



Email: committeeservices@horsham.gov.uk
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Planning Committee (South)

Tuesday, 20th June, 2023 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

Councillors:

Len Ellis-Brown (Chairman)	
Joanne Knowles (Vice-Chairman)	
Sam Bateman	Claudia Fisher
Mark Baynham	Joan Grech
Emma Beard	Lynn Lambert
Jon Campbell	Alan Manton
Philip Circus	Nicholas Marks
Paul Clarke	John Milne
Mike Croker	Roger Noel
Joy Dennis	Josh Potts
Malcolm Eastwood	John Trollope
Victoria Finnegan	Peter van der Borgh

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 12
To approve as correct the minutes of the meetings held on 18 April and 24 May (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.)	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

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

5. **Appeals** 13 - 14

Applications for determination by Committee:

6. **DC/23/0701 - Old Clayton Boarding Kennels, Storrington Road, Washington** 15 - 64

Ward: Storrington and Washington
Applicant: Mr Jon Bray

7. **DC/23/0185 - Peacocks Paddock, Stall House Lane, North Heath** 65 - 74

Ward: Pulborough, Coldwaltham and Amberley
Applicant: Mr and Mrs Peacock

8. **DC/23/0339 - Ebbsworth Cottage, The Street, Nutbourne** 75 - 84

Ward: Pulborough, Coldwaltham and Amberley
Applicant: Mr Tristin Lambeth

9. **Urgent Business**

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

Agenda Annex

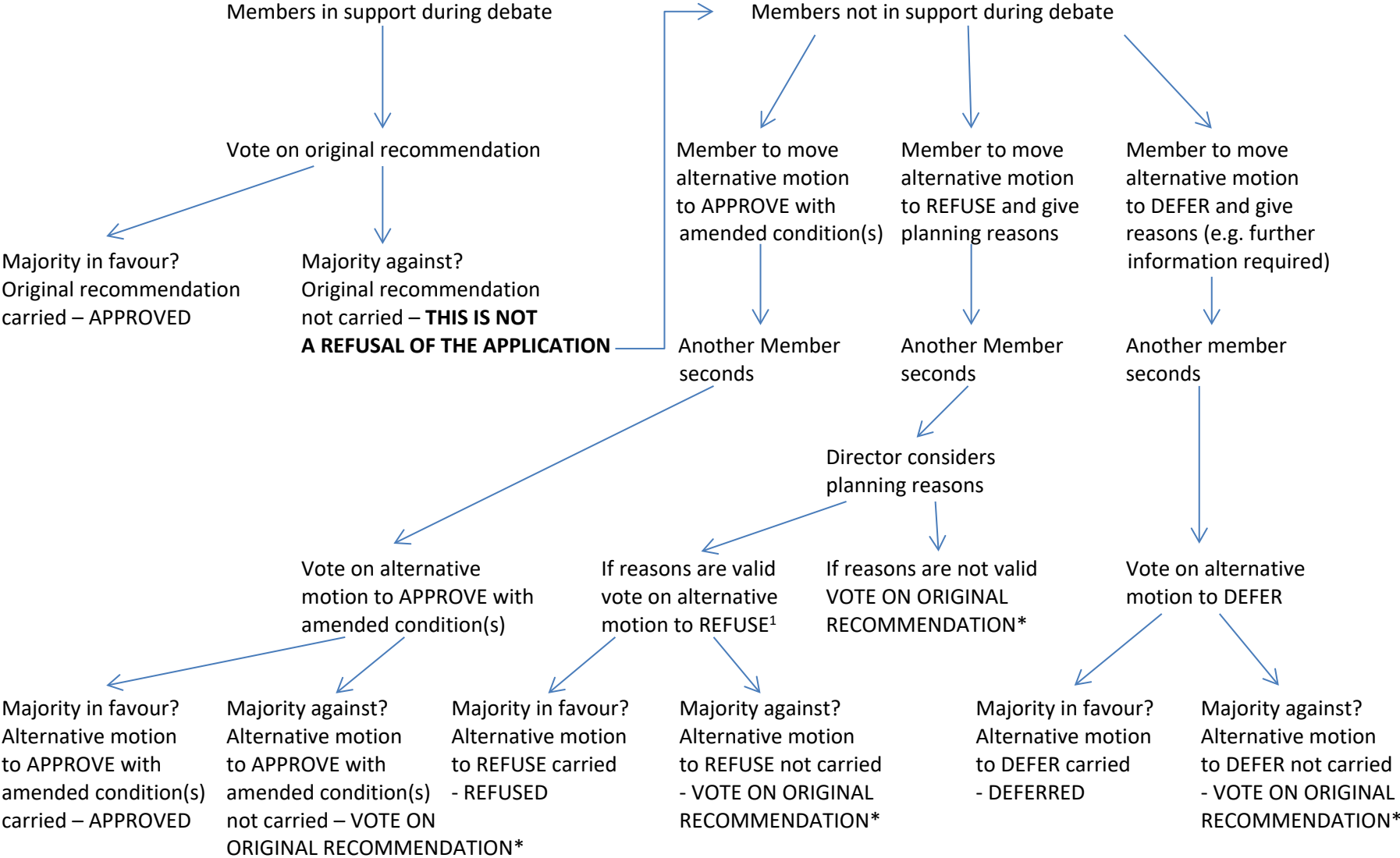
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

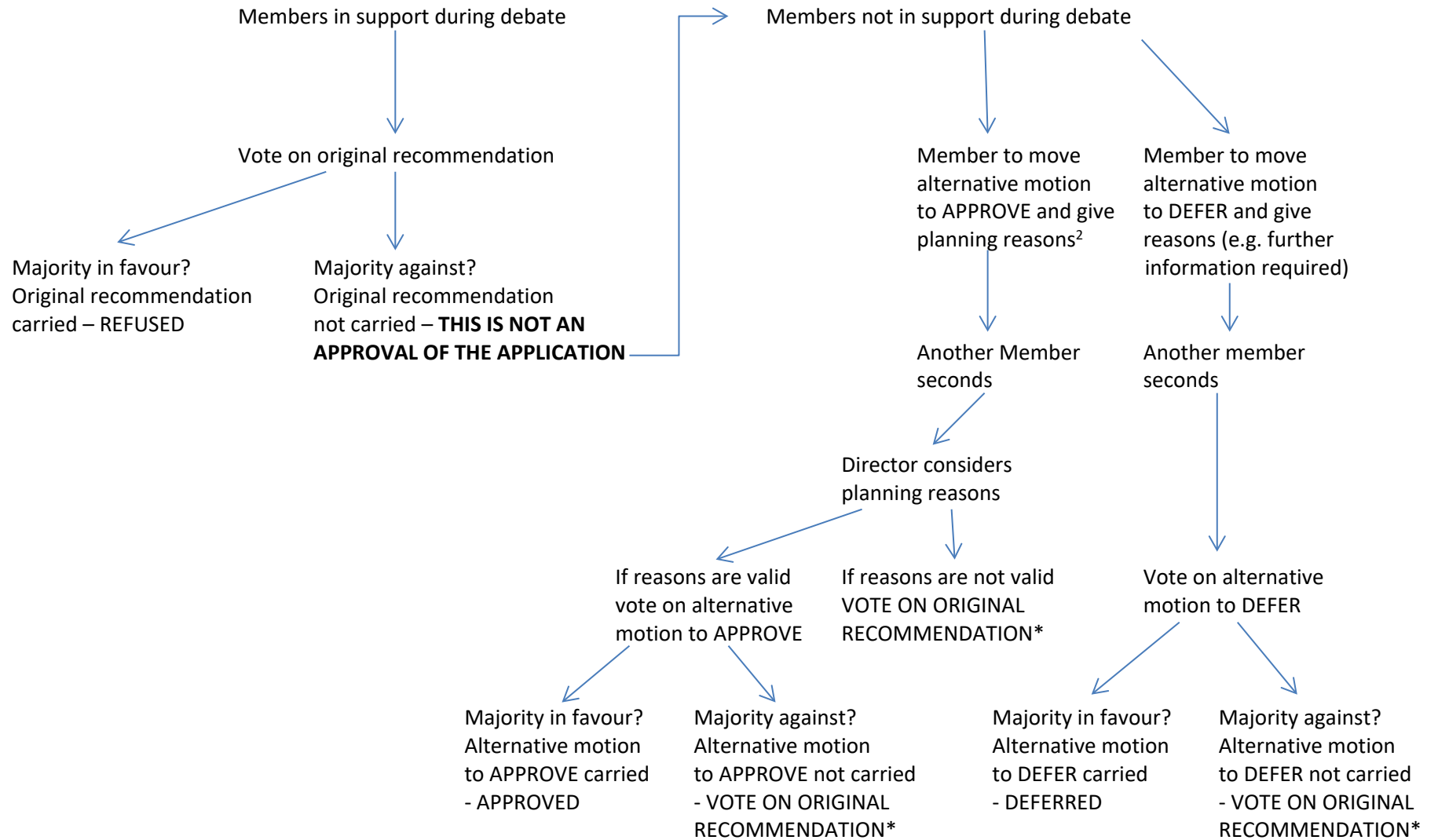
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

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

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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

Planning Committee (South)
18 APRIL 2023

Present: Councillors: Tim Lloyd (Chairman), Paul Clarke (Vice-Chairman), John Blackall, Philip Circus, Michael Croker, Ray Dawe, Joan Grech, Mike Morgan, Roger Noel, Bob Platt, Kate Rowbottom, Diana van der Klugt and James Wright

Apologies: Councillors: Liz Kitchen, Lynn Lambert and Josh Potts
Absent: Councillors: Chris Brown, Jonathan Chowen, Nigel Jupp, John Milne and Jack Saheid

PCS/38 **MINUTES**

The minutes of the meeting held on 24 January were approved as a correct record and signed by the Chairman.

PCS/39 **DECLARATIONS OF MEMBERS' INTERESTS**

SDNP/21/03962/FUL Councillor Diana van der Klugt declared a personal interest as she is a member of the South Downs National Park.

PCS/40 **ANNOUNCEMENTS**

The Chairman wished to record his thanks to all Councillors and Officers for their hard work on the Planning South Committee and to those Councillors not re-standing for election in May.

Councillor Philip Circus wished to thank Councillor Tim Lloyd for his time chairing the Planning South Committee in a fair and professional manner and the support and guidance offered by Officers.

