



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

Planning Committee (South)

Tuesday, 20th December, 2022 at 2.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

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

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 10
To approve as correct the minutes of the meeting held on 15 November 2022. <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

5. **Appeals**

11 – 12

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

Applications for determination by Committee:

ADDENDUM RELATING TO ALL ITEMS

6. **DC/21/2321 Land at New Place Farm, Pulborough.** 15 - 52
Ward: Pulborough, Coldwaltham and Amberley
Applicant: Ms Dawn Adams
7. **DC/21/0372 Chanctonbury Nurseries, Rectory Lane, Ashington.** 53 - 84
Ward: West Chiltington, Thakeham and Ashington.
Applicant: Landacre Developments (Ashington) Ltd.
8. **DC/22/0366 We Paint, Capons Hill Farm Unit 3, Station Road, Cowfold.** 85 - 98
Ward: Cowfold, Shermanbury and West Grinstead.
Applicant: Mr Dean Weston.
9. **DC/22/1507 17 Link Lane, Pulborough.** 99 - 106
Ward: Pulborough, Coldwaltham and Amberley.
Applicant: Mr William Hill.
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

Agenda Annex

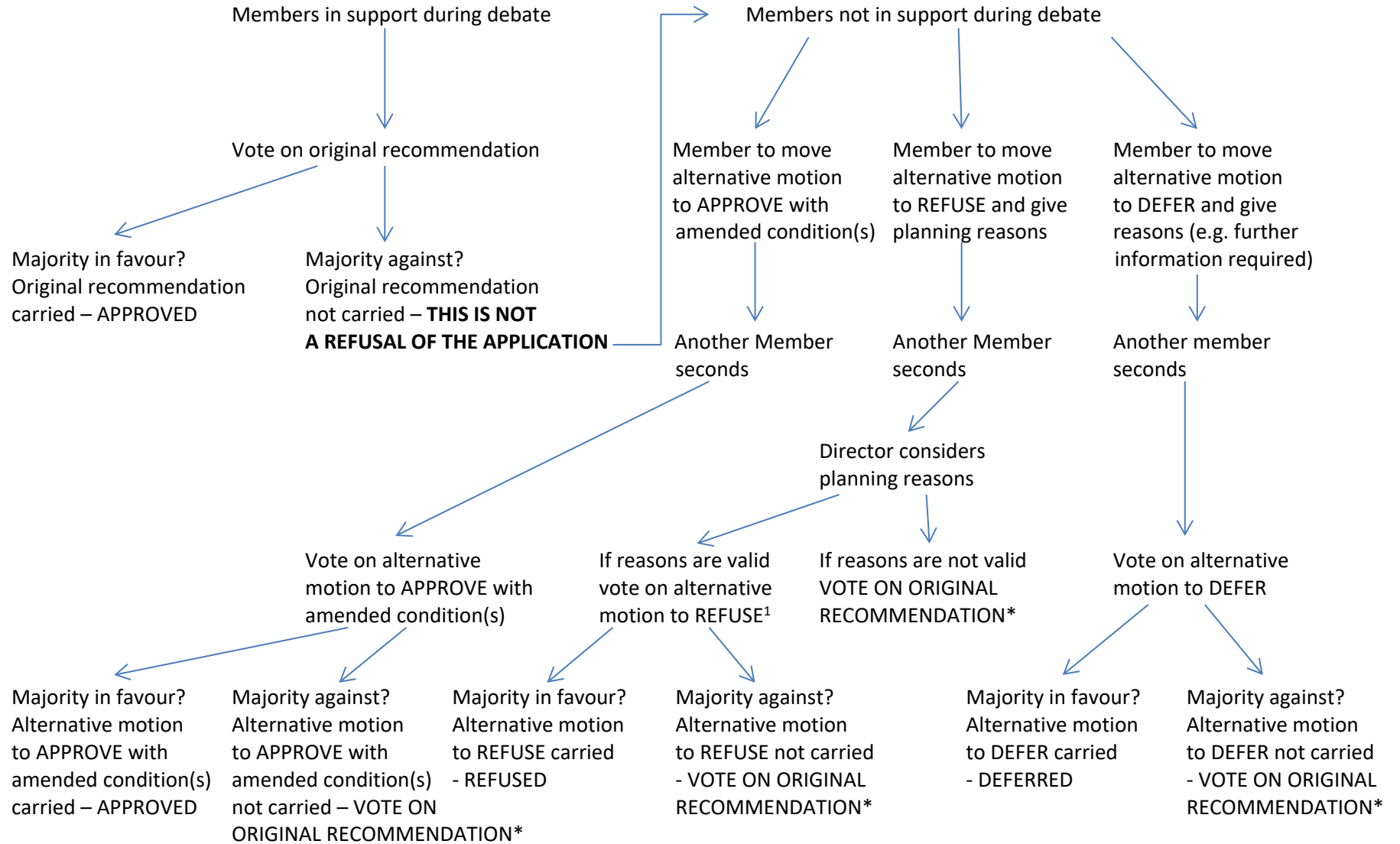
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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>

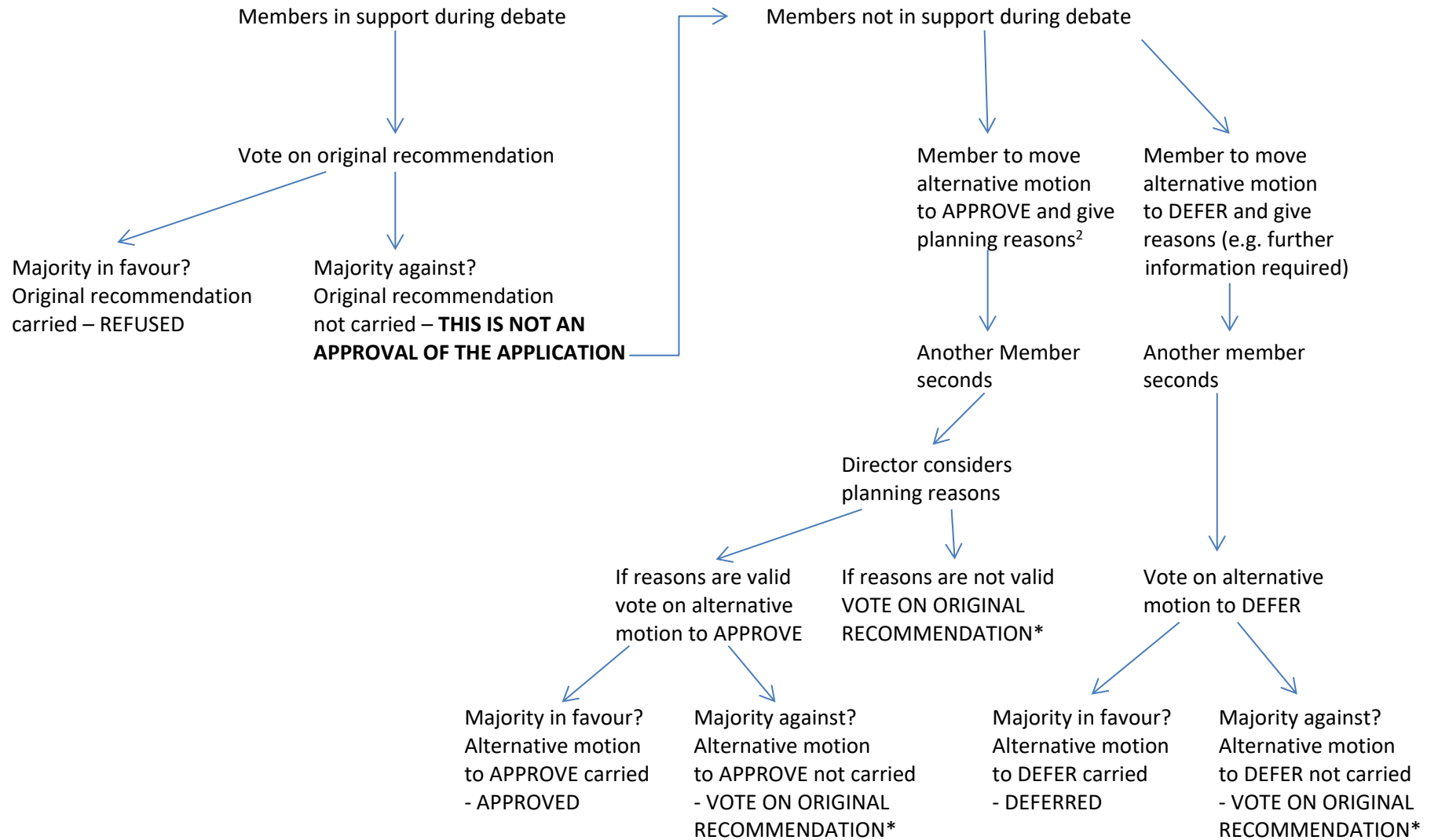
Original recommendation to APPROVE application



*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 (South)
15 NOVEMBER 2022

Present: Councillors: Paul Clarke (Vice-Chairman), John Blackall, Jonathan Chowen, Philip Circus, Michael Croker, Joan Grech, Lynn Lambert, John Milne, Mike Morgan, Roger Noel, Bob Platt, Josh Potts, Kate Rowbottom and Jack Saheid

Apologies: Councillors: Tim Lloyd, Ray Dawe, Diana van der Klugt and James Wright

Absent: Councillors: Chris Brown and Nigel Jupp

PCS/18 **MINUTES**

The minutes of the meeting held on 18 October 2022 were approved as a correct record and signed by the Vice-Chairman.

PCS/19 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/21/2394 Councillor Bob Platt and Councillor Roger Noel declared a personal interest as they knew the Agent. They were also members of Steyning Community Partnership.

DC/21/2394 Councillor Michael Croker declared a personal interest as he knew the Agent.

PCS/20 **ANNOUNCEMENTS**

There were no announcements.

PCS/21 **APPEALS**

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

PCS/22 **DC/21/2394 141 SHOOTING FIELD, STEYNING**

The Head of Development & Building Control reported that this application sought permission for the demolition of 2 residential dwellings and construction of 14 2-bedroom apartments with associated cycle storage, car parking and refuse provision.

The application was considered and deferred for determination at Planning Committee South in June 22 to allow for further consideration of a revised water neutrality strategy, additional parking provision on site and explore opportunities to improve accessibility within the ground floor layout for disabled users.

Amended plans had been received to address these issues.

The application site was located within the built-up area of Steyning towards the northern extent of Shooting Field with an area predominantly characterised by mid to late 20th century residential development.

Members noted the planning history of the application.

25 letters were received supporting the proposal and 16 letters of objection. 4 letters of representation were received from addresses outside of the district.

The agent spoke in support of the application.

Members were broadly in support of the proposal after the amendments. They were positive that Natural England had raised no objections to the revised water neutrality strategy and offsetting measures. It was felt the provision of evidence base water monitoring measures and enforcement were important for the future and this could be included in the Section 106 agreements.

It was acknowledged that although parking provision had increased with two additional spaces, Members were keen for the proposal to provide additional cycle parking provision.

It was therefore proposed and seconded to amend Condition 15 of the report regarding cycle parking.

RESOLVED

That DC/21/2394 be approved subject to the completion of a legal agreement and the conditions set out in the report subject to the following :

Rewording of condition 15 (cycle parking).

Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied until amended cycle parking details have been submitted and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall subsequently be implemented prior to occupation of any part of the development and retained as such thereafter.

Informative:

The cycle parking details to be submitted shall have regard to the standards and recommendations outlined in Cycle Infrastructure Design: LTN 1/20.

PCS/23 **DC/21/2784 7 THE FURLONGS, STEYNING**

The Head of Development & Building Control reported that this application sought permission for a detached single storey three bedroom dwelling with associated driveway and parking.

Initial plans for a proposed chalet style bungalow with loft accommodation was amended in March 2022 to a single storey dwelling. The new proposal incorporates an integral single garage, two car parking spaces and installation of a fast charge socket for charging electric vehicles.

The application site is the southwest corner plot of 7 The Furlongs and forms part of the rear side garden. It is located within the Steyning built up area boundary.

Members noted the planning history of the application.

The Parish Council objected to the initial proposal however had not responded to amended plans.

Since the publication of the report a further 6 objections had been received. 21 letters of objection had been received from separate addresses.

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

Some Members felt the proposal was out of context, over development of the area and set a precedent for future development. Officers advised the proposal would not cause significant impact to neighbouring properties, adhere to current HDPF standards and could demonstrate water neutrality.

RESOLVED

That application DC/21/2784 be approved subject to the completion of a legal agreement and conditions set out in the report.

The meeting closed at 3.31 pm having commenced at 2.30 pm

CHAIRMAN

Planning Committee (SOUTH)

Date: 20th December 2022



**Horsham
District
Council**

Report on Appeals: 03/11/2022 – 07/12/2022

1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/22/0309	Leverence Barn Marles Lane Billingshurst West Sussex RH14 9BT	04-Nov-22	Application Refused	N/A
DISC/22/0131	Tea Caddy Cottages Worthing Road West Grinstead West Sussex RH13 8LG	10-Nov-22	Split Decision	N/A
DC/22/0519	Iron Stone Barn Rock Road Washington Pulborough West Sussex RH20 3BQ	10-Nov-22	Application Refused	N/A
DC/22/0313	Pear Tree Farm Furners Lane Woodmancote Henfield West Sussex BN5 9HX	14-Nov-22	Application Refused	N/A
DC/22/1225	Wellers Bungalow Marringdean Road Billingshurst West Sussex RH14 9EJ	19-Nov-22	Prior Approval Required and REFUSED	N/A
DC/21/1796	Pear Tree Farm Furners Lane Woodmancote Henfield West Sussex BN5 9HX	23-Nov-22	Application Refused	N/A
DC/22/1175	Shaw Cottage Blackstone Lane Blackstone Henfield West Sussex BN5 9TA	01-Dec-22	Recommendation Pending	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/21/2086	Land West of Ravenscroft Storrington West Sussex RH20 4EH	Public Inquiry	09-Nov-22	Application Refused	N/A
EN/21/0071	Land To The West of Hillside Harbolets Road West Chiltington Pulborough West Sussex RH20 2LG	Written Representation	15-Nov-22	Notice served	N/A
DISC/21/0223	Tea Caddy Cottages Worthing Road West Grinstead West Sussex	Written Representation	17-Nov-22	Split Decision	N/A
DC/21/1815	St Crispins Church Church Place Pulborough West Sussex RH20 1AF	Written Representation	01-Dec-22	Application Refused	Application Refused

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
EN/22/0160	Land Adjoining The Orchard Cowfold Road West Grinstead West Sussex	Written Representation	Appeal Dismissed	Notice served	N/A
DC/20/2481	Coppice Hanger Church Hill Pulborough West Sussex RH20 1AB	Written Representation	Appeal Dismissed	Application Permitted	Application Refused



Planning Committee South – 20th December 2022

1. PURPOSE OF THE REPORT

- 1.1 To advise Committee Members of revised wording relating to Section 4 (Equalities and Human Rights) of the Reports published for Agenda Items 06, 07, 08 and 09.
- 1.2 To provide a correction and update to Agenda Items 06 & 08.

2. REVISED WORDING – EQUALITIES ACT

- 2.1 Section 4 of all 4 Committee Reports refer to the due regard the Report has had to the Human Rights Act 1998, and incorrectly omits reference to the due regard the Report has had to the Equalities Act 2010. As such, the following wording should replace the existing wording in Section 4:

4.1 Under the Equalities Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic [Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation] and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Committee must be mindful of this duty when determining all applications. The Equality Act 2010 has formed part of the planning assessment below and Officers have had full regard to this duty in the assessment of this application.

4.2 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application.

4.3 Consideration of Human Rights and Equalities forms part of the planning assessment below.

4.4 It can be confirmed that all reports have had due regard to the above as part of the planning considerations and assessments.

3. CORRECTIONS AND UPDATES - AGENDA ITEM 06: LAND AT NEW PLACE FARM

- 3.1 Members should be aware that the paragraph numbering after paragraph 6.27 is incorrect, and unfortunately reverts to paragraph 6.16. Officers apologise for any confusion this may cause.
- 3.2 Paragraph 6.30 of the report states the site will '*avoid significant harm to nearby heritage assets*'. Whilst it is correct that the development would avoid harm, the use of the word 'significant' implies that there would be a level of harm to the asset. Members should be aware that as a result of the development, no harm to the nearby Grade 2* listed New Place Manor has been identified by the Council's Heritage Officer (see para 6.26). As such, Paragraph 6.30 should be corrected to say the site will '*avoid harm to the nearby heritage asset*'.
- 3.3 Since the publication of the Committee Report, a further 18 letters of representation have been received (16 objecting to the proposal, and 2 in support). In total therefore, 135 letters of representation have been received, all of which (save for 3 letter of support) raise an objection to the proposal.

4. CORRECTIONS AND UPDATES – AGENDA ITEM 8: UNIT 3, CAPONS HILL FARM

- 4.1 Members should be aware that the consultation response received from Cowfold Parish Council have been omitted from the Committee Report. These are summarised below.
- 4.2 **Cowfold Parish Council (Response received 20.06.2022):** Seek further clarification in response to concerns raised by residents and other business users of the Capons Hill Farm units concerning a perceived lack of transparency relating to access, egress, and site congestion.
- 4.3 **Cowfold Parish Council (Response received 13.09.2022):** Objection
Continuing concerns with the point of access/egress onto the A272 and associated road user safety. The ongoing breach of planning regulations in respect of the removal of vegetation at the point of the A272 entry/exit. Residential concerns over the likelihood of increased vehicular movement to and from the Unit.
- 4.4 It is advised that the application site is known as Capons Hill Farm, with the application relating to Unit 3. The correct address is Capons Hill Farm, Unit 3, Station Road, Cowfold, Horsham, West Sussex RH13 8DE.
- 4.5 The nearby residential dwelling located immediately south of the application site and adjacent to the site access is known as Capons Hill Farmhouse (not Capons Hill Farm as referenced within paragraphs 1.5, 1.6, 6.7, and 6.31).

End



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 20th December 2022

DEVELOPMENT: Outline planning permission (with all matters reserved except for means of access from Glebelands) for the demolition of existing structures and the redevelopment of the site with a residential development scheme of up to 170 dwellings, a countryside park, associated earthworks and infrastructure

SITE: Land at New Place Farm Pulborough West Sussex

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/21/2321

APPLICANT: **Name:** Ms Dawn Adams **Address:** Catesby House Warwick CV34 6LG UK

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

The proposed development represents a departure from the provisions of the adopted development plan in force.

By request of Councillor Clarke and Councillor Van Der Klugt

RECOMMENDATION: 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 is authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application has been proposed in Outline (with all matters reserved except details of access), for the erection of 170 new homes (including 35% affordable), 5 hectares of open green space, new play facilities (including a BMX pump track), and an upgrade to the surrounding rights of way network including the provision of a stepped footbridge over the rail crossing. A precise unit mix has not been given, but the submission specifies that it will be predominantly 2 and 3 bedroom homes. Overall density will be around 35 dwellings per hectare, with higher densities along the spine road, and lower densities to the western edge of the site. Dwelling heights will range from 1 - 2.5 storeys.
- 1.2 The development would seek to retain (and enhance) the existing field boundaries within and around the site and would create 7 pockets of development (amounting to 5Ha). An existing line of trees and hedgerow that runs north/south and dissects the centre of the site would be enhanced to create an area of open space with an equipped play area and new pedestrian routes. This central corridor would also enable long interrupted views from the site southward, towards the South Downs.
- 1.3 Four surface water attenuation basins within the southern (lower) portion of the site are shown on the illustrative masterplan. A new countryside park is shown to the north of the site with new recreational walking routes within, connecting the site to the existing PRoW network. A BMX pump track is also proposed in this area of the site. A further area of green space to the west of the site is shown to include a 400sqm play area.
- 1.4 Vehicular access to the site will extend northwards from Glebelands (following a realignment of Drovers Lane to provide a new give way junction) into the first area of development. A community orchard is shown at the site access. An internal spine road will lead from the site access into the site, with secondary roads branching out.
- 1.5 Pedestrian route into the site will also be provided from Strawberry Field to the southwest of the site (via ROW 2330), from the west (via ROW 2332), and from the north over the existing at-grade rail crossing (ROW 2330). An agreement has been made between the developer and Network Rail for the developer to fund the erection of a stepped footbridge over the existing rail crossing to allow the existing at-grade crossing to close.

DESCRIPTION OF THE SITE

- 1.6 The application site covers an area of 16.3ha located to the north and west of Glebelands and Drovers Lane, Pulborough. The majority of the site consists of land currently in use as a commercial nursery (New Place Farm), with areas of woodland to the north. Contingent with its current use as a nursery, the land comprises areas of grassland, hardstanding, various stock plants and trees, and several existing horticultural buildings and polytunnels located in the western part of the site. A square shaped reservoir and pump house is located to the centre of the site.
- 1.7 The site extends to the Arun Valley Railway Line to the north. To the west, the site abuts Grade 2* listed New Place Manor and the curtilage of three other dwellings. To the south of the site lies the defined settlement edge of Pulborough, with 13no. houses in Drovers Lane overlooking the site (separated by a hedgerow). The site's eastern boundary abuts open countryside, and a line of trees defines this boundary.
- 1.8 The site sits on sloping ground, with its high point located at the north-east corner, from which land falls (by around 24 meters) to the south and south-west. The woodland belt to the north slopes steeply downwards to meet the level of the railway line, and an at-grade uncontrolled crossing.

- 1.9 Several Public Rights of Way (PRoW) run within and around the site, including Bridleway 2332 and Footpath 2330 which provide key routes southwards towards the village centre, primary school and railway station. Footpath 2330 leads northwards, across an at-grade crossing of the railway line, and Bridleway 2332 runs east-west within the northern portion of the site.
- 1.10 The site's boundaries are formed by hedgerows and trees of varying quality. The PRoWs that cross the site and are bound by established trees and hedgerow. A line of low-quality Poplars and Hawthorn trees run north-south within the centre of the site.
- 1.11 The site is not subject to any national or local landscape designations, however the South Downs National Park is located around 550m to the south of the site. The nearest statutory sites for ecological importance are Marehill Quarry Site of Special Scientific Interest (SSSI) located 600m to the south-east; Pulborough Brooks SSSI located 870m to the south which also forms part of the Arun Valley Special Area of Conservation (SAC) and Special Protection Area (SPA). The Mens SSSI and SAC is located 3.6km to the north-west of the site. The nearest non-statutory designation is Middle Barn Farm Meadow Local Wildlife Site (LWS) located 570m to the west.
- 1.12 The Site does not contain any designated heritage assets. The nearest listed buildings are the Grade 2* listed New Place Manor, and the Grade 2 listed Archway and Garden Wall at New Place Manor (both listed 1955), which are located adjacent to the west of the site. The application site is located in an Archaeological Notification Area (for a Large Roman Settlement Area).
- 1.13 The Environment Agency Flood Map for Planning identifies that the Application Site is wholly located within Flood Zone 1.
- 1.14 There are several existing local facilities within a 10 minute walk of the site, including a health centre, primary school, village centre, 2no supermarkets, and a recreation ground. Pulborough Railway Station is located 1.6km to the west of the site (20 minute walk).

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (NPPF, 2021)

Horsham District Planning Framework (HDPF, 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 30 - Protected Landscapes

Policy 31 - Green Infrastructure and Biodiversity

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

Pulborough Parish Design Statement SPD (2013)

2.3 RELEVANT NEIGHBOURHOOD PLAN

The Pulborough Parish Neighbourhood Plan (PPNP). The Regulation 16 Submission Plan underwent independent examination in September 2021, and was recommended by the Examiner to progress to Referendum subject to a number of minor changes. A referendum on the plan has not yet occurred, therefore the plan does not yet formally form part of the Council's Local Development Plan.

