NEUTRALITY STATEMENT REV P05 by BWB Issue Date 09/11/2022 Document Number: SDADC-BWB-00-ZZ-RP-M-0001_S2_P05) have been submitted to and approved in writing by the Local Planning Authority. The rainwater harvesting system shall include suitable storage tanks to provide a minimum 35 days storage capacity.

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

10. **Pre-Commencement (Slab Level) Condition:** The development hereby approved shall not commence until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the local planning authority. The PWSMP shall include, but not necessarily be limited to, the following information:
- i. Detail on the likely contaminants associated with the rainwater harvesting system.
 - ii. Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.

- iii. Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
- iv. Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- v. Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
- vi. Detail on the continuity of supply during dry periods extending beyond 35 days.
- vii. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

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

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

11. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

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

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

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

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 16 of the Southwater Neighbourhood Plan (2021) and SNP16 of the Southwater Neighbourhood Plan (2021).

13. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 3 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3, unless otherwise agreed in writing by the Local Planning Authority.

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

14. **Pre-Occupation Condition:** 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 building has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, details of the rainwater harvesting system installed including a minimum 35 days storage capacity, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

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

15. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied unless a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period.
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing maintenance and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objective of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015).

16. **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

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

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and SNP8 and SNP16 of the Southwater Neighbourhood Plan (2021).

17. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the acoustic screens shown on drawing have been installed on site in accordance with the locations and manufacturer's specification as detailed and shown at Figure A.2 in the Assessment of Noise Impact report by Sharps Acoustics 04 Feb 2022 submitted with this application and notwithstanding those details, the 2 no. acoustic screens shown on Figure A2 between units 04 and 05 and units 06 and 07 shall both be no less than 4.5 metres in height.

Reason: To protect the amenities of nearby residents in accordance with Policies 32 and 33 and 24 of the Horsham District Planning Framework (2015).

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

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policies 10 and 37 of the Horsham District Planning Framework (2015) and SNP21 of the Southwater Neighbourhood Plan (2021).

19. **Pre-Occupation Condition:** No building hereby permitted shall be first occupied unless and until provision for the storage of refuse/recycling has been made for that building (or use) in accordance with details (including elevations, materials and internal configuration) that have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

20. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces, turning and access facilities necessary to serve it have been implemented and made available for use in accordance with the approved plans 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) and SNP4 and SNP13 of the Southwater Neighbourhood Plan (2021).

21. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of cycle parking facilities for the development shall have been submitted to and approved in writing by the Local Planning Authority. No building hereby permitted shall be occupied until the approved cycle parking facilities associated with that building have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015) and SNP13 of the Southwater Neighbourhood Plan (2021).

22. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until means for the charging of electric vehicles on site have been installed in accordance with details 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) and SNP15 of the Southwater Neighbourhood Plan (2021).

23. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a revised Emissions Mitigation Assessment is submitted to and approved in writing by the Local Planning Authority. The Mitigation Assessment shall set out a mitigation package to reflect the total damage cost value in the submitted Emissions Mitigation Assessment. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document.

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 of the Horsham District Planning Framework (2015).

24. **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).

25. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a noise management plan has been submitted and approved in writing by the local planning authority. This should include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries and servicing. The noise management plan

shall be regularly reviewed to ensure that it takes account of current operational practices at the site. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority the noise management plan shall be reviewed. Any changes to the noise management plan necessary to address these concerns shall be implemented to the satisfaction of the Local Planning Authority. The development hereby permitted shall thereafter be operated in accordance with the approved details.

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).

26. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015) and SNP13 of the Southwater Neighbourhood Plan (2021).

27. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Delivery, Collection & Service Management Plan and Parking Management, 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, and in the interests of highway network capacity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015) and Policies SNP13 and SNP4 of the Southwater Neighbourhood Plan (2021).

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

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

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 submitted Arboricultural Impact Assessment/Method Statement [ARBORICULTURAL IMPACT ASSESSMENT Version V1 by Seed 04 February 2022 Ref 1316-AIA-V1-B].

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015) and SNP8 and SNP16 of the Southwater Neighbourhood PLAN (2021)

31. **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the PRELIMINARY ECOLOGICAL APPRAISAL by phlorum 11/11/2021 REV 1 10790; BAT SURVEY Report 11/11/2021 Rev 1 by Phlorum Limited; and BADGER SURVEY REPORT 11/11/2021 Rev1 by Phlorum Limited.

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:** No works of construction, fabrication, repair, servicing or maintenance shall be undertaken at any time in the open air.

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

33. **Regulatory Condition:** No dispatch or receipt of deliveries shall take place from the site except between 07:00hrs– 22.00hrs Monday – Saturday, and between 09:00 – 18:00hrs on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policies 24 and 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 the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) (or any order amending or revoking and/or re-enacting these Orders), the premises hereby permitted shall only be used for uses falling with Classes E(g)(iii), B2 or B8 use only and for no other purposes whatsoever (and for no other purposes falling with Class E other than E(g)(iii) 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: The site not within an area where permission for shopping purposes or town centre uses would normally be granted and to ensure the development remains in appropriate employment use and due to unknown and potentially harmful impacts on local amenity under Policies SNP1 and SNP21 of the Southwater Neighbourhood Plan (2021) and Policies 7, 9 and 33 of the Horsham District Planning Framework (2015) and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA 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).

35. **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), no externally located plant or equipment other than that approved under condition imposed on this decision notice shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

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

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

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

37. **Regulatory condition:** No part of the building or the site shall be designated, equipped or used as a vehicle washing area without the prior written consent of the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA 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).

38. **Regulatory:** The building hereby approved shall achieve a minimum BREEAM Rating of 'Very Good'.

a) No development above slab level shall commence until a Design Stage Certificate for the building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with the above.

b) Within 6 months of occupation of the building, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with the BREEAM Rating of 'Very Good' for that specific building.

Reason: In the interests of mitigation of the impacts of Climate change, minimising carbon dioxide emissions, sustainable design and construction, renewable energy, and water use and supplies in accordance with Policies 35, 36, and 37 of the Horsham District Planning Framework (2015).

39. **Regulatory Condition:** Following first occupation of each building of the development hereby approved, no mezzanine or additional floor levels shall be constructed within any building without express planning consent from the Local Planning Authority first being obtained.

Reason: To ensure the traffic generation from the site is sustainable having regard the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015) and SNP4 of the Southwater Neighbourhood Plan (2021) and to ensure the development is

water neutral to avoid an adverse impact on the Arun Valley SAC/SPA 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).

40. **Regulatory Condition:** No externally located storage of any materials or waste shall occur except within the areas shown on the approved plans or otherwise agreed by local planning authority in discharge of a condition attached to this decision notice without the prior approval in writing of the Local Planning Authority.

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

41. **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 F, G, H and J of Part 7 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

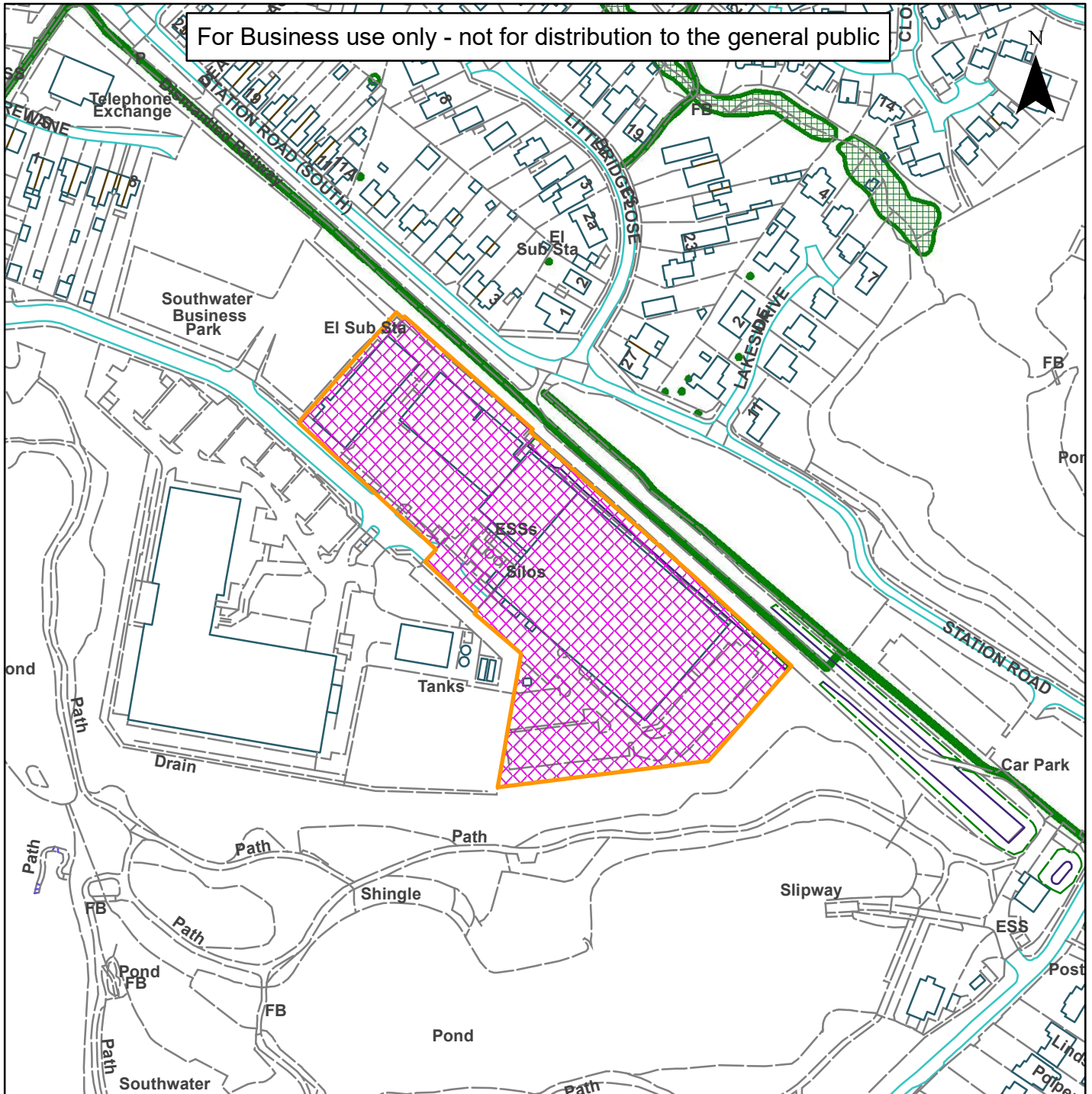
Reason: In the interest of visual amenity to protect the character and amenities of the area in accordance with Policy 33 of the Horsham District Planning Framework (2015); to ensure the traffic generation from the site is sustainable having regard the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015) and SNP4 of the Southwater Neighbourhood Plan (2021); to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA 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).

42. **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 not include trade counters or showroom/retail uses without express planning consent from the Local Planning Authority first being obtained.

Reason: The site is not within an area where permission for shopping purposes or town centre uses would normally be granted and to ensure the development remains in appropriate employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework (2015) and SNP21 AND SNP1 of the Southwater Neighbourhood Plan (2021).



Sony DADC UK Limited, Southwater Business Park, Worthing Road, Southwater, Horsham, West Sussex, RH13 9YT



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

Scale: 1:2,500

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

Organisation	Horsham District Council
Department	
Comments	
Date	24/03/2023
MSA Number	100023865

This page is intentionally left blank



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th April 2023

DEVELOPMENT: Outline application for the erection of up to 73 new dwellings (C3 use) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highway infrastructure works, including vehicular access from Shipley Road, with all matters reserved except for access

SITE: Woodfords Shipley Road Southwater Horsham West Sussex RH13 9BQ

WARD: Southwater South and Shipley

APPLICATION: DC/21/2180

APPLICANT: **Name:** Reside Developments Ltd **Address:** The Dutch House Dorking RH4 1BG

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 application represents a departure from the Local Plan.

RECOMMENDATION: Subject to any further representations resulting from a re-consultation of adjacent residents on the water neutrality report which may raise material planning considerations which have not already been considered.

To approve outline 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 is proposed in Outline for the re-development of the site to provide up to 73 dwellings, with detailed permission sought for a new vehicular access point from Shipley

Road. The submitted illustrative site plan shows the development of 73 units which comprise an indicative mix of 1, 2, 3 and 4-bed houses and flats, with 29 of the units (40%) proposed to be affordable. The proposal also includes four (5%) custom build / self build plots. The design and layout of the site is only shown indicatively, but proposes areas of public open space, water attenuation basins, a pumping station and a play area in the central section of the site.

- 1.3 A 'trim trail' is proposed around the perimeter of the site. A new pedestrian access point is shown at the north-west corner of the site, which includes the provision of a new section of pedestrian footway along the eastern side of Shipley Road. The indicative layout shows two 'character areas' within the site, with a denser and more urban character to the north, and more of a 'farmstead' character to the south. The scheme includes the retention of the existing farmhouse known as Woodfords. An internal road would lead from the new access point into the site, enabling access to the southern parcel. Most existing trees within the site are to be retained, and landscaping at the site boundaries would be enhanced.