PCS/41 **APPEALS**

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

PCS/42 **DC/21/2676 - NORTHLANDS BARN, NORTHLANDS LANE, STORRINGTON**

The Head of Development and Building Control reported that this application sought permission for the conversion of a redundant barn to form one single dwelling house. The application would incorporate the creation of a first floor, alterations and restoration works, erection of a detached garage, installation of ground mounted solar panels, drainage and landscape and ecological enhancements.

Application DC/19/2331 was submitted in 2019 for the residential conversion of the building and refused by Planning Committee South due to its excessive size and scale, not retaining its agricultural character and over development in an agricultural setting.

This application sought to address the reasons for refusal and entailed a revised scheme for the restoration and conversion of the existing former agricultural building to a two-storey dwelling and associated garden. The amended application would maintain the existing footprint.

The application site is located in the east of Northlands Lane, outside of any designated built-up area boundary. The wider area is characterised by enclosed agricultural fields with the nearest residential dwelling located approximately 170 metres to the south.

Members noted the planning history of the application.

Eight letters were received supporting the proposal and one letter was received in objection.

Thakeham Parish Council raised no objections to the proposal and Storrington & Sullington Parish Council objected.

The applicant and two further speakers spoke in support of the proposal and Storrington & Sullington Parish Council spoke in objection.

Members were positive that the applicant had responded well to reasons given for previous refusal and revised plans would ensure the dwelling would be sympathetic to the local rural community.

It was noted the new dwelling would improve a current derelict building and worthy of conversion to preserve a non-designated heritage asset. It was suggested that the provision of an electric vehicle charge point be added to the application as a condition.

RESOLVED

That DC/21/2676 be approved in accordance with Officer recommendation subject to appropriate conditions and an additional condition to secure an electric vehicle charge point:

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

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

PCS/43 **SDNP/21/03962/FUL - THE OLD MECHANICS, CHURCH LANE, COLDWALTHAM**

The Head of Development Control reported that this application sought full planning permission for conversion of the existing timber cladded building and change of use of the former light industrial building to a Holiday Let.

The existing building would be converted into a two bedroom unit to include new windows on all elevations of the building. Access would be via a private drive to the South with two parking spaces to the West.

If approved the application would be subject to completion of a Section 106 Legal Agreement.

The site is located to the north of Coldwaltham in a semi-rural location within the South Downs National Park and within the Dark Night Sky Zone.

Members noted the planning history of the application.

12 representations of objection had been received from eight separate households. The Parish Council objected to the proposal.

The agent spoke in support of the application and one speaker spoke in objection.

Members raised concerns with the proposed building's design and appearance, close proximity to the village school, adverse impacts on ecology and unsuitable location for tourist accommodation.

It was acknowledged that although water neutrality would be achieved by retro fitting and secured by the Section 106 Legal Agreement, Members generally felt that calculations were unreliable and difficult to monitor.

It was therefore proposed and seconded to refuse the application.

RESOLVED

That SDNP/21/03962/FUL be refused for the following reasons:

1. The proposal would result in an unsustainable form of development and would be contrary to Policy SD23 of the South Downs Local Plan (2019).
2. The design of the development would fail to respect the local character and would adversely impact on tranquillity, contrary to Policies SD5 and SD7 of the South Downs Local Plan (2019).
3. It has not been demonstrated that the development would conserve and enhance biodiversity and the application is not accompanied by a statement which sets out the impact on ecosystem services, contrary to Policies SD2 and SD9 of the South Downs Local Plan (2019).

The meeting closed at 4.06 pm having commenced at 2.30 pm

CHAIRMAN

Planning Committee (South)
24 MAY 2023

Present: Councillors: Sam Bateman, Mark Baynham, Emma Beard,
Jon Campbell, Philip Circus, Paul Clarke, Mike Croker, Joy Dennis,
Malcolm Eastwood, Len Ellis-Brown, Victoria Finnegan, Claudia Fisher,
Joan Grech, Lynn Lambert, Nicholas Marks, John Milne, Roger Noel,
Josh Potts and Trollope

Apologies: Councillors: Joanne Knowles and Alan Manton

PCS/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Len Ellis-Brown be elected Chairman of the Committee for the ensuing Municipal Year.

PCS/2 **ELECTION OF VICE CHAIRMAN**

RESOLVED

That Councillor Joanne Knowles be elected Vice-Chairman of the Committee for the ensuing Municipal Year.

PCS/3 **TIMES OF MEETINGS FOR THE MUNICIPAL YEAR**

RESOLVED

That meetings of the Committee be held at 5.30pm for the ensuing municipal year.

The meeting closed at 6.57 pm having commenced at 6.54 pm

CHAIRMAN

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Planning Committee (SOUTH)

Date: 20th June 2023



**Horsham
District
Council**

Report on Appeals: 05/04/2023 – 07/06/2023

1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/22/1830	Moat Cottage, Horsham, RH13 8NS	12/05/2023	Application Refused	N/A
DC/23/0118	1 Station Road, Cowfold, RH13 8DB	05/06/2023	Application Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/20/1814	The Chequers Hotel, Pulborough, RH20 1AD	Written Representation	12/04/2023	Non-determination	N/A
DC/22/1175	Shaw Cottage, Henfield, BN5 9TA	Written Representation	13/04/2023	Non-determination	N/A
EN/22/0530	The Spoons, West Chiltington, RH20 2LG	Written Representation	21/04/2023	Notice served	N/A
DC/22/0309	Leverence Barn, Billingshurst, RH14 9BT	Written Representation	03/05/2023	Application Refused	N/A
DC/22/0811	Bayley Paddock, Partridge Green, RH13 8JU	Written Representation	03/05/2023	Application Refused	N/A
DC/22/1225	Wellers Bungalow, Billingshurst, RH14 9EJ	Written Representation	17/05/2023	Prior Approval Required and REFUSED	N/A

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/22/1515	Solva, Henfield, BN5 9HA	Fast Track	Appeal Allowed	Application Refused	N/A
DC/20/2450	Blanches Farm Bungalow, Horsham, RH13 8JF	Informal Hearing	Appeal Allowed	Application Refused	N/A
DC/22/1433	1 Blackstone Street, Henfield, BN5 9TH	Fast Track	Appeal Dismissed	Application Refused	N/A
DC/21/2635	Blanches Farm Bungalow, Horsham, RH13 8JF	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/18/1488	Land East of Coolham Road, West Chiltington, RH20	Informal Hearing	Appeal Dismissed	Application Permitted	Application Refused
DC/21/2391	Thistledown Cottage, West Chiltington, RH20 2LG	Written Representation	Appeal Dismissed	Prior Approval Required and REFUSED	N/A
DC/21/2490	Land at Stonepit Lane, Henfield	Written Representation	Appeal Dismissed	Application Refused	N/A



TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 20th June 2023

DEVELOPMENT: Demolition of existing kennels and cattery buildings/structures, and existing dwellings. Erection of a 60-bed care home (Class C2) and 8No. age restricted bungalows (Class C3) with associated access, landscaping, and other works (including relocation of existing staddle stone barn).

SITE: Old Clayton Boarding Kennels Storrington Road Washington Pulborough West Sussex RH20 4AG

WARD: Storrington and Washington

APPLICATION: DC/23/0701

APPLICANT: **Name:** Mr Jon Bray **Address:** The Hay Barn Upper Ashfield Farm Hoe Lane Romsey Hampshire SO51 9NJ

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

RECOMMENDATION: To approve planning permission subject to conditions and the completion of a S106 Legal Agreement. In the event the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks full planning permission for the demolition of the existing kennels and cattery buildings/structures and existing dwellinghouse and the erection of a 60-bed care home (Planning Use Class C2) and 8 no. age-restricted bungalows (Planning Use Class C3) with associated access, landscaping, and ancillary work. The applicant is Highwood Homes Limited and Barchester Healthcare Limited.

1.2 This current application follows on from an application refused planning permission on 24th January this year (DC/21/2161 refers) by Members at Planning Committee South, contrary to the Officer recommendation, for the reason set out below:

The proposal is contrary to the Storrington Sullington and Washington Neighbourhood Plan, being sited outside of the Built-up Area Boundary, with the development bulk and size inappropriate for a rural location directly across the road from the South Downs National Park, and which would significantly impact on the aims of the Neighbourhood Plan to retain green gaps between communities, and with water neutrality not proven satisfactorily.

1.3 Since that refusal your Officers have sought legal advice on whether the principle of redevelopment of this previously developed land for specialist care and retirement housing conflicts with the Storrington Sullington and Washington Neighbourhood Plan (SSWNP), as asserted by both Storrington and Sullington and Washington Parishes. The officer advice on this matter is contained in Section 6 below.

1.4 Additionally, the applicant has amended the proposal to seek to address Member concerns on the bulk and size of the care home building and of water neutrality, and to incorporate changes that were verbally updated to Members at the committee meeting itself. The suite of plan drawings and documents submitted in support of this current application reflect these revisions to the scheme, which include:

- Revised floor plan and elevation of the care home building, with changes to the building footprint and roof form to better distinguish the central core from its associated ‘wings’ and reduce the amount of flat roof and building height, with additional change to its elevational articulation.
- Updated Water Neutrality Statement, which has clarified the technical point raised on how shower usage had been calculated on the offsetting retrofit of the care home in Henfield.
- Revised site plan and Transport Assessment commitment to an increased parking provision for the care home building of 30 car parking spaces
- Updated Head of Terms for legal agreement, with commitment for all bungalows to be built to M4:3 building regulations compliance.

1.5 As previously, the proposal is to demolish all structures on the site (existing kennels and cattery buildings/structures and existing dwellinghouses), to construct a highway access from the A283 Storrington Road, and to build a new 60 bed care home accompanied by 8 no. bungalows age restricted to over 55-year-olds. The concept of this redevelopment scheme is to set the care home at the rear of the site in the northwest corner, and for the bungalows on the northeast to be arranged in the form of an agricultural farmstead.

1.6 The height and scale of the care home building will be two storey. The materials will be dark tiled roof and dark facing cladding to the walls. The proposed care home will meet BREAAAM Very Good standard. 30 car parking spaces will be provided for care home visitors and staff (two of which are disabled), along with ambulance/drop-off areas.