Draft Policy 2 of the PPNP proposed to allocate Land at New Place Farm for approximately 170 homes. The main principles of Policy 2 as set out in the Reg 16 Submission Plan, are as follows:

- Any proposal must include a landscape-led masterplan;
- Any proposal will deliver predominantly 2 and 3 bed dwellings;
- The layout and location of housing should be of an appropriate scale and massing;
- Regard should be given to the Pulborough Design Statement;
- Any proposal will deliver affordable homes in accordance with identified need;
- Primary access into the site will be delivered off Glebelands;
- A comprehensive transport statement must be submitted with the application;
- Specific note should be taken of bridleway 2332 and footpath 2330;
- The development should make provision for appropriate play facilities;
- A full ecological and biodiversity survey should be submitted;
- A contamination assessment should be submitted;
- Support is given to the provision of Sustainable Drainage (SuDs);
- There should be opportunity to create a net increase in biodiversity;
- All lighting shall minimise light pollution and support the SDNP dark skies policy;
- A countryside park is provided on the northern half of the site;
- An archaeological survey to assess potential deposits should be submitted;
- Any development should conserve and enhance the setting of the listed buildings;
- Regard for bats and their foraging routes should be given;
- All external lighting shall be installed in accordance with an approved scheme;
- Future access to existing water infrastructure must be ensured for maintenance;
- A Construction Environment Management Plan should be submitted showing how local water quality will not be damaged.

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

PL/37/00	Erection of 24 houses and access Site: Land North Glebelands Pulborough	Application 24.01.2003	Refused on
PL/125/02	Erection of 42 houses Site: Land North Glebelands Pulborough	Application 24.01.2003	Refused on
DC/10/0375	Erection of 13 dwellings 4 x 5 bed detached houses, 1 x 4 bed detached house, 3 x 3 bed terraced houses, and 5 x 2 bed detached bungalows [Drovers Lane]	Appeal April 2011	against non-determination Allowed,

3. OUTCOME OF CONSULTATIONS

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

Owing to the receipt of revisions to the scheme in October 2022, a second public consultation was undertaken. The summaries below take into account any further comments received from the relevant consultees.

3.1 INTERNAL CONSULTATIONS

HDC Landscape Architect: No Objection (conditions suggested)

[Summary of Final Comments]:

Having reviewed the Cover Letter and revised Masterplan, Landscape is supportive of the proposal, subject to recommendations / conditions to enhance the scheme. The proposed footbridge over the railway line should be considered in a revised Landscape Visual Appraisal at design stage. We would also expect the details of the BMX pump track to be provided at design stage to ensure the location is appropriate, and supported by suitable landscaping, surface materials, and boundary treatments. The pump track must also conform to the latest safety requirements and verified by ROSPA. The recommended conditions are the same as previously recommended (see below), with the addition of a condition to provide details designs for the BMX pump track.

[Summary of Initial Comments]:

Development of this scale and nature in this location with mitigation as presented would have an adverse impact on landscape character and visual amenity. We do acknowledge that the site has capacity for development, so careful consideration of the size, scale, design, buffer, structural landscaping, and layout needs to be given. We recognise the policy position of the development site within the Pulborough Neighbourhood Plan, and the principle of development is therefore generally supported. Draft Policy 2 states that proposals must include a 'landscape-led masterplan' which has developed as part of 'a thorough understanding of the wider landscape impact'. As such, Policy 2 seeks to reinforce the special qualities, characteristics, features and resources of the site, visual amenity, and landscape character areas / types to be safeguarded. As such, if minded for approval, a series of recommendations have been suggested as part of the design stage of development, in order to enhance the scheme to ensure landscape and visual harm is appropriately mitigated and opportunities taken to enhance the landscape and visual resources.

Suggested conditions include: (1) submission of a hard and soft landscaping scheme, (2) Submission of a Landscape Management Plan, (3) Submission of an Arboricultural Method statement.

HDC Environmental Health: No Objection (conditions suggested)

Final Comments (11 Oct 2022)

- An overheating assessment can be secured by condition – this would be a sufficient measure to ensure any noise impacts are mitigated.

Subsequent Comments (10 Aug 2022)

- Noise - I accept the conclusion from the Noise Impact Assessment (19 May 2022), however, given the trend for more frequent heatwaves, the applicant must clarify what ventilation systems are in place to prevent building overheating.
- Air Quality – The air quality damage cost amounts to £17,107. The proposed Travel Plan includes provision of a sustainable travel voucher with a value of £150 (i.e., £25,500 for 170 households). This is acceptable.

Original Comments (04 March 2022)

- Air Quality – No details of mitigation measures have been provided in support of the damage cost calculation of £17,107. Charging points are not recommended to be included in the mitigation plan unless these are offsite charging points to support the wider local EV network.
- Noise – Clarification is required regarding predicted noise levels in the LT3/ST3 location.
- Land Contamination – Given the site's most recent use, and its proximity to an industrial site and a landfill site, it is recommended that a land contamination condition and waste removal condition is attached to any permission.
- Construction Management – it is recommended that a condition for a construction management plan is attached to any permission. In addition, standard conditions should be attached to restrict hours of construction, to restrict the hours of deliveries to/from the site, and to prevent burning of materials on site.
- Lighting – The findings of the Lighting Impact Assessment are accepted. The final lighting scheme should meet the standards listed in par 6.1 and adhere to criteria in pars. 6.2-6.5.
- Water Neutrality – the applicant must evidence the actual water usage by the nursery, and if this is agreed, a condition as suggested by the applicant would be supported.

HDC Heritage Officer: Comment (condition suggested)

[Summary]: The surviving farm buildings would not warrant further assessment regarding listing. However, they do reinforce the special interest of New Place as a historic house with visual and functional connection to a worked landscape. There is merit in reinforcing the history of New Place by utilising the materials and floor plan of these historic farm buildings in any new development of the site. Any new building here should be reflective of the type of building it had been (potentially, it could be a community café / shop). A condition should be imposed to require reuse of the historic material, particularly the stone, and that the new development includes a rebuilt complex of structures on the site of the historic farm buildings that reflect their historic appearance.

HDC Tree Officer: No Objection (condition suggested)

[Summary]: The tree survey is a fair assessment of tree species and condition. The impact of the removal of pollarded poplars can be mitigated by a robust scheme of structural landscaping. The conservation of the few remaining individual category A and B trees will be important to ensure landscape maturity. Some re-configuration of the site layout is likely to be required to achieve a harmonious longer-term relationship. The use of street tree planting, external to residential curtilages and utility conflicts, should be considered as a key component of the site design. The proposed access does not involve direct loss of trees, and the route appears to respect the RPAs of the A and B grade trees. If minded to approve, I recommend a standard condition to ensure tree protection.

HDC Housing: No Objection

[Summary]: The number of affordable housing units that will be provided is 60, and therefore is policy compliant with the requirements set out in the HDPF. The site proposes to deliver a mix of 1,2,3 and 4 bed dwellings, with a mix based on the Housing Mix Study from 2019. Affordable housing demand has changed substantially since 2019, and the proposed unit mix does not completely accord with the current demand in Pulborough from the Housing Register (comprising 161 households) which is broken down as 42% in need of a 1-bedroom unit, 21% in need of a 2-bedroom unit, 25% in need of a 3-bedroom unit and 11% in need of 4 or more bedrooms. Housing Officers would welcome any increase in provision of larger 3 and 4 -bedroom units as the affordable rented tenure, rather than 2-bedroom units. No mention is made of a potential affordable housing provider, and Housing Officers would urge the applicant to reach an agreement with a provider as soon as possible.

HDC Economic Development: No Objection

[Summary]: Whilst the proposal would result in the loss of the commercial nursery, the Pulborough Neighbourhood Plan does allocate land for employment space which would compensate for the loss at this site. A residential development close to the high street and other local retail locations, is likely to contribute positively towards revenue for the local businesses and increase footfall within the key retail locations. The new residential development could add some strain on the local job density, nevertheless, we recognise that the employment sites allocated in the Pulborough Neighbourhood Plan could help mitigate against this.

HDC Drainage Engineer: No Objection (conditions suggested)

[Summary]: No objection to the proposed drainage strategy. Recommended conditions include: (1) submission of foul and surface water drainage strategy; (2) submission of sustainable and surface water drainage details; (3) submission of a SUDS verification report. Informative notes recommended for: (1) submission of a surface water drainage statement, and (2) to apply for Ordinary Water Course Consent.

3.2 OUTSIDE AGENCIES

Archaeology Consultant: No Objection (conditions suggested)

[Summary]: An archaeological evaluation was carried out on Land to the North of the Glebelands Estate (immediately to the south of this site). Results show that some of the archaeological features associated with this site appear to extend into the proposed development area and it is evident that below-ground archaeology can be anticipated to survive in this area. Condition recommended for a programme of archaeological work to be secured in accordance with a Written Scheme of Investigation.

Ecology: No Objection (conditions suggested)

[Summary]: The mitigation measures identified in the Ecological Appraisal should be secured in full. A Construction Environmental Management Plan for Biodiversity should be secured, as well as a Landscape and Ecological Management Plan to secure net gains for biodiversity, as outlined under NPPF Paragraph 174d.

A Habitats Regulations Assessment (HRA) screening report is required to be prepared by the LPA given the site's proximity to The Mens SAC and Ebernoe Common SAC (referencing flight-lines for Barbastelle bats). Effected treelines within the site (TL5 and TL6) will only be crossed by roads at existing gaps therefore this, together with a sensitive lighting scheme means there should be no interruption to bat flight lines. A wildlife sensitive lighting scheme should be secured by condition.

This application includes a water neutrality statement, therefore consent may be issued subject to Natural England's acceptance of an HRA prepared by the Council.

Natural England: No Objection (conditions / s106 obligations required)

[Summary]: It is noted that two Appropriate Assessments (one for water neutrality impacts and one for bats) have been undertaken, in accordance with Regulation 63 of the Habitats Regulations. Both Appropriate Assessments conclude that the proposals will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessments, and the measures proposed to mitigate for all identified adverse effects, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured. On the WN element of the proposal we have the following additional points to make:

- That your authority is satisfied with the acceptability of the Statutory Declarations made with respect to the borehole abstraction figures.
- That your authority is satisfied as to the hydrological link between the existing borehole and lake and the Arun Valley Habitats Sites.

Environment Agency: No Comments

Historic England: Comment

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

Network Rail: No Objection (subject to legal agreement)

[Summary]: In an update to Network Rail's previous response (dated 22 April 2022) whereby a holding objection was raised, NR have since discussed their concerns with the developer. NR are to enter into an agreement with the developer to providing a new stepped footbridge which will allow NR to divert the existing public right of way that goes across the level crossing to go over the railway line making it a safer crossing for users. NR therefore support the application subject to a new footbridge being funded by the developer to allow the level crossing to close.

South Downs National Park Authority: No Objection

[Summary]: The site is located some 50-800m distance from the national park boundary. Given the intervening area forms the built-up area of Pulborough, any potential impacts on the setting of the National Park are considered to be limited. The Authority would recommend that careful consideration be given to the International Dark Night Skies Reserve and dark night skies. The SDNPA therefore encourage a sensitive approach to external lighting and tries to achieve zero upwards light spill in all respects.

Southern Water: No Objection

[Summary]: Advice provided regarding easements and requirements to protect water apparatus. A formal application for connection to the public foul sewer is to be made by the developer. Arrangements for long term maintenance of SuDS facilities will be required where SuDS features are not adopted.

West Sussex Access Forum: Comment

[Summary]: There are opportunities within the scheme to enhance the local PRow network. The Forum highlights two enhancements that would improve access for users to/from the development. These are: (1) the upgrade of Footpath 2330 to a Bridleway (from junction of 2332 south to where it meets 2328), and (2) the upgrade of part of Footpath 2331 to a Bridleway (from junction with Footpath 2330 westwards to where it meets Link Lane). Both enhancements would provide off road routes for NMU's. Surfacing should be as per WSCC standards and width should be 3m.

WSCC Fire and Rescue: No Objection

[Summary]: Condition recommended seeking details of proposed location of the required fire hydrant. Details to be approved, and hydrant to be installed prior to occupation.

WSCC Lead Local Flood Authority: No Objection (conditions suggested)

[Summary]: The FRA and Drainage Strategy state that attenuation basins with a restricted discharge to the watercourse would be used to control the surface water runoff from the site. In line with policies within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. It is recommended that this application be reviewed by the District Council Drainage Engineer for a technical review of the drainage systems proposed. Conditions suggested for (1) all works to be undertaken in accordance with the agreed drainage designs and calculations, and (2) submission of a SuDS maintenance manual to be approved.

WSSC Highways: No Objection (conditions suggested)

- Access –there are no issues with the arrangement shown from Drovers Lane. The submitted Stage One RSA raises no insurmountable problems.
- Sustainable Travel – No issues were raised as part of the previous proposal on this site (DC/16/0731), and the view remains the same now. The majority of local services are within reasonable walking and cycling distance. The absence of dedicated facilities for cyclists within Pulborough is an existing constraint – not for this development to resolve. There are a number of public rights of way that cross the site. Footpath 2330 provides a direct route to a food retail facility on the A29. This footpath also crosses the Arun Valley main rail line. The increased use of this footpath and the railway crossing will be a matter for Network Rail and the WSSC Rights of Way team to assess. In transport terms, there is merit for improvements to this route. A revised Travel Plan was submitted and is acceptable. A travel plan monitoring fee of £3,500 must be secured in a s106 agreement.
- Trip Generation / Highways Impact - Vehicle trip generation has been estimated using TRICS. The development is expected to result in 93 two way vehicle movements (29 arriving, 64 departing) in the AM peak and 88 (57 arriving, 32 departing) in the PM peak. To identify highway capacity, the forecast vehicle trips have been distributed across the network using Census data. Data shows that 53% of trips would head southwards to the A283 via Glebelands, and 47% of trips would head westwards towards the A29. WSSC accept this approach. Traffic impact has been considered for a future year of 2026, at which time the development is expected to be complete and occupied. The overall approach to traffic modelling is accepted by WSSC. Modelling shows that whilst the development will increase trips on local roads, the proposed development would have very little impact on highway capacity.
- Layout - The general principles as shown on the Illustrative Site Layout are considered acceptable. Due consideration should be given to improvements to the various public rights of way that cross the site.
- Summary – WSSC Highways are satisfied that the proposed development would not give rise to any unacceptable safety or otherwise severe highway impacts. Subject to conditions to secure the construction of vehicular access, and a construction management plan; plus a s106 agreement to secure the travel plan monitoring fee; there are no in principle objections to this proposal.

WSSC Minerals and Waste: No Objection

[Summary]: The application site falls within a mineral safeguarding area for Horsham Stone. The submitted statement notes that owing to its low quality and demand for the resource in the region it is suggested that prior extraction would not be economically viable at the site. WSSC notes that the site comprises previously developed brownfield land, therefore no objection is raised considering the safeguarded mineral has already been sterilised.

WSSC Rights of Way: No Objection (conditions suggested)

[Summary of Final Comments]: the replacement of the at-grade railway crossing of FP2330 with a grade-separated footbridge is welcomed. The section of FP2330 between its junction with Bridleway (BW)2332 and the railway line should be improved accordingly. These and all other necessary improvements to the local right of way network are set out in full in a table in the consultation response. These include improvements to FP2330, BW2332, FP3500, FP2331 and BW2328.

[Summary of Initial Comments]: Horsham District Council's Infrastructure Delivery Plan (IDP) identifies the need to upgrade Footpath (FP) 2330 to a Bridleway (BW). These upgrades will increase the use of the route and benefit more users. Also identified in the IDP is an aspiration to upgrade part of FP2331 and FP3500 to connect BW2332 to BW2328, opening up a largely off-road route between the development and towards the railway station. Re-opening and upgrading the part of FP2331 that runs along the southern boundary of St. Mary's CofE school would benefit the existing community and new residents. Conditions suggested include: (1) upgrade FP 2330 south of its junction with BW 2332, and (2) re-open and upgrade the specified part of FP 2331.

Pulborough Parish Council: No Objection

The Council is supportive of the development because it is within Pulborough Neighbourhood Plan, which carries considerable weight having passed independent examination, and there are key clauses within Pulborough Neighbourhood Plan Policy 2 that should be adhered to.

3.3 PUBLIC CONSULTATIONS

In response to the application (upon it first being submitted to the Council in October 2021 and advertised accordingly), 97no. letters were received by the Council from members of the public. In January 2022, new site notices were erected to ensure that the public were aware that the application was a departure from policy, and that it would have an impact on the setting of a public right of way (these elements were omitted from the original site notices). In response to this, a further 8no. letters were received.

Upon submission of amendments to the scheme (including the provision of a footbridge over the railway, and a BMX pump track in the country park), a further public consultation took place in October 2022. In response, a further 10no. letters were received, all objecting to the proposal.

In total therefore, **117** letters were received (from **90** different households), as well as a letter from Sussex Area Ramblers.

116 of the letters received raised an objection to the proposed development, citing the following reasons (summarised):

- Overdevelopment
- Neighbourhood Plan is not adopted yet, and has high public opposition
- Lack of infrastructure
- Lack of services and amenities (no capacity at Dr's, schools etc)
- Call for impacted households to be compensated
- Green areas should be kept free from development
- Coalescence with Billingshurst
- Impact on views
- Impact on roads/traffic/congestion
- Value of properties will reduce
- Impact on popular walking routes
- More litter
- More unsociable people
- Loss of village feel
- Insufficient parking
- Proposed access is unsafe
- Water neutrality issue
- This is not a brownfield site
- Loss of habitats / impact on ecology
- Loss of employment at New Farm Nursery

- Proposed housing is not sustainable/low energy enough
- The proposed country park will not come to fruition
- Light pollution due to elevated position
- Negative impact on views from existing PRow's
- Increased use of rail crossing

One (1) letter has been submitted which supports the general proposal to address the housing shortage but expresses concerns about this proposal.

No (0) letters were received in full support of the proposed development.

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

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

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

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

6. PLANNING ASSESSMENTS

Background

- 6.1 Prior to this proposal, application DC/16/0731 (the '2016' scheme) proposed Outline development for up to 100 dwellings, and was refused by the Council in October 2016 for the following reasons (summarised):

1. The site is not allocated for development, therefore is contrary to the overarching strategy for development, contrary to HDPF Policies 1, 2, 3, 4, 25 and 26.
2. Failure to secure the appropriate quantum of affordable housing and infrastructure contributions in a Legal Agreement, contrary to HDPF Policies 16 and 39.

- 6.2 The 4.9Ha site subject to the 2016 application was located within the larger 16.3Ha site area subject to the current application. The current application proposes an increased quantum of housing than previously proposed (170 dwellings), as well as a substantial increase to the extent of the application site area. The proposal, therefore, is considered to be substantially different to the proposal that was previously refused, but despite this, the 2016 scheme is considered to be a material consideration relevant to this proposal. A key consideration in the determination of this application therefore, is whether the previous reasons for refusal as set out in the 2016 scheme have been overcome, as well as whether any other circumstances about the site, or planning policy (including any new material planning considerations) have changed since the 2016 application was assessed.

- 6.3 It should be noted that the 2016 application was refused planning permission at a time when the Council was able to demonstrate a five-year supply of deliverable housing sites. Accordingly, the identified conflict with Strategic Policies 2, 4, and 26 of the HDPF was afforded full weight and the principle of development on this unallocated greenfield site was at the time, considered unacceptable.

Principle of Development

- 6.4 The site is located outside any of the district's defined built-up area boundaries (BUAB's) and does not form part of Horsham's adopted development plan comprising the Horsham District Planning Framework (HDPF), a 'Made' Neighbourhood Development Plan nor an adopted Site Allocations DPD. As a result, residential development here would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Policy 4 'Settlement Expansion', and as such, in strict policy terms is not considered to be acceptable. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location.
- 6.5 Notwithstanding the above, the application site has been selected by the Pulborough Parish Neighbourhood Planning Group as a draft allocation in the forthcoming Pulborough Parish Neighbourhood Plan (PPNP, 2015-2031) for development of 'approximately 170 dwellings' (draft Policy 2). The PPNP has been through the required stages of public consultation and was subject to independent Examination. The Examiner's Report was published in September 2021 and recommended that (subject to some minor amendments) that the plan should proceed to referendum. The Council's Decision Statement was published in September 2021 and concluded that all recommended amendments are accepted and that the plan can proceed to referendum. The plan's referendum has been delayed whilst a water neutrality offsetting strategy is created. The Part C work has recently been published and it is understood dates for a referendum are being sought. Despite not yet being formally 'made', the advanced stage of the PPNP means that the policies and allocations contained within the plan (including the residential allocation of this site) are relevant material considerations which carry significant weight in decision making.
- 6.6 As the HDPF is now over 5 years old, an update is required to be produced. A draft version of the Council's Regulation 19 draft local plan was considered by Cabinet in July 2021. However, it was not considered by Full Council as intended owing to changes to the NPPF that came into play in July 2021, as well as the implications of the Position Statement issued by Natural England in September 2021 on the requirement for all new developments to demonstrate water neutrality. The draft Regulation 19 document proposed numerous housing allocations to meet the identified need at the time - including the application site which was included as a proposed site allocated within the Draft Plan (Draft Policy HA15, site PLB2). However, as the plan was not approved for publication, it is not a statement of Council policy, and its content carries very little weight in decision making.
- 6.7 In December 2021, the Council published the latest Authority Monitoring Report (AMR) which revealed that the Council has a housing land supply of 4.0 years against current targets. In light of this, it is acknowledged that the Council is unable to demonstrate a full 5-year housing land supply, and it is recognised that this diminishes the weight afforded to Policies 4 and 26 of the HDPF. In addition, the lack of a 5-year Housing Land Supply forms a material consideration in decision making which may trigger the application of the 'tilted balance' at Paragraph 11d of the NPPF which presumes in favour of sustainable development. In accordance with Paragraph 11d, the Council are required to grant permission unless either (or both) of the following limbs apply:
- (i) *policies to protect areas of importance give a clear reason to refuse the proposal;* and/or,
 - (ii) *the adverse impacts of the proposal will significantly outweigh the benefits.*
- 6.8 According to Footnote 7 of the NPPF, the areas referred to in limb (i) above include habitat sites, and those listed in NPPF para 181 (including SPAs, SACs, and Ramsar sites). A determination on whether the tilted balance is engaged or not is dependent on whether the proposal is able to protect the areas of importance listed in Footnote 7. In light of Natural England's requirement for all development in the Sussex North Water Supply Zone to demonstrate that it is 'water neutral' in order to protect the habitat sites within the Arun Valley designations, the Council (as the decision maker) is required to determine whether water

neutrality has been demonstrated. If the proposal is unable to demonstrate water neutrality through mitigation (as tested by Appropriate Assessment), then the tilted balance of paragraph 11d is not engaged, and in accordance with limb (i) and paragraph 180(a) of the NPPF the application must be refused.

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

Affordable Housing and Housing Mix

- 6.12 Policy 16 of the HDPF requires that residential development should provide a mix of housing sizes, types and tenures to meet the needs of the district's communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). Policy 16 requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure. Policy 2 (part iv) of the emerging PPNP reflects the requirements of HDPF Policy 16 in terms of the delivery of affordable homes. Policy 2 (part ii) of the emerging PPNP seeks the delivery on this site of predominantly 2 and 3 bedroom dwellings to reflect local housing need.
- 6.13 The application proposes that 35% (60no.) of the 170no. dwellings will be made available for affordable housing, with a tenure split of 70% / 30% in favour of affordable rented accommodation. The quantum of affordable housing and the tenure split proposed is policy compliant, and therefore acceptable. An indicative housing mix (for both market and affordable housing) shows a range of 1, 2, 3 and 4 bed houses in accordance with the recommended mix as set out in the Council's latest Strategic Housing Market Assessment (SHMA, 2019). Both the SHMA and draft Policy 2 (part ii) of the PPNP indicate a need for a majority provision of 2 and 3-bed units, which the indicative mix shows. If the application is to be approved, the securing of the affordable units and the tenure split will be set out in an accompanying s106 agreement. Subject to the completion of the necessary s106 agreement, the details proposed are in accordance with Policy 16 of the Horsham District Planning Framework (2015) and are acceptable. The Council's Housing Department has been consulted on the proposal, and no objection has been raised.