DESCRIPTION OF THE SITE

- 1.4 The application site is located to the east of Shipley Road, directly to the south of the village of Southwater, but within the Parish of Shipley. The site is approximately 1 mile (1.6km) from the centre of Southwater (Lintott Square). The 4.1Ha site is formed of two relatively flat fields dissected roughly in the middle by a row of trees (including one large mature Oak). The existing site comprises a main dwelling known as 'Woodfords' which is not listed, but is thought to date back to the seventeenth century (therefore considered to be a non-designated heritage asset); and other associated but more modern buildings.
- 1.5 The site boundaries are largely defined by mature landscaping including dense hedgerows and mature trees. The trees along the northern boundary are protected under TPO/1436. An area of ancient woodland is located approximately 40m to the north east of the site (at its nearest point). The site is relatively tranquil in nature and semi-rural in character, although influences such as noise from Shipley Road to the west and the visibility of existing houses directly to the north of the site, give the site a suburban influence, particularly towards the northern end. The site has an existing vehicular access point from Shipley Road. The site within a bat sustenance zone.

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:

2.3 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development
 Policy 33 - Development Principles
 Policy 34 - Cultural and Heritage Assets
 Policy 35 - Strategic Policy: Climate Change
 Policy 36 - Strategic Policy: Appropriate Energy Use
 Policy 37 - Sustainable Construction
 Policy 38 - Strategic Policy: Flooding
 Policy 39 - Strategic Policy: Infrastructure Provision
 Policy 40 - Sustainable Transport
 Policy 41 - Parking

2.5 **West Sussex Joint Minerals Local Plan (2018)**

Policy M9 - Safeguarding Minerals

2.6 **Supplementary Planning Guidance:**

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

2.7 **Parish Design Statement:** Shipley Parish Design Statement

2.8 **Planning Advice Notes:**

Facilitating Appropriate Development
 Biodiversity and Green Infrastructure

2.9 RELEVANT NEIGHBOURHOOD PLAN

Shipley Neighbourhood Plan (2019-2031).

- Policy Ship HD1: New Housing Development
- Policy Ship HD2: Housing Mix
- Policy Ship HD3: High Quality Design
- Policy Ship TT1: Active Travel
- Policy Ship C03: Broadband and Mobile Reception

2.10 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/2564	Outline application for the erection of up to 73 new dwellings (C3 use) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highways infrastructure works, including vehicular access from Shipley Road with all matters reserved except access.	Application Refused on 29.04.2021. Appeal dismissed.
------------	--	--

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Landscape:** Comment. Overall, in landscape terms the site has capacity to accept a level of development, but the urbanising influence of this proposed residential development will have some impact on the existing rural character. The retention of the existing farmhouse is welcomed. Consideration should be given to the expansion of the site perimeter green corridor.

3.3 **HDC Heritage:** Comment. The retention of the non-designated heritage asset is welcome. However, there will be some adverse impact to its setting. The public benefit of housing needs to be weighed against this harm.

- 3.4 **HDC Environmental Health:** Comment. Air quality mitigation measures for this proposal needs to be outlined in a detailed mitigation plan. Conditions are recommended in relation to the submission of a CEMP and land contamination details to be submitted for approval prior to commencement of development.
- 3.5 **HDC Ecology:** No objection subject to conditions.
- 3.6 **HDC Drainage:** No objection subject to conditions requiring the submission of a drainage strategy (foul and surface water drainage) and a SUDs verification report. The applicant is also advised that this application requires an Ordinary Water Consent for any discharge to the local watercourse.
- 3.7 **HDC Archaeology:** No objection subject to conditions.
- 3.8 **HDC Housing:** Support. The proposal is supported as it offers 45% affordable housing (above the policy requirement of 35%). [Nb the actual affordable offer is 40%]

OUTSIDE AGENCIES

- 3.9 **WSSC Highways:** No objection.
- 3.10 **WSSC Fire & Rescue:** Comment. Condition recommended requiring the submission of details showing the location of proposed fire hydrants.
- 3.11 **WSSC Flood Authority:** No objection.
- 3.12 **Southern Water:** No objection subject to conditions.
- 3.13 **Natural England:** No objection subject to the appropriate mitigation being secured.

PUBLIC CONSULTATIONS

- 3.14 **Shingley Parish Council:** Objection:
- The Shingley NP has relevance because the proposed site is within the designated plan boundary. Policy Ship HD1 of the Shingley Neighbourhood Plan requires development to be in accordance with the spatial strategy for the District. The Shingley NP resists development on greenfield land. This site falls within the countryside, therefore contrary to Policy 26 of the HDPF.
 - Due to the site's location outside the Built up Area Boundary and on a site not allocated for development within the HDPF, or an adopted Neighbourhood Plan, is unacceptable, and conflicts with Policies 2, 3, 4 and 15, 26 and 17 of the HDPF, and does not support any one of the four criteria set out at paragraph 4.5 of the Shingley Neighbourhood Plan.
 - The proposal does not meet the requirements of the SHELAA.
 - The proposal has not addressed the Water Neutrality issue.
- 3.15 **49** representations have been received objecting to the application on the following grounds:
- Highways/traffic impact on Shingley Road;
 - Noise during construction;
 - Loss of privacy, noise pollution and light;
 - Impact on wildlife/ecology;
 - Lack of local facilities (such as schools) and local infrastructure;
 - Lack of employment opportunities;
 - Overdevelopment of Southwater;
 - Visually inappropriate.
 - Pollution;

- Impact on protected trees;
- Contrary to Neighbourhood Plan;
- Contrary to HDPF development strategy;
- Woodfords is a 'non designated heritage asset'.
- Lack of legal agreement.
- Cumulative impact in association with appeal approval at the Rascals site.
- This application has not addressed the previous reasons for refusal.

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

6. PLANNING ASSESSMENTS

Background:

- 6.1 This application follows an identical scheme on this site for 73 dwellings, which was refused in April 2021 and then subsequently dismissed at appeal in August 2022 (ref: DC/20/2564) on the grounds of insufficient information in relation to water neutrality impacts. In considering the appeal scheme, the inspector concluded that, notwithstanding the benefits of the proposal, as the scheme was not water neutral it would result in an adverse impact on the integrity of the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. This current scheme is identical to the scheme which was dismissed at appeal, but now includes additional evidence to demonstrate that water neutrality has been achieved.
- 6.2 The previous appeal decision is a material consideration, of considerable weight, in the determination of this proposal for the same proposal. The Appeal decision is attached at Appendix A. The main issue with the current proposal is whether the reason for refusal relating to water neutrality has been sufficiently addressed. Consideration is also given to any changes in circumstances, since the appeal decision in 2022, including any new national or local planning policies.

Principle of Development:

- 6.3 The site is adjacent to but outside of the defined built-up area boundary of Southwater, and is therefore within the countryside in planning policy terms. It is not allocated for development in the Local Plan or the Shipley Neighbourhood Plan and is not essential to its countryside location. In these circumstances, the location of the development within the countryside is contrary to the spatial strategy, and would conflict with Policies 2, 3, 4 and 26 of the HDPF.
- 6.4 Under the appeal decision for DC/20/2564, the inspector assessed the principle of development and concluded that, while the proposal would be contrary to Policies 2, 3, 4 and 26 of the HDPF, having regard to its position within the countryside and the spatial strategy for the District, there are material considerations which mean that the development would provide a suitable location for housing. This took into account the lack of identified harm in respect of matters including landscape, highways, neighbouring living conditions, air quality, trees, flood risk, or heritage assets, and the policies within the Shipley Neighbourhood Plan. The Inspector commented that this site would allow future occupiers to have access to a range of local services, facilities and employment in Southwater, as well as a nearby public transport links.
- 6.5 Moreover, the Inspector noted at the appeal stage that the Council was not able to demonstrate a five year housing supply of deliverable housing sites, which at that time was a supply position of around 4 years. The supply position has since diminished to a position of 3 years. In accordance with footnote 8 of the NPPF, the policies that are most important for determining the application are therefore deemed out of date, and the presumption in favour of sustainable development outlined at paragraph 11(d) of the Framework is engaged. This provides that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 6.6 In the case of the appeal, the lack of a sufficient water neutrality solution for the 73 dwellings provided for a clear reason to refuse permission under limb i) above of paragraph 11d, and consequently resulted in the dismissal of the appeal. This ecological impact on protected areas was considered to carry significant weight and the proposal was precluded from proceeding, in accordance with regulation 63(5) of the Habitat and Species Regulations 2017.
- 6.7 The recently published HDC Facilitating Appropriate Development document lists criteria for development proposals outside the BUAB to be considered positively against, and this proposal is considered to accord with all the main criteria listed. Overall, since the appeal decision, there have been no material changes in national or local planning policy regarding the principle of development of this site. The Inspector concluded that the principle of development of this site for housing was appropriate, and officers advise that there are no reasons to justify an alternative conclusion in this regard.

Landscape Impact and Site Layout:

- 6.8 In landscape terms, the site is not located within a protected or designated landscape. The site comprises a main residential dwelling (Woodfords) which is surrounded by private equestrian uses (including stables, a riding arena, and paddocks etc), and other associated buildings clustered in the central part of the site. The site enjoys a sense of enclosure due to the existing boundary vegetation which includes strong tree lined hedgerows and dense woodland shaws along all boundaries. Several mature Oak trees are present along the northern boundary which are protected by TPO's. A fragmented band of trees (including one very large Oak tree) runs through the centre of the site, which is likely to be remnant of a historic field boundary. These trees have the effect of separating the site in two, creating a

slightly larger 'northern' section, and a smaller 'southern' section. The site is relatively flat, but falls slightly from north to south by around 10m. The site is predominantly rural in character albeit subject to some urban influence from glimpses of houses visible along the northern boundary (Rascals Close), as well as the influence of traffic noise from Shipley Road to the west. The southern parcel is more closely associated with the rural countryside beyond.

- 6.9 As with the previous scheme, the application has been supported by a Landscape and Visual Assessment with Impact Overview (LVAIO) which considers the likely physical and visual impacts arising as a result of the proposed residential development on this site. The LVAIO has been reviewed by the Council's Consultant Landscape Architect who agrees that the assessment has been carried out appropriately and includes viewpoints previously agreed prior to the assessment being undertaken.
- 6.10 In terms of landscape impact, the LVAIO states that the development will have an adverse effect upon the landscape character, but "primarily where semi improved grassland is replaced by new homes and associated public realm". However, there will also be positive impacts "notably through species enrichment to some areas of grassland and the retention and enhancement of the wooded frameworks". On review, the Landscape Architect agrees that a landscape-led approach to development on this site has been applied, with the illustrative scheme layout and design being led by the existing landscape character including the majority of existing trees on site which are shown for retention.
- 6.11 As a whole, the enclosed and relatively flat nature of the site affords it a good level of screening which would help to soften the development from most viewpoints. The site, once developed, is unlikely to be seen in long-distance views, but would still be partially visible in shorter views (i.e. from Rascals Close and from Shipley Road). However, when seen from these closer views, it is likely to be seen (and associated with) the more urban context of Southwater to the north, and its presence would not therefore be wholly uncharacteristic or unexpected.
- 6.12 The proposed layout of the site shows the development parcels set back slightly from Shipley Road to the west, allowing space for the retention and enhancement of dense boundary vegetation, and a pedestrian walkway. Notwithstanding the new access point, and the development within the site (which is accepted will be noticeable), the retention of the existing dwellinghouse (Woodfords) on the eastern edge of the site will help to maintain an elements of the existing character when viewed from Shipley Road. The urbanising influence of the development when viewed from Shipley Road would still be notable when passing, but the setting-back and retention/enhancement of the existing house and existing tree screening along this boundary will help to minimise this impact.
- 6.13 Internal access roads are shown along the northern, eastern and southern boundaries which is welcomed. The positioning of these access roads further help to set the development parcels back from the sensitive peripheries of the site, as well as helping to ensure that the existing mature trees are able to thrive, and are not put under undue pressure from felling or pruning from future occupants. Notwithstanding this, the Consultant Landscape Architect has advised that if Officers are minded to approval the Outline proposal, they have recommendations to improve its visual impact. Officers are of the view that if the Outline application were to be approved, these recommendations could be secured at Reserved Matters stage, either upfront, or by condition.
- 6.14 It is considered that by virtue of its urbanising influence, the proposed residential development of this site is likely to result in adverse harm to the landscape character of the area when compared to its existing open rural character. Despite this, the relatively enclosed, flat and well screened nature of the site, coupled with existing residential development to its immediate north and road to its west, is also acknowledged, and has led to the conclusion that the site has some capacity for sensitively designed development. Officers are of the view

therefore, that the development as shown on the illustrative layout would not result in a wholly uncharacteristic change to the receiving landscape, and the harm would not be considered significant.

- 6.15 The detailed design and layout of the site is a matter that would be reserved for subsequent approval should the application be successful at Outline stage. It is considered that the indicative masterplan demonstrates that a detailed design proposal can be generated that would avoid unacceptable harm to the wider landscape and character and local amenity, whilst still allowing flexibility in determining the detailed design of a scheme at Reserved Matters. It should be noted the illustrative masterplan is the exact same as that considered under the previous application and appeal for this site, which was considered appropriate by both officers and the appeal inspector. The design of this development would need to be appropriate for this area taking into account the guidance set out in the Shipley Parish Design Statement. This would be secured in any Reserved Matters application.