1.7 The proposed scheme will accord with Barchester’s specific operational requirements and aspirations for its care of residents. The proposed care home will be operated within planning Use Class C2 and is expected to provide 47 jobs on the site. Individual bedrooms will have an accessible ensuite. There will be a variety of day-spaces, café, cinema, hairdressers, with staff serving area. The care home will be designed with all ground floor amenity areas and bedrooms to have direct access to external landscape areas. The terraced areas at first floor provide garden spaces and views of the gardens. There are leisure walkways around the care home and within the site. One of these will incorporate a retained historic ‘staddle stone barn’, relocated to a southern central point of the site to facilitate the widened site access.

- 1.8 The 8 no. bungalow units will be for over-55 retirement occupation, secured by the legal agreement. The bungalows will be within planning Use Class C3 and are to be positioned around a central yard with vehicle access to car ports and 16 car parking spaces (2 per bungalow, one of which will be covered). The bungalows adopt an agricultural influenced vernacular. It is proposed to offer six weeks of marketing on all the bungalows exclusively to those residing in the parishes of Storrington and Washington. Each bungalow will have its own garden and be built to M4:3 compliance (optional requirement to the Building Regulations for wheelchair user dwellings).
- 1.9 Vehicular and pedestrian access to the site to serve the new development will be via a widened site entrance direct onto the A283. The access has been designed in accordance with national design guidance. The vehicle access will be widened and the bellmouth formalised with 5.5m-6m width and 3.5m radius on east side and 6m radius on west side. 1.8m wide footway on east side of access will connect to existing footway network. To facilitate the widened site access, the western section of the existing entrance building will be removed and replaced with a smaller 'gatehouse' to create a new walled garden for the existing property and reflect the original access point from the highway, with provision of a new separate pedestrian footway. A pedestrian path will run through the new development from the existing access road, separate from the vehicular site access. A Travel Plan Statement accompanies the application. Provision of Electric vehicle charging points will be provided in line with WSCC guidance.
- 1.10 Sustainable drainage measures will be implemented to avoid exacerbation of flood risk on or off the site; post development surface water run-off is to be managed through a combination of permeable pavement, open grade sub-base and rain gardens, with underground geo-cellular infiltration crates. A SuDS Management and Maintenance plan is to be implemented.
- 1.11 The submission is accompanied by a package of air quality mitigation measures to be updated to reflect the assessment agreed in the previous application; the layout has taken account of potential risks from noise and a Noise Assessment submitted. Based on the results of this, acoustic glazing and a 2.5 metre close-boarded perimeter noise barrier is recommended along the southern boundary of site. An accompanying Light Spillage Assessment has considered sky glow levels in the surrounding dark sky landscape and outlines the site is to be lit using bollards for wayfinding.
- 1.12 The draft Head of Terms relate to provisions of the niche housing offer and financial contributions on recreation and transport improvements not covered by the Community Infrastructure Levy to mitigate the impact of the development, in line with the Horsham District Supplementary Planning Document on Planning Obligations and meet the CIL Regulations test. The detail of the obligations is set out later in this report.

DESCRIPTION OF THE SITE

- 1.13 The site, within the Parish of Washington, is located on the north side of the A283 Storrington Road, to the east and south of the residential estate of Milford Grange which comprises 78 dwellings built within a former sand workings and engineering workshops. The site is separated from this estate by a steep retaining wall, topped with trees and acoustic fencing. The housing in this estate is generally set at a lower level than the site. The land immediately north of this is Milford Grange Country Park, a 4-hectare Local Green Space Allocation in the Storrington, Sullington and Washington Neighbourhood Plan (SSWNP).
- 1.14 Milford Grange Country Park separates Milford Grange from an extensive residential area known as Heath Grange Common, which rises up Longbury Hill. This area comprises a network of private roads serving secluded detached dwellings in extensive wooded grounds. Other residential dwellings neighbour the site to the southeast at West Clayton, a privately owned bungalow. Both the application site and Milford Grange are separated from the urban

fringe of Storrington to the west by Sandgate quarry and an area of former sand workings, now the 46-hectare Sandgate Country Park (Policy AL19 of HDC Site Specific Allocations of Land, Local Green Space Allocation and Allocation Community Aim 1 of the SSWNP). Further west is Sullington Warren, an SSSI and National Trust land. Warren Hill and Washington Common, also National Trust land, is to the east.

- 1.15 The red line site area is approximately 1.36 hectares. The red line site itself comprises a collection of buildings and structures associated with the existing kennels and cattery business (including Staddle Stone Barn, existing yard, and outdoor dog exercise area), and two existing residential timber clad bungalows specifically built as dwellinghouses of kennel staff, their gardens, and other incidental grassed areas and hardstandings. Some of the buildings, including the existing yard fronting the main road, form part of the historic curtilage of the Listed Old Clayton, a Grade II Listed former farmhouse, now the kennel's owner's dwelling, which adjoins the site to the south. Parts of the site are maintained as grassed areas, with a variety of trees and shrubs. The site is relatively well enclosed to the east, west, and south by deciduous and coniferous hedgerows and boundary trees.
- 1.16 Existing vehicular and pedestrian access to the site is from an existing track located to the southwest corner of the site, with bellmouth onto the A283 Storrington Road and onward to the A24. Storrington Road is subject to 40 mph speed restriction in this location. Footways exist on both sides of the A283 (north side 2 metres wide with dropped kerb tactile paving across the site access and south side 1.7 metres). The nearest eastbound bus stop is 30 metres west of the site located adjacent to Milford Grange, on the same side of Storrington Road as the application site. A central refuge island crossing, with dropped kerbs and tactile paving and served by street lighting, is some 80 metres east of the site, allowing safe access to a westbound bus stop and footway on southern edge of the carriageway. The site is located approximately 1.5 km west of Washington via the A24 and approximately 2km east of Storrington village centre.
- 1.17 The site falls outside of the South Downs National Park (SDNP) boundary but within its setting and Dark Night Sky Zone. The immediately adjacent fields east of the site are within the SDNP, the boundary of which also extends to the south of Storrington Road directly opposite the site. Within the SDNP, the landscape presents a very robust rural setting comprising hedged pasture field, woodland blocks and tree belts, scattered cottages and farm buildings. To the east, the land rises to Washington Common and Warren Hill. Approximately 1.5km to the south, the South Downs escarpment rises to over 200m. The South Downs Way runs along the ridge of the escarpment, affording expansive views, including towards Storrington, Heath Common, Warren Hill, the site and the Milford Grange housing estate.
- 1.18 Apart from the grade II listed Old Clayton, the nearest listed building to the site is the Grade II listed Chanctonbury Lodge which is located south of the A283, to the west of the site. The site falls within the Bat Sustenance Zone, the Habitat Regulations Assessment Buffer for The Mens SAC (HDPF Policy 31). The surrounding Public Right of Way network is extensive; bridleway 2623 runs west of the site on the north side of the A283 to Warren Hill; bridleway 2697 is on the south side. Bridleway 2627 is east of the site, routed along Hampers Lane. Footpath 2630 is routed around Warren Hill.
- 1.19 The site is within 250 metres of a safeguarded mineral infrastructure (Sandgate quarry) and within a Soft Sand Consultation zone under West Sussex Minerals and Waste Safeguarding Guidance. The site also falls within the London Road landing strip consultation buffer. A Medium pressure gas main runs to the southern edge of the site. The site is in Flood Zone 1, land considered to have very low probability of tidal and fluvial flooding. Storrington Village to the west is designated an Air Quality Management Area.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.
Section 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 – Rural Economic Development
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 18 – Retirement Housing and Specialist Care
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscaper Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 – Strategic Policy: Settlement Coalescence
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
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 – Community Facilities, Leisure and Recreation

West Sussex Joint Minerals Local Plan (WSSC 2018, Revised 2021)

West Sussex Waste Local Plan (WSSC 2014, Reviewed 2019)

South Downs Local Plan (Adopted 2 July 2019 (2014-33))

Strategic Policy SD4: Landscape Character

Strategic Policy SD6: Safeguarding Views

Strategic Policy SD8: Dark Night Skies

Supplementary Planning Guidance:

Site Specific Allocations of Land document (HDC, 2007) Policy AL19 Sandgate Park, Sullington

Planning Obligations and Affordable Housing SPD (HDC, 2017)

Community Infrastructure Levy (CIL) Charging Schedule (HDC, 2017)

Revised county parking standards and transport contributions methodology (September 2020)

Other Guidance:

Facilitating Appropriate Development document (HDC, Oct 2022)
Biodiversity and Green Infrastructure Planning Advisory Note (HDC, Oct 2022)
Storrington-Sullington Parish Design Statement (July 2010)
Air Quality and emission mitigation guidance for Sussex (Sussex-air, 2021)
The South Downs National Park: View Characterisation and Analysis (LUC, November 2015)

RELEVANT NEIGHBOURHOOD PLAN

Storrington Sullington and Washington Neighbourhood Development Plan (2018-2031) Adopted September 2019

Policy 1 A Spatial Plan for the Parishes
Policy 3 Employment Uses
Policy 8 Countryside Protection
Policy 14 Design
Policy 15 Green Infrastructure and Biodiversity
Policy 16 Local Green Spaces
Policy 17 Traffic and Transport

PLANNING HISTORY AND RELEVANT APPLICATIONS

The recent refused planning application (DC/21/2161) is relevant:

DC/21/2161

Demolition of existing kennels and cattery buildings/structures, and existing dwellings. Erection of a 60 bed care home (Class C2) and 8 no. age restricted bungalows (Class C3) with associated access, landscaping and other works (including relocation of existing straddle stone barn).