Landscape Effects

- 6.14 The site is not located within any formally defined local or national landscape designations but is located outside the currently defined settlement edge of Pulborough, and therefore in planning terms, lies within open countryside. The South Downs National Park is located around 600m to the south of the site; long views towards which can be appreciated from the site, particularly from the raised area of the site's north-east corner.
- 6.15 The site lies within the '**F1 Pulborough, Chiltington and Thakeham Farmlands**' character area as defined by the Horsham District Council Landscape Character Assessment (2003). This assessment identifies the area as having a farmland landscape, retaining a largely rural character with fragmented hedgerow patterns and some woodlands. Localised visual intrusion due to derelict nurseries and small-scale industry is notable. The overall landscape condition is said to be declining. The site lies within '**Local Landscape Character Area 39**' as defined in the Landscape Capacity Study (2021). In terms of medium-scale development (approx. 100-500 units), the landscape sensitivity of this wider area is judged as 'moderate-high' due to the rising landforms and views towards the South Downs. The landscape value was considered 'low-moderate' due to moderate tranquillity owing to proximity to urban influences, and limited ecological interest. The study judges that there is some limited capacity for medium-scale housing development within this area due to its poor landscape condition. As such, the overall landscape capacity of the wider area for medium-scale housing has been deemed to be 'low-moderate', which means:
- 6.16 *"The area only has potential to accommodate development in limited locations without unacceptable adverse landscape and visual impacts or compromising the values attached to it, taking account of any appropriate mitigation"*
[Table 6, HDC Landscape Capacity Study, 2021].
- 6.17 The site has been selected as an allocation for residential development of around 170 houses in the forthcoming Pulborough Parish Neighbourhood Plan, and this allocation has been supported by an independent Examiner. By virtue of this, any landscape effect which would result from major scale residential development on this site has already been considered, with any adverse effects having already been deemed acceptable by the Parish and the Examiner. The PPNP has not yet passed local referendum and is not formally 'made' but given its advanced stage in the plan making process, the allocation of this site for housing carries significant weight in decision making.
- 6.18 Draft Policy 2 (part i) of the emerging PPNP requires a landscape-led masterplan to be submitted with any proposal for this site. The landscape-led masterplan should demonstrate an understanding of the wider landscape effects of any proposal, which should inform the design and layout of the site. In addition, this policy requires existing field boundaries to be retained and enhanced with native species to minimise any visual impact. Draft Policy 2 also seeks the provision of appropriate play facilities (part viii), SuDs and green infrastructure (part xi), and a country park in the northern half of the site (part xiii).
- 6.19 The Council's Landscape consultant has reviewed the proposal and is of the view that development of this scale in this location would have adverse effects on landscape character and visual amenity. Notwithstanding this, the Landscape consultant acknowledges the policy position that weighs in favour of this site; therefore, has agreed that the principle of the development is supported, and that no principle objection is raised on landscape grounds. The consultant advises that in order for the proposal to be acceptable in landscape terms, careful consideration of the size, scale, design, buffer, structural landscaping, and layout needs to be given when detailed designs are being proposed at Reserved Matters stage.
- 6.20 In order for an appropriate development to be delivered, the Landscape consultant has suggested a series of recommendations to be presented as part of the design stage of

development, in order to enhance the scheme to ensure landscape and visual harm is appropriately mitigated and opportunities taken to enhance the landscape and visual resources. The detail required at design stage would include details of the proposed footbridge and associated landscaping, as well as the proposed pump track and play area. It is considered that these recommendations are reasonable and can be incorporated into the detailed design of the site that would be presented to the Council for approval at Reserved Matters stage.

- 6.21 In summary, whilst the development of this peripheral site will inevitably result in some level of harm to the wider landscape character, through the provisions of the emerging Pulborough Parish NP, the principle of housing development on this site carries significant weight; and this coupled with additional mitigation which can be secured at detailed design stage, leads to the conclusion that any adverse landscape effects are minimal, and the benefits of the housing units would outweigh any harm caused. The proposal has been supported by a landscape-led masterplan, and retains much of the existing mature landscaping within the site - therefore accords with the provisions of draft Policy 2 (part i) of the emerging PPNP, and Policies 25 and 33 of the HDPF.

Highways and Access

- 6.22 The planning application is supported by a Transport Assessment (as required by Policy 2 (part vi) of the emerging PPNP), a Stage 1 Road Safety Audit, and a Framework Travel Plan. An assessment of the highways considerations is set out below; but in summary, subject to conditions (including the implementation of a vehicular access off Drovers Lane, and the submission and approval of a construction management plan); plus a s106 agreement to secure the travel plan monitoring fee; 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 insurmountable issues with the proposed access to the site or visibility splays, and do not therefore object to the application. 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 111 of the NPPF and are acceptable.

Vehicular Access

- 6.23 Policy 2 (part v) of the emerging Pulborough Parish Neighbourhood Plan (PPNP) requires primary access to the site to be delivered off Glebelands, at the south-east corner of the site. As such, vehicular access to the site is proposed via an extension of Drovers Lane (an unadopted road serving 13 dwellings) which is accessed via Glebelands. A slight realignment of the junction between Drovers Lane and Glebelands is required, and 2m wide footways would be created to tie into the existing footways. Access to Drovers Lane will be uninterrupted through the construction process. The required visibility splays of 2.4m x 59m onto Glebelands have been demonstrated. The Local Highways Authority has confirmed that there are no issues with the arrangement shown from Drovers Lane, and that the submitted Stage One Road Safety Audit raises no insurmountable problems with the access design.

Access by Sustainable Modes

- 6.24 There are a number of local facilities within reasonable walking and cycling distance of the site, including shops, a primary school, health services, bus stops, and eating establishments. Pulborough Railway Station is around 1.9km from the site, accessible by local bus routes 1 and 100. The Local Highways Authority (LHA) advise that for the most part, continuous footways are available throughout Pulborough that are considered adequate to meet the increased demands arising from the proposal. No issues were raised in terms of accessibility as part of the previous proposal on this site (DC/16/0731), and the view of the Local Highways Authority remains the same now. The absence of dedicated facilities for cyclists within Pulborough is acknowledged as an existing constraint – but it is not one that this development must resolve.
- 6.25 There are a number of existing public rights of way (PROW) that cross the site, none of which are proposed to be extinguished. Footpath 2330 runs north-south through the site and provides a direct route to a local supermarket via a crossing over the Arun Valley railway line. The applicant proposes to fund the erection of a stepped footbridge over this crossing which would eliminate the existing at-grade crossing in favour of a grade-separated footbridge crossing and would provide a safe crossing facility for future users. Network Rail would construct the bridge to their own specification. Both WSCC Public Rights of way Officer and Network Rail have confirmed support for the proposed development, subject to the erection of this bridge which would be secured in an accompanying s106 legal agreement.
- 6.26 In accordance with NPPF paragraph 100 and draft Policy 2 (part vii) of the emerging PPNP, the applicant proposes to retain all existing PROWs and to deliver upgrades as necessary. The WSCC public rights of way team, and WSCC Access Forum have called for upgrades to specific sections of the existing PROW network to improve access and to increase the use of these routes. Several of the upgrades sought are also identified in the Horsham District Council Infrastructure Delivery Plan (IDP), and include
- FP2330 Improvements (between rail crossing and junction with BW23332)
 - FP2330 Upgrade to Bridleway (section south of its junction with BW2332).
 - FP2331 Upgrade to Bridleway (along the southern boundary of St Mary's School)
 - BW2332 Improvements (widening, resurfacing, vegetation clearance etc)
 - FP3500 Upgrade to Bridleway
 - FP2331 Upgrade to Bridleway
 - BW2328 Improvements (resurfacing, vegetation clearance etc).
- It is proposed that these upgrades and improvements would be secured in a s106 legal agreement.
- 6.27 In order to deliver sustainable transport objectives a Travel Plan has been submitted. This has been reviewed by WSCC Highways who has confirmed that its contents is acceptable. The main features included within the Travel Plan are:
- Appointment by the developer of a Travel Plan Coordinator, responsible for the delivery and updating of the Travel Plan.
 - Provision to each household of a 'Home Welcome Pack' containing information about the location of local facilities, bus timetables and pedestrian/cycle routes.
 - Offer for personalised travel planning to new residents
 - Sustainable travel incentive – voucher to each household to the value of £150 to be used as bus credit, or towards the purchase of a bike/accessory.
- A travel plan monitoring fee of £3,500 is to be secured in a s106 agreement.

Trip Generation and Highways Capacity

- 6.16 Predicted vehicle trip generation has been established by the applicant using the TRICS database which is an industry standard method accepted by the LHA. A development on this site of 170 dwellings is expected to result in 93 two-way vehicle movements (29 arriving, 64

departing) in the AM peak and 88 (57 arriving, 32 departing) in the PM peak. These additional trips would result in less than one additional vehicle movement per minute at peak times.

- 6.17 To identify highway and junction capacity, the forecast vehicle trips have been distributed across the network using Census data. Data shows that around 53% of trips would head southwards to the A283 via Glebelands, and 47% of trips would head westwards towards the A29. WSCC accept this approach. Traffic impact has been considered for a future year of 2026, at which time the development is expected to be complete and occupied. Modelling shows that whilst the development will increase trips on local roads, the proposed development would have little impact on highway capacity. The overall approach to traffic modelling and the conclusions reached by the applicant regarding trip generation is accepted and agreed by the LHA.

Road Layout and Parking

- 6.18 Given the application is proposed in Outline (with only matters relating to the main vehicular access off Glebelands proposed in full), the internal road layout is only shown indicatively at this stage, and detailed plans will be required as part of any Reserved Matters approval. Notwithstanding this, the LHA has confirmed that the general principles as shown on the Illustrative Site Layout are acceptable. As per the applicant's Parking Strategy (see D+A Statement), parking provision would also be set out at RM stage once the precise number and mix of housing is known. Parking provision would be expected to accord with the WSCC Parking Standards, including the provision of an appropriate number of visitor spaces, and spaces for disabled users. Based on an average mix of house sizes, the WSCC parking calculator shows that the unallocated parking demand would be around 315 parking spaces on this site. The provision of electric vehicle charging points is expected to be in accordance with the minimum standards as set out in Approved Part S of the Building Regulations.
- 6.19 In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to NPPF (paragraph 111), and that there are no transport grounds to resist the proposal. The LHA has advised that conditions should be included to secure the provision of the vehicular access and a construction management plan; plus a s106 agreement to secure the travel plan monitoring fee. These conditions have been drafted at the end of this report and the travel plan monitoring fee has been included in the draft s106 agreement.

Layout and Amenity Impact

- 6.20 The detailed layout of the site is a matter that would be reserved for subsequent approval should the application be successful at Outline stage, therefore it is not for consideration now. However, Officers are of the view that the proposal for up to 170 units on this site (as shown on the indicative site plan and parameter plans) including appropriate densities, orientations, amenity space, play areas, parking, landscape buffers, open space, internal linkages, and water attenuation - can be satisfactorily accommodated on the site without causing unacceptable harm to the wider landscape character or local amenity. Overall, for these reasons (and subject to compliance with the details shown in the Parameter Plans), Officers are of the view that the indicative layout of the site is acceptable for the purpose of this Outline proposal.
- 6.21 The layout (whilst indicative) has taken into consideration the key site constraints which is welcomed. The key sensitivities of this site include the rising topography towards the north-east corner, the proximity of the railway line to the north, the proximity of heritage assets to the west, the presence of existing mature vegetation with the site and with the site boundaries, and the presence of existing residential development to the south. The inclusion of a country park (including a BMX pump track) to the north of the site satisfies Policy 2 (part

xiii) of the emerging PPNP and provides a pleasant space for future users, as well as providing an appropriate transition to the countryside beyond and a relief from any noise influences of the railway line. As the Density Parameter Plans shows, the denser housing parcels are concentrated within the central portion of the site which limits its impact on existing surrounds. The proposed play area is centrally located making it accessible for all future occupants.

- 6.22 Much of the existing vegetation has been retained to enhance the character of the site and provide ecological corridors. Whilst a buffer along the eastern boundary is shown, the Council's Landscape consultant has asked that this buffer is enhanced as much as possible in order to further protect the countryside beyond. It is considered that this detail could reasonably come forward in details submitted at Reserved Matters stage.
- 6.23 SuDS ponds are shown along the southern section of the site which separates the site from existing dwellings in Drovers Lane thereby reducing any adverse impact on amenity. The most sensitive part of the site is to the west where the site abuts Grade 2* listed New Place Manor. As the Density Parameter Plan shows, the housing shown indicatively in this section of the site is less dense, thereby affording opportunities to mitigate any harm to the setting of these assets. The Council's Heritage Officer has advised that no 'in principle' objection is raised but has requested that this part of the site is designed carefully in order to reinforce the significance of the historic setting. A planning condition has been drafted to this effect.
- 6.24 In summary, subject to an appropriately designed layout at Reserved Matters stage and compliance with the submitted Masterplan layout and Parameter Plans, it is considered that an acceptable development on this site can be achieved without undue impact on neighbouring residential amenity. As with all major-scale developments, it is acknowledged that the construction phase of the development has the potential to impact existing neighbours through noise, lighting and air quality (dust) effects. It is considered that, should the application be approved, potential impacts to the amenity of neighbours that might arise during the construction phase could be controlled by suitable conditions including requiring the submission and approval of a construction mitigation plan; restrictions on site floodlighting and working times on site. These conditions have been drafted.

Heritage and Archaeology

- 6.25 The Council recognises that the historic environment is an irreplaceable resource which should be conserved for its own sake for the benefit of future generations. Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting. Chapter 16 of the National Planning Policy Framework (NPPF) follows this statutory provision and seeks to positively manage changes to the historic environment to ensure sufficient flexibility whilst conserving the important and irreplaceable nature of the designated asset. Chapter 16 requires decision-makers to consider whether a development proposal would lead to 'substantial' or 'less than substantial' harm to a designated heritage asset, and if so, describes how decisions should be steered in order to preserve the asset whilst allowing some flexibility for change, where appropriate. Policy 2 (parts xiv and xv) of the emerging PPNP requires any proposal to consider the sites archaeological potential and effects on heritage assets.
- 6.26 The site itself does not contain any designated heritage assets, but New Place Manor (Grade 2* listed), and the Grade 2 listed Archway and Garden Wall at New Place Manor are located adjacent to the western boundary of the site. The Council's Heritage Officer has reviewed the submitted Heritage Assessment and has confirmed that the proposal would not result in harm to these heritage assets.
- 6.27 Whilst the listed heritage assets are not located within the site boundary, remnants of associated farm outbuildings are present within the western-most part of the site boundary.

These buildings only survive in a fragmentary manner including the fragmented survival of stone walls dating from the post-medieval period. Owing to their poor state of survival, the Heritage Officer has confirmed that these structures would not warrant listing. The Heritage Officer has however asked that in order to reinforce the significance of the historic setting of Grade 2* listed New Place Manor, the applicant is expected to utilise the materials and floor plan of the surviving historic farm buildings in any new development of the north-west corner of the site. Any new building here should be reflective of the type of building it had been, and historic materials (particularly stone) should be reused. As such, it will be expected that such a design is considered by the applicant and submitted for approval at Reserved Matters stage. A planning condition has been drafted to ensure this requirement is considered at design stage.

- 6.28 The development is located partially within the Pulborough Large Roman Settlement Archaeological Notification Area. An archaeological assessment and geophysical survey of the site has therefore been submitted which reveals that there are a number of known archaeological remains. The geophysics survey identified a prehistoric or Roman rectangular enclosure of in the north-east corner, and cropmarks show a circular feature within the centre of the development area. There is also a record of a Roman building on the site. In the northwest corner of the site is the medieval farmstead of New Place Farm, including a number of surviving structures on this site in addition to the below-ground archaeology.
- 6.29 As the development site lies within a sensitive area of archaeological potential, an archaeological evaluation was carried out on Land to the North of the Glebelands Estate (immediately to the south of this site). Results show that some of the archaeological features associated with this site appear to extend into the proposed development area and it is evident that below-ground archaeology can be anticipated to survive in this area. As such, the Council's consultant Archaeologist has recommended that if the application is approved, a condition is imposed to secure a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI). This condition has been drafted.
- 6.30 In summary, Officers are of the view that the proposed development will not have an unacceptable impact on archaeological remains (subject to condition), or any direct impact on nearby listed buildings. The presence of ruinous remains of post-medieval outbuildings requires careful and considered design at Reserved Matters stage to ensure the significance of the historic setting of Grade 2* listed New Place Manor can be reinforced. Subject to this, Officers are confident that the site will avoid significant harm to nearby heritage assets or archaeological remains and can be appropriately developed for housing in accordance with draft Policy 2 (parts xiv and xv) of the emerging PPNP, and the general heritage requirements of HDPF Policy 24 and Chapter 16 of the NPPF.

Ecology

- 6.31 The application site is not subject to any statutory or non-statutory ecological designations. The nearest statutory sites for ecological importance are Marehill Quarry Site of Special Scientific Interest (SSSI) located 600m to the south-east (although this is only allocated for geological interest); Pulborough Brooks SSSI located 870m to the south which also forms part of the Arun Valley Special Area of Conservation (SAC) and Special Protection Area (SPA). The Mens SSSI and SAC is located 3.6km to the north-west of the site which is designated for its Barbastelle bat population. Owing to its proximity to the Mens SAC, the Council is required to prepare an HRA Screening Report regarding effects on flightlines for Barbastelle bats.
- 6.32 In support of the application, the applicant has submitted an Ecology Appraisal and an Ecology Technical Note (to inform HRA). The Council's consultant Ecologist has reviewed these documents and is satisfied that they contain enough information to make an informed decision.

- 6.33 The Ecological Appraisal notes that the site was surveyed most recently in June 2021 to record the potential presence of a variety of protected species. The surveys identified that the site is able to support notable and protected species including bats, reptiles, birds, and hedgehogs. Mitigation measures have been proposed within the Ecological Appraisal which seek to minimise the risk of harm to protected species. Implementation of these measures are secured by condition.
- 6.34 The site is dominated by intensively managed nurseries, but contains some important ecological features such as woodlands, hedgerows, tree lines and an artificial reservoir. Aside from the reservoir, these existing features are largely retained as part of the proposed development and will be appropriately protected during construction. Lower value habitats (such as buildings, hardstanding etc) are of low ecological importance and their loss is not considered to be detrimental in ecological terms.
- 6.35 Paragraph 180 (part d) of the NPPF requires development proposals to seek opportunities to secure measurable net gains for biodiversity. In October 2022 the Council published a new Planning Advice Note (PAN) on 'Biodiversity and Green Infrastructure'. This document sets out an expectation that all development proposals should seek to meet the biodiversity gain requirements of NPPF Paragraph 180(d). In addition, ahead of the forthcoming local plan policy and statutory provision for all developments to demonstrate a calculated 10% net gain in biodiversity; the PAN encourages applicants to demonstrate how a net gain in biodiversity has been calculated using the Natural England matrix. Given the recent publication of the Biodiversity PAN, it is not reasonable in this case to require the applicant to demonstrate a full biodiversity calculation, rather Officers are of the view that a demonstration that the site can achieve net biodiversity gains is acceptable.
- 6.36 The proposals present the opportunity to secure a number of biodiversity benefits and ecological enhancements, including creation of substantial new habitat areas within the proposed Countryside Park, together with other provision including new roosting opportunities for bats, and more diverse nesting habitats for birds. In addition, large areas to the south of the site are proposed for the creation of attenuation basins which can incorporate ecologically valuable wetland habitats, and green corridors between residential parcels can further increase the opportunity for biodiversity gain. The following ecological enhancements provide opportunity for the site to deliver a number of biodiversity benefits and gains. Precise details of these measures would be required via the submission of a Biodiversity Enhancement Strategy to be secured by condition.
- **Woodland and scrub management** (tree coppicing, removal of non-native species)
 - **New planting** (native tree species such as Oak and Field Maple)
 - **Wildflower grassland** (in the countryside park and green corridors)
 - **Wetland features** (permanently wet attenuation, wet grasslands, swales etc)
 - **Bat boxes** (fixed to suitable trees and built structures)
 - **Bird boxes** (fixed to buildings and/or trees, situated as high up as possible)
 - **Habitat piles** (wood piles to create habitats for invertebrate species)
 - **Bee bricks** (located in suitable south-facing walls 1m from the ground)
- 6.37 Given the site's proximity to the Mens Special Area of Conservation (designated for its Barbastelle bat interest) a Habitats Regulations Assessment (HRA) Stage 1: Screening was required to be undertaken by the Council as the competent authority. The HRA Screening concludes that the project will have a 'Likely Significant Effect' on the designated features of the The Mens SAC and Ebernoe Common SAC, as a result of impacts on habitat connectivity for foraging and commuting Barbastelle bats. As such, mitigation is required, and the proposal was required to proceed to Stage 2 Appropriate Assessment.
- 6.38 The Stage 2: Appropriate Assessment considered the proposed mitigation measures (including retained/enhanced vegetation, creation of new habitats within the Countryside park, and implementation of a sensitive lighting scheme) and concluded that they are

appropriate to avoid an Adverse Effect on the integrity of the habitat sites within the SAC sites. Natural England has reviewed the assessment and has advised that subject to the proposed mitigation being secured, they are in agreement with the Council's conclusions. To secure the required mitigation, conditions have been drafted at the end of this report to secure a Construction Management Scheme for Biodiversity, a Biodiversity Lighting Scheme, a Biodiversity Enhancement Strategy and a Landscape and Ecology Management Plan (LEMP).

- 6.39 In conclusion, the proposals have sought to minimise impacts on identified species and their habitats, and subject to the implementation of appropriate avoidance, mitigation and compensation measures (as secured by the conditions listed in this report), it is considered unlikely that the proposals will result in significant harm to ecology or have an adverse effect on the nearby protected areas. The proposal has demonstrated that opportunity exists within the site to provide a number of biodiversity enhancements as required by HDPF Policy 31; as well as ample and varied opportunities to achieve a measurable gain in biodiversity as required by paragraph 180(d) of the NPPF and the aims of the Council's Biodiversity and Green Infrastructure PAN.

Water Neutrality

- 6.40 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.
- 6.41 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.
- 6.42 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'*.
- 6.43 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.
- 6.44 In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone that is likely to increase water consumption (such as additional housing units) must demonstrate water neutrality, i.e., that water consumption

from the site when occupied will not increase water abstraction in the Arun Valley. Until a wider strategy is developed to address this issue (which is not expected to be in place until next year and is likely to only apply to sites allocated in the new local plan), all new development must demonstrate that it can be water neutral in its own right.

- 6.45 A Stage 1: HRA Screening assessment was undertaken in order to assess whether (without mitigation) the proposed development would have a Likely Significant Effect on the Arun Valley sites, and whether the proposal needs to proceed to Stage 2: Appropriate Assessment. Given the proposed housing development will increase the demand for mains water usage, it is likely to result an identifiable impact on the Arun Valley SAC/SPA/Ramsar sites. As such, the HRA Screening concluded that without mitigation, the proposed development will have a Likely Significant Effect on the designated features of the Arun Valley SAC/SPA/Ramsar, and as such, the assessment was required to proceed to HRA Stage 2: Appropriate Assessment to ascertain whether any mitigation proposed can enable the proposal to be authorised.
- 6.46 In support of the Appropriate Assessment (AA), the applicant has submitted a Water Neutrality Statement which describes how the predicted water consumption from the proposed development of 170 homes will result in a water surplus when compared the existing water usage on the site. Given the site's existing use as a plant nursery, an extensive irrigation system is installed throughout the current site, allowing crops to be watered. Irrigation is drawn from an on-site reservoir that is fed via an onsite licenced borehole, a lake to the west of the site and from a mains connection.
- 6.47 The existing water use on the site currently comes from 3 sources:
- Mains Supply - water bills show the average annual mains water use on the site is 6,824 m³. Three existing dwellings are served by the mains connection, and this will continue, therefore, 444m³ of main water per year has been discounted from the baseline, leaving an annual main water use on the site of **6,380m³**.
 - Borehole Supply - manual readings (corroborated by a Statutory Declaration) show that annual abstraction from the borehole is **15,995m³**. Evidence has been provided to show that the existing borehole takes water from the same hydrological source that feeds the Arun Valley habitat sites. The borehole is proposed to be decommissioned and the EA abstraction licence relinquished, thus saving 15,995m³ water from being abstracted from the water resource zone annually.
 - Lake Supply - the lake drains into the River Arun Catchment, therefore feeds the Sussex North Water Supply Zone. Lake abstraction licence returns data shows that the annual lake water consumption is **3,808m³**.
- 6.48 From all 3 sources, the total existing water consumption on the nursery site is therefore **26,183m³** per year. The calculated water demand for the 170-home development is calculated as **13,662m³** per year (based on 170 homes, occupancy of 374 people, and water use of 100L per person / day). **A water surplus of 12,521m³ per year would therefore result.**
- 6.49 Officers are of the view that the water abstraction from the lake and borehole has been evidenced appropriately (through the submission of meter readings and abstraction licence returns data) and can therefore be used as part of the calculation of existing water use on the site. Whilst the borehole meter readings have been taken manually, these have been corroborated by a Statutory Declaration which has been accepted. A s106 legal agreement will secure the decommissioning of the borehole, as well as securing the revocation of the relevant licences for water abstraction from the borehole and lake. This not only demonstrates that the site will be water neutral; it also secures a significant amount of water saving (of around 12,500,000 litres per year) in perpetuity.
- 6.50 The significant amount of water savings that will result gives credibility to the proposed scheme in the context of the precautionary principle. Officers are therefore of the view that

(subject to conditions and a s106 agreement) the water neutrality proposals are acceptable. A Stage 2 Appropriate Assessment has been completed by the Council on the basis of the applicant's proposal to decommission the borehole and lake abstraction. The assessment concludes that subject to conditions and obligations to be secured in a legal agreement, the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects.