Trees:

- 6.16 In support of the application, an Arboricultural Implications Assessment has been submitted (with tree protection plan, tree schedule, and Arboricultural method statement enclosed). An 'area' Tree Preservation Order (TPO/1436) is in place for the belt of trees that run along the site's northern boundary. None of the trees protected by TPO are proposed to be removed as part of this application. The indicative site layout shows an internal access road along the northern boundary of the site which has been placed in order to avoid private gardens being located close to the trees, thereby helping to safeguard the trees from further surgery which could be damaging to their growth and survival.
- 6.17 The mature trees that are located within the site are also proposed to be retained (and incorporated into an area of open space) which is welcomed. Of the 49 trees, hedges and groups surveyed on site; 17 are proposed to be removed wholly or in part in order to facilitate the development. The main removal is to facilitate the access and pedestrian footway on the western boundary. The proposal also includes new trees and planting to the proposal, to be secured through Reserved Matters.
- 6.18 Given the majority of the site's existing boundary vegetation is to be retained (and enhanced), the removal of a section of trees and vegetation along the western boundary is not considered to be significantly detrimental to the overall amenity of the wider area and is therefore accepted.

Highways Impact:

- 6.19 The application is supported by a Transport Assessment, as well as a Stage 1 Road Safety Audit, Speed Surveys for Shipley Road, and various details plans showing visibility splays, swept paths, and pedestrian refuge/footway designs. It is considered that subject to conditions (including the re-submission of a Travel Plan), the Highway Authority is satisfied that the proposal would not result in any severe highway impact in terms of capacity, and would not result in highway safety concerns. The Highways Authority do not identify any issues with the proposed access to the site or visibility splays. As such, it is considered that the access arrangements and impact on the surrounding highway network are in accordance with Policy 40 of the HDPF and paragraph 109 of the NPPF, and are acceptable.
- 6.20 WSCC as the Highway Authority has commented that the submitted Transport Assessment has been updated to reflect the 73 homes proposed through DC/20/2564 and also now identifies DC/20/0695 (100 units dwellings at Rascals Farm granted on appeal) as a committed development.
- 6.21 This application includes a number of pedestrian enhancements that are duplicated within the current application. These enhancements mainly comprise dropped kerbs and widening

existing refuge islands in the nearby surrounding area. WSCC recommend that these continue to form part of the current application. The proposal also indicates WSCC policy compliant parking standards for the development to be outlined in the Reserved Matters stage. Overall, as in the previous scheme, subject to conditions, no highway objections are raised to this proposal. Officers concur that no highway safety or capacity impacts would arise from these proposals, the same conclusion previously reached by officers and by the appeal inspector.

Affordable Housing and Housing Mix:

- 6.22 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.
- 6.23 Policy Ship HD2 of the Shipley Neighbourhood Plan states that applications for new housing in Shipley Parish should respond to the most up to date local housing need wherever possible, including two and three-bedroom homes as well as new affordable housing, contributing to a balanced mix of housing in the Plan area.
- 6.24 The application proposes 40% affordable housing with the required 70/30 tenure split. This is above the required 35% and would be secured through a legal agreement.
- 6.25 This scheme includes 4 self / custom build units. This equates to just over 5% of the housing provision. As this proposal is for outline permission, the exact location and design of the units will be assessed under a reserved matters application. The provision of these units is welcomed and would also be secured through a legal agreement.
- 6.26 In terms of market housing mix, the application proposes a range of market housing sizes including 1, 2, 3, 4 and 5 bedroom houses. The exact mix of market housing would be secured under a Reserved Matters application in accordance with the latest Strategic Housing Market Assessment. The proposal is therefore in accordance with Policy 16 of the HDPF.

Heritage Impact:

- 6.27 Whilst it is not subject to a statutory or local listing, the existing farmhouse located within the site ('Woodfords') appears on the 1st edition O.S. as 'The Vagers' and then on the 2nd edition. The Council's Senior Conservation Officer is of the view that parts of it date back to the early seventeenth century, with additional sections added throughout the eighteenth and nineteenth centuries. As such, this building has a local heritage interest. The Conservation Officer is satisfied that the interest of the house would not likely meet the criteria for statutory listing, but is of the view that it has sufficient local interest and should therefore be considered a non-designated heritage asset.
- 6.28 The applicant's Heritage Statement also acknowledges that this building is considered to be a non-designated heritage asset (albeit it is not included in a local list). As proposed in the previous scheme, this building is to be retained as part of the current proposal. The Council's Conservation Officer advises that the level of harm resulting from the proposed surrounding development will be minor to the historic setting of the house. As such, the effect on the significance of this non-designated heritage asset has been taken into account, with a balanced judgement reached on the scale of any harm as required by paragraph 197 of the NPPF. Having regard to this impact, and taking into account the public benefits of additional housing, the impact on the setting of Woodfords is considered appropriate and the proposal is considered to accord with the requirements of HDPF Policy 34 and NPPF paragraph 197.

Amenity Impact:

- 6.29 Given the site's location, the main impact on privacy that could arise is likely to be upon existing residents in Rascals Close to the north of the site and upon residents of the existing farmhouse (Woodfords) which is proposed to be retained as part of the development. Whilst several dwellings in Rascals Close back onto the northern boundary of the application site, it is not considered that the privacy of these dwellings would be directly impacted due to the presence of the existing dense tree-lined boundary (all protected under TPO), and the separation distance (of around 30m) between the rear of the nearest dwellings and the front of the proposed dwellings (as shown on the indicative Site Plan).
- 6.30 The internal access road that runs alongside the northern boundary of the site assists with this separation, and will help to prevent actual or perceived overlooking. Despite this, one element that may be at a heightened risk of privacy impact is the block of flats shown indicatively to the north-east corner of the site (units 19-24) as this block sits closer to the northern boundary. Given this application is Outline, it is not clear how many storeys this building would be (although it is presumed it would be 2-storey), and no details of elevations have been submitted. As such, if the application was to be successful at Outline stage, a detailed assessment of the layout, orientation and appearance of this block (particularly the positioning of windows etc) would need to be considered before detailed approval is granted.
- 6.31 The outlook currently experienced by Woodfords will change as a result of the development, but subject to the retention of a good-sized curtilage and appropriate boundary treatments (which the illustrative site plan suggests would include a walled garden) it is considered that the privacy and general amenity of residents in this dwelling can be satisfactorily protected from significant harm. The private access road to this house will help to maintain a sense of separation from the rest of the development, which is welcomed.
- 6.32 Other existing residential dwellings in proximity to the application site include three properties located on the opposite side of Shipley Road. Given the set-back position of these dwellings, and the presence of the road, it is not considered that the amenity of these dwellings would be adversely harmed by the proposed development on this site. Due to ground levels, the drainage strategy explains that the site is not expected to be able to be drained by gravity, therefore a foul water pumping station is proposed to be located in the north-east corner of the site, opposite units 25/26. It is understood that the pumping station would be set underground, with perimeter fencing surrounding it. It is noted that the pumping station is over 15m from any dwellinghouse, which is welcomed.
- 6.33 It is also noted that all dwellings within the site are proposed to be heated by air source heat pumps. Whilst the use of this energy source is also welcomed, if the application was to be approved, an assessment of the acoustic impact arising from the operation of the proposed air source heat pumps would be secured by condition to ensure there would be no adverse noise impact upon future occupants.
- 6.34 The central location of the proposed play area and open space (as shown on the indicative layout plan) is appropriate, however it is close to other dwellings within the site. If the application was to be considered acceptable at Outline stage, the proximity of this facility to dwellings would need to be assessed in more detail at Reserved Matters stage to demonstrate that they will not have a detrimental impact on the amenity of future occupants of the nearest units.
- 6.35 Overall, the scheme is considered to be acceptable in relation to its impact on the amenity of adjacent properties in accordance with Policies 32 and 33 of the HDPF.

Flooding:

- 6.36 The application site falls within Flood Zone 1 as defined in the Environment Agency flood maps. This means the site has a 'less than 1 in 1,000 annual probability of river or sea flooding'. The site has been assessed as being low (or very low) risk of flooding from all sources, except for surface water flooding where it is considered to be at 'medium' risk. The submitted Flood Risk Assessment notes that the existing site is mainly greenfield, and currently drains into existing ordinary watercourses located along the northern, eastern and southern boundaries.
- 6.37 It is proposed that surface water within the development will be attenuated and discharged into the existing ordinary watercourses at restricted rates. Permeable paving is proposed to be laid for all roads and parking areas within the site to allow drainage into the watercourses. Additional attenuation in the form of swales and basins are also proposed in the north east and south east corners of the site.
- 6.38 A pumping station is proposed to be included at the north-east of the site to deal with foul water generated from the development. The Council's Drainage Engineer has reviewed the submitted FRA and (subject to conditions and an informative to advise the applicant that Ordinary Watercourse Consent will be required) has not raised an objection to the drainage strategy proposed. As such, subject to the submission of a detailed drainage strategy for foul and surface water, and SuDS verification report the proposal is considered appropriate.

Ecology:

- 6.39 The site is located approximately 12.3km from the Mens Special Area of Conservation (SAC), therefore a Habitats Regulations Assessment (HRA) screening report was required to be undertaken by the Council in order to ensure that the development would not affect protected habitats. The HRA was undertaken, and concluded that as no Annex II species were identified onsite, and mitigation for foraging and commuting bats has been included, there was no requirement to proceed to Appropriate Assessment.
- 6.40 In support of the application a suite of ecology documents have been submitted, including: a Preliminary Ecological Appraisal (PEA), an Ecological Impact Assessment (EIA), a Great Crested Newt eDNA Report, a Bat Activity Survey Report, a Bat Roost Assessment, a Dormouse Survey Report, and a Biodiversity Net Gain Calculation Assessment. The Biodiversity Metric Calculator results show a 32.41% gain in habitat units and a 33.27% gain in hedgerow units. The submitted ecology information has been reviewed by the Council's consultant Ecologist, who has confirmed that enough information is available for the application to be determined and that the details submitted are appropriate, subject to conditions.
- 6.41 The mitigation measures specified in the ecology reports include: retaining 99% of existing mature treelines and underlying scrub, layouts to avoid gardens backing onto edge habitats, recommended good-practice working, works on bat or dormouse habitats to be undertaken under Natural England licence, planting of new scrub and native trees etc, provision of bird bat and dormouse boxes, provision of reptile habitats, provision of hedgehog access through garden fences, provision of ponds, use of a sensitive lighting strategy, and landscape strategy. These measures are welcomed and are to be secure by appropriate conditions.

Water Neutrality:

- 6.42 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.

- 6.43 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.
- 6.44 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'*.
- 6.45 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.
- 6.46 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 offsetting 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.
- 6.47 Using a precautionary principle any existing use has not been carried forward in the calculations for water usage and the baseline water consumption on this site has therefore been taken as zero.
- 6.48 Using the census data, the population of the proposed development is estimated to be 163.62. A water calculation in accordance with Building Regulations Part G has been carried out and confirms that the proposed development will achieve a water consumption rate of 92 litres per person per day through efficient fixtures and fittings, which includes an allowance of 5 litres per person per day for external water usage. Using the Part G water consumption figure of 92 litres per person per day and a population size of 163.62, it is estimated that the total water usage per day for the proposed development would be some 15,053.04 litres per day (163.62x92).
- 6.49 To further mitigate the increase in water demand it is proposed to incorporate rainwater harvesting into the proposed development. A rainwater harvesting tank will be included on each house and a shared tank will be used for the blocks of flats saving some 5,726.7 litres per day from use serving toilets and washing machines. Once rainwater harvesting has been incorporated into the proposals there will be a deficit of 9,326.34 litres per day (15,053.04 per day minus 5,726.7 litres per day), which will require further offsetting to ensure that the development proposals are water neutral.

- 6.50 The applicants are proposing to offset their development by retrofitting 227 homes that are managed by the Raven Housing Trust located within Crawley and within the Sussex North Water Supply Zone. The Raven Housing Trust housing stock consists of 92 1-bed, 100 2-bed, 34 3-bed and one 4-bed homes. Based on the housing mix and the occupancy rates set out in the submitted statement, this equates to 396.28 people across Raven Housing Trust's available housing stock. The applicants have undertaken a full surveyed assessment of the fixtures and fittings within these properties, of which 187 were fully within Raven's control. This demonstrates that the current water demand of all 187 properties is 39,992.20 litres per day. The existing water demand of the Raven Housing Trust housing stock is therefore 39,992.20 litres per day.
- 6.51 It is proposed to reduce the water consumption of each home by retrofitting the properties with water efficient fixtures and fittings. A copy of the proposed fixtures and fittings to deliver has been submitted. In all, the 187 homes can achieve water savings of 11,992.05 litres per day.
- 6.52 As only 9,712.58 litres per day needs to be mitigated, there is more than sufficient capacity for this development through the proposed off-setting of these Raven Housing Trust properties. Therefore, the Water Neutrality Statement demonstrates that the scheme at Woodfords can be fully mitigated by the proposed offsetting scheme within the stock held by Raven Housing Trust. Water neutrality has been demonstrated. The off-setting measures would be secured through appropriately worded conditions and provisions set out in a legal agreement, with appropriate agreements with Crawley Borough Council to ensure the mitigations are enforced. Natural England have commented that they concur with the assessment conclusions and, subject to the provision of the mitigation measures, have no objection to the proposal. In accordance with the requirements of the Habitats Regulations an appropriate assessment has been completed which concludes that subject to securing the above mitigation, the development proposals would not result in an adverse impact on the integrity of the Arun Valley sites, in accordance with Policy 31 of the HDPF and paragraph 180 of the NPPF.