Past applications on the site include two most relevant outline proposals for 41 new dwellings - DC/14/0921 and DC/15/1737. These applications and subsequent appeal were refused/dismissed on grounds that included overdevelopment, impact upon the setting of the Listed Old Clayton, loss of employment, and harm to the rural setting and South Downs National Park:

DC/14/0921

Demolition of existing kennels and cattery, associated buildings and structures, and West Clayton, the retention of Old Clayton and the redevelopment of the site to provide up to 41 residential dwellings including provision of 40% affordable housing and new vehicular access. All matters reserved except for access
Refused 20 February 2015
Appeal Dismissed 01 August 2016

DC/15/1737

Outline planning permission for demolition of the existing kennels and cattery, associated buildings and structures including three of the four existing residential dwellings with Old Clayton retained and redevelopment of the site to provide up to 41 dwellings with new vehicular access (All matters other than access to be reserved).
Refused 17 September 2015

Also relevant is the outline permission for the adjacent Milford Grange housing estate, allowed at appeal in 2012:

DC/10/1457

Outline planning permission for up to 78 residential units, associated ground preparation works, associated highway and access works, and the first phase of the Sandgate County Plan
Refused 16 May 2012 Appeal ALLOWED 19 November 2012

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation Officer:** No Objection
Revisions will not result in fundamental change to overall heritage impact. Satisfied revised design will result in minor improvement over original scheme. Position in relation to impact within setting of listed building, Old Clayton House, not changed following revision of scheme. Please include conditions placed on DC/21/2161.
- 3.3 **Landscape Architect:** No Objection
Proposals appropriate in landscape terms and will not significantly impact on visual amenity, nor special qualities of SDNP landscape and its setting. If for approval, soft landscape, hard landscape and management and maintenance plan conditions.
- 3.4 **HDC Environmental Health:** No Objection
Contamination Land: Satisfied with site investigation works to date. Recommended to fully quantify risks, further investigation and chemical testing of soils required. Request through conditions and recommend scheme of investigation; remediation scheme; chemical testing.
Noise: Noise levels, internally and in amenity spaces, capable of being achieved through conditions and recommend; scheme for protection noise, scheme be completed, completed noise survey.
Construction Phase: Potential adverse impacts from noise, dust, and construction traffic movements. Construction environmental management plan recommended.
Air Quality: No objection on proviso previous agreement be reinstated and reflected in AQA report.
- 3.5 **HDC Drainage Engineer:** No Objection
No further comments or observations to make.
- 3.6 **HDC Building Control:** Advice
(Previous comments DC/21/2161): Structural engineer says no extra loads will be applied to the retaining wall so nothing to add other than to say the buildings are well away from that boundary implication.
- 3.7 **HDC Parks:** No Objection
Recommend swift bricks. Links with Wilder Horsham initiative.
- 3.8 **HDC Housing:** No Objection
HDPF Policy 16 does not apply. Bespoke offer be sought under Policy 18 instead.

OUTSIDE AGENCIES

- 3.9 **Natural England:** No Objection subject to appropriate mitigation being secured.

Competent authority has undertaken appropriate assessment of proposal. Concludes proposal will not result in adverse effects on integrity of sites in question. Natural England concurs with the conclusions, providing all mitigation measures appropriately secured.

Natural England responded to DC/21/2161; agreed no objection subject to mitigation. Note this application is identical with respect to matters concerning water neutrality. Note figures given for water consumption remain same, 3913 litres per day for existing use and 5952 litres per day for proposed use, and applicant is still committed to using lower existing water use

value despite being sufficient evidence (Water Usage Survey Report) the value is much higher at 9515 litres per day. To offset remaining balance of 2039 litres, applicant proposed installation of more efficient showers at another care home within their control.

Acknowledge concerns raised overflow rate used for offsetting calculations. Up to competent authority which figure they consider most precautionary. Although utilising reduced average flow rate would technically result in not meeting neutrality, feel sufficient evidence to demonstrate existing water use figure of 3913 litres is over-precautionary and likely figure is far higher. Satisfied proposal will meet neutrality, regardless of flow rate used.

- 3.10 **Reading Agricultural Consultants:** Advice
(Previous comments DC/21/2161): No industry standard data for water required for kennels and requirements can change depending on breed and size of dog, weather, and exercise but from what we have seen they seem reasonably accurate.
- 3.11 **South Downs National Park Authority (SDNPA):** Advice
Site located just outside South Downs National Park boundary but extends up to actual Park boundary which adjoins open countryside and Dark Skies E1(b) Transition Zone. External lighting be kept to minimum and only where necessary. Whilst SDNPA maintains general concern regarding bulk/massing of proposed care home building, the landscaping and planting details (including additional tree planting within and along southern and eastern edges of site within landscape buffer zones between garden fence boundaries and open countryside) are welcomed and would help reduce impacts upon views from higher ground within SDNP.
- 3.12 **WSCC Highways:** Advice
In many respects proposals are as previously agreed in 2021 comments. Sites access strategy as previously agreed, trip rates and Road Safety Audit as previously proposed. Reviewed latest internal layout and satisfied with revised Transport Statement. Other areas such as Travel Plan previously agreed. LHA does not consider proposal would have unacceptable impact on highway safety or result in 'severe' cumulative impacts on operation of highway network, therefore not contrary to National Planning Policy Framework (paragraph 111), and no transport grounds to resist. Conditions and informative in previous application still apply.
- 3.13 **Environment Agency:** No Objection provided conditions attached.
Without conditions would object in line with paragraph 174 of the NPPF because it cannot be guaranteed development not be at unacceptable risk from or be adversely affected by unacceptable levels of water pollution. Conditions: Development on Land Affected by Contamination, Verification Report, Previously Unidentified Contamination, Piling.
- 3.14 **Southern Water:** No Objection
- 3.15 **Archaeology Consultant:** No Objection subject to condition.
- 3.16 **Ecology Consultant:** Recommend Approval subject to conditions and Natural England's comments on Appropriate Assessments

Note Update Walkover. Accept conclusion no roosting bats in buildings with moderate or high bat roost potential. Note no trees on site have bat roost potential. Agree no further bat surveys required. Support sensitive lighting strategy to minimise light spill disturbance for bats including Barbastelle bat. Ecological Appraisal concludes negligible potential for Great Crested Newt (GCN). Agree no further GCN surveys required.

Satisfied sufficient ecological information available for determination. Provides certainty of likely impacts on protected and Priority species and, with appropriate mitigation, development acceptable. This will enable LPA to demonstrate compliance with statutory

duties. Mitigation measures be secured by condition. Recommended: Accordance with Ecological Appraisal; Construction Environmental Management Plan for Biodiversity; Biodiversity Enhancement Layout; landscape and ecological management plan; wildlife sensitive lighting design scheme.

3.17 **WSCC Minerals and Waste:** No Objection.
Previous response on DC/21/2161 apply.

3.18 **WSCC Public Right of Way:** Advice
(Previous comments DC/21/2161): Bridleway 2627 follows Hamper Lane so already fit for road traffic so suitable for PRow users. Most PRow routes off Washington Road seem to be metaled roads so would not benefit from funding. Contributions for PRow improvements within 5km of site may benefit surface conditions or access (new gates etc) within reasonable distance of proposal.

3.19 **WSCC Fire and Rescue Services:** Advice
(Previous comments DC/21/2161): Recommend condition securing 1 no. hydrant.

PUBLIC CONSULTATIONS

3.20 13 representations of Objection received from 10 separate addresses, including Milford Grange (Storrington) Management Company Ltd, raising the following matters:

Location. Unsustainable. Site not accessible to local amenities and services from local amenities in Storrington or Washington, and only practical means of accessing these would be by car or infrequent public transport. Lacks safe and efficient walking routes to amenities, including National Park. Employees likely to drive. Precedent to more private housing.

Employment. Kennels been fully booked so still doing well. Family and friends all use the kennels as do many others on the estate and very little noise. Claims of care home employment opportunities optimistic. Approval may be detrimental on current investment plans for Sussex Down (DC/22/2372). Projected local economic impacts partial and flawed.

Visual and Environmental Impact, including South Downs National Park. Incongruous and unsympathetic visual impact. Loss of trees will open views of new development. Efficiently four storey height and scale building when viewed from Milford Grange and Milford Grange Country Park and South Downs National Park, given its elevated position. Ridge lines of properties in Milford Grange coincide with footings of care home; will tower over leylandii and estate. Size, density, and prominence not suitable in proximity to National Park. Not appropriate for village environment.

Impact to Listed Building. Unacceptable harm to significance of Grade II Listed Building Old Clayton. Contrary to Listed Buildings and Conservation Areas Act, local and national policies. Heritage assessment poor. Would radically transform setting and character. Legibility of historic farmstead harmed by needless demolition of substantial portion of historic courtyard. Harm at upper end of "less than substantial", with loss of context, appreciation, historic fabric and form.

Procedure. Planning notice posted in error. Violates statutory rights. Minimal differences in the re-submitted application. Highwood refused indemnifying Milford Grange. Affects property values. Aerial photograph in planning statement does not show correct west boundary.

Residential Amenity. Unacceptable loss of privacy, including from north facing care home windows/balcony into neighbour's bedrooms and landing and lounge windows. Distances between building is not relevant in this case as estate houses orientated to face south as intentional design of estate; 11 windows on north face of care home will overlook to north

with invasive/intrusive views. Section drawing greatly exaggerates height and potential screening of trees. Impacts exacerbated by removal of existing trees; conifers on north boundary and replacement with a single line of birch trees will not provide adequate screening. Overshadowing, exacerbated by level differences between site and estate means new building (equivalent of 4 storey building). Construction, vehicle, and traffic noise. Adverse effect on private views. Noise, smells, and vibration disturbance from air conditioner and power generator. Detrimental to air quality.

Retaining embankment and retaining walls on estate. Risk to stability and integrity of embankment and retaining walls from removal of trees on site, water seepage and possible soil piping from underground concentrations of captured surface water in gravel infiltration trenches and the sub-base from hard surfaces. No survey undertaken. Not built to withstand the construction, weight and vibration of redevelopment. No indemnity offered. Trees along north and west boundaries must be protected from risk from construction work and new development.

Milford Grange Country Park. Country Park is privately owned and requires levy on annual maintenance fees. Potential increase in maintenance costs from increased footfall. Paths are not suitable for elderly, disabled or infirm. Financial contribution towards upkeep will not reduce use pressure but help of set some additional costs from increased patronage. Social benefits of scheme overstated when set against harms to existing social green space. Loss of amenity value of kennels and dog exercise.

Infrastructure and Climate change. Existing utility problems- gas and electric supply is sparse, effluent system not designated to accommodate additional demand. Upgrade will damage private roads and banks. Increased pressure on existing Milford Grange SUDS infrastructure and contamination. No solar panels.

Ecology (including Water Neutrality). Ecosystem would suffer dramatically. No assessment of possible ecological impacts (contamination) on balancing ponds on estate from increased surface water runoff. Loss of trees. Water Neutrality not addressed. Contravenes Natural England statement for Sussex North Water Supply Zone. Removal of Leylandii trees against Green policies. Loss of wildlife.