- 6.51 As per the requirements of s63 of the Habitat Regulations, the Council has consulted Natural England as the relevant statutory body. Having considered the Council's HRA, and the measures proposed by the applicant to mitigate for any adverse effects, Natural England has confirmed that subject to all mitigation measures being appropriately secured they are in agreement with the Council's conclusions that the project would have no Adverse Effects. Notwithstanding this, Natural England has asked the Council (as competent authority) to be completely satisfied that the submitted Statutory Declaration is valid, and the borehole connects hydrologically to the Arun Valley sites.
- 6.52 Officers have taken legal advice on the validity of Statutory Declarations in relation to water consumption calculations. The advice states that ultimately, it is up to the Council on a case-by-case basis to decide whether to accept information provided in a Statutory Declaration. The advice is that the authority has to be satisfied that there is 'no reasonable doubt' that the information presented will not lead to adverse effects in the integrity of the sites in question – there is no requirement for submitted information to show 'absolute certainty'. In this case, the hand-written borehole record is the only evidence available, and as such, there is no reason to doubt its validity. In addition, the significant water surplus that has been calculated provides comfort that even if the handwritten figures are wrong, the amount of water saved as a result of the borehole being decommissioned provides a significant precautionary buffer. As such, Officers are content in this case that the Statutory Declaration (and therefore the water abstraction figure from the borehole) is acceptable.
- 6.53 In order to demonstrate that the borehole location and Arun Valley sites are linked hydrologically, the applicant has submitted a letter (RPS, ref HLEF82261, dated 10th March 2022) which explains the catchment location of the site and the underlying geology. The letter confirms the site is located within the same river catchment and Groundwater Management Catchment (GMC) as the River Arun and the Arun Valley habitat sites, and indicates that the site, the Arun valley floodplain, and the designated Arun Valley sites are share the same bedrock geology ('Sandstone and Coarse Soil'). This information demonstrates that the groundwater flow direction at the borehole site is likely to be to the south following the local topography. This would link water from the site to that in the lower valley area to the south. Given that the borehole is located within the same underlying geology it is considered that the borehole water is drawn from the water table that likely affects Hardham, and therefore the Arun Valley sites. The assessment indicates that the borehole water is fed from the water table that affects Hardham, and also therefore the Arun Valley Sites.
- 6.54 To secure the on-site water saving measures, planning conditions have been drafted to ensure the proposed development accords with the measures contained within the Water Neutrality Statement. The conditions require the submission and approval of evidence to show the on-site water saving measures have been implemented (including the specification of fittings and appliances used, evidence of their installation, and evidence they meet the required water consumption flow rates). A s106 will secure the decommissioning of the borehole and lake abstraction, and the relinquishing of the EA abstraction licence.
- 6.55 In summary, the HRA exercise undertaken by the Council (as the competent authority) has demonstrated that the water saving mitigation proposed by the application (in the form of on-site water saving appliances and decommissioning of an existing borehole and lake abstraction), provides sufficient certainty that the water consumption associated with the development of up to 170no. units would not result in adverse impact on the integrity of the

Arun Valley habitat sites (subject to conditions and a s106 agreement). On this basis the development complies with s.70 of the Conservation of Habitats and Species Regulations 2017 as well as with Policy 31 of the HDPF and paragraph 180 of the NPPF. In accordance with paragraph 182 of the NPPF, the presumption in favour of sustainable development at paragraph 11d of the NPPF therefore applies in the overall determination of this proposal. The implications of this are set out in the 'Planning Balance and Conclusion' section of this report.

Drainage and Flooding

- 6.56 The site is identified by the Environment Agency as being located wholly within Flood Zone 1, meaning the site has a less than 1 in 1000 annual probability of river or sea flooding which is the lowest classification of fluvial flood risk. As such, flood risk does not present a constraint in site development. Notwithstanding this, given the size of the site and in accordance with NPPF requirements, a Flood Risk Assessment (FRA) has been submitted alongside a Drainage Strategy. The Drainage Strategy demonstrates that the site can sustainably manage surface water arising from the development up to the 1 in 100 year +40% Climate Change storm event, including an 8% allowance for future Urban Creep.
- 6.57 The site is split into three surface water catchments, whereby water storage is provided within four attenuation basins. Surface water from the south-eastern area of the site will be attenuated in Basin 1 before being discharged at a restricted rate of 4.58l/s to a drainage ditch located along the southern boundary of the site. Surface water from the central and northern areas of the site will be attenuated in Basins 2 and 4 before being discharged at a rate of 13.76l/s into the southern drainage ditch. Surface water from the western area of the site will be attenuated in Basin 3. Flows will be discharged at a restricted rate of 4.63 l/s, to a drainage ditch located in the south-west corner of the site. Overall, surface water will be discharged from the site at the greenfield runoff rate of 6.1 l/s.
- 6.58 Foul water is proposed to be conveyed by a gravity sewer system to an existing public foul water sewer located in Glebelands to the south of the site. The applicant's pre-application discussions with Southern Water confirms that there is adequate capacity in the local sewer network to accommodate foul flows from the proposed development. It is proposed that both the foul and surface water from the application site will connect to the existing water network, for adoption by Southern Water. A specialist management company will be appointed to manage and maintain the SuDS systems in perpetuity.
- 6.59 The Council Drainage Engineer has reviewed the drainage proposals and has raised no objection subject to the securing of finer details by condition. As such suitable drainage conditions have been drafted in this report. No objection has been received from Southern Water or WSCC Lead Local Flood Authority. As such, the drainage strategy proposed is considered to be acceptable, and subject to conditions to secure a detailed drainage strategy, the proposal demonstrates that the development will not lead to an increase in flood risk in accordance with the requirements of HDPF Policy 38.

Trees

- 6.60 In support of the application, an Arboricultural Impact Assessment (AIA) has been submitted, which includes a Tree Survey, a Tree Constraints Plan and Tree Protection Plan. The Tree Survey reveals that several Category U Poplar trees are proposed for removal (due to their poor condition and under correct Arboricultural management). Five trees/groups are shown to be impacted by the proposal and are shown for removal to facilitate the development. These items are all graded under Category C. No Category A or B trees or groups are proposed for removal. In total, of the 73no. Category A, B and C trees on site, 68no. would remain unaffected by the proposed development.
- 6.61 To ensure appropriate protection is afforded to the root systems of trees to be retained, the extent of the RPA is proposed to be enclosed by protective barriers. A condition to require this has been drafted (see draft Condition 4). The Council's Tree Officer has reviewed the AIA and has advised that whilst the conclusions drawn in the AIA are acceptable (including the extend of the proposed tree removal, and a condition to require tree protective fencing), a scheme for replacement planting must be proposed at design stage to mitigate the loss of any removed trees, as well as some re-configuration of the site to ensure the relationship between the retained tree features and dwellings/roads is harmonious. These details will come forward at Reserved Matters stage and will be scrutinised in consultation with the Tree Officer to ensure an acceptable design and layout is achieved.

Climate Change and Sustainability

- 6.62 HDPF 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.
- 6.63 Whilst acknowledging that the development is only proposed in Outline form at this stage, a Sustainability Strategy is outlined in the applicant's Design and Access Statement (page 54) which details several measures which seek to build resilience to climate change and reduce carbon emissions. These measures focus on social, economic and environmental sustainability, and include the following:
- 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
 - Creation of accessible green spaces to enhance social wellbeing and health
 - 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, including a rail bridge to provide safe access to the north
 - Potential to incorporate solar electricity generation and/or water heating
 - Provision of electric vehicle charging points in accordance with the minimum standards as set out in Approved Part S of the Building Regulations.
 - Integration of SUDS and green infrastructure to manage flood risk
 - Limiting water consumption to 100l per person / day (through the installation of water efficient appliances at each dwelling)
- 6.64 Subject to the implementation of these measures (either within the design of the site at Reserved Matters stage or secured by condition); the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Air Quality

- 6.65 In support of the application, an Air Quality Assessment (AQA) was undertaken which considered dust effects during the construction phase and air quality impacts during the operational phase of the development. The application site is not located within either of the district's defined Air Quality Management Areas (AQMAs), but the site is located approximately 5.3 km northwest of the nearest designated AQMA (Storrington). In accordance with guidance set out in the Air Quality and Emissions Mitigation Guidance for Sussex (2021) and based on the emissions generated by vehicle movements associated with the development, the estimated emissions damage cost resulting from the proposal is calculated at £17,107.
- 6.66 The most important air quality consideration during the construction phase of development is dust emissions emanating from demolition, earthworks and construction. Mitigation measures including the submission of a Construction Management Plan to include measures to reduce dust emissions (such as dust monitoring, dust suppression/screening etc) are proposed. Implementation of these mitigation measures are judged to reduce the residual dust effects during the construction phase to a level categorised as "not significant". A condition for a Construction Management Plan to include measures to reduce dust emission has been drafted (see Condition 3).
- 6.67 During the operational phase the Air Quality Assessment has judged that the impact of the 170-home development on existing receptors in the local area is predicted to be 'negligible'. This has been determined through an assessment of atmospheric dispersion modelling and takes into account changes in pollutant concentrations and absolute levels. As such, pollutant concentrations at the façades of the proposed dwellings are predicted to be well within the relevant health-based air quality objectives, and therefore no mitigation measures are considered to be necessary,
- 6.68 Despite this, a Travel Plan has been prepared for the development, which sets out the initiatives that will be put in place to reduce car use (and therefore, emissions) by residents. The Travel Plan aims to reduce car traffic generated by residents by 10% in the 07:00-19:00 12-hour period, promote healthy lifestyles, encourage permeability in the design of the site, increase the awareness of choice of more sustainable travel modes. The Travel Plan sets out provisions for each household on the site to receive a voucher with a value of £150 (£25,500 for 170 houses) to be used for the local; bus service or to assist with the purchase of a cycle/accessory. A Travel Plan co-ordinator will be appointed to ensure the measures set out in the Travel Plan are executed effectively.
- 6.68 The Council's Air Quality Officer has reviewed the Air Quality Assessment and the proposed measure set out within the Travel Plan. The Air Quality Officer accepts the conclusions of the AQA, as well as the provision of a sustainable travel voucher to each household with a value of £150 (amounting to £25,500 for 170 households) which exceeds the calculate damage cost value of £17,107. A planning condition has been drafted to secure the submission of a Travel Plan to include the measures outlined in the Air Quality Assessment. Subject to this condition the proposal is not considered to result in an adverse impact on air quality in Pulborough, and is in accordance with Policy 24 of the HDPF and Paragraph 186 of the NPPF.

Minerals Safeguarding

- 6.69 The application site falls partially within a Minerals Safeguarding Area for Horsham Stone (as defined in the WSCC Joint Minerals Local Plan). As such, a Minerals Resource Assessment has been submitted, which concludes that prior extraction of this mineral would not be viable owing to its low quality and low demand for the resource in the region. The Minerals and Water Team at WSCC has reviewed the proposed development and the

submitted Mineral Resource Assessment and are of the view that as the site has historically been used for agricultural purposes the mineral has already been sterilised in this area. As such, WSCC Minerals and Waste Team has confirmed that no objection is raised to the proposal.

Railway Footbridge

- 6.70 In order to address Network Rail's concerns about rail safety resulting from increased pedestrian traffic using the existing uncontrolled level crossing, the applicant has entered into an agreement with Network Rail to fund the erection of a stepped footbridge. The footbridge would allow the existing at-grade level crossing to close and would provide a safer crossing facility for future users which would form a continuation of existing PROW 2330. An indicative image of a typical stepped footbridge that could be constructed over this crossing has been provided. It is proposed that the footbridge would be erected within land owned by Network Rail. The footbridge would be funded by the applicant but built by Network Rail to their own specification.
- 6.71 The provision of the footbridge will be secured in a s106 legal agreement. This would include details of the specification of the footbridge. It has been agreed between the applicant and Network Rail that the footbridge should be open before the occupation of the 51st dwelling, or 18 months from commencement of the development (whichever comes first). In the context of a 170-dwelling development, this timeframe is considered to be reasonable, and the requirement to provide the bridge within this timeframe will be included in the legal agreement.
- 6.72 The provision of a footbridge is required in order to make the development acceptable in planning terms, but its inclusion as part of this scheme goes beyond this and is considered to result in a wider public benefit. The bridge not only eliminates an immediate rail safety concern, but also provides a wider sustainability benefit within the community by making walking a safer and more attractive travel option for existing residents of Pulborough and future residents of the proposed development.
- 6.73 It should be noted that the existing uncontrolled rail crossing involves negotiating a steep stepped bank on the southern side of the railway line, which is not accessible to all users (including those using wheelchairs, pushchairs etc). Whilst the stepped bridge would improve rail safety (and in its own right, will offer significant safety improvements to the existing arrangement), it is acknowledged that the erection of a stepped footbridge as opposed to a ramped bridge would not improve the situation for all future users of the development (including those in wheelchairs, with prams or other mobility limitations). Rather, it would have a neutral impact on accessibility for existing and future users given the steep stepped approach, and a betterment in terms of user safety.
- 6.74 In agreement with Network Rail, the applicant has proposed the funding of a basic stepped footbridge primarily to alleviate rail safety concerns, but no evidence has been submitted to detail whether the erection of a ramped bridge would be feasible in this location, and/or viable in the context of a 170-unit scheme. Such a ramped bridge would need to take into consideration the existing long stepped approach to the crossing from the south of the site which would raise costs significantly. Whilst it would be preferable to understand if a ramped bridge would be achievable, in planning terms, it is acknowledged that the applicant's primary obligation is to mitigate the safety risk identified by Network Rail, therefore for the purpose of this application, the erection of a basic stepped footbridge as proposed is considered to be acceptable mitigation.

Environmental Impact Assessment (EIA)

- 6.75 A request for an EIA Screening Opinion was submitted to the HDC on 20th July 2021. HDC issued its opinion on 27th September 2021 which concluded that the overall scale and nature

of the impacts that would arise from the scheme do not require an EIA, and that the environmental issues arising from the development can be dealt with as part of the usual planning application process.

s106 Legal Agreement

- 6.76 A s106 legal agreement to secure the obligations necessary to make this application acceptable in planning terms is currently being drafted. The headline obligations are to include the following:
- 35% Affordable Housing (60 units)
 - Improvement works to the local right of way network
 - Travel Plan submission
 - Details and provision of all open space areas (including the LEAP, Pump Track, and Country Park)
 - Set up of a Management Company
 - Provision of a footbridge over rail crossing
 - Water neutrality matters (relinquish existing abstraction licence etc)

Conclusion and Planning Balance

- 6.77 In accordance with planning law, the starting point for the assessment of this proposal is to consider whether or not it accords with the provisions of the adopted development plan (comprising the HDPF). The site is not allocated for housing development in the HDPF, therefore in the first instance, it must be concluded that the development of the site for housing is contrary to Policies 1, 2, 4, and 26 of the HDPF. This carries significant weight against the proposal.
- 6.78 Notwithstanding this, it is acknowledged that the site has been selected for housing allocation in the emerging Pulborough Parish Neighbourhood Plan (PPNP) for 'approximately 170 dwellings. The Outline proposal for a development of 'up to 170 dwellings' accords with the quantum proposed in emerging Policy 2. Due to its advanced stage in production (having been through consultation and passed independent Examination), the allocation of this site in the emerging PPNP is judged to hold significant weight in decision making which carries significant weight in favour of the proposal. The proposal is also considered to accord with the main criteria listed within the newly published Facilitating Appropriate Development (FAD) document which also carries weight in favour of the proposal.
- 6.79 This report has established that (subject to conditions and a legal agreement) key matters including impact on highways, landscape, neighbouring amenity, ecology/trees, heritage/archaeology, drainage/flood risk, air quality, minerals and sustainably/climate change are judged to be acceptable. Whilst in outline form, the submitted plans have shown that the quantum of housing proposed can be accommodated appropriately within the site boundary, taking into account of landscape and heritage sensitivities, and neighbouring amenity. The provision of a Country Park with a BMX Pump Track as well as other areas of open amenity space, formal play areas, PROW improvements and a new pedestrian footbridge over the rail crossing offer benefits to the scheme that will create a pleasant place for new and existing residents, and adds weigh in favour of the proposal. In addition, the application proposes a policy compliant number of affordable units (60no.) which will be hugely beneficial to those on the housing register in in Pulborough, and to those who cannot afford to buy or rent at market prices. This also adds weigh in favour of the proposal.
- 6.80 As a result of major scale development of this peripheral semi-rural site, an inevitable level of harm to the wider landscape character has been identified. In addition, some loss of trees is required to facilitate the development. No harm is identified to the setting of heritage assets. Conditions are recommended to ensure that tree protection measures as identified

in the Arboricultural Implications Assessment are adhered to, and to encourage the design of the proposals within the setting of the listed building to take the opportunity to enhance its setting.

- 6.81 As established within this report, the Council is unable to demonstrate a 5-year supply of deliverable housing sites when calculated against the identified need. As such, the weight attributed to the conflict with HDPF Policies 4 and 26 is diminished, and the provisions of paragraph 11d of the NPPF are relevant, which requires the decision makers to apply a presumption in favour of sustainable development (the tilted balance) in such circumstances. As the proposal has been demonstrated to be water neutral, no policies that protect areas of particular importance provide for a clear reason to refuse permission, therefore the presumption in favour of sustainable development (the 'tilted balance') fully applies in the consideration of this application.
- 6.82 Whilst the site is not allocated for development in the adopted local plan (the HDPF), the emerging PPNP allocates the site for housing with the number of units proposed (up to 170no.) falling within the quantum that has provisionally been allocated by the local community. Compliance with this draft allocation and the contents of the new FAD document, coupled with the Council's 5-year housing land supply position and associated application of the tilted balance, leads to the conclusion that the benefits of the 170no. market and affordable dwellings coupled with the provision of a new stepped footbridge over the railway crossing (and other associated benefits), would far outweigh the conflict with the HDPF.
- 6.83 Officers are therefore recommending to Committee that the subject to the conditions listed below, and the completion of a s106 legal agreement to secure 60no. affordable housing units and the stepped footbridge (amongst other obligations); the application for 170no. dwellings on this site should be granted outline planning approval.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

Conditions:

1. List of Approved Plans

Name of Document/Plan	Reference	Date Received by HDC
Illustrative Layout Plan	edp3037_d049h	20/09/2022
Vehicle Tracking Plan (Refuse)	17334-01-1 Rev B	06/04/2022
Proposed Site Access	17334-01 Rev B	06/04/2022
Location Plan	03b	12/10/2021

2. Regulatory (Time) Condition:

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, 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 scale and appearance of each building, access within the site, and 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 of the Outline element in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3. Pre-Commencement Condition: No development (including any ground clearance or site levelling) shall commence until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be a single document covering the development and shall be strictly adhered to throughout the construction period. The CEMP shall include the measures categorised as “highly recommended” and listed in par.7.2 of the Air Quality Assessment report (RPS, JAR02242, April 2022), and shall provide for, but not be limited to:

- An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location, and identification of activities likely to cause high levels of noise or dust;
- Details of how residents will be advised of site management contact details and responsibilities (public engagement)
- 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), erection and maintenance of security hoarding, and storage of plant and materials (including any stripped topsoil)
- Details regarding parking or site operatives and visitors, deliveries, and storage (anticipated number, frequency and types of vehicles used during construction)
- The method of access to and from the construction site
- The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc.
- Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
- Locations and details for the provision of wheel washing facilities and dust suppression facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

- the anticipated number, frequency and types of vehicles used during construction, and the method of access and routing of vehicles during construction
- Submission of a construction phasing plan;
- Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area.

Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence until a 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.

The approved 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:** No development (including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site), shall commence until the following preliminaries have been completed in the sequence set out below:
- All hedgerows, trees and vegetation on the site shown for retention within the Arboricultural Impact Assessment [edp3037_r012c] as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
 - Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
 - Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

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

6. **Pre-Commencement Condition:** No development shall commence until a Drainage Strategy detailing the proposed means of foul water disposal and a detailed surface water drainage scheme (including finalised surface water drainage designs and calculations) has been submitted to and approved in writing by the Local Planning Authority. The submitted details should include a Surface Water Drainage Statement (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development). The drainage designs shall show full coordination with a detailed landscape scheme and should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

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

7. **Pre-Commencement Condition:**
- (i) No development shall commence until a programme of archaeological work has been secured in accordance with a Written Scheme of 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 part [i] of this condition, 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: 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).

8. **Pre-Commencement Condition:** No development (including any ground clearance or site levelling) shall commence until the following components of a scheme to deal with the risks associated with contamination (including asbestos contamination) has been 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 development shall thereafter be carried out in accordance with the approved details. 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).

9. **Pre-Commencement Condition:** No site levelling works shall take place until full details of the existing and final land levels and finished floor levels (in relation to nearby datum points) have been submitted to and approved by the Local Planning Authority in writing. The details shall include the proposed grading of land areas including the levels and contours to be formed, showing the relationship of proposed land levels to existing vegetation and surrounding landform. The site levelling works shall be completed in accordance with the approved details prior to the commencement of development of any building within the site.

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).

10. **Pre-Commencement Condition:** No development shall commence until an Acoustics, Ventilation and Overheating Assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out in accordance with the guidance presented in the Association of Noise Consultants (ANC) and Institute of Acoustics (IoA) 'Acoustics, Ventilation and Overheating Guide' (AVO Guide). The report should identify the predicted noise impacts (i.e. level and duration) in habitable rooms during the 'overheating condition' as defined in the AVO Guide and, where necessary, provide details of proposed mitigation measures. The development shall thereafter be carried out in accordance with the approved details.

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

11. **Pre-Occupation Condition:** Prior to the first occupation or use of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing, by the Local Planning Authority. The content of the LEMP shall include the following:
- a) Details of proposed biodiversity enhancement measures.
 - b) 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 have regard to the requirements set out within the Horsham District Council 'Biodiversity and Green Infrastructure' Planning Advice Note (October 2022) to seek to

achieve a measured 10% net gain in biodiversity. The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

12. **Pre-Occupation Condition:** Prior to the first occupation or use of the development hereby permitted, site-wide Landscape Management and Maintenance Plan (including long term design objectives, management responsibilities, a description of all hard and soft landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all parts of the site (existing and proposed) shall have been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policies 25, 31 and 33 of the Horsham District Planning Framework (2015).

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

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

14. **Pre-Occupation Condition:** Prior to the first occupation or use of the development hereby permitted, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall show general accordance with the submitted Framework Travel Plan (Ref: DN/NS/17334-08b) and 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. The Travel Plan shall include details to mitigate impacts on air quality as set out in the Council's latest Air Quality and Emissions Reduction Guidance document, and measures set out in the submitted Air Quality Assessment (RPS, reference JAR02242 Revision 3, received by the Council 26/05/2022). The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).

15. **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access [numbered 17334-01 Revision B] as included in the Stage One Road Safety Audit. The access 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).

16. **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 Statement (RPS, HLEF82261, dated 22 December 2021) and Addendum (RPS, HLEF82261, dated 17 March 2022) relevant to 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).

17. **Pre-Occupation Condition:** No dwelling shall be first occupied development until a Lighting Design Scheme for Biodiversity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show general accordance with the submitted Lighting Impact Assessment (Ref. RPS, BRM09175 LIA-5), and shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

18. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

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

19. **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast

broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

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

20. **Regulatory Condition:** The Reserved Matters submissions shall be accompanied by details/plans which demonstrate how the original materials and floor plans of the surviving historic farm buildings within the setting of New Place Manor are to be utilised in the design of any new development within the north-west part of the site. The submitted details shall show how any new buildings in this part of the site reflect the type of building that once stood there, including the re-use of historic materials (particularly stone).

Reason: To reinforce the significance of the historic setting of Grade 2 listed New Place Manor, and ensure that the historical interest of the site is safeguarded and recorded in accordance with Policy 34 of the Horsham District Planning Framework (2015).