Other Matters:

Air Quality:

- 6.53 The application site is not located within or close to any of the District's defined Air Quality Management Areas (AQMAs). However, in support of the application, and as required by the Council for any development classed as 'major', an Air Quality Assessment (supported by an Air Quality Emissions Mitigation Plan) has been submitted. The assessment notes that the development will generate additional traffic on the local road network, but concludes that that future residents of the proposed development will experience acceptable air quality, with the effects judged to be 'not significant'. As is required for all major developments, the air quality damage costs resulting from the development have been calculated, and requires a damage cost of £20,308 (as outlined in the Emissions Mitigation Plan).
- 6.54 Appropriate mitigation will be required to offset these costs in accordance with Sussex Air Quality Partnership's 'Air quality and emissions mitigation guidance for Sussex' (2020). The mitigation measures proposed in the submitted Emissions Mitigation Plan, bus ticket provision, provision of E-bike/E-scooter shelter, use of air source heat pumps, and other provisions to encourage sustainable transport to be presented in a Travel Plan.
- 6.55 As such appropriate (and costed) air quality mitigation measures would be required to be included within the development, the details of which can be secured by condition. Provided these measures are implemented, it is considered that the development would accord with the requirements of Policy 24 of the HDPF, and Paragraphs 170, 180 and 181 of the NPPF.

Minerals Safeguarding:

- 6.56 The proposal is within the Weald Brick Clay Mineral Safeguarding Area (as defined in the WSCC Joint Minerals Local Plan (JMLP), 2018). The applicant has not provided an assessment of how the residential development of the site would impact access to this identified safeguarded resource. Despite this, given the limited extractable size of the site, it's locality on the edge of the built-up-area, and the relative abundance of the safeguarded brick clay resource throughout the county; the safeguarding of the resource in this particular instance is considered a low priority. It is considered that it would be unreasonable to prevent development in this location for the purpose of safeguarding an abundant resource with a low priority to safeguard.

Energy/Climate Change:

- 6.57 Policies 35, 36 and 37 of the HDPF require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.58 Whilst the application is only submitted in Outline, several measures are proposed within the proposal, which seek to build resilience to climate change and reduce carbon emissions, including:
- Orientation of buildings to maximise solar gain;
 - Energy efficient building envelopes (including thermal glazing, air tight building fabric);
 - Use of appropriate glazing to control overheating risk;
 - Use of energy efficient lighting and A+/A++ rated appliances;
 - Install high efficiency Air Source Heat Pumps for heating and hot water;
 - Install Waste Water Heat Recovery units where feasible;
 - Water saving - low/dual flush WCs, low capacity baths, taps with low/aerated flows;
 - Provision of rain water butts;
 - Integration of SUDS and green infrastructure to manage flood risk;
 - EV charging points on at least 50% of units (and ducting on remaining for future connection);
 - Cycle storage for every property;
 - Provision of secure storage for E-Scooters and E-Bicycles;
 - Provision of dedicated home working area for all 2-4 bed houses;
 - Submission of Travel Plan, and implementation of recommendations;
 - Minimising construction and demolition waste (use local suppliers where possible, re-use of materials);
 - Consider opportunities for on-site re-use of materials where feasible;
 - Provision of accessible bin storage to facilitate recycling;
 - Homes to be M4(2) compliant and 5% for M4(3) (to facilitate future adaptation); and
 - Enhancements to biodiversity as recommended in the Ecological Appraisal and Protected Species Reports.
- 6.59 Officers welcome the proposed measures, and the inclusion of these measures within the final details of the scheme is to be secured by condition in order to suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusion:

- 6.60 As addressed in the previous scheme and appeal, the scheme does not result in any identified harm in respect of matters including landscape, highways, neighbouring living conditions, air quality, trees, flood risk, or heritage assets. In addition, the principle of development is considered appropriate in this location, having regard to the appeal

inspector's conclusions in the recent appeal decision for the identical development of this site and taking into account the current lack of a five year housing supply and an up-to date local plan.

- 6.61 Under the previous appeal scheme, the Inspector dismissed the proposal due to the lack of an appropriate water neutrality statement. The current scheme has addressed this impact with a revised water neutrality statement. The water demand of the 73 proposed units is addressed through on site mitigation measures (including rain harvesting) and retrofitting 227 homes at Crawley with water reduction measures such as WC dual flush toilets, water restrictors to taps and shower regulators. These measures would result in a water neutral development and have the support of Natural England subject to being suitably secured.
- 6.62 As such, the reason for the dismissal of the former appeal on this site (for exactly the same application) has been addressed and there are no other planning grounds with which to resist this proposal.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.63 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.** In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

7. RECOMMENDATIONS

- 7.1 To approve planning permission, subject to the conditions set out below and a legal agreement to secure the following:
- Delivery of 40% affordable housing with an appropriate mix.
 - Delivery of 5% custom / self build units.
 - A contribution of £1,500 for WSCC travel plan auditing fee.
 - Delivery of proposed off-site transport improvements.
 - Delivery of the water neutrality off-setting mitigation measures.

Conditions:

1 **Standard Plans Condition:**

2 **Outline Permission:**

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building hereby approved, and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building hereby approved, the appearance of each building, and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- (d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years

from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

- 3 **Pre-Commencement Condition:** No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- the method of access and routing of vehicles during construction
 - the parking of vehicles by site operatives and visitors
 - the loading and unloading of plant, materials and waste
 - the storage of plant and materials used in construction of the development,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
 - An indicative programme for carrying out of the works
 - The arrangements for public consultation and liaison during the construction works
 - Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works
 - ecological and biodiversity mitigations (see informative)

Reason: In the interests of highway safety and the amenities of the area, ecological and biodiversity interests, and in accordance with Policies 24, 33(2) and 40 of the Horsham District Planning Framework (2015).

- 4 **Pre-commencement Condition:** No development shall take place until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Details of any lighting required

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as

amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

5 **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).

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

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

7 **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) An intrusive site investigation scheme, based on the Leap Environmental Ltd Phase 1 Desk Study and Site Reconnaissance Report, 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.

(b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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).

8 **Pre-Commencement Condition:** No development shall commence on site until the following has been submitted to and approved in writing by the local planning authority in relation to hazel dormice:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998) and Policy 31 of the Horsham Development Framework.

- 9 **Pre-Commencement Slab Level:** No development shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: 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) in accordance with and Policy 31 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied 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: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access and associated works serving the development has been constructed in accordance with the approved planning drawings J32-4384-005 Rev H, J32-4384-011, J32-4384-012, J32-4384-015, J32-4384-016 Rev A and J32-4384-017.

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

- 12 **Pre-Occupation Condition:** No part of the development shall be first occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be

completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 13 **Pre-Occupation Condition:** No part of the development shall be first occupied until full details of the proposed new footway along the eastern side of Shipley Road have been submitted to and approved by the local planning authority. The approved details shall be provided prior to the first occupation of the development and thereafter retained.

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

- 14 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement. No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained as such thereafter.

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

- 15 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme of air quality mitigation has 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. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain 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).

- 16 **Regulatory Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 124 metres north and 61 metres south have been provided at the proposed site vehicular access onto Shipley Road 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).

- 17 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (September 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

- 18 **Pre-Occupation Condition:** Prior to the occupation of any dwellings hereby permitted, a programme for the delivery of fire hydrants for all of the development shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented in accordance with the approved details and thereafter retained as such.

Reason: To ensure fire hydrants are provided for fire safety in accordance with Policy 32 of the Horsham District Planning Framework (2015).

- 19 **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).

- 20 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

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

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

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

- 22 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a contamination verification plan shall be submitted

to and approved, in writing, by the Local Planning Authority. The verification plan shall provide details of the data collected in order to demonstrate that the works set out in Condition (7) are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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).

- 23 **Regulatory Condition:** No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority

Reason: To ensure that no contaminated material is brought on to the site in the interests of public safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

- 24 **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).

- 25 **Regulatory Condition:** Any Reserved Matters application shall include a Landscape and Ecological Management Plan. The plan shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

This page is intentionally left blank



Appeal Decision

Site visit made on 21 June 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2022

Appeal Ref: APP/Z3825/W/21/3283648

Woodfords, Shipley Road, Southwater RH13 9BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Reside Developments Ltd against the decision of Horsham District Council.
 - The application Ref DC/20/2564, dated 18 December 2020, was refused by notice dated 29 April 2021.
 - The development proposed was originally described as 'outline planning application (all matters reserved except access) for demolition of existing dwelling and associated buildings and the erection of approximately 78 new dwellings (C3 use) and associated public open space, landscaping, drainage and highways infrastructure works, including vehicular access from Shipley Road.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved except for access which is to be considered at this stage. I have determined the appeal on this basis, and while I have had regard to the submitted plans, I have treated aspects pertaining to the layout, scale, appearance and landscaping of the development as indicative.
3. The description of development in the banner heading above is taken from the application form. However, amended plans were submitted prior to the Council's decision on the planning application setting out revisions to the scheme including a reduction in the number of dwellings proposed from 78 to 73 and showing the retention of an existing farmhouse on the site. It is clear from the Council's report and decision notice that the proposal was dealt with according to these amended plans. I have determined the appeal on the same basis, and with regard to the revised description of development stated on the decision notice and entered by the appellant on the appeal form which is consistent with the amended scheme. This describes the proposal as 'outline application for the erection of up to 73 new dwellings (C3 use) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highways infrastructure works, including vehicular access from Shipley Road with all matters reserved except access'.
4. When the application was made, ownership Certificate B was signed indicating that requisite notice had been given to everyone who, on the day 21 days before the date of the application, was the owner and/or agricultural tenant of any part of the land or building to which the application related. At appeal

stage, the appellant advised that notice had not though been served on West Sussex County Council Highways as owners of part of the land, and that Certificate C should have been signed since part of the land is unregistered.

5. However, the purpose of the ownership certificates is to ensure that all those who may have a legal interest in the land are alerted to a proposed development. From the evidence before me, West Sussex County Council Highways were aware of the proposal. Notice of the application was also published in a local newspaper as required under the Certificate C process. In addition, Certificate C has been signed at appeal stage and notices have been served on all known owners of the land and a notice published in the local newspaper. In these circumstances, I am satisfied that no prejudice has been caused by the failure to serve notice on West Sussex County Council Highways and completion of the incorrect ownership certificate at application stage.
6. The Council's second reason for refusal referred to the absence of an agreement to secure provision of affordable housing as part of the development. In its appeal evidence, the Council indicated that references to footway improvements on Worthing Road and Shipley Road, and to provision of 4 custom/self-build units had been omitted from the reason in error. The appellant did not raise any objection to these additions, and has submitted a signed Unilateral Undertaking dated 29 April 2022 ('the UU') under section 106 of the Town and Country Planning Act 1990 which includes obligations sought by the Council, as well as a copy of a Confirmatory Unilateral Undertaking by Santander UK PLC (as Mortgagee) dated 23 May 2022. Nevertheless, the Council indicates that it would not endorse the appellant's UU, and I return to consider this matter further below.
7. Subsequent to the Council's decision on the application, it received advice from Natural England raising concerns in relation to the impact of water abstraction within the Sussex North Water Supply Zone ('SNWSZ') on the integrity of the Arun Valley Special Area of Conservation ('SAC'), Special Protection Area ('SPA') and Ramsar Site. In light of this advice, the Council considers that a new reason for refusal should be added regarding the effect of the development on the Arun Valley sites in the absence of demonstrated water neutrality. The main parties have had the opportunity to comment on this matter as part of their evidence, and have also been able to comment in relation to the appellants proposed approach to achieve water neutrality. I have determined the appeal on the submissions and evidence before me.
8. Also since the Council determined the application, the Shipley Neighbourhood Plan 2021 ('SNP') has been formally made and therefore now comprises part of the development plan, and the Government published a revised version of the National Planning Policy Framework ('the Framework'). The main parties have been able to comment on the relevance of the Framework and the SNP as part of their evidence, and I have had regard to both in making my decision.

Main Issues

9. In light of the above and the evidence before me, I consider that the main issues are:
 - i) whether or not the proposed development would provide a suitable location for housing having regard to its position within the countryside and the spatial strategy for the District; and

- ii) the effect of the proposal on the integrity of the Arun Valley SPA, SAC and Ramsar Site, with particular regard to the abstraction of water within the SNWSZ.