Highway Safety and Capacity. Will greatly worsen well-known and serious traffic issues on A283. Exacerbation of existing traffic congestions on A283 and difficulty turning tight from estate, and the risk of accidents. Recent traffic accidents at this location. Needless risk of elderly crossing busy road to ride a bus to Storrington. Road does not allow safe crossing, nor are measures proposed. Most direct route (1.5 miles) alongside A283 on very narrow, unmaintained footpath, which switches sides of the road (no pedestrian crossing). Alternative (and longer) routes to Storrington mean using narrow roads with no footpath. Bin and Fire truck tracking in practice impossible. No ambulance, wheelchair or mobility scooter access.

Parking. Insufficient parking on site to service the care home (minimum 16 staff would leave 9 spaces for peripatetic services, deliveries, visitors). Parking on the A283 is not possible. Will be overflow parking in Milford Grange. Milford Grange has limited parking. Not permitted to park on the roadway, but difficult (and expensive) to prevent outsiders doing so. Kerbside parking causes damage and threatens services and danger to visually impaired and children.

3.21 **Washington Parish Council:** Strong Objection
Contrary to the adopted Storrington & Sullington and Washington Neighbourhood Plan (SWWNP). Any amendment to the design of the development will not change this fact.

Neighbourhood Plan comprehensively rejected this site as unsuitable for development, in an assessment process guided by HDC. The Neighbourhood Plan is endorsed by HDC in a democratic decision to adopt it as a legal document.

Serious concern that despite this, the original application was recommended by the Planning Officer, and the applicant has worked “collaboratively” with them on the latest amendments.

Reiterate concerns expressed in its previous submission for the earlier scheme DC/21/2161 as follows:

- Site is in countryside, outside of built-up area boundary, on land not allocated for development within emerging Local Plan or adopted Storrington & Sullington and Washington Neighbourhood Plan.
- Overdevelopment and inappropriate location for rest home; overlooking and loss of privacy for neighbouring properties at Milford Grange.
- Risk of ‘ribbon development’ along A283, diminishing countryside between Storrington and Washington. Contrary to Neighbourhood Plan policies which seeks to protect these important green spaces.
- Does not constitute part of existing development but is further and separate isolated development.
- Grade II Listed Building of Old Clayton House is an historic farmstead. Must be protected and any changes to this significant historic setting, including to curtilage structures such as re-siting of the granary and demolition of part of the farm buildings, would not outweigh the great weight to be assigned to conservation of a designated heritage asset.
- 4th entrance/exit, near 3 others onto major arterial road, particularly at peak times, will increase traffic congestion and compromise safety. Will further compromise air quality.
- Adverse impact on rural environment both in terms of ecology and views. Clearly visible from South Downs National Park and obtrusive to neighbouring properties at Milford Grange.
- No provision for facilities within site or surrounds that mitigate impact on infrastructure that development will create. In terms of health, leisure and education, and significant impact on drainage system at Milford Grange, already stretched to capacity.
- Light pollution will be increased in area designated as an Unlit Parish and close to South Downs National Park which has a Dark Skies policy.

Additionally, would result in loss of established and valued local business. Parish Council not seen evidence that no longer needed or not viable, contrary to Policy 9 of the Horsham District Planning Framework.

Extremely concerned development will set dangerous precedent for other speculative applications and will seriously undermine Neighbourhood Plan. Parish Council looks to Horsham District Council and its Officers in robustly protecting Neighbourhood Plan.

3.22 **Storrington & Sullington Parish Council:** Strong Objection

Fairly minor alterations to bulk of the building do not provide significant improvement. No amount of changes to the design can counteract the fact that this application is contrary to the made neighbourhood plan.

The site was assessed under NP procedure (by HDC) and was rejected (by HDC) as being unsuitable for development. None of this has changed. If it was not suitable for housing for these reasons, it cannot possible be suitable for a care home for the same reasons. The site is not included in the NP or in the HDPF. It is contrary to Policies 4 and 26 of the HDPF.

In refusing a previous appeal for housing on this site, the Inspector commented the proposed development would appear as prominent isolated urban development in the countryside, remote from the built-up form of Storrington. He concluded the proposal was contrary to the

HDPF and that the commercial non-viability of the site had not been demonstrated, nor was there any guarantee of its relocation.

None of this has changed. The loss of the kennels would constitute the loss of a valued local facility. We have seen nothing to imply that it would or could relocate locally. This seems not to have been taken into account.

The assessment of the Old Clayton Kennels/Cattery site remains as being less sustainable than other sites in the parish given the combination of landscape, heritage assets and distance from services and facilities. Again, none of these factors have changed yet it now apparently is suitable.

In order not to undermine both the NP and new Local Plan, once complete, this application should be refused as it is not included in either plan or HDPF.

Extremely concerned applicants 'negotiating' with officers in respect of this application, given officers were displeased the previous application was decided, by Members, contrary to their recommendation. Do not consider 'negotiations' acceptable.

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

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

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

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

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

6. PLANNING ASSESSMENT

6.1 The principle issues to consider in the determination of this application are; the acceptability of the site redevelopment having regard to national and local planning policies relating to development in the countryside and housing need; the effect of the proposed development on landscape character and appearance, including the setting of the South Downs National Park; the harm to the Grade II Listed 'Old Clayton' balanced against public benefit; the impact on the amenity of existing and future occupiers; whether adequate drainage and safe vehicular and pedestrian access can be provided to the site; the impact of the development on highway and pedestrian safety; and whether the proposals will impact on protected species and habitats.

Principle of redevelopment

6.2 Following Members refusal of planning application DC/21/2161 on 24th January Committee, the Council has sought Legal Counsel Opinion concerning three issues around Policy 1 of the Storrington, Sullington and Washington Neighbourhood Plan (SSWNP).

- Firstly, the assessment that the 2021 application conflicted with policy 1 at the heart of the SSWNP (and thus conflict with the SSWNP is likely to involve conflict with policy 1).
- Secondly, whether the SSWNP imposed an upper cap on development given the Parish Councils objection on the basis the site was rejected for allocation in the NP (to provide market and affordable housing) and the site should not be developed because the needs in the SSWNP designated area have been accounted for on the basis of other allocations within the SSWNP.
- Thirdly, the weight to afford HDPF Policy 18 given the SSWNP is silent on retirement housing and specialist care provision; the Council does not have an adequate housing land supply; and the SSWNP is over two years old for the purposes of paragraph 14 of the NPPF.

Issue 1: Whether the proposal accords with Policy 1 of the SSWNP

- 6.3 The first three paragraphs of SSWNP Policy 1 support development in different circumstances. To accord with Policy 1, a development must accord with one of these paragraphs. The second paragraph of Policy 1 supports development where the development results in the reuse of previously developed land outside the South Downs National Park and the proposal accords with other policies in the Development Plan.
- 6.4 The current proposal is on previously developed land outside the National Park. Accordingly, provided the proposal accords with the other policies in the development plan, then it will fall within the circumstance contemplated by the second paragraph of Policy 1, and thus it will accord with Policy 1 taken as a whole.
- 6.5 On whether the proposal accords with the other policies in the development plan. Firstly, this requires consideration of the development plan as a whole not just the SSWNP (i.e., including the HDPF). This is because policy 1 refers to the development plan, not solely the SSWNP. Secondly, policy 1 does not require compliance with each and every policy in the development plan. Instead, the question is whether the proposal complies with the other policies in the development plan, taken as a whole. There is a clear basis on which the Council could reach that conclusion, as a matter of planning judgement.

Issue 2: Whether the NP places an upper cap on new development within the designated neighbourhood area

- 6.6 The SSWNP does not place an upper cap on new development within the designated neighbourhood area. The starting point is to recognise the SSWNP did not make any allocations for development within Planning Use Class C2 or within Class C3 which were age restricted. Policy 1 of the SSWNP does not control the amount of development; rather, it only seeks to control the location of development. The supporting text to Policy 1 confirms the spatial strategy in the SSWNP is based on an *indicative* total number of houses that is *at least* 146 over the Plan period. Policy 2 of the SSWNP allocates a number of sites for residential development, but it does not contain any cap on development. None of the strategic policies in the HDPF seek to cap growth. There is no expressed target, quantum, or cap in HDPF Policy 18 which deals specifically with retirement housing and specialist care.

Issue 3: The weight to afford HDPF Policy 18 given: the SSWNP is silent on retirement housing and specialist care provision, the Council does not have an adequate housing land supply, and the SSWNP is over two years old for the purposes of paragraph 14 of the NPPF.

- 6.7 It is open to the Council to give greater weight to Policy 18 of the HDPF in comparison to policies within the SSWNP. There are two obvious reasons why the Council could adopt this approach.
- 6.8 The first reason is that policy 18 of the HDPF deals specifically with retirement housing and specialist care provision. There is no policy within the SSWNP that deals specifically with

this form of development. It would be open to the Council to give greater weight to policy 18 because of its specificity on this type of development.