21. **Regulatory Condition:** No works or activities relating to the implementation of the development hereby permitted (including deliveries of materials and equipment) 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).

22. **Regulatory Condition:** All works within the development hereby permitted shall be carried out in full accordance with the mitigation and enhancement measures and/or works contained within the Ecological Appraisal [Aspect Ecology, December 2021].

Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).

23. **Regulatory Condition:** The detailed design of the development proposed through Reserved Matters applications pursuant to this outline planning permission shall broadly accord with the principles set out on the submitted Density and Building Heights Parameter Plans [reference: edp3037_d051a, and edp3037_d052a), and Development Framework and Land Budget plan (reference: edp3037_d043e).

Reason: In order to control the development in detail in the interests of amenity and to ensure the development is designed to a high-quality standard, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

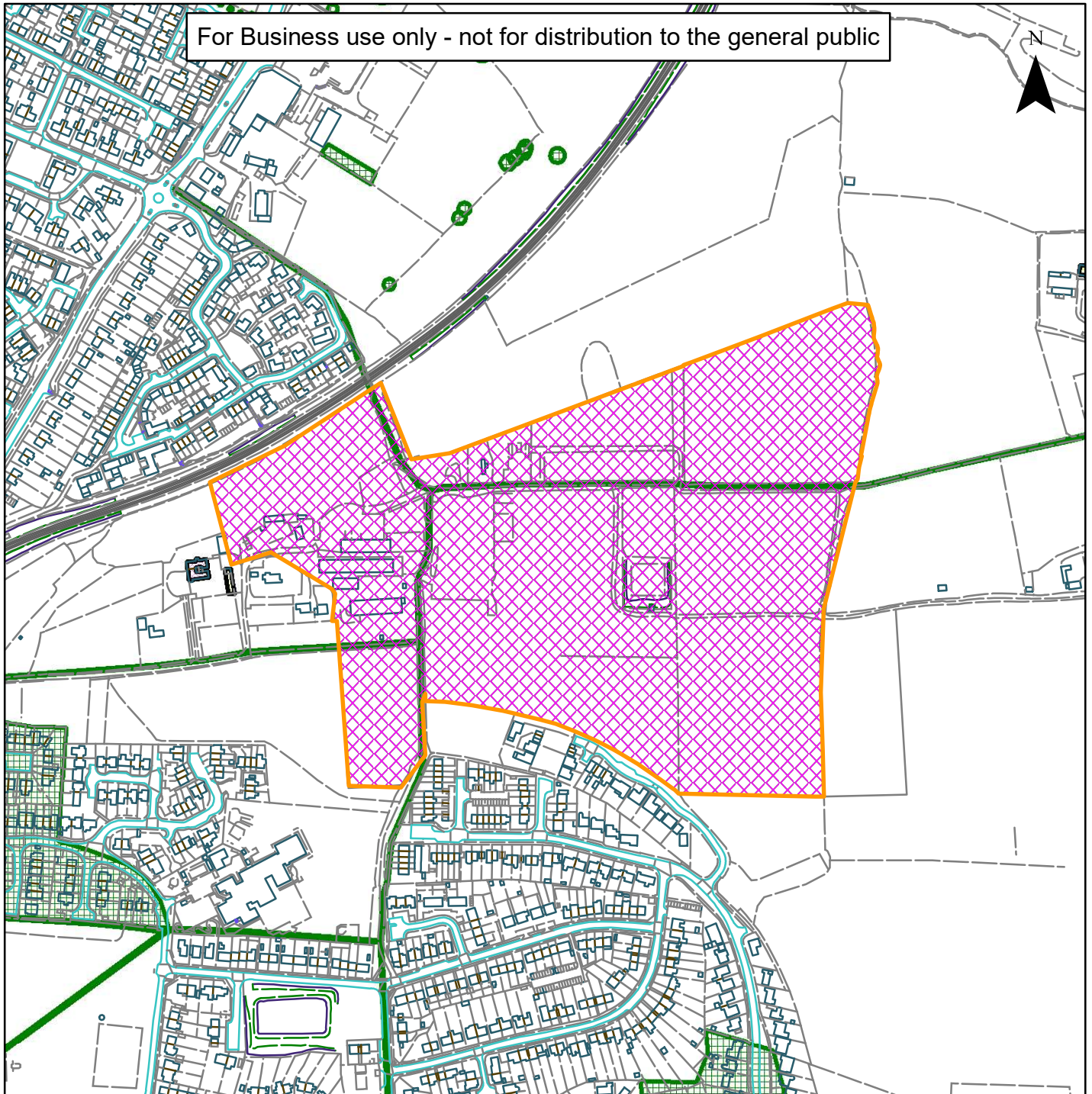
06) DC/21/2321



Horsham District Council

Land at New Place Farm, Pulborough, West Sussex

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Scale: 1:5,000

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Organisation	Horsham District Council
Department	
Comments	
Date	08/12/2022
ISA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 20th December 2022

DEVELOPMENT: Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping.

SITE: Chanctonbury Nurseries Rectory Lane Ashington Pulborough West Sussex RH20 3AS

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/22/0372

APPLICANT: **Name:** C/O Agent **Address:** C/O Agent C/O Agent SO14 3TJ

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

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

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

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the complete redevelopment of the site, removing the existing glasshouses and storage uses from the site, to deliver 74 dwellings and associated open space. The development would utilise the existing single vehicular access off Rectory Lane, which is to be upgraded and provided with suitable visibility splays. The existing vehicular accesses to Kestrals, Chanctonbury Lodge and Chanctonbury House would be maintained through the site, and accesses through to the PROW along the eastern side of the site would be created at 3 points.

- 1.3 The quantum of development would provide a mix of open market dwellings (48 units), affordable rented units (18 units) and shared ownership dwellings (8 units). Of the 74 units, 18 (25%) would meet the needs of older and / or wheelchair users as defined by Parts M4(2) and M4(3) of the Building Regulations.
- 1.4 The development would comprise a range of flats, detached, semi-detached and terraced dwellings, largely within a 2-storey format. The blocks of flats would incorporate units within the 2nd floor roof-space.
- 1.5 The proposed layout is predominantly linear with the main internal site road running north-south, but with secondary 'estate roads' forming cul-de-sacs. A centrally located public open space would be provided, with outside gym equipment for adults to use.
- 1.6 Proposed external materials would comprise a mixture of Victorian red brick, multi-stock red brick, white weatherboarding or tile-hanging to the upper floor with decorative panels, and a mix of red and brown clay roof tiles, set off by grey fascias and barge-boards and black rainwater goods.
- 1.7 Boundary treatments would comprise a mix of close-boarded fences and brick walls, with private rear gardens defined by 1.8m high fences or walls, and front and side areas either defined by planting or 1.2m cleft chestnut rail fences. Rear boundaries along the southern site edge and the woodland buffer, would be defined by the open cleft rail fence.
- 1.8 Bins and cycle storage areas are to be provided within the rear gardens, except in the case of the flatted units, where a separate bin and cycle store are to be provided.
- 1.9 A total of 148 parking spaces is to be provided, with all houses benefitting from at least 2 spaces, and with garages and car-barns provided to some of the 3 and 4-bed houses. A total of 15 visitor spaces are to be provided throughout the estate and some 17 spaces would be unallocated to serve the 14 flats.
- 1.10 It is noted the pre-application scheme shown on page 17 of the Design and Access Statement indicates a new pedestrian link from the PROW through to the existing residential development to the east at Covert Mead / Meiros Way, which residents have identified in their representations. This potential new access link lies outside of the application site boundary and does not otherwise appear on the plans formally submitted for consideration. This link does not therefore form part of the application proposals.

DESCRIPTION OF THE SITE

- 1.10 The application site comprises an area of land some 2.39ha in size that is located on the western side of Ashington. It is currently occupied in part by a sizable greenhouse complex (south), with some land used for the open air storage of caravans / mobile homes (central area), and open land (north). Residential properties adjoin the site along the western boundary (Kestrals, and Chanctonbury House), with Chanctonbury House taking vehicular access through the site itself, and Kestrals utilising the shared access off Rectory Lane. A further property, Chanctonbury Lodge, is situated in the northeast corner of the site, also taking vehicular access through the site itself. A PROW (FP_2607) runs along the northern and eastern boundaries of the site, and then leads onto Foster Lane to the southeast where the village primary school, recreation grounds, playgrounds, community centre, church and scout hut are located, as well as wider village amenities and shops a little further on.
- 1.11 The site is bounded along its eastern boundary, not only by the PROW, but also by a vegetated corridor of trees, subject to a Tree Preservation Order (woodland TPO/0822). The TPO includes the trees to the eastern side of the PROW, but does not appear to extend to trees on the western side of the PROW and the application site. The residential boundaries to Chanctonbury Lodge and Chanctonbury House, are defined by dense coniferous hedges.

Both Kestrals and Chanctonbury Lodge are bungalows, with Kestrals having rooms in the roof overlooking the site, and Chanctonbury Lodge having its private amenity area located along the southern side of the plot, abutting the site. Chanctonbury House benefits from a large garden area that extends alongside the western site boundary

- 1.12 Following adoption of the Ashington Neighbourhood Plan, the whole of the site now lies within the BUAB of Ashington, which is defined under HDPF policy 3 as a 'Medium Village' with moderate level of services and facilities but which rely on larger settlements to provide for a number of requirements.
- 1.13 Although the greenhouses on the southern part of the site have seen sporadic use of the past 15 years, they have been actively used since mid-2020 for the growing of stock used for a nearby horticultural nursery. Officer visits to the site in February 2020 in respect of the continued use of the caravan storage element, shows a number of caravans being stored within the central open part of the site. As of March 2022, officers confirm a commercial plant nursery was in residence at the site, as well as the continued open storage use.

BACKGROUND

- 1.14 A full planning application was submitted in July 2015 for the application site, comprising the demolition of the nursery buildings and the erection of 77 dwellings on the site, along with parking, open space and access off Rectory Lane (DC/15/1886). The Council formally refused the application on 15th April 2016 for the following 2 reasons:

1 The proposed development is located in the countryside, outside of the defined built-up area boundary of Ashington, a Medium Village, on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Plan. The site is partly greenfield and the scheme does not comprise development essential to its countryside location. The scheme would not result in the sustainable development of rural areas or the District as a whole. The proposal would result in expansion of the settlement of Ashington into the open countryside and would conflict with the overarching strategy and hierarchical approach to concentrating development within the main settlements and is therefore contrary to Policy 2, Policy 4 and Policy 26 of the Horsham District Planning Framework (2015) and paragraph 7 of the National Planning Policy Framework (2012).

2 The proposed development does not secure the 35% of units required to be provided as affordable housing units by Policy 16; or provide for contributions towards local infrastructure improvements including open space, sport and recreation, community centres and halls, education, libraries, transport and fire and rescue services, that are necessary to make the development acceptable, as required by Policy 39. The proposal is therefore contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015), as it has not been demonstrated how the affordable housing needs of the District or the infrastructure needs of the development would be met.

- 1.15 The case was subsequently Appealed and was heard at Public Inquiry. A unilateral undertaking was submitted as part of the appeal, committing to the provision of affordable housing in order to address Reason 2, which was accepted by the Inspector. In June 2017, the appeal decision was issued, dismissing the appeal on grounds that the proposal would conflict with the development plan in relation to HDPF policies 2, 4 and 26, which seek to protect the countryside from inappropriate development.
- 1.16 Since the appeal was dismissed, the Ashington Neighbourhood Plan (ANP) has been advanced, consulted upon, and formally adopted into policy, having been 'Made' in June 2021. As part of the ANP, the Built Up Area Boundary has been revised to include the entirety of the current application site, and a policy included that specifically allocates the entirety of the site for residential development (ASH10: Chanctonbury Nursery), anticipating some 75 dwellings could be delivered on site

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

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

RELEVANT NEIGHBOURHOOD PLAN

Ashington Neighbourhood Plan (June 2021)

Policy ASH1: Overall Spatial Strategy for Ashington
Policy ASH2: Increasing Walking in Ashington
Policy ASH3: Parking Provision
Policy ASH5: Landscaping and Countryside Access
Policy ASH8: Ashington Community Cluster
Policy ASH10: Chanctonbury Nursery

West Sussex Joint Minerals Local Plan (2018) (Partial Review March 2021)

Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)
WSCC Parking Guidance (2003 as amended Sep 2020)
Open Space, Sport & Recreation Review (June 2021)

Planning Advice Notes:

Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/15/1886	Demolition of the existing nursery buildings and the redevelopment of the land for 77 dwellings together with associated access road, car parking, landscaping and open space.	Refused April 2016 – <i>Appeal Dismissed June 2017</i>
DC/20/0300	Continued use of existing glasshouses for horticultural use (Certificate of Lawful Development - Existing)	Permitted 22.04.2022

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

3.3 **HDC Landscape Architect:** Comment

Reservations are expressed in relation to the proposals and the likely impacts on the local landscape. The importance of understanding the landscape character of all landscapes in England is recognised in the NPPF. Landscape character assessment is the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK.

The relevant Landscape Character Assessment for the Site is defined in the Horsham District Landscape Character Assessment (2003) which identifies the Site as lying within the 'J2: Broadford Bridge and Billingshurst Farmlands' Landscape Character Area (LCA). It is an area which is described as having a declining landscape condition and moderate sensitivity to change. The overall character is described as 'a low lying and relatively flat landscape becoming more gently undulating towards the southern and northern boundaries. Scattered small woods and copses, shaws and hedgerows enclose an intricate pattern of small pastures. The Assessment states that "The area has a predominantly rural character except for some suburban influence extending into the countryside near Ashington".

The 2.4 ha Chanctonbury Nursery Site is allocated in the Ashington Neighbourhood Plan (2019-2031) to deliver a minimum of 75 No. dwellings. Any development proposals within this site allocation are expected to update the PRoW to enable year-round use with associated lighting and deliver public open space to the south including an outdoor gym. The Site is allocated to deliver approximately of 75 No. Houses, which is considered to be at the upper end of the Site's capacity. It is also noted that under this policy there is the requirement to provide an appropriate southern landscape buffer (Policy ASH5: 'Landscaping and Countryside Access') and create provision for a high quality public open space. Within the Neighbourhood Plan, Figure 8.1: 'Key principles for development of Chanctonbury Nursey' provides an indicative layout of the residential and green open space associated with this allocation, and clearly suggests a substantial landscape buffer to the south to ease the transition of built form onto the open countryside. We note that this does not appear to have materialised within the submitted application.

The planning application has not been supported by a Landscape and Visual Impact Assessment (LVIA) though we have made the professional judgement that development in the open countryside is a key issue and sensitivity of the Broadford Bridge to Billingshurst

Farmlands LCA and the AS2 LLCA, this is due to the predominantly low ridgeline which results in development being more visually prominent as seen in the wider landscape, its scattered mosaic of woodland and copses, the small scale patterns of fields and pasture, with a strong sense of enclosure, and a strong network of hedgerows / shaws and mature oak standards, and narrow winding hedge rowed country lanes, that is even with the presence of localised urbanising influences, all of which further contributes to the intricate landscape setting and prominent characteristic views, that the proposed [but not limited to] residential dwellings, road infrastructure, parking areas and lighting would have an adverse impact on the landscape character, qualities and visual resources of the area. Conversely, we do also recognise the policy position of the Ashington Neighbourhood Plan and that the principle of residential development in this location as identified with the Plan, from a landscape perspective, is therefore on-balance acceptable.

Notwithstanding the above comments, in our judgement the Site has significant landscape and visual constraints which should be addressed as part of the design development, these include but are not limited to:

- A larger proportion of the southern aspect of the Site should be retained as public open spaces, woodland creation and / or denser woodland belt and green buffer to form a stronger southern edge to the open countryside through mitigation planting commensurate to the scale of development being proposed. Trees and woodlands are key components of green infrastructure and can help create resilient, sustainable places to live in. The management and creation of woodlands should be given further consideration as part of the development of the Site. It is recommended that proposals adhere to Figure 8.1: 'Key principles for development of Chanctonbury Nursey', where the proposals deviate from the Neighbourhood Plan further supporting information / justification is required.
- As set out within Policy ASH10: 'Chanctonbury Nursery' Site allocation, the proposal includes the upgrade of the existing PRoW (FP2607) that runs along the north and east boundaries. However, Secured by Design Homes 2019 guidance does not promote the inclusion of public footpaths along the rear of back gardens as this has been proven to generate crime (Para.8.9). Where the relocation of this PRoW footpath is unavoidable, the footpath should be designed (Para. 8.10) to be [inter alia]:
 - "As straight as possible;
 - Wide;
 - Well lit;
 - Devoid of potential hiding places;
 - Overlooked by surrounding buildings and activities;
 - Well maintained so as to enable natural surveillance along the path and its borders."The guidance (Para. 8.17) also states that "where footpaths run next to buildings or roads, the path should be open to view. This does not prevent planting, but will influence the choice of species and density of planting"
- We would advise that the entrance gateway into the scheme currently lacks a designed 'sense of arrival' to the development. Additional trees and soft landscaping should therefore be proposed. For example, an additional focal tree on the western edge of the entry road would match the proposed Oak *Quercus robur* and help to soften the built form and improves the verdant appearance from the road.
- The proposed parking spaces associated with dwellings (Plots 67 and 68) should be proposed as a built timber carport feature owing to its prominent visibility from the gateway entrance along the proposed access road from Rectory Lane.

- We would expect that areas of parking should be broken up with appropriate landscape features (i.e., tree, shrub, hedgerow, herbaceous planting) to help soften the space and improve the quality of the public realm.
- We would advise that further consultation is undertaken with Highways, with regards to the principle of triple tandem parking spaces associated with dwelling (Plot 27).
- Further information is required regarding the use of 1.2m round chestnut post and rail proposed between the driveways of semi-detached houses.
- It is noted that some of the existing trees are within the private curtilage of dwellings (for example Plot 51), and consequently the longevity of these trees cannot be guaranteed. We would therefore recommend that restrictive covenants on trees in contracts are applied.
- There is a large quantity of leftover and redundant landscaped areas outside of the private curtilages of dwellings which is not acceptable. Clarification is required regarding the intended maintenance responsibility for these areas.
- There are a number of inconsistencies in the regards to the proposed tree removals, particularly between the submitted 'Tree Constraints Plan (Dwg No. Rc0339-01 Rev. 01) and the removed trees visible on the submitted Masterplan (Dwg ref: PJC-1072.002 Rev. A). Clarification is therefore required regarding the extent of tree removals included on the Tree Constraints Plan, which should also be supported with a Arboricultural Impact Assessment.
- The use of Common elder L. Sambucus nigra should not be specified as part of the hedge and scrub mix. This shrub is known to be very vigorous and would likely suppress the growth of the other species' specified.

3.4 **HDC Environmental Health:** Comment

Based on confirmation received from the development that Air Source Heat Pumps (ASHP) are not to be pursued, then no further details are required at this stage to assess potential noise impact in relation to their siting.

As the site is considered to be a 'Major' development site, a required damage cost calculation and an assessment of the air quality impacts and proposed mitigations are necessary.

Matters in relation to potential ground contamination can be appropriately dealt with by way of a condition.

3.5 **HDC Housing:** Support

- Provision of 26 affordable units is policy compliant
- The Housing Register in Pulborough / Nutbourne currently has 141 households waiting of which is broken down as 34% in need of a 1-bedroom unit, 22% in need of a 2-bedroom unit, 44% in need of a 3-bedroom unit and 11% in need of 4 or more bedrooms. While the percentage for those waiting for 3 or more bedrooms tends to be lower than average these are often our longest waiting households due to lack of supply of larger units.
- No mention is made of a potential affordable housing provider, and Housing Officers would urge the applicant to reach an agreement with a provider as soon as possible, to clarify and confirm tenure split, and secure funding arrangements for the affordable homes and ensure the layout and specifications of the affordable units meet the provider's requirements.

3.6 **HDC Arboriculture:** No Objections – verbal comments

Based on a review of the trees being removed, there would be no concerns raised – noted that the English Elm is likely to have a limited lifespan and the Ash is likely to be subject to future Ash dieback. Trees along the eastern boundary and along the southwest should be excluded from private residential gardens and subject to site-wide Management Plan to ensure their ongoing retention, as well as being given the protection of the standard landscape condition.

OUTSIDE AGENCIES

3.7 **WSCC Highways:** No Objection

[Summarised]

- Reference is made to the previous appeal proposal for 77 dwellings, where highways principles had been agreed with the LHA and retained as part of the current proposal
- Access to the site is to be via the existing priority junction onto Rectory Lane, provided with visibility splays of 47m (west-bound) and 49m, which are in accordance with the Manual for Streets guidance for the speed limits recorded – access works need to be subject to s278 agreement and technical check with WSCC Highways Agreements Team
- A new RSA has been submitted, raising 9 points which have been agreed with the Designers and Designers Response has been accepted as suitable mitigation
- TRICS details included in Transport Statement (TS), setting out that proposed 74 dwellings would generate less vehicular movements than previous proposal for 77 dwellings (DC/15/1886) – no expectation that proposal would give rise to any increase or material change over what has previously been permitted (accepted)
- Car and cycle parking in line with current guidance, shared surface and swept path diagrams show larger vehicles can manoeuvre in site
- Site is within walkable distance of Ashington village, s106 agreement to secure footpath clearance works along Rectory Lane where vegetation has encroached onto public footpath
- No transport grounds to resist the proposal and it would not have a 'severe' impact on the operation of the highway network
- Conditions advised

3.8 **WSCC Rights of Way:** Comment

[Summarised]

- Footpath 2607 runs along north and east boundary of the site and is of enormous amenity value to the local community as it connects Rectory Lane to the centre of the village and the community centre, primary school and playground
- Requires minimum resurfacing to WSCC standards and extensive work to remove excess vegetation, historic structures such as redundant fences, and overall work to widen and improve the present situation, and upgrade / create a culvert in place of the existing plank bridge, and new post and rail fencing to the southeast section to protect users from deep ditch. Also, ditch clearance work to ensure no future drainage issues. Ongoing maintenance plan needed to ensure route remains clear
- Provision of a safe, off-road alternative for locals is vital as the proposed development will increase pressure on local routes and existing limited network for sustainable movement is raised in the neighbourhood plan
- Upgrading of FP2607 to a bridleway in part, would allow foot, cycle and equestrian traffic in the future – seek a 3m width and linked into development as the north section where it passes between close-boarded fencing and makes a 90-degree turn would not be suitable for the upgraded status – this section to the north should also be included for vegetation clearance to ensure the full width of the footpath is available
- Conditions / informative / agreement to the above works needed

3.9 **WSCC Minerals and Waste:** No Comments

- The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance

therefore, the minerals and waste authority would offer a no comment to the proposed development.

- The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).

3.10 **Sussex Police:** Comment

- No major concerns with the proposals location, but additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered
- Principles of Secured By Design should be included:
 - Good active frontages in the main with outward facing dwellings and overlooked public areas
 - Flats should have access control systems in place to control entry to the flats and postal arrangements should be by way of externally mounted secure post boxes rather than individual apertures in doors
 - Communal parking should be in view of an active room within the property (e.g. kitchens and living rooms, not bedrooms and bathrooms)
 - Secure cycle parking should enable locking of both wheels
 - Landscape design and planting should not impede natural surveillance and should avoid unnecessary high maintenance. Trees on appropriate root stock but trees can also restrict performance of street-lighting and should therefore not be within 5m of a light source
 - Consideration of lighting throughout the development, although recognise that some areas have a 'dark sky policy' – use of bollard lighting not appropriate as it does not project sufficient light at the right height – can increase fear of crime

3.11 **Ecology Consultant:** Comment [Summarised]

- Ecological Impact Assessment (The Ecology Co-op, December 2021) and the Biodiversity Impact Calculation Rev 2 (The Ecology Co-op, January 2022) has been reviewed – satisfied there is sufficient ecological information available for determination and provides certainty for the LPA of the likely impacts on protected and priority species and which appropriate mitigation measures can be secured to make the development acceptable
- European Protected Species Mitigation Licence for bats and Hazel Dormouse will be required before commencement of the works, copies should be secured by way of condition
- Proposed planting of 470m of new species rich native hedgerow will mitigate against loss of 1800sq.m of scrub habitat used for foraging
- DEFRA Metric spreadsheet submitted – net gain of 10.06% for habitat units and 128% gain for linear hedgerow units
- Conditions advised

3.12 **WSCC Fire and Rescue:** Comment

- Fire hydrants to be secured within the development to ensure all dwellings are within 150m of a fire hydrant for the supply of water for firefighting

3.13 **Natural England:** Comments

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

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

Natural England advises that the assessment does not currently provide enough information and / or certainty to justify the assessment conclusion reached by your authority.