Reasons

Suitability of the Location

10. The appeal site is located on Shipley Road on the outskirts of Southwater. It includes a dwelling known as Woodfords, stables and a riding arena together with a number of outbuildings which are set within mostly open fields. Belts of trees and relatively dense vegetation surround the majority of the site boundaries, and there is a further tree belt and a very large Oak within the site close to Woodfords.
11. Policy 2 of the Horsham District Planning Framework 2015 ('HDPF') provides a spatial strategy intended to maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment. It focuses development in and around Horsham with growth in the rest of the district directed in accordance with the identified settlement hierarchy.
12. Policy 3 of the HDPF sets out that development will be permitted in towns and villages which have defined built-up areas. Outside of built-up area boundaries, Policy 4 outlines that the expansion of settlements will be supported subject to criteria including that the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge. Policy 26 of the HDPF further relates to development in the countryside, and includes a requirement that any proposal for development outside of built-up area boundaries must be essential to its countryside location.
13. The site is adjacent to but outside of the defined built-up area boundary of Southwater, and is therefore within the countryside in planning policy terms. It is not allocated for development in the Local Plan or a neighbourhood plan and I have not been provided with substantive evidence demonstrating that the development is essential to its countryside location. In these circumstances, the location of the development within the countryside would be contrary to the spatial strategy, and would conflict with Policies 2, 3, 4 and 26 of the HDPF.
14. However, the site adjoins the edge of Southwater, and future occupiers would have access to a range of local services and facilities and employment in Southwater, as well as nearby public transport links. The Council has not identified that the development on this site would otherwise cause unacceptable harm in respect of matters including landscape, highways, neighbouring living conditions, air quality, trees, flood risk, or heritage assets. From the evidence before me, and subject to appropriately worded planning conditions, I can see no firm reason to take a different view.
15. Moreover, the Council has advised at appeal stage that it can no longer demonstrate a five year supply of deliverable housing sites, referring to a supply position of around 4 years. In accordance with footnote 8 of the Framework, the policies that are most important for determining the application are therefore deemed out of date, and the presumption in favour of sustainable development outlined at paragraph 11(d) of the Framework is engaged. This provides that planning permission should be granted unless (i) the application

of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

16. I return to consider whether the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development below. In any event though, a rigid application of Policies 2, 3, 4 and 26 insofar as they seek in principle to generally restrict housing development outside of built-up area boundaries would frustrate attempts to address the housing supply deficit. As a result, I agree with the Council that the weight to be afforded to the conflict with these policies should be significantly reduced.
17. Conversely, the proposal would make effective use of the appeal site to deliver 73 dwellings. This would make a relatively small but nevertheless important contribution to reducing the deficit in housing supply. I agree with the Council that the benefit of the additional housing here is a matter that would attract very significant weight. The main parties have referred to additional benefits including the delivery of affordable housing, custom/self build plots and economic and social benefits associated with the construction and occupation of the development which I consider further in my planning balance below. Even without these benefits though, I consider that the benefit of the delivery of 73 dwellings would in this case outweigh the conflict with Policies 2, 3, 4 and 26 of the HDPF on account of the location of the development outside of a defined settlement boundary.
18. In this context, I therefore conclude on this main issue that while the proposal would be contrary to Policies 2, 3, 4 and 26 of the HDPF having regard to its position within the countryside and the spatial strategy for the District, there are material considerations which mean that the development would provide a suitable location for housing.

Arun Valley SPA, SAC and Ramsar Site

19. The information before me indicates that the SPA is classified for its wintering birds including Bewick swan, its assemblage of wintering wildfowl and the supporting wetland habitats. The SAC is notified for the little whirlpool ram's horn snail and its supporting wetland habitats, while the Ramsar Site is listed for its wintering birds, rare invertebrates, rare aquatic and wetland plants, and the supporting wetland habitats. Natural England has advised that it cannot be concluded that existing water abstraction within the SNWSZ is not having an adverse impact on the integrity of the Arun Valley sites through reduced water levels and potential water quality impacts. It has also advised that further development with a requirement for additional abstraction in the SNWSZ is likely to have an adverse impact on the sites.
20. The appeal site is within the SNWSZ. From the information before me, the proposal would have a likely significant effect on the Arun Valley sites either alone or in combination with other plans and projects through additional water abstraction to meet increased water demand on the site associated with the 73 dwellings proposed.
21. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Regulations'), it is therefore necessary for me as the

- competent authority to consider the effect of the proposal on the integrity of the Arun Valley sites within the framework of an Appropriate Assessment (AA).
22. To be able to determine that a proposal would not be likely to adversely affect the integrity of the Arun Valley sites, advice from Natural England indicates that it would need to demonstrate that it would achieve no net increase in water consumption, or 'water neutrality'. In advance of a strategic solution, Natural England has advised that demonstrating water neutrality may be done through a combination of water efficiency measures and offsetting.
 23. In undertaking the AA, I have had regard to the appellant's Shadow Habitats Regulation Assessment dated April 2022 ('SHRA') which includes at Annex 11 a Water Neutrality Statement dated 5 April 2022 ('WNS'), the UU, as well as comments made by the Council. This information was also subject to consultation with Natural England as the relevant Statutory Nature Conservation Body, albeit no representations were received in response.
 24. The WNS estimates that the proposal would increase demand for water at the site by 14,827.04 litres per day. To help mitigate the increased demand, rainwater harvesting is proposed, and the WNS indicates that this would reduce the mains water demand at the site to 9,100.34 litres per day. This is the water use that would then require offsetting to achieve water neutrality. The Council has not raised specific concerns in relation to the calculation of water demand associated with the development, and I have no firm reason to find that the assessment of water demand requiring offsetting is unrealistic or otherwise inappropriate.
 25. To offset the increase in water demand at the appeal site, the appellant proposes to retrofit 227 homes managed by the Raven Housing Trust ('RHT') in the Crawley Borough Council administrative area with water efficient fixtures and fittings. The appellant suggests that this would provide for a reduction in water consumption of 33 litres per person per day, and an overall water saving of 13,077.24 litres per day which would offset the water demand associated with the appeal development
 26. However, I cannot be sure from the evidence before me that water efficient fixtures and fittings have not already been installed to any of the RHT properties on an individual basis, and the lack of firm detail of existing water consumption rates means that I share the Council's concerns that the proposed efficiencies may not generate the suggested savings.
 27. Moreover, even though they were invited to comment on the Council's concern that RHT would need to be signed up to an agreement to provide water efficiency measures before any approval is granted, the appellant has not provided details of any discussions that have taken place with RHT considering the suggested retrofitting measures, far less information to show that formal agreement has been reached or even to demonstrate that such an agreement would be forthcoming. Nor does the evidence before me provide firm details to demonstrate how retrofitting works could realistically be scheduled and carried out, bearing in mind the occupation of the properties by different households irrespective of their ownership. In the absence of this information, I find I can additionally have little confidence that the suggested offsetting measures could be effectively implemented.

28. The UU includes obligations relating to water neutrality, and would require that a detailed Water Neutrality Scheme is submitted to the Council and approved before the submission of any reserved matters application. The Scheme would be required to include a set of measures to achieve water neutrality at the development (or a phase thereof); timescales for implementation and delivery of these measures; procedures for monitoring and review of the measures, details of management and maintenance of the measures; and, if applicable, a copy of a water offsetting agreement entered into by the site owner and a third party owning land in the SNWSZ to provide water offsetting measures.
29. However, the national Planning Practice Guidance on Appropriate Assessment advises that mitigation measures need to be sufficiently secured and likely to work in practice¹ and I need to be convinced the proposal is capable of achieving water neutrality. Given my concerns above, I am not satisfied from the evidence before me that there is sufficient certainty that effective mitigation could realistically be secured for the development to offset the additional water demand at the site to achieve water neutrality. As a consequence, I am not persuaded that this issue could in this case be reasonably deferred to be addressed through the provisions of the UU and I find that there is insufficient certainty to conclude that adverse effects on the integrity of the Arun Valley SAC, SPA and Ramsar Site can be excluded.
30. Natural England has not provided specific comments on the appeal proposal, but as the competent authority, I need to be satisfied that the integrity of the European sites would not be adversely affected by the proposal. For the reasons above, I am not sufficiently satisfied that effective mitigation could be secured to achieve water neutrality, and I conclude taking a precautionary approach that adverse effects on the integrity of the Arun Valley SAC, SPA and Ramsar Site can not be excluded. In these circumstances, I find that Regulation 63(5) of the Regulations precludes the proposal from proceeding. The proposal would also conflict with Policy 31 of the HDPF which, amongst other things, sets out that permission will be refused where development is anticipated to have an adverse impact on biodiversity sites such as SPAs and SACs, unless appropriate mitigation measures are provided. It would also be contrary to the Framework's objectives for the protection of biodiversity and the conservation of the natural environment.

Planning Obligation

31. In addition to obligations concerning water neutrality noted above, the UU includes a series of obligations that would provide for a minimum of 35% on-site affordable housing in accordance with a detailed scheme to be submitted to as part of a reserved matters application. Policy 16 of the HDPF sets out that the Council will require 35% of dwellings on sites of 15 or more dwellings to be affordable. In this context and on the evidence before me, I am satisfied that the obligations to secure affordable housing on the site are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development. Accordingly, they would meet the tests within Regulation 122 of the Community Infrastructure Levy Regulations 2010 ('CIL Regulations') which are reflected at paragraph 57 of the Framework.
32. The UU also includes obligations requiring 4 plots within the development to be custom/self-build plots, with details of the area and location of these plots and

¹ Paragraph: 004 Reference ID: 65-004-20190722

the terms on which they will be marketed to be submitted as part of a reserved matters application. Further obligations within the UU relate, in summary, to a scheme to deliver air quality mitigation; a travel plan and measures to encourage sustainable travel; and highway works including improvements to pedestrian crossings in the vicinity of the site.

33. The Council has welcomed the provision of custom/self-build housing as a benefit of the development which would contribute to meeting housing needs in the District, and I have no firm reason to take a different view. Policy 39 of the HDPF further sets out that release of land for development will be dependent on there being sufficient capacity in local infrastructure to meet additional requirements from the development or suitable mitigation arrangements for the improvement of services. On the evidence before me, these further obligations would also be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, and would meet the tests at Regulation 122 of the CIL Regulations.
34. The Council has commented that the definition of 'Marketing Appropriately' within the UU which applies to the custom/self-build plots should include reference to a marketing strategy being agreed with the Council. In the absence of such a reference, it is unclear what marketing appropriately would comprise, and it seems to me that under the terms of the UU, there could be a scenario where the custom/self-build plots could be used for the construction of open market units without having first been appropriately marketed for custom/self-build. Although I am not convinced this outcome would be most probable, the weight that I afford to the benefit of the provision of these plots is reduced somewhat. Nevertheless, I do not consider that the omission would be so fundamental to the effectiveness of the obligation overall in securing what is intended that the obligation, or the benefit of the custom/self-build housing, should be wholly disregarded.
35. While I have found that the UU would not adequately address the effect of the proposal on the Arun Valley SAC, SPA and Ramsar Site, I find for these reasons that the UU would address the second reason for refusal as amended by the Council at appeal stage. I have therefore taken the obligations secured into account as material considerations.

Other Matters

36. The information before me indicates that the appeal site is located within the sustenance zone of the Mens SAC which is notified for Barbastelle bats, and for Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrub layer habitats. The appellant's SHRA concludes that the proposal would not adversely affect the integrity of the Mens SAC, while the Council considered that the proposal would not have a likely significant effect. However, given the harm identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further and in light of the provisions of the Regulations as it could not alter my decision.
37. I have had regard to representations made by interested parties which raise additional concerns including regarding traffic levels, highway safety, pressure on local infrastructure, harm to trees, harm to the landscape, and impacts on neighbouring living conditions. However, while I note the strength of feeling, none of the matters raised alter my conclusions on the main issues.

Planning Balance

38. I have already found that the proposal would make effective use of the site to deliver 73 dwellings, and that this benefit would attract significant weight. I also give significant weight to the provision of affordable housing to meet identified needs in the District. The provision of 4 self/custom build plots is a further benefit of the proposal, albeit that the weight that I give to this benefit is reduced for the reasons set out above.
39. There would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation. These would include employment opportunities related to construction, and expenditure by future residents that would be likely to help to support local services and facilities and contribute to the economy. I attribute significant weight to these benefits. Future occupiers would also have access to a range of local services and facilities and employment in Southwater, as well as nearby public transport, with improvements to footpath connections in the vicinity of the site. The accessibility of the site would reduce the need to travel by private vehicle which would contribute to the Framework's objectives of reducing emissions and moving to a low carbon economy.
40. The appellant refers to suggested ecological enhancement measures which would provide for a biodiversity net gain at the site of 32.41% in habitats and 33.27% in hedgerows, and I give significant weight to this benefit. I also note suggested measures to build resilience to climate change and to reduce carbon emissions, including energy efficiency in excess of current Building Regulations requirements and provision of electric vehicle, bike and scooter charging. However, it seems that many of the measures would be required in any case to comply with development plan and building regulation requirements which limits the extent of the benefit, and I give it moderate weight.
41. Areas of open space and play would be provided as part of the development, and the appellant states that there would be a trim trail within the perimeter landscaping. However, it is not clear that these elements would make a significant contribution to meeting existing identified needs in the wider area rather than addressing needs generated by the development itself, and I do not consider them a significant benefit of the proposal.
42. On the other hand, I have found that the proposal would adversely affect the integrity of the Arun Valley SPA, SAC and Ramsar Site. Accordingly, footnote 7 and paragraph 182 of the Framework confirm that the presumption in favour of sustainable development at paragraph 11 of the Framework would not apply.
43. Notwithstanding the shortfall in housing supply and the benefits of the proposal, the adverse effect of the development on designated nature conservation sites and conflict with the Regulations is a matter of overriding concern.