- 6.9 The second reason is that the Council is unable to demonstrate a 5 Year Housing Land Supply. This is relevant because the proposal would make a provision to the Council's housing land supply.
- 6.10 Finally, the SSWNP does not benefit from extra support in national policy as the conditions are not met to allow NPPF paragraph 14 to be engaged (SSWNP became part of the development plan more than two years ago). This means the presumption in favour of sustainable development is engaged, reducing the weight to be applied to respective neighbourhood plan policies. The expectation is planning applications for housing are approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies when taken as a whole.
- 6.11 Given this Legal Counsel advice, your Officers uphold their previous assessment of the acceptability of the principle of redevelopment and reiterate this in relation to the updated 2023 scheme as set out below.
- 6.12 The overall strategy of the Horsham Development Planning Framework (HDPF) is to direct development to the most sustainable locations (Policies 1 and 2) and, to that end, identifies a hierarchy of settlements (Policy 3). Storrington is a tier two 'small town and larger village' in this settlement hierarchy. Policy 4 explains settlement expansion outside Built-Up Area Boundaries can be supported where a proposal meets several provisos. This includes where new development adjoining an existing settlement edge (such as the case here, with the site abutting Milford Grange housing estate, albeit Milford Grange does not fall within the defined Built-up Area Boundary). Nonetheless, the application site is located outside of any Built-Up Area Boundary and is not allocated for residential development in either the HDPF or the SSWNP, therefore the proposal conflicts with Policy 4 of the HDPF.
- 6.13 As the site is within the countryside, HDPF Policy 26 (Countryside Protection) requires development be essential to its countryside location and be of a scale appropriate to its character and location which does not lead to a significant increase in activity, with key landscape features and characteristics protected. This is generally consistent with National Plan Policy which sets out the need to recognise the intrinsic character and beauty of the countryside when considering new development. The proposal is not in itself essential to this countryside location.
- 6.14 Within the neighbourhood plan, SSWNP Policy 1: A Spatial Plan for the Parishes expressly supports development proposals outside the Built-Up Area of Washington if *'it results in the reuse of previously developed land outside the South Downs National Park, provided the proposals accords with other policies in the development plan'*, such as in respect of the management of development in countryside. In this instance, the site comprises a kennels and cattery which is previously developed land; therefore Policy SSWNP 1 supports the development proposals in principle.
- 6.15 HDPF Policy 18 (Retirement Housing and Specialist Care) specifically addresses how applications for retirement housing and specialist care housing, such as the application proposals, are to be considered. This policy provides that:

Proposals for development which provide retirement housing and specialist care housing will be encouraged and supported where it is accessible by foot or public transport to local shops, services, community facilities and the wider public transport network. The Council will particularly encourage schemes that meet identified local needs for those on lower incomes and provide affordable accommodation for rent or shared ownership / equity.

6.16 This policy does not restrict such sites to being within Built-Up Area Boundaries. The supporting text of the policy goes on to state that consideration be given to any site-specific constraints and the detail of the scheme. As such, the HDPF and SSWNP Policy framework provides that the principle of redevelopment of the site with retirement and specialist care housing with more efficient use of previously developed land can be considered acceptable, subject to the detailed considerations as set out below.

Need

6.17 National Planning Policy instructs Local Planning Authorities to ensure a sufficient amount and variety of land comes forward where needed, and that the needs of groups with specific housing requirements are addressed. The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including, but not limited to, older people. The NPPF glossary defines “Older people” as “People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.”

6.18 The number of Horsham District elderly residents is forecast to rise. Evidence of identifiable need for specialist older people housing in Horsham District for the elderly has, mostly recently, been established by the evidence gathered in the ICENI Northern West Sussex Strategic Housing Market Assessment (Nov 2019). This is a rigorous assessment of future demand, and clearly demonstrates unmet need for elderly accommodation within Horsham District, and a need for places in the market catchment area for Horsham.

6.19 The ICENI report analysis concludes there will be a notable increase in the older person population, with the total number of people aged 65 and over projected to increase by 61% to 2039. This compares with overall population growth of 24%. The findings confirm that aged-related illnesses/disabilities (dementia and mobility problems) are expected to increase significantly in the future as the population grows. The proportion of older people expected to change is tabled below-

Table 57: Projected Change in Population of Older Persons (2019 to 2039) – Horsham

	2019	2039	Change in population	% change
Under 65	109,628	124,366	14,739	13.4%
65-74	17,125	23,432	6,306	36.8%
75-84	10,851	18,886	8,035	74.0%
85+	4,739	10,358	5,619	118.6%
Total	142,343	177,042	34,699	24.4%
Total 65+	32,716	52,676	19,960	61.0%

Source: Demographic Projections

6.20 Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options moving forward. The prevalence rates used in analysis are based on the Housing LIN Strategic Housing for Older People Analysis Tool (SHOP@). This sets out a series of baseline rates that form a starting point for assessing appropriate prevalence rates to apply. This analysis suggests a need for 140 units of accommodation per 1,000 population aged 75 and over in Horsham.

6.21 The table below shows estimated needs for different types of specialist housing for Horsham linked to the Standard Method projections. The analysis shows a potentially high need for leasehold (market) accommodation in Horsham as well as a need for rented accommodation. Overall, the analysis in Horsham suggests a need for 2,087 additional units by 2039 (equivalent to 104 per annum)

Table 63: Older Persons' Dwelling Requirements 2019 to 2039 - Horsham

		Housing demand per 1,000 75+	Current supply	2019 demand	Current shortfall/ (surplus)	Additional demand to 2039	Shortfall/ (surplus) by 2039
Housing with support ³⁷	Rented	36	912	556	-356 ³⁸	487	131
	Leasehold	67	968	1,050	82	919	1,001
Housing with care	Rented	16	97	244	147	213	360
	Leasehold	21	32	334	302	293	595
Total		140	2,009	2,183	174	1,912	2,087

Source: Derived from demographic projections and Housing LIN/HOPSR/EAC

- 6.22 The ICENI analysis demonstrates that high levels of care accommodation are likely to be needed. Given this, there is a clear need for accommodation of this kind, and that such a need is becoming more acute which helps demonstrate an exceptional need and a public interest associated with providing this type of specialised housing for the elderly. The applicant has also submitted their own research evidence, which concludes a demonstration of local demand and need given a significant shortfall of specialist accommodation for older people in and around Storrington.
- 6.23 In addition to its purpose to enhance landscape, the Local Planning Authority also has a duty to seek to foster the social and economic well-being of the community. This development would help to meet the need for specialist accommodation within the district and allow older people a greater degree of independence and flexibility in the way they live and chose to receive the care they need. It is also recognised that the development may have the potential for a contribution to the local economy by providing employment opportunities.

Housing Land Supply

- 6.24 On the figures in the Council's own Annual Monitoring Report 2021-2022, the Council can demonstrate only 60% (3.0 years) Five Year Housing Land Supply. The HDPF was five years old in November 2020. National Policy instructs that relevant policies for the supply of housing should not be considered up to date if a five-year supply of housing land cannot be demonstrated, as is the case for Horsham District. This has consequences on the reliance that can be placed on those policies in reaching a decision. The previous appeal decision to dismiss the 41 dwelling housing estate in 2016 was at a time when the HDPF was one year old, and the Council could demonstrate a five-year-housing land supply. The impact of the Council's housing land supply position on the balance of considerations is addressed in the conclusion.

Appropriate Location

- 6.25 HDPF Policy 18 sets out a number of provisions whereby a need for accommodation for the elderly can be met outside settlement boundaries; Policy 18 seeks to apply locational criteria requiring that such sites be accessible by foot or public transport to local shops, services, community facilities and the wider public transport network.
- 6.26 The nearest settlement is Storrington which has a number of services and facilities that are reflective of its second-tier designation as a small town/larger village – this is defined as a settlement with a good range of services and facilities, strong community networks, and also benefits from a reasonable public transport network. Storrington in this regard has a large range of shops and a doctor's surgery amongst other services and facilities. The centre of Storrington is 2km from the application site.
- 6.27 As concluded by the Inspector in the previous appeal on this site (DC/14/0921 refers) for a new residential estate of general market housing, the site is some distance from these services and the pedestrian route via the A283 disadvantageous (narrow, in places unlit and

very close to the carriageway edge). As he also noted, the alternative, slightly longer pedestrian route along Hamper's Lane and through Heath Common would be unlikely to be used (distances involved, unattractiveness and safety issues).

- 6.28 The type of accommodation now proposed and consequently, the accessibility requirements of future residents, is of very different nature when compared to that of the appeal scheme. The Inspector's findings on the site location for a general market housing scheme has reduced significance for a care home and age restricted housing, as day-to-day services would be provided on site and the residents, being aged people, would have less need to be close to schools and employment sites, for instance. The proposed care home would provide a number of onsite facilities for residents (day-spaces, café, cinema, hairdressers, with staff serving area), further reducing the amount of travel. The care element of the proposal will also provide mainly for the frail not expected to leave a home unaccompanied. However, accessibility by means of travel other than private car remains relevant when considering the impact of trips by staff and visitor on sustainable development policy.
- 6.29 Convenient and safe access to the bus stop shelters provided on the A283 just outside the Milford Grange allow for an appropriate level of transportation mode choice for future residents if they need or desire access to services outside of those planned for within the development. There are reasonably frequent daytime bus services to Storrington village and other local centres. The bus service to Horsham runs every hour Monday – Saturday. The bus service to Worthing runs every hour Monday-Saturday and every 2 hours on a Sunday. Services were improved as required by the Inspector when approving the adjacent Milford Grange housing estate at appeal in 2012 (DC/10/1457 refers).
- 6.30 Additionally, improvements to existing pedestrian connectivity (footway surfacing improvements along the A283, a warning sign in the vicinity of the crossing outside of the site, and improvements to the Public Right of Way network) for future residents and their visitors to local services in Storrington village centre, and to enjoy and learn the special qualities of the National Park have been secured from the applicant (as supported by SSWNP Policy 12). These, as well as a £20,000 contribution toward Milford Grange County Park, will assist in also reducing the acknowledged future use pressures on designated Local Green Spaces and other amenities open to the public and widely used for recreation near to the site. As such, this development proposal would not prejudice fulfilment of Community Aim 1 *Creation of the Sandgate County Park*, in accordance with HDPF Policy 4 iv and Site Specific Allocations of Land document (HDC, 2007) Policy AL19.
- 6.31 On the matter of the £20,000 contribution toward the Milford Grange County Park, the applicant met with the directors of the Milford Grange (Storrington) Management Committee Ltd in May 2023. On a without prejudice basis, it was agreed that the correct way to progress the proposed contribution was that if the committee resolves to approve the current application, then this offer should be secured with a clause in the Section 106 Agreement that the sum is transferred to Horsham District Council prior to first occupation of the development. HDC will then formally write to the Management Company to ask whether it would be willing to receive these monies (which would have to be used for the ongoing maintenance and management of the County Park at the discretion of the Management Company). The Management Company would have 3 months in which to respond positively or negatively to the offer. If there is no response, the monies should be returned to the applicant.

Loss of Employment land

- 6.32 HDPF Policy 9 seeks to protect employment sites to ensure there are sufficient local employment opportunities to meet the needs of the district. Outside key employment areas, the Policy requires proposals for the redevelopment of employment sites to demonstrate that the site/premises are no longer needed and/or viable for employment use. The site is currently in use as a kennels/cattery (sui generis use). Employment sites are generally

considered B1 (now E.g.(iii))/B2/B8) which this is not but nevertheless the site as existing offers some employment more generally. The evidence submitted with the application of the non-viability of the site for the current commercial purposes is though somewhat lacking.