The submitted Water Neutrality Statement (Aug 2022) refers to the use of external water butts to account for all external water use. It is Natural England's opinion that this proposed source of water (i.e. rainfall-fed water butts) for external residential use is reliant upon several subjective factors. These factors include: People's behaviours (e.g. using water from the water butt instead of a mains water source); sufficient water supply and pressure (e.g. to cater for car washing, patio cleaning, hosepipe use etc); consistent and ample rainfall (to fill the water butts and correlate with times of high water demand e.g. summer); and good maintenance (e.g. to efficiently fill with rainwater and not leak) among others. We advise that in light of these, rainfall-fed water butts are not solely sufficient to achieve water neutrality for external residential water use.

We advise that the source for external water use is revised and a more robust system of water provision proposed to contribute to water neutrality in perpetuity.

Further, we suggest you, as the responsible authority, assess this system and revise your Appropriate Assessment in light of it.

[Officer response: Officers have recalculated the figures in the Appropriate Assessment to include the external water use budget into the overall calculations of mains water use. Overall, based on the rising water use that have been demonstrated by way of Water Bills 3 and 4, existing mains water consumption continues to exceed the proposed water consumption with headroom remaining in the figures.]

3.14 **Ashington Parish Council:** No objections

- No objections have been raised as the site has been allocated in the Ashington Neighbourhood Plan, so the development principle is sound
- DAS (para 3.02) and Site Layout shows a potential pond – this will reduce the amount of usable open space in the SE corner of the site and is a potential danger to school children coming from the site and using FP_2607 to get to school. Measures to enhance child safety should be considered in this area if a pond is needed, and in addition, children would walk closer to the Parish Council pond, so improved safety measures at this site may be needed
- DAS (para 3.08) – not clear if rear gardens to plots along east and south sides have 1.8m high close-board fences (private) or 1.2m post and rail fences (open) abutting the site edges
- Planning Statement (para 8.15) states that PRow 26-7 will be improved for year-round use, but site drawings show stepped pedestrian access over a bund mid-way along the eastern boundary of the site and the existing wooden bridge at the southern end of the site linked to the PRow will simply be 'made good'. The pond is essential for biodiversity but is only shown as 'potential' – if not delivered, what is the net impact on biodiversity?
- Water Neutrality figures – are these robust? Appear to have been extrapolated for the whole site from use of just a small part of the greenhouse for a short period of time
- Various errors picked up in the Travel Plan, the DAS and the Transport Statement:
- References to cafes and restaurants, bus information and reference to an access into the site from Covert Mead / Meiros Way with this land owned by the Parish Council and no permission being given to create pedestrian (or other) access through to the site

PUBLIC CONSULTATIONS

- 3.15 To date, letters of representation are noted from 12 separate address points, including from the Sussex Area Ramblers, objecting on the following grounds:
- Loss of amenity and privacy by way of widened footpath and new lighting
 - Loss of wildlife, trees and bushes and habitat
 - Lack of infrastructure to support new development / extra residents (Drs, schools – primary school already full)
 - Traffic levels along Rectory Lane already high / dangerous levels (at least 100 extra vehicles based on couples so extra movements for families)
 - Overlooking from 2-storey flats (Chanctonbury Lodge)
 - Site already rejected previously for development
 - Flooding of the site
 - Contamination of the soil
 - Increased likelihood of burglary
 - Query why the Ecological report has been censored (*redacted information owing to protected species*)
 - Layout misses the opportunity to incorporate the walking environment as a key attribute – built form relationship and design connections to the PRow and the view from it
- 3.17 It is noted that of the 12 letters received, 6 of these raise objection only to the creation of a new footpath link from the site and PRow through to the adjacent Covert Mead. It is noted that this link is referred to in the submitted Design and Access Statement, but does not form part of the planning application, which has been confirmed by the planning agents.

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

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

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

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

6. PLANNING ASSESSMENTS

The Principle of the Development

- 6.1 The Statutory basis for decision taking in planning is Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 In this instance, the Development Plan comprises the Horsham District Planning Framework (2015) and the Ashington Neighbourhood Plan (2021).
- 6.3 Following the adoption of the Ashington Neighbourhood Plan (ANP) in 2021, the entire site now falls within the defined Built Up Area Boundary (BUAB) to Ashington. Furthermore, the site has been allocated for residential development under Policy ASH10: Chanctonbury

Nursery, which allocates the site for approximately 75 dwellings and supports development proposals that meet the following criteria:

'Housing and Design:

- i. it provides a mix of dwelling sizes in accordance with relevant policies in the development plan;*
- ii. at least 25% of all units are designed to meet the needs of older people, with an appropriate split of the provision based on the mix of market and affordable properties;*
- iii. affordable housing is provided to meet the requirements of the relevant policies in the development plan;*
- iv. the design of the dwellings reflects the character of the surrounding area.*

Accessibility:

- v. the upgrading of Public Right of Way FP2607 so that it is capable of everyday use all year-round and has suitable lighting for use after dark. Such lighting must be designed to protect the amenity of neighbouring residents;*
- vi. the provision of appropriate vehicle access into the site from Rectory Lane;*
- vii. the provision of appropriate pedestrian access which provides direct and safe linkages into the Walkway Routes identified in Policy ASH2.*

Community infrastructure:

- viii. the provision of high quality public open space which incorporates a range of outdoor gym equipment for all ages;*
- ix. contributions towards the delivery of the community infrastructure identified in Policy ASH8 (Ashington Community Cluster).*

Other principles:

- x. enhance the setting of the South Downs National Park, including through the provision or enhancement of an appropriate landscape buffer in line with the requirements of Policy ASH5 (Landscaping and Countryside Access);*
- xi. the submission of an environmental report which considers issues relating to ground contamination;*
- xii. the submission of a minerals resource assessment to ensure the viable mineral resources are not permanently sterilised by development;*
- xiii. occupation of the development is phased to align with the delivery of sewerage infrastructure, in liaison with the service provider;*
- xiv. the layout is planned to ensure future access to existing sewerage infrastructure for maintenance and upsizing purposes.'*

- 6.4 As a result of the allocation of the site for this quantum of residential development within the Ashington Neighbourhood Plan, the principle of the development is considered acceptable in accordance with the Neighbourhood Plan and Policy 4 of the HDPF.

Loss of Commercial Floor Space

- 6.5 The previous planning application (DC/15/1886) fully assessed the viability of the site for continued commercial use, and found that, given the site's peripheral location to the village centre and amenities, it was not a suitable location for commercial, business or composite uses. Whilst the site remains part occupied for caravan storage, and has since been re-occupied for horticultural purposes, the allocation of the site for housing in the Ashington Neighbourhood Plan for housing recognised the lack of ongoing suitability of the site for ongoing commercial use.

Design, Layout and Character

- 6.6 The proposal replicates some of the previous design iterations under DC/15/1886, in that vehicular access is to be taken from the north off Rectory Lane leading to a main central roadway through the site leading to informal cul-de-sacs, and a central area of public open space. Furthermore, the 2½ storey flatted blocks lie in the northeast corner of the site adjacent to Chanctonbury Lodge, as per the previously considered scheme.
- 6.7 However, the overall concept and design has evolved since this last proposal, with applicant engaging with the Council as part of pre-application enquiries, as well as presentations to the Ashington Parish Council. The current scheme varies from that which had been presented to the Council as part of the pre-application enquiry, having taken on suggestions and concerns raised by Ashington Parish Council. These include:
- Consolidation of open spaces to create two larger and more usable open spaces within the site
 - Centralisation of the outdoor gym equipment over a trim trail alongside the PRow to create a sociable area and a community facility and integrate the new development into the wider community with access created for all Ashington residents
 - Open space in the southeast corner has been given over to ecological benefits rather than being for public use / recreational use
 - Formation of a near continuous pavement within the site which can be used instead of PRow in poor weather without frequent crossing points – improved pavement continuity
 - Parking provision to address local car ownership levels
 - Flats being consolidated into one area away from amenities of Chanctonbury House
 - Relationship between flats and Chanctonbury Lodge increased
- 6.8 The proposed site layout provides a largely linear development of residential streets and cul-de-sacs, consisting of a mix of dwelling styles and sizes, relieved by a palette of materials and architectural styles and features, creating a sense of movement along the street frontages. Landscaped areas, hedges to define boundaries and trees would provide additional visual interest within the resulting street-scene. The proposed site boundaries, particularly along the eastern side and the PRow, and within the southeast corner, would be more open and integrated into the wider landscape than at present, with an increased sense of natural surveillance over the PRow.
- 6.9 The design palette would include a mix of red bricks and tile-hanging, a red and brown roof-scape, suited to the red-toned bricks typical of the locality, interspersed with white weatherboarding, and decorative tile-hanging features. Side-facing windows and bays, and cladding treatments that wrap the corners would ensure that side elevations continue to provide visual interest within the site. This design approach is considered to be acceptable and reflects the overall character and mix of styles found within nearby estate settings, with the proposed development forming its own distinctive character that is cohesive yet complementary to the wider locality, thus according with NP policy ASH10(iv).

Landscape Impacts

- 6.10 It is noted that the previously considered appeal scheme DC/15/1886, was not refused on landscape grounds, with the Landscape Consultant at the time referring to the site as being '*contained within the wider rural landscape*' by virtue of its existing perimeter vegetation. The existing glasshouses and caravan parking was also noted to give the site an urbanising influence. The earlier scheme was therefore concluded as being unlikely to have any significant wider adverse landscape and visual impacts. Part of the rationale for this view was the 3 and 2 ½ storey buildings being located in the centre of this earlier scheme, and that furthermore, there were improvements arising from the development such as improvements to the PRow and the associated open space and landscaping.
- 6.11 As part of the current scheme, it is noted that the general layout of the site shares many similarities to the previous scheme, including the relationship of the proposed new houses to the northern site boundary and Chanctonbury Lodge, the western side and the south-western

corner. A central area of public open space has been retained within the same area but the current scheme proposes a larger area of open space and a balancing pond in the south-eastern corner, reflecting the Key Principles of policy ASH10. The dwellings are predominantly 2-storey with the flatted blocks and two other units containing rooms within the roof-space, which accords with prevailing character of the area, noting that the development further to the east at Mousdell Close and Penn Gardens are also full 2-storey dwellings. It is noted that the site would be contained by residential development to the east, west and south, both already in existence and as identified housing allocations within the Neighbourhood Plan. This includes land beyond the southern boundary of the site and woodland buffer, which has similarly been allocated for significant housing development under the Ashington Neighbourhood Plan (policy ASH11). The subsequent relationship of the site and wider village with the surrounding rural area will inevitably evolve as a result, which is a material factor in assessing the likely impact of the proposal within the wider landscape setting.

- 6.12 The site allocation policy ASH10 details landscape-led expectations including the upgrading of the PRoW 2607 (ASH10v), the provision of high quality public open space (Ash10viii), and being able to enhance the setting of the SDNP by way of an appropriate southern landscape buffer (ASH10x), which is further expanded by Policy ASH5. Under policy ASH5(A) development abutting open countryside must not create a hard edge along with the inclusion of the aforementioned landscape buffer, and how the visual impact of buildings within the site have been minimised through layout, heights and landscaping, retention of trees and vegetation to soften the impact and to retain the rural village feel of Ashington.
- 6.13 Whilst it is noted that Landscape Character Assessments have not been amended locally, county-wide or nationally since the determination of the last planning application and its subsequent appeal, the Landscape Capacity Study (2021) considers the relevant landscape character area (AS2) as being 'low-moderate' with a prevailing interest to retain the unspoilt rural countryside to the north of Rectory Lane, rather than to the south, where the development site is located. The same determining planning policies therefore remain in place locally, as set out under the HDPF 2015, that were considered previously as part of the appeal scheme, where no landscape harm was identified. Furthermore, the aforementioned allocation of land to the south of the site for housing within the Made Neighbourhood Plan is a material change to the site's context.
- 6.14 A number of amendments have now been incorporated to address the comments made by the Landscape Consultant, including an additional tree at the entry point into the site off Rectory Lane to help soften the development and provide a sense of arrival and the removal of Common Elder within the proposed shrub mix. Further amendments include:
- Increased landscape elements within parking courts
 - Confirmation of car barns to specified plots
 - Use of grasscrete (or similar) to visitor parking around the public open space
 - Introduction of a 'pinch-point' by Plot 36 to reduce vehicle speeds around the public open space
- 6.15 The nature of the adjoining woodland to the south is not generally considered to have an open character. However, the proposed open post and rail fence would create a soft transition into the rear residential gardens of the houses along this part of the southern site boundary. The remaining 50% of the southern site boundary would transition into the Public Open Space alongside the balancing pond, creating the sense of transition anticipated by the allocation policy and reflected in the comments of the Landscape Consultant. It is acknowledged that these landscape qualities are not necessarily apparent when reviewing the proposal on plan, but having visited the site, officers are satisfied that the actual site context suits the proposed development layout.

- 6.16 It is therefore considered that the current scheme proposes a more favourable impact on the wider landscape character by virtue of the openness within the southeast corner, over and above the previously considered scheme under DC/15/1886. Overall, the proposed development achieves an appropriate layout within the site and acknowledges the requirements of policies 25 and 33 of the HDPF, as well as ASH5 and ASH10 of the Ashington Neighbourhood Plan.

Amenities of nearby and future residents

- 6.17 The site is noted to directly adjoin the residential curtilages of Kestrals, Chanctonbury Lodge, and Chanctonbury House, and it is these properties that would be most directly impacted by the proposals.
- 6.18 In relation to Kestrals, which is set at the front of the site, and comprises an extended bungalow with rooms in the roof with dormers overlooking the application site, there is the potential for new overlooking of the rear garden area by way of first-floor windows from Plots 3, 4 and 5. In relation to Plot 3, the first-floor window serves a hallway, whilst the front first-floor windows to Plots 4 and 5 would be bedrooms and a bathroom. These first-floor windows are at or in excess of 10m off the site boundary, a distance which is considered to prevent any unduly harmful loss of privacy.
- 6.19 Chanctonbury House is a large and extended house that is set centrally within a large plot midway down the western boundary of the site. Plots 56-58 and 63-66 are two-storey houses with rear-facing first-floor bedroom windows set along the southern and eastern rear garden boundary to Chanctonbury House respectively. These first-floor windows are at or in excess of 10m off the site boundary, a distance which is considered to prevent any level of adverse loss of privacy. Plot 67 sits side on at an appreciably closer distance with only a first floor stairwell window facing towards Chanctonbury House. To avoid potential overlooking given the closer separation a condition is recommended to ensure this window is obscurely glazed. Plots 6, 7 & 8 face towards the front garden/drive to Chanctonbury House and at a separation of 10m to the boundary would not result in harmful amenity impacts.
- 6.20 Chanctonbury Lodge is a single-storey L-shaped bungalow which has defined its residential curtilage by way of a tall conifer hedge, which is currently around 3m in height. The south-facing windows to this property are set some 15m off the application site boundary. There is concern that the proposed blocks of flats, which are located to the south of the boundary, could unduly overlook the private amenity areas to this adjoining bungalow. In relation to the 2nd floor units, these would be provided with rear-facing roof-lights, set up the roof-slope, thus limiting to some extent the direct views out and over this existing neighbouring property. Habitable windows are included in both blocks at first-floor, where there is considered to be a greater potential for overlooking. However, these first-floor windows are at or in excess of 10m off the site boundary and in excess of 21m from the rear elevation of Chanctonbury Lodge, a distance which is considered to prevent any level of adverse loss of privacy in accordance with the Council's guidance on residential extensions.
- 6.21 It is noted that Plot 1 is set to the west of the 'front' boundary of Chanctonbury Lodge with facing first-floor flank windows serving bathrooms. It is considered that any adverse overlooking through these windows could be suitably mitigated by way of an obscure-glazing condition.
- 6.22 Within the site itself, each dwelling is provided with gardens that are at least 10m in depth and provide a good level of private amenity space, along with a good degree of separation from adjoining properties such that no amenity concerns for future occupiers are identified.
- 6.23 Turning to the concerns that have been raised by way of the representation letters, concerning the likely impact on residential amenities of occupants at Meiros Way and Covert Mead, particularly on account of a new pedestrian route from the site through to this adjacent

development. This link is referenced in the submitted Design and Access Statement, but does not form part of the design proposal itself and is therefore not part of the proposed application. Therefore, on account of there being no proposal on the submitted plans to connect the site into the adjacent cul-de-sacs, there would be no adverse impact on the amenities of these adjoining residents.

- 6.24 Having regard the potential impact on all existing and future occupiers, subject to conditions to obscure windows within certain properties, the proposal would accord with HDPF policy 33(2).

Highway Impact, Access and Parking

- 6.25 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users, and includes appropriate parking levels and design.

- 6.26 The site allocation policy ASH10 sets the following requirements for access and highway infrastructure:

- v. the upgrading of Public Right of Way FP2607 so that it is capable of everyday use all year-round and has suitable lighting for use after dark. Such lighting must be designed to protect the amenity of neighbouring residents;*
- vi. the provision of appropriate vehicle access into the site from Rectory Lane;*
- vii. the provision of appropriate pedestrian access which provides direct and safe linkages into the Walkway Routes identified in Policy ASH2.*

- 6.27 The proposal includes for the upgrading of the PROW along the eastern boundary of the site (FP_2607) which is to be improved and upgraded (by way of surfacing and lighting, and with increased width requested by WSCC to upgrade to bridleway status along part of its length) to facilitate year-round use for pedestrians, cyclists and disabled access. This reflects the expectations set out in policy ASH10(v) and (vii), with several linkages between the development site and the PROW to be created, enabling a good level of pedestrian permeability throughout the site and the PROW. Creating these linkages through from the site to the PROW would also echo the aims set out under policy ASH5(c).

- 6.28 Full details of the upgrading improvements for its full length towards both Rectory Lane and to meet the village core, which would be required to be of a standard set by WSCC Rights of Way, would be subject to a S106 legal agreement. Part of the s106 would also include for the vegetation clearance along the footpath of Rectory Lane, as requested by WSCC Highways, to ensure the full width of the pavement is available.

- 6.29 The submitted DAS sets out that the proposal would provide a total of 164 parking spaces to serve the development;

- 15 x visitor spaces
- 17 x unallocated spaces to serve the flatted units
- 11 x car-port / undercroft parking spaces
- 15 x garage spaces
- 106 allocated spaces

Applying the WSCC parking guidance requirement that all garages are to be considered as 0.5 spaces, the total number of parking spaces drops to 156.5 spaces.

- 6.30 The WSCC parking guidance would anticipate an overall provision of 149.8 spaces to serve the development (based on dwelling size), along with 14.8 visitor spaces, leading to an overall expectation of 164.6 spaces to serve the development. The Local Highways Authority has reviewed the Transport Statement and accepts the proposed 164 (156.5) spaces to serve the development. Given the layout of the site with the majority of houses benefitting from at least two onsite parking spaces, officers do not consider that the small technical underprovision will result in a harmful level of overspill parking in the development or wider area.

- 6.31 Overall, the site provides an accepted level of parking, and also has the ability to accommodate the required number of secure cycle parking places to each property, which therefore accords with the expectations of the WSCC Parking Guidance (Sept 2020). The Local Highways Authority have not raised any issues with the use of tandem parking spaces and this format is often implemented at new developments to accommodate the required parking levels
- 6.32 It is noted that the LHA have not raised an objection to the proposal on grounds of the suitability of the vehicular access to the site off Rectory Lane, in terms of sightlines or geometry, which is an existing site access that currently serves the nursery business, caravan storage use and the residential dwellings that are accessed through the site. For these reasons, the proposed development is considered to provide sufficient parking and safe and adequate access suitable for all users in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015), and Policy ASH3 of the Ashington Neighbourhood Plan.

Affordable Housing and Housing Mix

- 6.33 Policy 16 of the HDPF requires new residential development to contribute 35% affordable housing, which in this case would equate to an overall provision of 26 dwellings. Policy ASH10(ii) requires 25% of all units to be designed to meet the needs of older people split between market and affordable provision.
- 6.34 Further to the expectations outlined in policy ASH10(ii), some 18 (25%) of the units would meet the needs of older residents by way of being built to wheelchair and adaptable standards as set out in the Building Regulations. Of these, 16 dwellings would meet the Part M4(2) of the Building Regulations (Accessible and adaptable dwellings), and 2 dwellings would meet Part M4(3) of the Building Regulations (Wheelchair User dwellings).
- 6.35 The affordable dwellings are detailed to comprise both flat blocks and eight nearby houses. Whilst forming a cluster, the design and appearance of these dwellings would not be distinguishable from the other houses in the development and in this case are considered acceptable as a cluster. The housing mix would be as follows:

Affordable Rented (70% / 16 units):

8 x 1-bed [4no. meeting Part M4(2)] and [2no. meeting Part M4(3)]
 7 x 2-bed [7no. meeting Part M4(2)]
 2 x 3-bed
 1 x 4-bed

Shared Ownership (30% / 8 units):

2 x 1-bed [2no. meeting Part M4(2)]
 2 x 2-bed [2no. meeting Part M4(2)]
 4 x 3-bed

Additionally, 1x2-bed unit meeting the needs of Part M4(2) would be provided within the Open Market units however this is not considered sufficient to promote opportunities for older residents looking to downsize, as required by the allocation policy. A suitably worded condition is therefore advised to secure a more proportionate split and subsequent retention of these units as per meeting Parts M4(2) and M4(3) of the Building Regulations.

- 6.36 The delivery of the mix of affordable housing, including their respective split between affordable rented and shared ownership, would be secured by way of a s106 agreement. Subject to completion of the s106 agreement, the proposed development would provide for an appropriate level of affordable housing in accordance with HDPF policy 16 and Neighbourhood Plan Policy ASH10 (i, ii and iii).

Biodiversity and Ecology and Protected Species

- 6.37 Green infrastructure and landscape character are expected to be maintained and enhanced as a result of appropriate development, as set out under HDPF policies 2, 25, 31, and paras 174 and 179 of the NPPF. Paragraph 174 of the NPPF also looks to improve net gains for biodiversity, remediating despoiled, derelict and degraded land and seeking to improve local environmental conditions, such as water and air conditions, whilst the protection and enhancement of biodiversity and protected species is secured under para 179 of the NPPF.
- 6.38 In support of this application the applicant has provided a professionally conducted Ecological Impact Assessment, which identifies the proposal as having the potential to impact on the habitat of the Hazel Dormouse and Bats, as well as for breeding / nesting birds.
- 6.39 The submitted document includes the provision of mitigation measures including new native species-rich hedgerows (some 470 linear meters) and an increased amount of species-rich native scrub (some 2,600sqm). There will be additional creation of wildflower grassland within the site and aquatic / sub-aquatic planting within the SuDS pond (some 115sqm of pond edge mix). Some 38 new trees will be planted within the site which compensates for the trees which would be removed to facilitate the development. These are assessed as category B or C trees, including a hedgerow of Leyland Cypress which have been hard pruned and have failed to regenerate, a group of multi-stemmed Goat Willows, an Ash tree showing signs of decay, an overshadowed English Elm, a Willow and Weeping Pear.
- 6.40 It is considered that the trees being removed are not in themselves of high amenity value and would not represent a substantive loss of trees within the site, with the trees having been considered suitable for removal as part of the previous appeal scheme. The Council's tree officer has been consulted and has raised no objection to their removal. For the avoidance of doubt though, a condition is recommended to secure final details of the trees to be removed, those to be retained, and suitable protection for all retained trees on and adjacent to the site.
- 6.41 The submitted DEFRA Biodiversity Metric reveals that despite the loss of grassland within the site, there would be the potential for increased beneficial natural habitat across the site and in hedgerow creation, new trees, wildflower and pond margins, amounting to a net gain of some 10.06%.
- 6.42 The Council's Ecology Consultant has raised no objections and has advised that to ensure no adverse harm to protected species, the applicant / developer will need to secure appropriate dormouse and bat licenses, or provide Natural England with required statements. Appropriate conditions are therefore advised to secure these requirements.
- 6.43 Overall, although some loss of habitat is acknowledged, the compensatory mitigation measures would achieve a beneficial impact on habitat and species following development. It is considered that the above-mentioned ecological and biodiversity enhancements and measures outlined within the submitted Ecological Appraisal are capable of being secured by way of appropriately worded conditions, and that the development would, therefore, satisfy the requirements of HDPF policy 31 and paras 174 and 179 of the NPPF. Overall, the proposed development is anticipated to deliver site-specific biodiversity net gains and habitat improvements.