Conclusion

44. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR

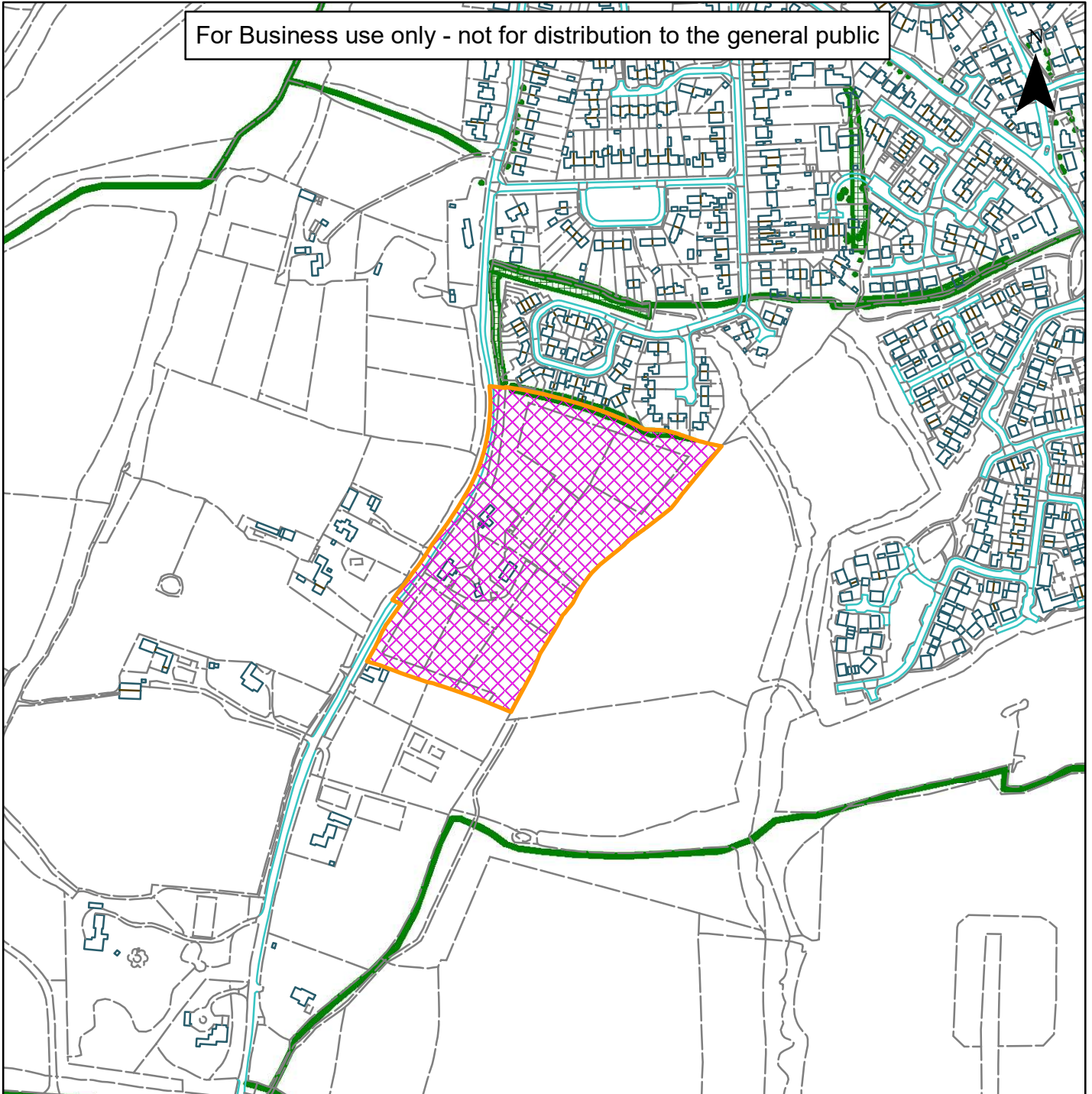
08) DC/21/2180



Horsham District Council

Woodfords, Shipley Road, Southwater, Horsham, West Sussex, RH13 9BQ

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



Scale: 1:5,000

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

Organisation	Horsham District Council
Department	
Comments	
Date	24/03/2023
MA Number	100023865

This page is intentionally left blank



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th April 2023

DEVELOPMENT: Erection of a two-storey detached dwelling and associated works.

SITE: 36 Warren Drive Southwater Horsham West Sussex RH13 9GL

WARD: Southwater North

APPLICATION: DC/22/1878

APPLICANT: **Name:** Mr Niall Keelaghan **Address:** Cu Chulainn Camp End Road
Weybridge Surrey KT13 0NU

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

By request of Councillor Vickers

RECOMMENDATION: To approve full planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the construction of a detached two-storey two-bedroom dwelling on land to the west side of 36 Warren Drive, Southwater. The application follows a previous refused scheme for a detached two-storey three-bedroom dwelling. The proposed amended dwelling incorporates an integral single garage to the north elevation and will be accessed via the existing driveway to the host dwelling 36 Warren Drive, with a driveway leading to three car parking spaces adjacent to a garage.
- 1.2 The proposed two storey dwelling would be slightly higher than the neighbouring dwelling at 36 Warren Drive. The proposed roof would be a maximum height of 8.25m, with an eaves height of 5m & 2.5m respectively. The proposed dwelling would be 9.5m in width and 6m deep (9.8m including the integral garage). The proposed two-storey dwelling is laid out to comprise two bedrooms, an open plan living/dining room, kitchen, a main bathroom and an en-suite bathroom.

The dwelling features a catslide roof over the single garage and the proposed materials are proposed to match the host property at 36 Warren Drive as well as surrounding properties.

DESCRIPTION OF THE SITE

- 1.3 The application site is the southwest corner plot of Warren Drive and forms part of the side/rear garden of 36 Warren Drive. The site is within the Southwater built up area boundary. 36 Warren Drive is a detached two storey dwelling brick built, featuring first floor horizontal cladding and tiled gable roof. Nos. 34, 35, 37 & 38 Warren Drive consist of similar materials and appearance / character.
- 1.4 The existing site of 36 Warren Drive has a site area generally larger than neighbouring sites. Boundary treatment around the rear and side of the site consists of close board timber fencing 1.8m high and vegetation, hedgerows and trees along the south and west. To the north-east of the site is situated the rear garden of No. 37 Warren Drive. No. 23 Blakes Farm is situated to the west of the site with No. 25 Blakes Farm and No.35 Warren Drive located further south and south-east respectively.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

Southwater Neighbourhood Plan:

SNP1: Core Principles
SNP2: Proposal for Residential Development
SNP4: Keeping Our Roads Moving
SNP9: Home Standards
SNP10: Residential Space Standards
SNP13: Enhancing Our Non-Motorised Transport Network
SNP14: Adequate Provision of Car Parking
SNP15: Driving in the 21st Century
SNP16: Design
SNP17: Site Levels

Parish Design Statement:

Southwater Parish Design Statement (2011)

Planning Advice Notes:

Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/1101

Erection of a two-storey detached dwelling.

Application Refused
on 14.06.2022

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** No Objection

- 3.3 **HDC Arboriculture:** Comment. The principle arboricultural features at the site are the mature Oak and Ash trees located on the southwest boundary of the of the site. Both trees are readily visible from the public domain and contribute positively to the area's visual character. The Oak and the Ash have been managed for size and form by somewhat harsh surgery, which they appear to be recovering from well. From the measurements taken on-site and from the proposed site plan drawing APL 01, it is apparent that the new building would not be located within the Root Protection Area (RPA) of either of these trees; and there are no direct impacts associated with the required excavations for the foundations for the new dwelling.

Two small low merit trees within the garden would need to be removed for the new dwelling to be built as proposed, the removal of these trees will not result in any significant harm to the visual character of the area, and I do not have any objection to their removal

If minded to approve the application, to ensure the satisfactory and long-term retention of the Oak in the rear garden, it would be beneficial to have some tree protection measures in place before the development commences, this is to ensure that the tree's RPA is not compromised by the development. In addition, a landscape condition should also be attached to any consent to ensure that if any trees/shrubs shown for retention are lost within five years post-development, they will need to be replaced.

OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No Objection. The highway authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.
- 3.5 **WSCC - FRS Water and Access:** Comment. Evidence is required to show that access for a fire appliance to the property can be achieved to within 45 metres of all points inside the dwelling house in accordance with Approved Document B Volume 1 2019 Edition B5 section 13.
- 3.6 **Southern Water:** Comment. 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. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

3.7 **Natural England:** No Objection - Subject to Appropriate Mitigation Being Secured

PUBLIC CONSULTATIONS

3.8 **Southwater Parish Council:** Objection on the grounds of insufficient information shown how the access to the new house does not affect the parking of the existing building, concluding overdevelopment as before. Overdevelopment and inadequate parking.

3.9 Letters of representation with objections have been received from **25** separate addresses and a report has been received from Harwood Savin on behalf of No.37 Warren Drive dated 8th December 2022. 1 letter of support was received for the application. Relevant objecting comments include concerns on:

- Overdevelopment, development pattern, a precedence would be set for infill development
- Out of keeping with character of the area and layout of existing homes.
- Loss of privacy, overlooking
- Overshadowing, loss of light
- Loss of General Amenity
- Increase in traffic, parking and access concern
- Negative impact on environment
- Trees and Landscaping
- parking provisions are inadequate, and No. 36 already provides constant parking overspill
- Water and drainage

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

6. PLANNING ASSESSMENTS

Principle of Development:

6.1 Policy 3 of the Horsham District Planning Framework (HDPF) states that '*development will be permitted within towns and villages which have defined built-up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the settlement hierarchy*'.

- 6.2 The application site is located within the built-up area of Southwater, which is designated as “small towns and larger villages” under policy 3, a settlement with a good range of services and facilities, strong community networks and local employment provision, tighter with reasonable rail and/ or bus services. The settlement acts as hubs for smaller villages to meet their daily needs, but also have some reliance on larger settlements / each other to meet some of their requirements.
- 6.3 The application site is located within a defined built-up area and as such is found within a location where the principle of development is established by HDPF policy 3. It is not considered that the provision of a single dwelling would represent a scale or form of development which would materially influence the status or character of Southwater as a small town and its positioning within the ‘settlement hierarchy’ defined at HDPF policy 3.
- 6.4 The site is well-located relative to services, amenities afforded within the settlement of Southwater in addition to locally available public transport infrastructure. The site, therefore, is deemed to be a sustainable location for residential development and it is considered that the provision of a single dwelling in this location would benefit from the Authority’s support in principle, subject to all other material considerations.

Design and Appearance:

- 6.5 Paragraph 130 of the NPPF states that *‘planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible’.*
- 6.6 Policy 25 of the HDPF requires that *‘development protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation’.*
- 6.7 Policies 32 and 33 of the HDPF require *‘development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views’.*
- 6.8 Policy 10 of the SNP requires that *‘all new residential units must meet the ‘Technical housing standards – nationally described space standard’ (March 2015, as amended in May 2016) or subsequent updated standard set by Central Government. In addition, all new residential units must have access to adequate private, or shared private, outdoor space to meet the needs of future occupants’.*
- 6.9 Policy 16 of the SNP states that *‘all development must be of high quality design, including: facing buildings with locally sourced materials; encourage a variety of complimentary vernaculars to encourage contextually appropriate design and diversity; and using Secure by Design principles to ensure developments are safe to live in’.*
- 6.10 The application site is located within a suburban setting principally characterised by modern residential development. The predominant material in this location is mix between facing brickwork (red/brown), rendering and horizontal cladding to the first floor, tiled roofing and proposed materials are to match the adjacent dwelling.