- 6.33 The applicant has presented that the existing kennels and cattery business became unviable during the COVID Pandemic and is planning to close. At the time of writing of this committee report, the kennels business remains in operation. Nonetheless, the proposal is expected to provide 47 jobs on the site and will employ people into various types of jobs including management, administration, carers, and support staff. It is likely that many of these jobs will be filled locally and therefore provide increased employment opportunities. As a result, while the previous housing estate applications on the site were refused for the loss of jobs, this proposal will increase the number of jobs located on the site from around the current 18 to an expected 47. Your Officers therefore consider the proposal would not conflict with HDPF employment policies, in particular Policy 9, as it provides a substitute viable employment use, for a quantity and quality of jobs in the care sector, which is a growth industry currently in demand.

Elderly Accommodation, Affordable Housing and Mix

- 6.34 The scheme would provide important niche market care / age-restricted accommodation within the district. The proposed mix of homes would cater for older residents enabling them to continue to live locally, which could potentially free up existing family size homes within the district. This in turn has the potential to alleviate the pressure elsewhere within rural locations to deliver general housing. There would also be benefits for elderly people currently living in unsuitable accommodation achieved through increased housing choice within the district.
- 6.35 The care home element of the proposal would operate as a traditional form of care accommodation, and therefore falls within Use Class C2 (Residential Institution). As such, this element would not be required to generate an affordable housing contribution and is £0 rated development for the purposes of the Authority's Community Infrastructure Levy (CIL) charging schedule.
- 6.36 Apart from an age restriction, there is no details of the minimum eligibility criteria and supporting care provisions in relation to future occupiers of the bungalows, so the Council considers 8 bungalows would fall within Use Class C3 (dwellinghouse) and, as such, would attract a CIL charge.
- 6.37 Having drawn that distinction, your Officers are of the opinion that the proposed care element cannot be considered as providing dwellings and thus HDPF Policy 16 (which seeks 35% affordable housing contributions to be secured on all proposals for residential developments above a certain scale) cannot apply. However, Policy 18 requires supported schemes to meet identified needs for those on lower incomes.
- 6.38 In terms of the care home, it has been secured that 10% of care home beds, equivalent to 6 units, will have local authority rates for occupation, and the appropriate local government adult care body will have nomination rights subject to agreement with Horsham District Council.
- 6.39 All 8 bungalows will be prioritised in marketing for those with a local connection. This means a person with a connection with the administrative area of Horsham District Council by means of residence, employment, or family connection. Regards will be paid to the residents of Parishes of Storrington, Sullington and Washington in a cascade system before moving onto residents of Horsham District Council and then the wider area. The bungalows will be restricted to over-55's occupancy by the legal agreement.

- 6.40 It is likely that many people seeking to move into this type of accommodation in later life will choose a location where they have previously lived or where family connections exist rather than moving somewhere completely new. In your Officer's opinion, the significant and growing need within the district makes it likely that residents of the district would occupy most of the units.
- 6.41 It is noted that Policy 18 does not provide further information on the percentage and type of affordable housing such development should provide. Likewise, the Council's Planning Obligations and Affordable Housing SPD provides no further relevant detail. In the absence of such information, officers are of the view that the affordable housing offer is acceptable to meet the requirements of Policy 18.

Heritage

Policy

- 6.42 Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. National Planning Policy at Chapter 16 of the NPPF follows these statutory provisions 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. These duties are reflected in HDPF Policy 34.

Archaeology

- 6.43 It is evident from archaeological deposits in the area, particularly prehistoric burial activity, that the site has archaeological potential. Archaeological works following the grant of planning consent can be secured by planning condition (Written Scheme of Investigation and post investigation assessment).

Built Heritage

- 6.44 The wider site beyond the red line (application) boundary includes Grade II Listed Building Old Clayton, a former farmhouse, said to date back to the C16th but with subsequent mainly C19th and C20th extensions and alterations. A group of brick built, traditional outbuildings arranged around a courtyard are within the curtilage of the Listed Building, and together with the house, for a historic farmstead. The farm buildings are prominently positioned close to Storrington Road. The former farmhouse is set further back and, apart from the upper parts of the roof and the chimneys, is not conspicuously visible from Storrington Road.
- 6.45 The Council's Conservation Officer considers the historic buildings in use by the kennel business do form part of the historic farmstead (Phase 1 (pre-dating 1839): the timber framed granary; Phase 2 (1839 to c.1875) The main courtyard; and Phase 3 (1960 to c.2009) The kennels/cattery buildings). These historic farm buildings are nineteenth century constructions that replaced older farm buildings based on the age of the farmhouse, Old Clayton. Despite low level of historic or architectural interest they do reinforce the special interest of the listed farmhouse albeit in a limited way. Implementation of the development proposals would require the demolition and clearance of all the existing built structures within the red line (application) boundary, although it is intended that the timber-framed granary would be retained and re-sited at the southern entrance to the development. It is considered by the applicant that the very small loss of significance resulting from the loss of the mid-19th century outbuildings would be balanced and offset by the implementation of the development proposals, as it is their collective group value as an indication of the agricultural function of the building that makes their contribution to significance. The applicant argues this contribution would be preserved by the proposals and it continues to be concluded that this change would not constitute a loss of heritage significance (an adverse impact) and therefore

harm in respect of the NPPF. The Council's Conservation Officer does not disagree with these conclusions reached in the applicant's submitted heritage statement regarding the impact on the special interest of the listed building through change to its curtilage structures. The historic farmstead of Old Clayton has undergone substantial change in the more recent past particularly in the mid to late twentieth century. In the case of the granary, its re-siting and rebuilding will mitigate this impact. The Council's Conservation officer is therefore satisfied no harm will result from the proposed demolition of part of the nineteenth century farm buildings and the re-siting of the granary.

- 6.46 Nonetheless, it is important the historic context of Old Clayton is not diluted through needless demolition or a suburbanisation of the site. From a heritage perspective, any new development on the site should reinforce a historic rural and agricultural context to mitigate a sense of suburban sprawl. It is important that the site continues to appear as a historic farmstead from the south when viewed from the A283. Replacement buildings at the front of the site present a strong boundary with the A283. This area of the site should remain appreciable as a historic farmstead even if the existing buildings are altered or demolished. The Conservation Officer appreciates the work to ensure the proposed access and redesign of the southern boundary of the site does not advertise a relatively high-density residential development. This work comprises; a new agricultural style building close to site entrance; making good the west end of retained east-west range; reopening the historic entrance to the stables courtyard to access the retained outbuildings and provision of a new walled enclosure). Although the design of the care home building seeks to reinforce a traditional agricultural character, the scale of the building means this will not be so convincing, even as submitted in the revised scheme. However, the detailing and use of traditional materials will give the building an attractive appearance. Moreover, despite its form, scale, and proportions remaining reminiscent of suburban sheltered accommodation, he is satisfied the revised design for the principal accommodation building will result in a minor improvement over the 2021 scheme. The proposed bungalows will be more successful in the Conservation Officer's view in terms of their architectural interest. The proposed bungalows are arranged and designed to reinforce a narrative of agricultural activity and character. Separation of the historic farm buildings and the proposed development is avoided, so preserving the setting of the listed building.
- 6.47 The Council's Conservation Officer is content the impact to the setting of the Listed Building can be managed with this approach. The historic farm granary building (late nineteenth century O.S. maps and may be older than the brick built nineteenth century ranges) has been moved and repurposed as a recreational building in communal gardens. A specific request is that any plant or other hardware to be placed on the roofs should be designed in from the outset so it can be well concealed and integrated into an attractive roof form. Other requested conditions relate to architectural detailing such as roof detailing/junctions and windows but are not considered necessary to impose by planning officers as the bungalows are within the setting of Old Clayton and the plan drawings already submitted demonstrate the quality of development would be sufficiency well executed.
- 6.48 In summary, the Council's Conservation Officer is satisfied that although the proposed development will have an impact on the setting of the adjacent listed building this setting has already been affected by substantial change in the recent past. The proposed development can be considered not to harm the setting where this has already been diluted and effectively reduced in its perceived extent. The listed building will continue to be experienced positively in its immediate setting and with visual connection to its historic farm buildings without significant visual intrusion or inter-visibility with the proposed development.
- 6.49 The proposal is not therefore considered contrary to HDPF Policy 34, or the requirements National Planning Policy regarding the protection of designated heritage assets. The proposal would satisfy the statutory tests in the 1990 Act.

Landscape Character and Design

South Downs National Park

- 6.50 National Planning Policy at paragraph 176 of the NPPF advises that development within the setting of a National Park should be sensitively located and designed to avoid or minimise adverse impacts on the designated area. This includes its purpose for designation, its special qualities, and South Downs National Park Partnership Management Plan (2020-25). The Council has heeded the advice of the South Downs National Park Authority to refine the proposal in consultation (Oct 2021, July 2022, and Oct 2022) and considered National Planning Policy and relevant local policies SD4 and SD6 of the South Downs Local Plan (2014-33). The outcome being that both planning authorities conclude the proposal as amended would not conflict with the statutory duties and National and Local Policy regarding the setting of the National Park for reasons discussed in detail later in this report.
- 6.51 HDPF Policies 25 and 26 seek to safeguard the natural environment and landscape and countryside character, and HDPF Policy 33 sets out development principles to conserve and enhance the natural and built environment. Likewise, SWWNP Policy 15 Green Infrastructure & Biodiversity lays out criterion principles for the layout and landscape schemes of development proposals, to protect and maintain and enhance green infrastructure. SSWNP Policy 14 requires the scheme design to reflect its surroundings. SSWNP Policy 8 protects certain views in surrounding countryside.
- 6.52 In the Horsham District Landscape Character Assessment (Oct 2003) the site is within the Parham and Storrington Wooded Farmlands and Heaths landscape character area; rolling sandy ridges with oak-birch woodland, conifer plantations, heathlands and rough pasture. The area is characterised by mostly well hedged pasture fields. Given the relatively low-rise building form of the existing development, and the tree belt on the west boundary, the site is a transition between the prominent development of Milford Grange and the rural landscape of the National Park abutting the eastern and southern site boundaries.
- 6.53 In the most recent Landscape Capacity Study (2020) the site lies within Local Landscape Character Area (LLCA) 61: Sandgate Park. Overall, the LLCAs landscape capacity is deemed 'moderate' and therefore some areas can accommodate development, though each proposal needs to be considered on its individual merit to ensure there are no unacceptable adverse impacts. The site falls within the 'Views from the scarp looking north across the Low Weald outside the NP' view type of the South Downs National Park: View Characterisation and Analysis (LUC, November 2015). To prevent harm occurring, this report states that built development needs to be integrated into its rural landscape context using native vegetation and visibility from the SDNP minimised.
- 6.54 Concerns on landscape grounds were upheld at the previous housing estate appeal on the site, how that scheme addressed the portion of the site to the east, which is directly adjacent to the South Downs National Park and how that affected its setting. There was also the issue of harm to National Park setting from views from the National Park south of the A283 looking north towards the site. After that appeal, the adoption of SSWNP Policy 8 protects some views from the National Park looking south towards the site and onwards to fields adjacent to Sullington Lane and A283. The proposal would impact on these protected views.
- 6.55 The present scheme is accompanied by a Landscape and Visual Appraisal. This includes identification of the impacts (positive and negative) on landscape character, views and perceptual qualities to the landscape setting of the National Park. The proposal is accompanied with representative viewpoints, which demonstrate the site being visible in the wider landscape to the south. These include from the National Park (The South Downs Way; Sullington Hill; and Chanctonbury Ring) and other publicly accessible areas to the south and on higher ground.