Flood Risk, Drainage and Contamination

- 6.44 The site's previous horticultural uses are noted, leading to the need to establish potential for ground contamination requiring remediation prior to residential use. However, it is considered that this could be addressed by way of a planning condition to submit a suitable risk assessment and any subsequent verification reports as may become necessary, thereby complying with Policy ASH10xi.

- 6.45 The site has not been designated as an area at risk of flooding, and therefore standard drainage principles would apply. Furthermore, the overall development would implement the SuDS hierarchy, whereby surface water run off would be managed by way of an attenuation pond in the southeast corner and then controlled discharge into to the ditch watercourse. Attenuation tanks are also to be provided further within the site to minimise the amount of attenuation required at the southeast point of the site.

Safety and Security

- 6.46 The proposal includes new connections from the scheme to footpath 2607. As stated in the highway section above this connection is encouraged by Policy ASH10vii and the Rights of Way Team at WSCC as it will help encourage sustainable transport and promote healthy communities. This connection of the site to the PROW network would be at various points along the eastern boundary, with upgrading works to the footpath also to be secured by way of a s106 agreement.
- 6.47 Although part of the eastern boundary would be defined by enclosed gardens to the proposed new properties, around half of the overall length of the eastern boundary would remain open and offer enhanced natural surveillance over the route of the PROW, along with new lighting, compared to existing, which is an improvement over and above the existing route. Furthermore, the pedestrian route through the development site offers an alternative walking route which would be enhanced by way of the pavement and street-lighting.

Climate Change / Air Quality Impact

- 6.48 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.
- 6.49 As part of the proposal, the use of PV panels has been set out, along with efficiency measures achieved by using a 'fabric-first' approach to increased insulation. Furthermore each dwelling is to be provided with one EV charge point, whilst the flatted units would include charge points within the unallocated parking court.
- 6.50 As part of the wider desire to improve overall air quality, the increased take-up of EV vehicles is seen as a beneficial contributor, and so the provision of EV charge points to each dwelling is welcomed. Therefore, the proposal to install at least one EV charge point at each dwelling served by its own allocated parking spaces would accord with policy expectations and Part S of the Building Regulations. However, Part S also expects remaining parking spaces to be provided with cabling to anticipate future EV points, which have not been shown.
- 6.51 Within the development site, there would be 14 dwellings within two flatted blocks, served by some 17 unallocated parking spaces. Details submitted show a total of 6 EV charge points to support these spaces / dwellings, with no details included to show passive ducting. Therefore, a condition is advised to secure an appropriate level of active EV charging and passive ducting, along with measures to secure appropriate
- 6.52 The submitted Air Quality Assessment calculates a damage cost of £15,147, based on Sussex Air guidance (2021) and DEFRA Damage Cost guidance, arising from increased vehicular movements associated with the scheme. Onsite mitigations proposed include EV charge points, use of solar panels (to decrease potential CO2 emissions), implementation of Travel Plan, and secure cycle storage to promote non-car based travel., which are stated to exceed the calculated damage cost. The use of EVs already required under Part S of the Building Regulations, solar panels and provision of a travel plan and cycle parking are not

considered to be appropriate means to offset air quality impacts as they represent normal policy compliance only. A condition is required for an alternative scheme to deliver the necessary mitigations.

- 6.53 Therefore, in line with paragraph 186 of the NPPF, sufficient opportunities have been incorporated as part of the proposal to seek to reduce adverse Air Quality impacts arising by way of the proposed development. These measures also accord with the priorities set out in the Council's 2022 Air Quality Annual Status Report, and HDPF policy 24.

Water Neutrality

- 6.54 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.55 The proposal falls within the Sussex North Water Supply Zone. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide strategic water neutrality solution. The existing baseline of water consumption at the site has been evidenced by way of a dated metered water bill and a signed tenancy agreement, along with a Statutory Declaration from the current nursery tenants, attesting to the level of use within the site since their occupancy in May 2020.
- 6.56 Officers have reviewed the submitted Water Neutrality Statement (WNS), which uses the metered water supply data for the existing horticultural nursery (and storage uses at the site) to establish a baseline for the site, against which the proposed development is calculated.
- 6.57 The horticultural use of the premises, (by Big Plant Nursery) was reinstated in May 2020, and there is a persisting storage use for caravans / mobile homes which was in place prior to the nursery use re-commencing at the site. Metered water bills are available from October 2018 with the latest reading available ending October 2022. Taking account of the limited growing season each year, the annualised water use increases from 13,257 l/p/d to a higher amount of 17,704 l/p/d over a period of three years as the nursery business has increased its stock on site.
- 6.58 In terms of the proposed water consumption from the 74 dwellings, the WNS states that each dwelling would incorporate water efficiency measures to establish an average water use of some 100.6 litres per person per day, equivalent to some 16,277 litres per day across the whole development.
- 6.59 Whilst it is clear that use of the site for horticultural purposes has only recently recommenced, and that water consumption has further only recently risen above the level of consumption likely from the proposed development, at face value the development is water neutral. The horticultural use of the site has clearly expanded over the last two years and the metered evidence is clear as to the amount of water being used from the mains, factoring in seasonal changes. Officers are therefore satisfied that the proposed development would demonstrate water neutrality, with a headroom of some 1,414 litres per day.
- 6.60 It is acknowledged that Natural England raised concerns with the Appropriate Assessment, in that water butts had been included as part of the overall 'efficiency' measures creating

consumption of 95.6 litres per person per day. However, the above calculations represent the correct position which excludes water butts from forming part of the mitigation, with external water consumption therefore into account as part of the overall mains water consumption.

- 6.61 It is therefore concluded that the evidence supports that the proposed development would achieve a water neutral development, and therefore accords with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Subject to conditions to secure the measures set out within the WNS there is no clear or compelling evidence to suggest that the proposal would result in an adverse impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180, or the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion and planning balance

- 6.62 The site is allocated for approximately 75 dwellings within Policy ASH10 of the Ashington Neighbourhood Plan subject to a number of criteria which are all considered to have been met by the development proposals. The development is considered to be of a scale, design, character and layout which would enable a cohesive extension to Ashington and which would reflect the adjacent scale and nature of residential developments. Associated landscape-led enhancements within and alongside the site edges, such as the upgrading and improvements to the PRow would ensure a good overall environmental quality of the development and connectivity to the wider village. The proposal would deliver a policy-compliant level of affordable housing as required by HDPF policy 16 with additional CIL moneys secured to contribute towards the Community Infrastructure projects identified in the Ashington Neighbourhood Plan (policy ASH8).
- 6.63 The proposals are therefore considered to be in accordance with HDPF policies 4, 25, 31, 32, 33, 35, 36 and 37, as well as policies ASH1, ASH5, ASH8 and ASH10 of the Ashington Neighbourhood Plan, and is recommended for approval subject to the conditions below, and subject to the completion of the necessary s106 legal agreement to secure the affordable housing and PRow upgrades.

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
Residential	6,591.1	0	6,591.1
		Total Gain	6,591.1
		Total Demolition	5,076

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

Conditions:

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

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

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

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

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

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

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

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015) and policy ASH10(xi) of the Ashington Neighbourhood Plan.

- 4 **Pre-Commencement Condition:** The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and

approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

- An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location, and identification of activities likely to cause high levels of noise or dust;
- Details of how residents will be advised of site management contact details and responsibilities (public engagement)
- 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), erection and maintenance of security hoarding, and storage of plant and materials (including any stripped topsoil)
- Details regarding parking or site operatives and visitors, deliveries, and storage (anticipated number, frequency and types of vehicles used during construction)
- The method of access to and from the construction site
- The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc.
- Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
- Locations and details for the provision of wheel washing facilities and dust suppression facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- the anticipated number, frequency and types of vehicles used during construction, and the method of access and routing of vehicles during construction
- Submission of a construction phasing plan;
- Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area;

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).

- 5 Pre-Commencement Condition:** No development shall commence until a 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.

The approved 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).

- 6 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)

- 7 Pre-Commencement Condition:** No development shall commence until a plan detailing all trees and planting to be removed, and all trees to be retained on and adjacent to the site, including means for their protection during construction work, has been submitted to and approved, in writing, by the Local Planning Authority. Development shall be carried out in accordance with the approved details and no trees or hedges shown to be retained 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.

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 policy ASH5(B) of the Ashington Neighbourhood Plan.

- 8 Pre-Commencement Condition:** No development shall commence until a Drainage Strategy detailing the proposed means of foul water disposal and a detailed surface water drainage scheme (including finalised surface water drainage designs and calculations) has been submitted to and approved in writing by the Local Planning Authority. The submitted details should include a Surface Water Drainage Statement (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development). The drainage designs shall show full coordination with a detailed landscape scheme and should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

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

- 9 Pre-Commencement Condition:** Prior to the commencement of development details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities (such as those required for street lights and EV charge points), and required ground excavations therefor, shall be submitted to and approved, in writing, by the Local Planning Authority. These details shall coordinate with the landscape scheme pursuant to condition 14, and with existing trees on the site. All such underground services shall be installed in accordance with the approved details.

Reason: As the matter is fundamental to protect roots of important existing trees and hedgerows on the site and future trees identified in the approved landscaping strategy in accordance with Policies 25, 32, 33 & 34 of the Horsham District Planning Framework (2015) and policy ASH5(B) of the Ashington Neighbourhood Plan.

- 10 Pre-Commencement Condition:** No development, which has the potential to impact on the breeding / resting place of Hazel Dormouse and Bats, shall commence until the Local Planning Authority has been provided with either:

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

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998, and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

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

- 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 prior to occupation and shall be retained in that manner thereafter.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998, and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

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

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and policy ASH10(iv) of the Ashington Neighbourhood Plan.

- 13 Pre-Commencement (Slab Level) Condition:** Notwithstanding the submitted details, no development above ground floor slab level of any part of the development hereby permitted shall take place until a layout of the development has been submitted to and approved in writing by the Local Planning Authority, showing the location and tenure of the dwellinghouses which are to comply with Building Regulations Part M4(2) and M4(3) in a more proportionate split amongst open market and affordable dwellings. Once agreed, the specified units shall be provided and retained permanently thereafter

Reason: As this matter is fundamental to in order to improve the sustainability of the development and to ensure homes are fit for all ages in accordance with Policy 37 of the Horsham District Planning Framework (2015) and Policy ASH10(ii) of the Ashington Neighbourhood Plan.

- 14 Pre-Occupation Condition:** Notwithstanding the submitted plans, no part of the development hereby permitted shall be first occupied until full revised 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 as required under Condition 7
- 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 cycle storage provisions and refuse / recycling bin locations
- Details of all boundary treatments
- Ecological enhancement measures set out in (The Ecology Co-Op, December 2021)
- Co-ordination with the utilities layout as required under Condition 9

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 policy ASH5(B) of the Ashington Neighbourhood Plan.

- 15 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas, including Public Open Spaces, provision of outdoor gym equipment and the buffer zone along the southern boundary, has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be provided, managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 16 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement 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 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 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).

- 17 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 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).

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

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

- 19 Pre-Occupation Condition:** Prior to the first occupation of any part of the flatted development hereby permitted, a scheme to show active EV charge spaces within the communal parking area, and passive ducting to provide for future EV charge points / upgrading within the wider site, with a timeline for the implementation of such works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved details.

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).

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

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

- 21 Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Design Stage Water Neutrality Report By Melin Rev E). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures, including all water butt provision as detailed in the approved water neutrality strategy, shall be retained as such thereafter.

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

- 22 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces and EV charging points (including garages and car-ports where applicable) necessary to serve it have been constructed and made available for use in accordance with approved drawing number [Proposed Site Layout 7071 PL-03 Rev C]. The car parking spaces permitted shall thereafter be retained as such for their designated use.

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

- 23 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage, car port, 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).

- 24 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details have been submitted to and approved in writing for the refuse / recycling store and bicycle store to serve the flatted units 9-22. The approved facilities shall thereafter be implemented in accordance with the approved details and retained for the designated 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).

- 25 Pre-Occupation Condition:** No dwelling hereby approved shall be first occupied until the cycle parking facilities serving it have been provided within the garage, car-port, side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

- 26 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

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

- 27 Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a scheme to show the passive ducting to provide for future EV charge points / upgrading within the site to serve the flatted development, along with a timeline for the implementation of such works, shall be submitted to and approved in writing by the Local Planning Authority. 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).

- 28 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access and numbered 104333-T- 001 rev D.

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

- 29 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the Applicant has implemented the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

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

Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).

- 30 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 (The Ecology Co-Op, December 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

- 31 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).

- 32 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).

- 33 Regulatory Condition:** The first-floor east side windows to Plots 01 and first floor west side windows 66 shall be fitted with obscure glass and shall be retained as such thereafter.

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

- 34 Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Class B of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of Plots 56-58, and 63-67 of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to potential increased and elevated overlooking of Chanctonbury House and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

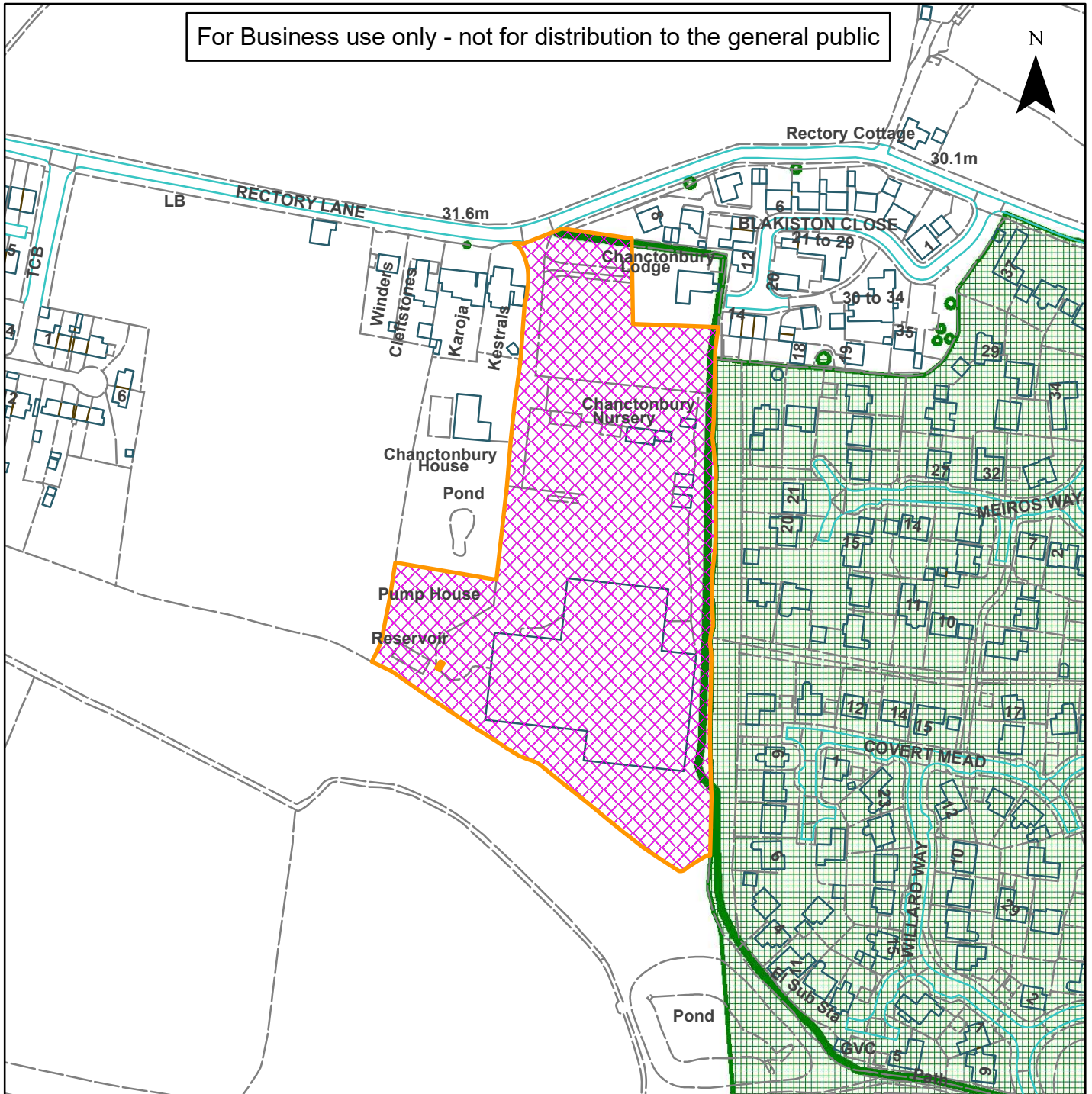
07) DC/21/0372



Horsham District Council

Chanctonbury Nurseries, Rectory Lane, Ashington, Pulborough, West Sussex, RH20 3AS

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	08/12/2022
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 15th December 2022

DEVELOPMENT: Variation of condition 6 to previously approved application DC/19/1283 (Retrospective application for the change of use of existing vacant building to a club for teaching of various martial arts) to allow increase from 10 participants to a maximum of 25 participants to allow daily function and growth of the club.

SITE: We Paint Unit 3 Capons Hill Farm House Station Road Cowfold Horsham West Sussex RH13 8DE

WARD: Cowfold, Shermanbury and West Grinstead

APPLICATION: DC/22/0366

APPLICANT: **Name:** Mr Dean Weston **Address:** Unit 3 Capons Hill Farm Station Road Cowfold RH13 8DE

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

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Under DC/19/1283, permission was granted for the change of use of an existing vacant building at Capons Hill Farm House to a club for teaching of various martial arts in November 2019. This application seeks to vary condition 6 of DC/19/1283. This condition states:

***“Regulatory Condition:** At no time shall the number of participants exceed more than 10 individuals and 1 instructor.*

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

1.3 It is proposed to vary this condition to allow a total of 25 participants at any one time.

DESCRIPTION OF THE SITE

- 1.4 The application site comprises a single unit within a small rural industrial/agricultural estate approximately 330m west of the built up area boundary of Cowfold. The site is accessed via a track to the north side of Station Road (A272).
- 1.5 The wider site comprises a number of existing and former agricultural units set behind the residential dwelling known as Capons Hill Farm (outside of the ownership of the site). Several of these units are currently in B1 use. A large area of hardstanding is located to the north and south of the building, and within the yard area directly to the front/west of the unit.
- 1.6 The wider area is characterised by open agricultural fields and countryside, with sporadic residential development along the public highway, including Capons Hill Farm which shares the access track off Station Road (A272).
- 1.7 The site has been subject of a compliance investigation regarding the breach of the relevant condition. This investigation found that the club was operating in excess of the permitted number of participants. The current application was invited to address this breach.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.3 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

2.5 Cowfold Neighbourhood Plan

Examiner's Report dated 19 April 2021 concluded that the Plan should proceed to referendum.

Policy 6: Community Services and Facilities

Policy 7: Youth Facilities

Policy 16: Car Parking Provision

2.6 Cowfold Parish Design Statement

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/1283	Retrospective application for the change of use of existing vacant building to a club for teaching of various martial arts	Application Permitted on 22.11.2019
DC/20/0525	Variation of Condition 6 to previously approved application DC/19/1283 (Retrospective application for the change of use of existing vacant building to a club for teaching of various martial arts) Relating to class numbers allowed	Application Refused on 16.06.2020

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** No adverse comments

OUTSIDE AGENCIES

- 3.3 **WSCC Highways (Initial Response dated 10.06.2022):** Due to the inclusion of a Road Safety Audit (RSA) and in order to follow WSCC RSA procedure, additional internal consultation is required. A copy of the Designers Response to accompany the RSA is requested.

- 3.4 **WSCC Highways (Subsequent response dated 20.10.2022):** A Stage 1 Road Safety Audit has been taken in relation to the access onto the highway. The issues raised were in relation to foliage encroaching into the visibility splays and the condition of the access at the abutment to the public highway. As part of the WSCC RSA procedure a Designers Response to the RSA is required. This information has not been forthcoming by the Applicant.

Having reviewed historical highway information, it is confirmed that the highway boundary is set back into the site several metres from the edge of the carriageway. For this reason, the items raised are on the public highway and not the responsibility of the Applicant/access users. It has therefore been agreed that in this case a DR is not required and our Area Office will be informed of the issues raised in the RSA.

All users of the classes are required to book up on the Scheduling App to ensure classes are not oversubscribed. The majority of classes have been staggered to reduce the number of vehicles arriving and leaving the site at the same time.

The site access is of sufficient width to allow for 2 vehicles to pass clear of the highway and the access road is of sufficient length for waiting vehicles if necessary. There is sufficient parking within the site to accommodate a full class and instructors and spaces for waiting and turning if required.

Visibility from the access is acceptable and improvements have been made to remove signage from the visibility splays as part of Planning Application DC/20/0525.

The highway Authority would not wish to raise an objection to this application.

- 3.5 **WSCC Highways (Subsequent response dated 14.11.2022):** In the WSCC Highway Authority comments dated 20th October 2022, it was stated that, *“Visibility from the access is acceptable and improvements have been made to remove signage from the visibility splays as part of Planning Application DC/20/0525.”* This statement is not entirely accurate. Planning application DC/19/1283 under condition 3 required the Applicant to provide visibility splays free of any obstructions within 3 months of the date of the planning consent. It is the LHA’s understanding that this included the relocation of a “welcome to Cowfold” sign, that is located just to the west of the access. At the present moment in time it is believed that this sign is still located within the visibility splay and has not been relocated. This statement made in comments dated 20th October 2022 is therefore not entirely accurate.

However, each application must be assessed on its own merits, and the matter that the Cowfold sign has not be relocated is not considered a sufficient reason to refuse the application.

Therefore, the conclusions drawn do not change from those comments made on 20th October 2022 and the Highway Authority have no objections to planning application DC/22/0366.

The matter about compliance with condition 3 of planning permission DC/19/1283 is considered to be a planning enforcement matter that Horsham District Council would lead on.

- 3.6 **WSCC Highways (Subsequent response received 07.12.2022):** It is understood that condition 3 of planning permission DC/19/1283 required that within 3 months of the date of the planning consent that the maximum visibility splay shall be provided at the site access onto the A272 in accordance with a plan to be submitted. It is also understood that this has never been done and formally discharged.

This same condition would need to be included on any permission granted associated with planning application DC/22/0366 and the Applicant should ensure that the visibility splay is clear of any obstructions which may pose a highway safety risk, such as the “Welcome to “ sign to the west of the access.

- 3.7 **Natural England: Objection**

Notes that the Local Planning Authority, as competent authority, has undertaken an Appropriate Assessment of the proposals below in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England’s advice.

The Appropriate Assessment concludes that your authority is **not able to ascertain** that the proposal will not result in adverse effects on the integrity of any of the European sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it **cannot** be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes

the tests of regulation 64; that is that there are no alternatives, **and** the proposal must be carried out for imperative reasons of overriding public interest.

Advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust. Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

- Proposed increase in occupancy/capacity should be clarified as it is unclear if the new total per class will be 25 or 26. The water neutrality statement and HRA figures should match to help avoid doubt and provide sufficient certainty.
- Evidence use of calculator (e.g. Building Regs Part G) to demonstrate exactly how the proposed efficiency measures will reduce water demand, with certainty.
- Provide evidence of rainwater calculations, using local rainfall data and providing for 35-day drought storage.

PUBLIC CONSULTATIONS

3.8 87 letters of support were received from 79 separate households, and these can be summarised as follows:

- Benefit to the local area
- Beneficial facility for young people
- Low noise level
- Adequate parking
- Inclusive community facility
- Health and wellbeing benefits
- Contributes to economic development
- Social benefits
- Adequate access

3.9 13 letters of objection were received from 9 separate households, and these can be summarised as follows:

- Safety of the public highway
- Inadequate access
- Significant increase in traffic
- Carried out in non-compliance with the planning approval
- Road Safety Audit suggests improvements that should be carried out
- Inappropriate visibility splay and impact of signage on this
- Intensification in vehicle trips
- Noise and disturbance
- Impact on neighbouring amenity
- Crime and antisocial behaviour
- Reliance on private vehicles

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The application seeks to vary condition 6 of planning permission reference DC/19/1283 to allow a total of 25 participants per session.