- 6.11 The pattern of development in the immediate vicinity is dwellings of predominantly two-storey arranged around a cul-de-sac (Warren Drive) with the surroundings being the rear and side of properties from surrounding roads of Blakes Farm Road and Woodpeckers. The prospective development would constitute infill development in this location and would broadly continue the pattern of development at the end of this cul-de-sac. It is not considered, therefore, that the proposal would represent an incongruous addition to the local pattern of built development, subject to the quality of design and landscaping associated with the prospective development.
- 6.12 As a sub-division of the existing plot, the prospective dwelling of ground floor area 67.75 m² would occupy the north-western half of overall site area 370 m². The separation distance from the eastern boundary would be approximately 1.30m. The front garden depth and distance to the northern boundary would be approximately 9.60m, whilst 5.70 m at its shortest depth from the integral garage. The rear garden depth from the southern boundary would be approximately 14m.
- 6.13 The proposed dwelling would measure to a width 9.5m and a depth of 5.9m with a projection of 3.85m for the front garage at ground floor and a projection of 2.35m for the bathroom at first floor. The proposed dwelling would incorporate a gable roof with a catslide roof over the garage and dormer window. The proposal would include window and door openings to the northeast (front), southwest (rear) and southeast (side) elevations, and would be finished in facing brickwork to the ground floor and white synthetic cladding or Eternit Cedral to the first floor and matching roof tiles to neighbouring properties. The proposed
- 6.14 The application site itself forms part of the side and rear garden of 36 Warren drive with a fence enclosing the side garden joining the existing double garage. Given the orientation of dwelling within the garden, its position would not significantly detract from the sense of place around the subject built form of the existing dwelling but also in relationship with the pattern of development within the wider streetscape. However, the front projection of the garage section creates an awkward appearance alongside the character of neighbouring dwellings.
- 6.15 The indicative site-plan demonstrates the prospective two-storey dwelling would extend across the breadth of the side garden and would by virtue of its extent, would fill in this plot reducing the apparent open and spacious character towards of the cul-de-sac, however, given the size of the plot and the position of the dwelling within the site, it would be comparable in size to neighbouring dwellings and would not result in a cramped form of development, when viewed from the street scene. Also, the proposal will utilise existing site levels the final and the building's final height would not have an adverse impact upon neighbouring properties or the character of the surrounding area. Existing timber fencing boundary treatment would be maintained in the proposal and the plot is to be subdivided by timber fencing, consistent with existing development in the surrounding area. The proposal is therefore considered to accord with the above policies.

Landscape and Trees:

- 6.16 Policy 31 of the HDPF states that '*development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained*'.
- 6.17 The principle arboricultural features at the site are the mature Oak and Ash trees located on the southwest boundary of the site. Both trees are readily visible from the public domain and contribute positively to the area's visual character. From the measurements taken on-site and from the proposed site plan drawing APL 01, it is apparent that the new building would not be located within the Root Protection Area (RPA) of either of these trees; and there are no direct impacts associated with the required excavations for the foundations for the new dwelling.
- 6.18 Two small low merit trees within the garden would need to be removed for the new dwelling to be built as proposed, the removal of these trees will not result in any significant harm to the visual

character of the area, and HDC Arboriculture does not have any objection to their removal. The proposal therefore accords with the above policy.

Residential Amenity:

- 6.19 Policy 33 of the HDPF provides that *'development will be required to ensure a design that avoids unacceptable harm to the occupiers/users of nearby property and land'*.
- 6.20 Paragraph 127(f) of the NPPF provides that *'planning policies and decisions should ensure a high standard of amenity for existing and future occupiers'*.
- 6.21 The distance between the window opens at first floor along the front elevation of the proposed dwelling and the rear amenity of No.37 Warren Drive to the north, is approximately, 9.85m at its longest and 7.70m at its shortest respectively.
- 6.22 Within the rear curtilage of No.37 Warren consist of a single storey outbuilding situated close to the north boundary of the site which provides some screening to amenity; however, it is recognised that the dwelling would introduce new outlook across the rear of the neighbouring amenity which may result in some loss of privacy compared to the existing arrangement. Given the two-storey nature of the proposal, some overlooking may be expected from the development. It is recognised that within the built-up boundary, there is an expectation for some mutual overlooking of amenity however, the resulting overlooking is not significant and would not detrimentally erode existing privacy given the distance and relationship between these properties.
- 6.23 23 Blakes Farm Road is situated to the southwest of the site and the existing boundary treatment consist of an established hedgerows approximately 3m in height together with close timber board fencing at 1.8m. The proposed dwelling would be 1.45m away from the shared boundary to the rear and 3m from the front. The proposed dwelling does not propose any first-floor window openings that could potentially overlook neighbour amenity on the west elevation. The east elevation of 23 Blakes Farm Road features no existing window openings. Given the siting and orientation of the proposed dwelling within the plot and the existing boundary treatment, it is considered that the existing amenity of 23 Blakes Road farm would not adversely be impacted and outlook from the rear elevation of the proposed dwelling would mainly be contained within the rear garden.
- 6.24 The application site forms part of the existing side and rear garden of 36 Warren Drive. The proposed dwelling would be located to the east of the existing creating new residential curtilage with no windows on the side elevations of the 36 Warren Drive (apart from the conservatory which will be demolished) facing directly onto the application site.
- 6.25 The proposal would result in an access in close proximity to the front doorway and porch at 36 Warren Drive. Whilst close to the front entrance, it would not block the access and highways have not raised any concerns regarding highway safety. There are also examples of hardstandings being close to doorways in the surrounding area (although most are used for parking areas). The applicant has indicated a driveway with a width of 3.6m. The dimensions shown on the plan have been checked on site (as outlined below). 3.6m is of sufficient width to allow safe access for cars to the parking area for the proposed dwelling without significant impact on the amenity of the host property.
- 6.26 Given the close relationship between the existing and proposed dwelling including neighbouring properties, as well as the modest size of the site, it is considered that the proposed dwelling would not experience an unacceptable sense of enclosure, to the detriment of the living conditions and amenity of future occupiers of the proposed dwelling.
- 6.27 On balance, the proposed development would be located within a relatively dense residential area where a degree of mutual overlooking is expected. While introducing an additional

residential receptor, it is considered on balance that the proposed development would not result in any further adverse harm to the amenities and sensitivities of neighbouring properties through overlooking, loss of privacy and loss of light. The proposal is therefore considered to accord with Policies 32 and 33 of the Horsham District Planning Framework (2015) in this regard.

The quality of the resulting residential environment for future occupiers:

- 6.28 Policy 10 of the Southwater Neighbourhood plan states that *'All new residential units must meet the 'Technical housing standards – nationally described space standard' (March 2015, as amended in May 2016) or subsequent updated standard set by Central Government.'* In addition, *all new residential units must have access to adequate private, or shared private, outdoor space to meet the needs of future occupants.*
- 6.29 The indicative floor plans of the prospective dwelling would satisfy minimum technically described space standards for a two-bedroom dwelling and would benefit from sufficiently proportionate external amenity spaces. It is considered that the proposed development provides adequate indoor living space for occupants and accord with policy 10 of the Southwater Neighbourhood plan.
- 6.30 The garden space is considered to be adequate to serve the dwelling, would not be dissimilar to other examples in the vicinity and would not be subject to overlooking harm beyond that of the existing situation on site. Consequently, it is considered the quality of the resulting internal and external living environment would be acceptable.

Parking, Highways Safety and Operation:

- 6.31 Paragraph 112 of the NPPF states that application for development should *'...create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.'*
- 6.32 Policies 40 and 41 of the HDPF states that development should *'provide safe and adequate access and parking, and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking and electric/low emission vehicles.'*
- 6.33 Policy 14 of the SNP states that *'residential development must include provision for adequate off-road parking spaces in accordance with the following criteria: every dwellings will provide, for use associated with that dwelling, 2 parking spaces and one additional parking space for each bedroom over a total of three, with an upstairs study counting as a bedroom within its curtilage (or within the development). The proposed solution should avoid car parking dominating the street scene. Therefore, parking should be to the side rather than in front of the property. Where these criteria are not met applications should be refused'*.
- 6.34 The site is located in Southwater, within walking/cycle distance of local services and amenities. Bus stops on nearby Worthing Road provide regular services into Southwater and towards Worthing, Crawley and Horsham. Warren Drive is an un-classified road subject to a speed limit of 30mph, that benefits from unrestricted on-street parking opportunities, with such provisions within a reasonable walking distance from the site. The area is predominately residential which requires travelling to access amenities. Many of the dwellings within the cul-de-sac do benefit from at least 1no. off-road parking provision within the front garden however, it is acknowledged that there is existing parking pressure.
- 6.35 The proposed dwelling will make use of an existing shared access. No alterations are proposed to the existing vehicular access point on Warren Drive. From inspection of WSCC mapping, there are no apparent visibility issues with the existing point of access on to the maintained highway. In addition, the proposed development is not anticipated to result in a material intensification of movements to or from the site.

- 6.36 The applicant proposes a new driveway to serve the proposed dwelling, which is considered to be narrow in nature given its siting and orientation as it transverses the front garden of the existing dwelling.
- 6.37 It is noted that a number of objections have been received on the grounds of parking and access within the cul-de-sac. These objections raise concerns with the safety and practicality of the access in general, and also the impact the proposed dwelling would have on the off-street parking available within the cul-de-sac and along Warren Drive. Following a further site visit on 17.02.2023, measurements were carried out to confirm the details outlined in the proposed plans. The following measurements were recorded on site:
- Front porch - garage = 4.65m,
Front porch - edge of existing side paving = 3.88m and,
Front elevation - edge of the paving = 5.38m.
- 6.38 It is considered that the proposed 3.60m driveway could be accommodated within the area of the front garden proposed. The proposed driveway is also considered to be of sufficient size to accommodate three cars. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require two cars. A single integral garage has been proposed. The garage falls short of the minimum internal specifications for single-bay garages as stipulated by the LHA of 3m x 6m as set out in Manual for Streets (MfS). However, as three parking spaces have been provided within the proposed driveway, it is not essential that the integral garage be used for car parking. As such, the LHA is satisfied with the proposed amount of parking. On-site turning appears achievable, allowing cars to exit the site in a forward gear. A condition has been imposed seeking details for electric vehicle charging scheme for the new dwelling in accordance with policy 15 of the Southwater Neighbourhood plan.
- 6.39 Regarding the existing dwelling, an existing two-bay garage is to be retained, as well as parking bays fronting this garage. It should be noted that the WSCC Highways noted that the southern parking bay will likely not be able to be used for parking, due to the width of the driveway serving the proposed dwelling. However, the applicant subsequently provided vehicle tracking to demonstrate the accessibility of the proposed driveway. This demonstrates that a vehicle can navigate the proposed driveway whilst a vehicle is parked in front of the garage. Nevertheless, three car parking spaces can be utilised, and this is a suitable amount of parking provision for the existing dwelling in accordance with Policy 14 of the Southwater Neighbourhood plan.
- 6.40 WSCC Highways does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. The development is not considered to create a significant detrimental impact on the landscape and visual amenity of users of a Promoted Route as identified on the Neighbourhood Plan Policies Map. The proposal is therefore considered to comply with Policy 41 of the Horsham District Planning Framework (2015) and Policy 13, 14 & 15 of the Southwater Neighbourhood Plan.

Ecology:

- 6.41 Policy 25 and 31 of the HDPF seek to '*protect the natural environment and landscape character of the district. Protected habitats and species will be protected against inappropriate development, and opportunities to enhance green infrastructure and biodiversity will be encouraged*'.
- 6.42 The application site concerns an area of domestic garden with maintained lawn. There are no ecological designations contained within the application site, or within the near to medium vicinity of the application site. The application site, therefore, is not regarded as ecologically sensitive, and there is no evidence before the Authority that this serves as a commuting or foraging habitat

for protected species. The absence of pre-existing structures renders the site unlikely to host bats with the majority of planting not native to this location. In such circumstances it is not deemed necessary, reasonable or proportionate to require a full ecological recording to preclude the possibility of adverse impacts upon protected species. Subject to compliance with separate regulatory mechanisms under the Wildlife and Countryside Act 1981 in respect of breeding birds, it is not considered that the proposal would adversely impact upon protected species and habitats or prove contrary to the requirements of HDPF policies 25 and 31.

Climate change:

- 6.43 Policies 35, 36 and 37 require that development '*mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change*'.
- 6.44 Should the application be approved, the following measures to build resilience to climate change and reduce carbon emissions will be secured by condition:
- Water consumption limited in line with Water Neutrality Statement
 - Requirement to provide full fibre broadband site connectivity
 - Dedicated refuse and recycling storage capacity
 - Cycle parking facilities
 - Electric vehicle charging points

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

Water Neutrality:

- 6.45 The scheme is for a new 2 bed two-storey dwelling as an infill dwelling adjacent to a previously existing two storey dwelling. To address the Natural England Position Statement of September 2021, a Water Neutrality Strategy has been submitted with attached metered water bills (Lewis & Co Planning - September 2022, Appendix A: Water Bills, Appendix B: Water Efficiency Calculator – Existing Dwelling & Appendix C: Water Efficiency Calculator – Proposed Dwelling).
- 6.46 Appendix A of the submitted Water Neutrality Statement provides bills for the existing property, demonstrating an average daily water use of **428.25l/d**. Appendix B illustrates that through the use of rainwater harvesting and efficiencies, the existing water demand of the existing dwelling can be reduced to 90lpd. Applying the Council's average occupancy rate (2.86 people), this would result in an overall water demand of **257.4l/d** (a 170.85l/d reduction).
- 6.47 Similarly, through the use of efficiencies and water harvesting for the proposed dwelling, a water demand of 89.4lpd has been demonstrated. Applying the average occupancy of a two-bed dwelling (1.88 people), the overall water demand for the proposed dwelling can be calculated as **168.1l/d**.
- 6.48 Officers have undertaken an appropriate assessment of the proposals including mitigation. Natural England have provided a consultation comment of no objection subject to appropriate mitigation being secured. Therefore, with the above efficiencies in mind, the combined water demand from both dwellings would total **425.5l/d**, which is lower than the existing metered water demand. As such, Officers are satisfied that the proposed offsite offsetting measures to the existing dwelling would result in a water neutral development.
- 6.49 With a suitable condition of approval to secure the above mitigations it is considered that the grant of planning permission would not 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.