Principle of Development

- 6.2 The principle of the Martial Arts Studio was established under planning permission reference DC/19/1283, where it was concluded that the proposal would contribute to the sustainable economic development of the rural area, providing both social and economic benefit by providing sporting facilities for young people.
- 6.3 The current proposal seeks to vary condition 6 of the planning permission, relating to the number of participants. It is sought to increase this number from 10 (as permitted by the aforementioned condition) to a total of 25 individuals. The greater number of participants would continue to support the sport facility and would result in public benefits in this regard. However, this is subject to all other considerations which would result from the proposed increase in numbers, including the impact on neighbouring amenity (as outlined below).

Impact on Neighbouring Amenity

- 6.4 Policies 32 and 33 of the HDPF states that development should provide an attractive, functional, accessible and safe, and adaptable environment, and should ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, whilst having regard to the sensitivities of surrounding development.
- 6.5 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. In addition, paragraph 185 states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 187 continues that decisions should ensure that new development can be integrated effectively with existing businesses, and these should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the application (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 6.6 Amenity for the purposes of planning does not focus solely on whether a statutory noise nuisance would occur as a result of the proposed development, but rather gives consideration to other forms of disturbance. Significant loss of amenity will often occur at lower levels of emission than would constitute a statutory nuisance. It is therefore important for planning authorities to consider loss of amenity from noise in the planning process in a wider context and not just from the limited perspective of statutory nuisance.
- 6.7 The application site is positioned at a distance from the sporadic residential properties located along Station Road and Brownings Hill. The application site is though located to the rear of the residential dwelling known as Capons Hill Farm, which is positioned approximately 95m to the south of the site. The access track to the site runs directly beside Capons Hill Farm, which is oriented to face west with its associated amenity space positioned to the north. Capons Hill Farm is therefore the dwelling that is most impacted from traffic movements and noise from the use of the unit.

- 6.8 Matters of amenity were considered during the initial application (reference DC/19/1283) where it was acknowledged that the proposal would result in additional activity and visitors to the site. However, the class sizes and associated activity and movements was considered to be relatively modest such that a refusal based on increased activity at the site and disturbance from increased use of the track by vehicles would be difficult to evidence or sustain. It was noted that any such disturbance from traffic would be experienced in the context of the existing traffic and noise from the busy Station Road (A272), and on this basis it was not considered that the use of the site would jeopardise the enjoyment and amenity of the nearby neighbouring properties. Conditions in respect of hours of operation, number of attendees, and restrictions on amplified music and sound were recommended, and these were considered necessary to protect the amenities or neighbouring properties and ensure that the use operated in a reasonable manner.
- 6.9 A later application was submitted under reference DC/20/0525 which sought to vary condition 6 of the original planning approval to accommodate 45 participants in the evenings and at weekends and 30 participants on weekdays before 6pm. It was outlined that the increase in class sizes would likely result in an increased intensification (approximately 4.5 greater than the conditioned level) of vehicular movements along the lane. The effects of this level of intensification experienced at the nearest affected residential property (Capons Hill Farm House) was therefore considered to be significant, particularly as the largest increase in participant numbers and vehicular movements would occur at weekends and after 6pm during the week. While it was accepted that this degree of intensification was a 'worst case' scenario, it was considered that the number of movements alongside Capons Hill Farmhouse would likely significantly increase to a degree that would appreciably harm the amenities of the property, with further potential harm should the number of classes increase. It was outlined that the level of disturbance from the significant number of traffic movements associated with the proposed level of participated would not be mitigated by noise from the A272, in part as these movements would be slow moving across an unmade track that would create a different kind of disturbance. Furthermore, the movements would take place outside of normal working hours when residential occupiers would expect a more peaceful living environment. For these reasons, the proposed variation to the condition was considered to result in a significant level of harm to the amenities and sensitivities of neighbouring properties by way of increased traffic movements. This decision is a material consideration of significant weight in the assessment of the current application.
- 6.10 As outlined in the previous application, it was assumed that a total of 100 weekly vehicular movements associated with the weekday (day) classes would take place along the track, with 160 weekly vehicle movements associated with evening classes, and an additional 160 weekly vehicle movements associated with the weekend classes. Operating at full capacity, and in line with the planning condition limiting participants to 10 per class, there could be an expectation of some 420 vehicle movements along the track on a weekly basis, excluding staff and instructors. It was acknowledged that this was a 'worst case' scenario, with these movements taking place alongside the existing vehicular movements to the wider commercial/light industrial site that share the access track. This forms the baseline to which the current variation can be considered.
- 6.11 The current application has sought to address the previous reason for refusal by reducing the proposed class size to 25. This would be an uplift of 15 individuals above current permitted levels. The Applicant has provided the current timetable for the Club, which indicates that a total of 27 sessions operate throughout the week, with the majority (14 sessions) taking place after 17:00 (and up until 21:00) during the week, and all sessions taking place in the morning (between 09.30 and 14:00) on the weekends. While there is scope within the current timetable for more classes to operate, the published timetable forms a baseline to assess potential vehicle movements and resulting impact.
- 6.12 On the basis of the above, and assuming one vehicle movement in and one vehicle movement out per participant, it is assumed that the proposal would result in approximately

700 vehicle movements associated with the evening sessions per week, 200 vehicle movements associated with the daytime sessions during the weekdays, and 450 vehicle movements associated with the daytime sessions during the weekend. This would result in a total of 1,350 vehicle movements throughout the week. It is noted that 1,150 of these vehicle movements would take place in the evenings and during weekends.

- 6.13 While it is accepted that the figures calculated are a 'worst case' scenario based on the current timetable, it is clear that the number of movements alongside Capons Hill Farmhouse would likely significantly increase to a degree that would appreciably harm the amenities of this property, with further potential harm should the number of classes increase. As previously considered, the level of disturbance from the significant number of traffic movements associated with this level of participation would not be mitigated by noise from the A272, in part as these movements would be slow moving across an unmade track creating a different type of disturbance. Furthermore, they would take place outside of normal working hours when residential occupiers would expect a more peaceful living environment.
- 6.14 For these reasons, while the proposed variation has reduced the likely potential vehicle movements from that previously considered under reference DC/20/0525, the additional participants and resulting vehicle movements is considered to result in a significant level of harm to the amenities and sensitivities of neighbouring properties by way of increased traffic movements, contrary to Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.15 Policy 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.16 The facility utilises the existing access track from Station Road (A272), with the existing area of hardstanding utilised for parking. A total of 20no. parking spaces are made available at the site.
- 6.17 The previous application under reference DC/20/0525 considered potential highways impacts resulting from the increased participant numbers. Given the level of intensification in participant numbers proposed, when coupled with the restricted width of the access track along its length, it was considered that the proposal had the potential to result in a 'backing up' of cars onto the A272, which would impact the continuing safety and free-flow of the public highway network. WSCC Highways sought the submission of a Road 1 Safety Audit of the access and access road up and into the site. In the absence of this information, it was considered that the impact of the proposed intensification on the safety of the public highway had not been demonstrated. The application was refused for this reason.
- 6.18 The Applicant has submitted a Stage 1 Road Safety Audit dated March 2022 by Laurence Shaw Associates, where it was noted that the visibility splays on both sides of the access were below standard due to verge foliage. Vehicles turning on to Station Road may not see approaching vehicles and conflicts may occur. The Audit recommends that adequate visibility is provided for drivers exiting the access, and this may require the removal of foliage. It was also noted that the road surface at the access/egress is uneven and potholed, which increases the risk of two-wheeled vehicles becoming destabilised on an uneven or slippery surface, resulting in rider falls. It is recommended that the road surface is improved to provide an even level.
- 6.19 WSCC Highways have been consulted on the application, with the initial response requesting that the Designers Response to accompany the Road Safety Audit be submitted. Following a request to the Applicant, no Designers Response was submitted.
- 6.20 A subsequent response was however provided by the Local Highways Authority which outlines that having reviewed historical highway information, it is confirmed that the highway

boundary is set back into the site, several metres from the edge of the carriageway. The matters raised in respect of foliage encroaching into the visibility splays and the condition of the access at its junction with the public highway are not therefore the responsibility of the Applicant. As such, the Local Highways Officer concludes that a Design Response is not necessary.

- 6.21 The Local Highways Officer has raised no objection to the proposal, with the site access considered to be of a sufficient width to allow 2no. vehicles to pass, with the access road considered of sufficient length for waiting vehicles where necessary. It is also considered that there is sufficient parking within the site to accommodate a full class and instructors, with spaces for waiting and turning if required. It is however noted that the visibility splays subject of condition under the original planning permission have not been implemented. The Local Highways Authority consider that the visibility splays are necessary and should be clear of obstruction to ensure that the development does not impose a highway safety risk. A condition securing this is recommended should the application be approved.
- 6.22 It is recognised that previous concerns have been raised with regard to the safety of the access and the impact on the highway. While it is noted that no objection has been raised by the Local Highways Authority, the Stage 1 Road Safety Audit submitted makes specific reference to a number of deficiencies in the access road which impacts the accessibility and usability of the access. The proposed intensification has the potential to unduly compromise the safety of the public highway, and while it is noted that the current proposal would result in less vehicle movements than previously considered under planning reference DC/20/0525, the proposal would nonetheless result in an intensification that has the potential to impact the continuing safety and free-flow of traffic on the public highway network. Without evidence to show that the access track to the site can operate safely, the proposed level of intensification and the subsequent level of vehicular traffic movements would lead to the potential for highway safety issues, contrary to Policy 40 of the Horsham District Planning Framework (2015).
- 6.23 It is noted that despite the club having operated since permission was granted in November 2019, the planning condition to secure adequate visibility splays at the site entrance onto the A272 to make the access safe, has not been discharged. This is currently subject of a compliance investigation.

Water Neutrality

- 6.24 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.25 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.26 The Applicant has submitted a Water Neutrality Statement outlining that existing water demand arises from each attendee per class and the instructor per class. The calculation provided indicates that total per attendee consumption is 14 litres, with a total of 14 litres consumed per instructor. This is based on a single toilet flush, shower use (2 minutes), and drinking water from the mains (500ml to 1l). Based on the permitted 10no. participants and 1no. instructor, the total water use per class would amount to 154 litres. It is however noted that the Water Neutrality Statement has not taken account of the total number of classes per

- day, with no daily overall consumption figure provided. A timetable of classes has been provided separately, with classes ranging in number between 3 and 5 each day. Taking 4no. classes as an average, the total daily water demand is assumed to be 616 litres per day.
- 6.27 The proposal seeks to increase class sizes to 25no. participants per session. It is noted that the calculations provided within the Water Neutrality Statement suggests that there would be 24no. participants per session and 2no. instructors. Based on the application documents, it is assumed that there would be 25no. participants and 2no. instructors per class. Utilising the above calculations, the total water use per class would be 378 litres. The Water Neutrality Statement has not taken account of the total number of classes per day, with no daily overall consumption figure provided. Based on the timetable submitted, and the assumed 4no. daily class average, the total daily demand is assumed to be 1,512 litres per day. The details provided and calculated outline that the proposed variation would result in an increased consumption of 224 litres per class and a total of 896 litres per day.
- 6.28 The Water Neutrality Statement outlines that the proposed variation would result in an uplift of 210 litres per class. In order to achieve water neutrality, mitigation measures are proposed which would include: installation of flow restrictors to all taps; installation of a bottled water cooler (not fitted to mains supply); Hippo flush cistern bags installed within toilet cisterns; and installation of slimline greywater harvesting water butt. No specific calculations have been provided to evidence how these mitigation measures would reduce the water demand of the proposal. While figures have been provided, these have not been supported by calculations, albeit that some manufacturer specifications have been provided. Given the lack of information (in the form of a Water Table Calculator) to support the figures provided, it is considered that there is limited certainty to confirm that the mitigation measures would address the resulting demand. In addition, no figures have been provided with respect to the flow restrictors to be installed, so it is unclear what savings would be experienced from this. Furthermore, no rainwater collection calculation has been provided, and there is therefore no evidence to support that the proposed rainwater harvesting would allow the collection as advised. It has also not been confirmed that the tank would provide sufficient storage for 35-day drought.
- 6.29 For these reasons, it is considered that the water strategy proposed would not address the water demand arising from the development, with the proposal not considered to result in water neutrality. Furthermore, there is uncertainty that the measures as suggested would achieve and result in the required reduction. An Appropriate Assessment has been undertaken where it has been concluded that it is not possible to conclude that, with mitigation, the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects. It cannot therefore be concluded that the development would not be in conflict with the conservation objectives for the Arun Valley SPA, SAC and Ramsar site nor contribute further to the existing adverse effect on the integrity of these protected sites. As such, the grant of permission would be contrary to Policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions

- 6.30 While the HDPF and NPPF both promote the health and well-being of residents by way of sports facilities, there is a need to balance the benefit of the provision of these facilities against all other material considerations.
- 6.31 Although recognised that the variation of condition to increase class sizes would contribute to the sustainable economic development of the rural area by providing both social and economic benefit by providing sporting facilities for young people, the proposal would result in a significant intensification of activity within the site and along the access lane. This would generate a level of noise and disturbance, particularly during evening hours and the weekend, which would adversely harm the amenities and living environment of the

neighbouring residential property known as Capons Hill Farm. Such adverse impact would be contrary to Policy 33 of the HDPF.

- 6.32 Furthermore, without sufficient evidence to show that the access track to the site can operate safely, the proposed level of intensification and the subsequent number of vehicular traffic movements entering and exiting the site, would lead to the potential for highway safety issues, contrary to Policy 40 of the Horsham District Planning Framework (2015).
- 6.33 Insufficient information has also been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats and Species).
- 6.34 For these reasons, the proposed development is considered to be contrary to local and national planning policies as outlined above.

7. RECOMMENDATIONS

- 7.1 To refuse the application for the following reasons:

Reason(s) for Refusal:

- 1 The proposed variation of condition 6 to increase the capacity of the premises would result in a significant level of intensification that would adversely affect the rural character of the locality and amenities of adjoining residents by virtue of the significant increase in the level of traffic and activity generated, contrary to Policies 33 and 40 of the Horsham District Planning Framework (2015).
- 2 It has not been demonstrated to the satisfaction of the Local Planning Authority that the access track serving the development can operate safely, with the level of intensification and subsequent level of vehicular traffic movement leading to the potential for highway safety issues, contrary to Policy 40 of the Horsham District Planning Framework (2015).
- 3 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

Background Papers: DC/20/0525
DC/22/0366

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08) DC/22/0366



Horsham
District
Council

Capons Hill Farm Unit 3, Station Road, Cowfold, Horsham,
West Sussex, RH13 8DE

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Mast (Telecommunication)

Pond

Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	08/12/2022
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development and Building Control

DATE: 20th December 2022

DEVELOPMENT: Erection of a single storey front extension to garage. Erection of a two-storey side extension, single storey front and rear extensions with associated alterations and amendments to access.

SITE: 17 Link Lane Pulborough West Sussex RH20 2AN

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/22/1507

APPLICANT: **Name:** Mr William Hill **Address:** 17 Link Lane Pulborough West Sussex RH20 2AN

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application is seeking planning permission for the erection of a two-storey, single storey rear extension and single storey front extension to the garage. The proposed two-storey extension would have an overall height of approximately 6.43m, with the single storey additions being 2.7m, 2.95m and 3.64m in height. The proposed extension would be constructed in material to match the existing dwelling. In order to facilitate the proposed extension, an existing single storey rear conservatory would be removed.

DESCRIPTION OF THE SITE

1.3 The application site comprises a two-storey detached house that occupies a moderately sized plot on Link Lane, within the built-up area boundary of Pulborough. The dwelling is part of a row of detached and semi-detached houses. To the rear is St Mary's C of E Primary School, which is adequately sheltered by boundary treatment and vegetation, and recreational ground to the West. It is noted that the surrounding area consists of a mixture of property of varying designs and extensions present to the side and rear elevations.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40 - Sustainable Transport
Policy 41 - Parking

Supplementary Planning Guidance:

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Pulborough Neighbourhood Plan is currently out to referendum. Independent examiner John Slater was commissioned to undertake the examination of the Pulborough Neighbourhood Plan. The examiner underwent unaccompanied site visits of the plan area on the 27 July 2021 and was issued all Reg 16 representations in full.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 None relevant

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

OUTSIDE AGENCIES

- 3.2 **Pulborough Parish Council:** Objection as an overdevelopment of the site.
- 3.3 **WSCC Highways:** The applicant proposes a widening of the existing access, from approximately 3.7m in width to 6.6m. The proposed access works will be subject to a licence obtained through the local Highway Area Office and constructed to a specification agreed with the local Highway Area Engineer. It should be noted that the local Highway Area Office grant licences for widenings up to a maximum width of 6.4m. Therefore, the proposed access widening will likely have to be reduced to at least 6.4m.

The proposed extensions will provide additional living space, including two new bedrooms and an enlarged garage. Considering this, the LHA does not anticipate that the proposed development would give rise to a material intensification of movements to or from the site. Parking arrangements will remain as existing for this development.

In conclusion, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the

highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS

3.4 None received.

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

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

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

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

6. PLANNING ASSESSMENTS

6.1 The main issues are the principle of the development in the location and the effect of the development on:

- The character of the dwelling and visual amenities of the area
- The amenities of the occupiers of adjacent properties

Design and Appearance

6.2 Policy 32 of the Horsham District Planning Framework Policy (HDPF) relates to improving the quality of new development. It states that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design which relates well to the host building and adjoining neighbouring properties.

6.3 Policy 33 states amongst other criteria that extensions should have regard to their natural and built surroundings in terms of their design, scale and character. An extension should be of a scale which is sympathetic to and does not overpower the original building.

6.4 The proposed erection of a single storey front extension to garage and two-storey side extension, single storey front and rear extensions would be of an appropriate scale when viewed against the existing dwellinghouse. The proposed single storey section of the extension extends no further than 3m from the rear elevation and replaces an existing conservatory that also extended 3m from the rear. It proposes a flat roof with a height of 2.95m, which is a reduction from the existing conservatory.

6.5 The two-storey element represents a subservient form of development, with a ridgeline that sits below the host property. The porch add-on and garage extension would fit comfortably within the curtilage, with the garage set back from the principal elevation. New fenestration would also be appropriate for the existing dwelling and wider area. The Parish Council objected as this was considered an overdevelopment of the site. However, whilst the proposal creates a large scheme in mass, it is considered that the proposed works are a suitable addition in the context of the site and host property. The use of matching materials, in the design, would reflect the form, scale and detailing of the existing building and would appear a coherent and sympathetic addition.

6.6 It is noted that there is evidence of similar development within the street, for example: 15 Link Lane (DC/06/1108) and 9 Link Lane (PL/90/99). Therefore, the proposal is not

considered to be out of character, nor is it considered an uncommon form of development with a residential area such as this, with a number of dwellings having at least a single storey rear projection on their property. Overall, the proposed development is considered to comply with Policies 32 and 33 of the HDPF.

- 6.7 Overall, the proposed extensions, additions and associated works are considered appropriately designed and scaled in relation to the main dwellinghouse and would not serve to unbalance the main dwelling or its surroundings. It is not considered works would have a detrimental impact on the appearance of the dwellinghouse or the wider area, in accordance with Policy 33 of the Horsham District Planning Framework.

Impact on Neighbouring Amenity

- 6.8 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.9 The application has not received any local neighbour objections. The extension sits well back from the 60-degree line from the adjacent neighbour property as per planning guidelines. There is also maintained separation from neighbouring amenities, and additional fencing is proposed to reduce any potential harmful impacts to the front. Taking this into account, overall, the proposal would not result in harm to neighbouring amenity, in accordance with Policy 33.

Impact on Highways and Parking Provision

- 6.10 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. The proposed development would be served by a new access point
- 6.11 WSCC Highways commented that the proposal to widen the existing access to 6.6m would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, although in accordance with LHA licences, the proposed access would have to be reduced to at least 6.4m. With the addition of two new bedrooms and an enlarged garage, there would be adequate parking provision for these additions and parking arrangements remain as existing for the development.

Water Neutrality

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

Conclusion

- 6.13 Overall, the proposed erection of a single storey front extension to garage and erection of a two-storey side extension, single storey front and rear extensions with associated alterations are appropriately designed and scaled. It is not considered to be overdevelopment due to evidence of other similar development in the local area and the sufficient curtilage area to accommodate these additions. The proposal is also considered to be acceptable on amenity grounds and as such, the application is considered to be in accordance with Policy 32 and 33 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below.

Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

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

NOTE TO APPLICANT

Please note that any proposed fencing to the front elevation which would be over 1m in height would require separate planning permission.

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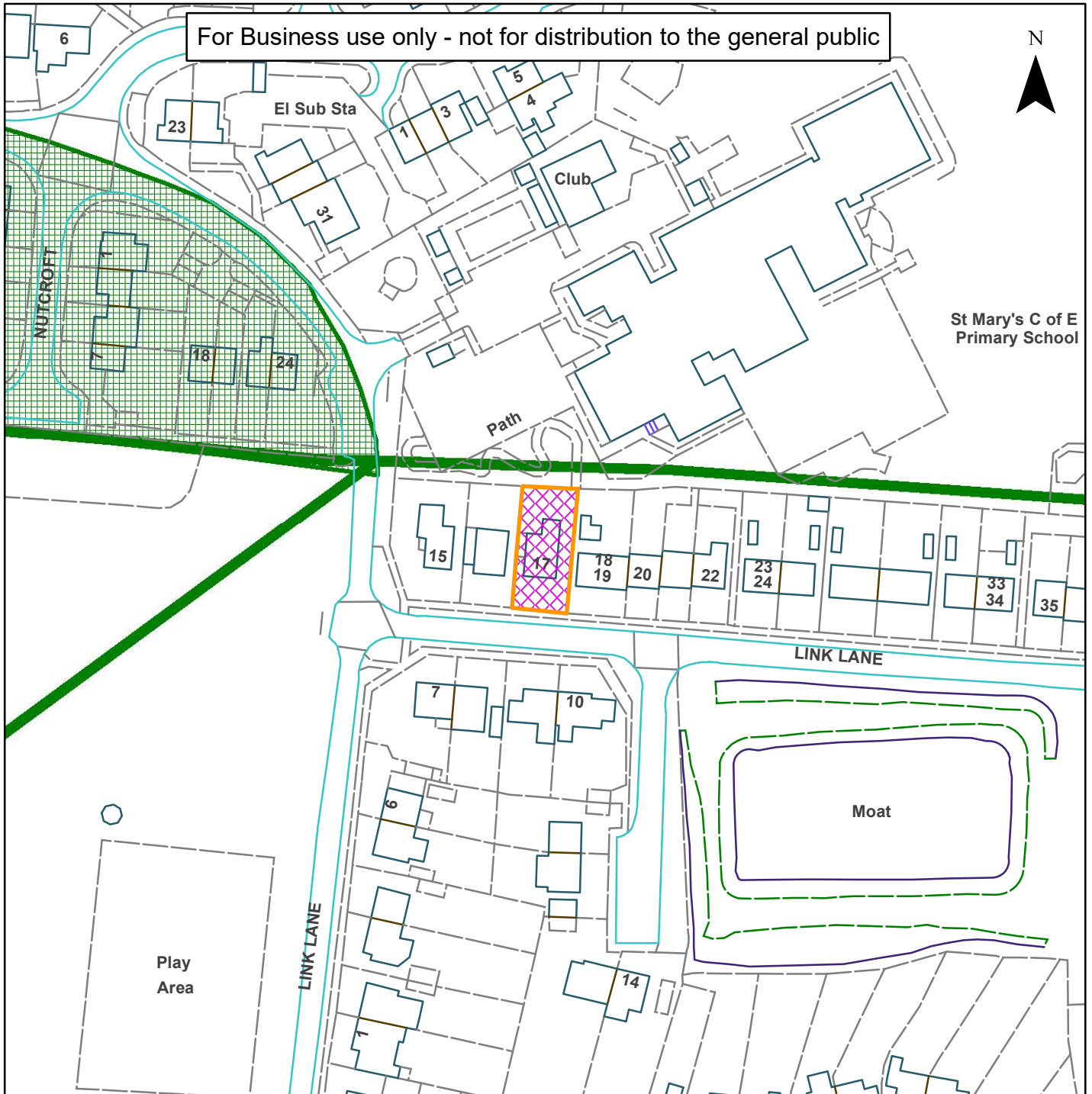


**Horsham
District
Council**

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Organisation	Horsham District Council
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Comments	
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