Other Matters:

Fire appliance

- 6.50 WSCC Fire and Rescue reviewed the plans for the proposed dwelling and require evidence to show that access for a fire appliance to the property can be achieved to within 45 metres of all points inside the dwelling house in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard.

PD Rights

- 6.51 Given the wider site context and sensitives to design, amenity, scale and massing, it is considered appropriate that a condition restricting permitted development rights for the proposed dwelling falling within Classes A, AA, B, C, D and G of Part 1 of Schedule 2 of the General Permitted Development Order (2015) shall be imposed on the scheme. This is to ensure that any further changes to the design, scale, height and massing are considered under a subsequent planning application in the interest of visual amenity and to retain the existing character in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Conclusions:

- 6.52 The application site is located within the built-up area of Southwater. The principle of development is established by Policy 3 of the HDPF which provides that development within defined built-up areas will be permitted, provided that such development is of a scale and nature which preserves the settlement characteristics of its respective setting. The site therefore is deemed to be a sustainable location for residential development and it is considered that the provision of a single dwelling in this location would benefit from the Authority's support in principle, subject to all other material considerations. The design of the proposed dwelling on the site is considered acceptable with reference to the requirements of policies 25, 32 and 33 of the HDPF. With appropriate recommended conditions as listed below it is considered that the development would avoid unacceptable harm to the amenities of neighbouring property compliant with Policy 33 of the HDPF and the proposal would provide adequate parking provision, and is not considered to result in a material impact to road safety in accordance with HDPF policy 41. Water neutrality has been demonstrated with a sufficient degree of certainty and with the agreement of Natural England, thereby avoiding adverse impact on the Arun Valley SAC/SPA and Ramsar sites. For these reasons, the proposal is considered to accord with all relevant local and national planning policies.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide	127.70	162.72	127.70
		Total Gain	290.42
		Total Demolition	0

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

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

To approve planning permission subject to the following conditions:

Conditions:

1 Plans Condition.

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

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

- 3 **Pre-Commencement Condition:** 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. Site working hours and a named person for residents to contact;
- ii. Detailed Site logistics arrangements;
- iii. Details regarding parking, deliveries, and storage;
- iv. Details regarding dust and noise mitigation measures to be deployed
- v. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP for the related phase, unless the written consent of the Local Planning Authority is received for any variation.

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

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

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

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

- 6 **Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (received 04.10.2022) have been submitted to and approved in writing by the Local Planning Authority.

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

- 7 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (received 04.10.2022). 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 completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

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

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

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

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the window bathroom window at first floor on the Northeast Elevation on Plan DWG No. APL 02 REV A 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).

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

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

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

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

11 **Pre-Occupation Condition:** No part of the development 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).

12 **Pre-Occupation Condition:** No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

13 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

14 **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).

- 15 **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).

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

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

- 17 **Regulatory Condition:** The dwelling hereby approved shall achieve M4(2) of the optional requirements in the Building Regulations.

Reason: To ensure the new dwelling is fit for all ages in accordance with Policy SNP9 of the Southwater Neighbourhood Plan and Policy 32 of Horsham District Planning Framework (2015).

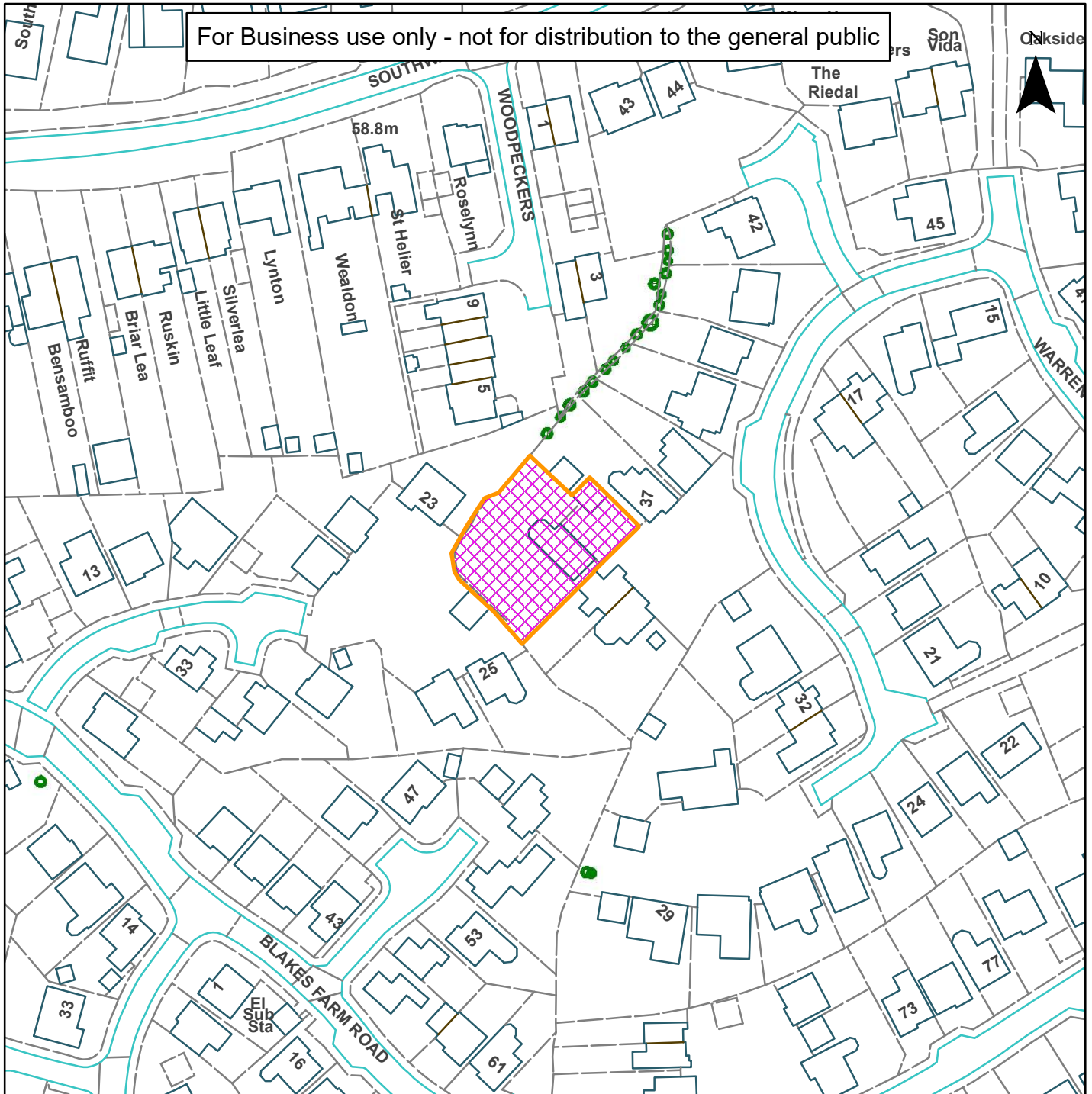
Background Papers:

This page is intentionally left blank



36 Warren Drive, Southwater, Horsham, West Sussex, RH13 9GL

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



Scale: 1:1,250

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

Organisation	Horsham District Council
Department	
Comments	
Date	24/03/2023
Page Number	100023865

This page is intentionally left blank



Planning Committee North – 4th April 2023

CORRECTIONS AND UPDATES

1. **AGENDA ITEM 06: Roundstone Park, Worthing Road, Southwater**

- 1.1 An additional condition is to be added relating to the standard time implementation of three years for planning application. The wording of the condition is as follows:

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.

- 1.2 Since the publication of the Committee Report, two further objections have been received. The objections do not raise any material planning consideration which have not already been addressed in the committee report.

2. **AGENDA ITEM 7: Sony DADC UK Limited, Southwater**

- 2.1 Following discussions with the applicants (now Sony as the original applicants Frontier Estates Limited have withdrawn from the project), the following amendments to five of the conditions set out in the officer report are recommended:

Conditions 25 (noise management plan) and 27 (delivery and parking management plan).

- 2.2 To avoid duplication conditions 25 and 27 are to be combined as follows:

Pre-Occupation Condition: No unit hereby approved shall be occupied until a Noise management and Delivery, Collection & Service Management Plan and Parking Management plan has been submitted and approved in writing by the local planning authority. This should include but not be limited to management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries and servicing. The noise management plan shall be regularly reviewed. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority the noise management plan shall be reviewed. Any changes to the noise management plan necessary to address these concerns shall be implemented to the satisfaction of the Local Planning Authority. The development hereby permitted shall thereafter be operated in accordance with the approved details.

Condition 26 (Travel Plan)

- 2.3 **Pre-Occupation Condition:** *The development hereby approved shall be carried out in accordance with the Framework TRAVEL PLAN Version 0.1 Date: February 2022 by Velocity Transport Planning Ltd Doc No: D003 and each occupier shall adhere to the targets, measures and initiatives within it. Upon first occupation of each unit, a Travel Plan Statement will be submitted to and agreed in writing with the Local Planning Authority. Each Travel Plan Statement will then be implemented as approved and subject to annual review thereafter.*

Condition 28 (noise level from plant)

- 2.4 **Regulatory Condition:** *With the exception of internally and/or externally located plant, machinery equipment or building services plant located on the facades or roofs of the units that have line of sight to residential properties, the rating level of noise emitted by internally and/or externally located plant, machinery equipment or building service plant on the site shall not exceed 38 dB at the boundary with any noise sensitive premises between 07:00 and 23:00 and 35 dB between 23:00 and 07:00 hours. The measurement and assessment shall be made according to BS 4142:2014+A1. No internally and/or externally located plant, machinery equipment or building services plant located on the facades or roofs of the units that have line of sight to residential properties shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.*

Condition 42 (Removal of Permitted Development Rights)

- 2.5 **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 H of Part 7 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.*
- 2.6 It is therefore recommended that planning permission be approved subject to the conditions as previously set in the Committee Agenda and as re-worded and re-ordered to accord with the above amendments.

3. AGENDA ITEM 8: Woodfords, Shipley Road, Southwater

- 3.1 Since the committee report was published, the public re-consultation period has ended. 27 additional objections have been received raising concerns such as traffic impact, overdevelopment, ecology and lack of facilities (such as schools). These comments were taken into account in the assessment of this application and are not new material planning considerations. The objections have raised the following concerns regarding the water neutrality statement:
- It's unrealistic to rely on water saving measures retrofitted to 227 Crawley Homes to be retained by existing and future occupiers. This is not enforceable.
 - Reliance on rainwater harvesting is unreliable due to the actual number of dry days experienced without rainfall has not been factored in.

- 3.2 Shipley Parish Council have also commented that they continue to **object** to the application. The Parish have commented that the Water Neutrality is inconsistent and that it relies on estimates in the calculations for the water saving measures. The Parish have also commented that rainwater harvesting is unreliable due to the actual number of dry days experienced without rainfall has not been factored in.
- 3.3 The comments on the Water Neutrality Statement are noted. The applicant's Water Neutrality Statement includes extensive surveys and reports detailing the existing water efficiency of the Raven Housing Trust homes being used for offsetting. The water consumption data for the new fixtures and fittings is based on the known flow rate of each fitting and fixture and applies the industry standard Building Regulations Part G calculator to estimate the likely new water consumption rates. This is an approach endorsed by Natural England. It is important to note that there remains considerable headroom in the calculations of some 2,279 litres per day to account for individual behaviours such that officers remain of the view that water neutrality will be achieved.
- 3.4 The properties proposed for offsetting are all under the control of Raven Housing Trust. Subject to the conditions in the committee report and to appropriate obligations being secured in a legal agreement, it is considered that retrofitting measures to the Crawley properties are feasible and reasonable. In addition, officers are currently in discussion with Crawley Borough Council regarding a cross boundary agreement to ensure that appropriate enforcement measures and potential monitoring can be in place to secure and retain these mitigation measures.
- 3.5 In relation to rainwater harvesting, the Water Neutrality Statement sets out that the harvesting systems will have a 35 day storage capacity specifically to allow for periods of drought. 35 days is considered a suitable timeframe for this to reflect recent drought periods in the district and is a timeframe endorsed by Natural England. This is a requirement of condition 14.
- 3.6 Finally, since the committee report was published, it's come to light that the submitted ecology surveys for this site are approaching three years old and will soon require updating. This would generally involve a walkover survey to be carried out in consultation with the HDC ecologist. To reflect this, and given the public re-consultation period has now ended, the recommendation is updated as follows:

Recommendation:

To approve outline planning permission subject to receipt of updated ecology surveys, 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.

End

This page is intentionally left blank