Views

- 6.56 The new proposal has been considered in respect of these views and how views towards the escarpment are maintained from within the site. The effects the proposal will have on the landscape has been assessed; the site seems prominent to public views from a number of vantage points including looking south at high ground level within the National Park. Nonetheless, The Council's consultant Landscape Architect has concluded that the present scheme does not appear as a formulaic and suburban development from these distances as the previous housing estate appeal scheme. The advice of the South Downs National Park Authority and the Council's own consultant Landscape Architect is that the current proposals are more suitable than the previous housing scheme, and their initial concerns have been overcome with the submission of the Landscape and Visual Appraisal and mitigation measures.
- 6.57 Their professional advice is that key to mitigating the views and quality of the view from the National Park towards the site, and visual and character impacts more generally, is the treatment of roofs and building materials as well as the public realm (including plenty of soft landscape including trees for a tree cover/wooded appearance from above). In respect of this, the new scheme has adopted a different approach to the sensitive northeast corner of the site; the plan form and elevation detail of the bungalows, by virtue of being more reflective of agricultural courtyards expected to be found in the countryside, addresses some of the criticism on character points in the previous appeal scheme.
- 6.58 On the care home building itself, including views of it from Milford Grange and the obvious level difference between the site and Milford Grange Estate, and in particular its large scale and bulk and the extensive roof, it is judged that its plan form and elevation detail help break up the expanse of building form and its large roof whilst recognising the size and built form of a care home is driven by the safe, effective functional needs to meet the health and wellbeing care of its residents. Following refusal of the original application, the care home building has been revised with changes considered by your Officers to be an improvement over the 2021 scheme in terms of addressing Member concerns over bulk and size. Revised plans show changes to the building footprint and roof form, along with re-articulation of the elevation treatment, has given primacy to the central structure with a clear distinction between this asymmetrical portion and the wings, both in terms of subservient eaves height and building line set back for the link portions (665mm and 1500mm). The barn hoist feature has reduced the building's overall height. The intention is to present a grand coach house set between two ranges of stabling. These changes have broken up the expanse of flat roof (plant well) reducing the building's visual impact when viewed from vantage points from within the South Downs National Park and South Downs Way (some 1.5km distant from the site). In your Officer's view, the proposal convincingly reflects as a large rural estate complex of the mass and size that might be expected, in the context of the setting of Old Clayton.
- 6.59 The care home building is located on the less sensitive west side of the site and its overall design approach is deliberately subdued, with use of dark cladding and brown brick. It is recommended by the Council's consultant Landscape Architect that an Environmental Colour Assessment be applied to ensure appropriate tones and colours are used, and this can be secured by condition. In marked contrast, the development next door, Milford Grange, is readily identifiable from the Downs as the red roofs and white render stands out.

Mitigation

- 6.60 As advised by the National Park Authority and the Council's consultant Landscape Architect, it is necessary for the proposed landscape mitigation to be realised to overcome or reduce harm. The harmful effects of the loss of part of the green corridor to the east as result of the adjacent Milford Grange development, can already be experienced.
- 6.61 Appropriate space is allowed for meaningful landscape buffers to be retained and planted or to be able to provide important planting to mitigate views from the SDNP and retain the

wooded character of the area and as appreciated from the vantage points. This includes the buffer to the sensitive east boundary which abuts the SDNP. This will now be outside the bungalow plots reducing future pressure for felling or canopy reduction, ensuring retention and protection of planting longer term. Similarly, along the north boundary, where there is already planting in place and this will be substituted with additional planting. The concern is not so much about the arboricultural quality of the tree stock along these boundaries (the removal of the existing conifers along the north is accepted for instance), but rather their contribution to the green infrastructure and as a structuring element in the landscape.

- 6.62 Whilst the National Park Authority maintains a general concern regarding the bulk/massing of the proposed care home building, the landscaping and planting details (including additional tree planting within and along the southern edge of the site) are welcomed. In that authority's view would help to reduce the impacts upon views from the higher ground (scarp slope and ridge) within the National Park.
- 6.63 Likewise, whilst the Council's Landscape Architect had previously raised concerns regarding the bulk/massing of the proposed built form, the landscape amendments proposed, including additional tree planting, reduce visual impacts and reflect the guidance set out in the Landscape Character Assessment. On this basis, the proposals are deemed appropriate in landscape terms and will not significantly impact on visual amenity. Moreover, the Council's Landscape Architect is satisfied the amendments shown in the revised scheme are welcomed and considered to go a little further to mitigate the concerns with the mass and bulk of the proposed built form as appreciated from the South Downs National Park.
- 6.64 The mitigation proposed would ensure the viewpoints of the new development would be for the most part visually contained with boundary vegetation, which would provide a robust edge to the new development. A strong defensible boundary on the sensitive east side of the site would remain and the adjoining fields would continue to contribute to the rural environment and qualities of the National Park.
- 6.65 As the landscaping is fundamental to the acceptability of the scheme to mitigate harm, it is necessary, as advised by the Council's consultant Landscape Architect, that conditions that secure the delivery of the precise details of the landscape scheme and associated Management Plan submitted to the Council at pre-commencement stage rather than at occupation.

Matters separate to mitigation

- 6.66 The quality of the open space to be provided for future residents is considered an appropriate balance between manicured and ornamental garden/ spaces that support the needs of users and the natural environment, the wooded character and other ecology objectives. New planting, for instance, reflects the local prevalent habitat and native species identified in the Council's Landscape Character Assessment and nearby Sullington Warrant SSSI, in contribution to Biodiversity Net Gain. A light spillage assessment submitted with the application demonstrates the impact on the South Downs International Dark Sky Reserve designation through contribution to upwards sky glow, and through potential visual impacts of new light sources in the wider landscape, has been limited. The landscaping would reduce further potential glare and spillage light spill once matured. Subject to the previous assessment regarding impact upon heritage, the buildings, and structures to be demolished to facilitate the new development are not of noteworthy architectural merit and their removal is not resisted.
- 6.67 Overall, the proposed landscaping scheme would comply with SSWNP Policy 15 which requires, amongst other things; retention of existing hedgerows and trees wherever possible (i), with indigenous species for wildlife in new planting (ii and iii), and that landscaping is multifunctional and connected with green and biodiversity corridors (iv and vi), with ongoing maintenance provision of effective screening (v).

Summary of Landscape and Design Matters

- 6.68 Other development proposals have been previously recommended for refusal on this site on landscape and townscape character, visual amenity, and design. However, those applications proposed two storey homes of a very different style, form, and layout to that subject to this current planning application as well as a new access closer to the boundary with the National Park and the demolition of West Clayton.
- 6.69 The scale and extent of development within the setting of the National Park has been assessed and judged to be located and designed to avoid adverse impacts upon the National Park. This includes considering visual impacts. The Council, having heeded the advice of the South Downs National Park Authority, which does not object to the proposal, has fulfilled its statutory duties in this regard; good design and mitigation has ensured that the scenic quality and special qualities of the landscape of the National Park are conserved.
- 6.70 The scheme is redevelopment of previously developed land; there will be no physical take up of countryside with avoidance of settlement coalescence. The scheme makes efficient use of land and optimises the provision and use of buildings, appropriately designed to reflect surroundings, and open space within the site with appropriate landscaping; harm to wider landscape character and appearance, including protected views, is mitigated. It provides an attractive, functional, accessible, and safe environment, in compliance with the principles of National Design Policy and HDPF Policies 25, 27, 26, 32 and 33 and SSWNP Policies 8 and 14 and 15.

Environmental Protection and Amenity Impacts

Contamination

- 6.71 The majority of the site is on the Folkestone Formation which is designated as a Principal Aquifer. The far southwest is underlain by the Gault Clay, designated as unproductive. A historic landfill named 'west of RMC workshops historic landfill' lies to the west and north of the site and crosses into the site in some areas. Therefore, there is the potential for contaminated material to be present. The previous use of the proposed development as a landfill and for farming presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located on a Principal Aquifer. The Environment Agency has confirmed the submitted Phase I and II Geo Environmental Site Assessment indicates that it will be possible to manage the risk posed to controlled waters by this development. Whilst the Council's Environmental Protection team are now satisfied that the risk from ground gases has been adequately addressed to fully quantify the risks further investigation and chemical tests of soils is required, in areas of the site currently covered by buildings and areas of hardstanding. Neither the Environment Agency nor the Council's Environmental Protection raise objection to imposing conditions to address these matters as the proposed development would be acceptable subject to a remediation strategy.

Noise

- 6.72 Following review of the additional information on noise impacts submitted on request of the Council's Environmental Protection team, those officers are now of the view that acceptable noise levels from the operational phase of the development proposal. Both the internal and external noise levels across the site meet the relevant noise criteria with the mitigation measures specified (acoustic glazing and 2.5metre high acoustic fence to southern boundary). This includes building services plant, both internally and in proposed amenity spaces of future occupiers, and existing occupiers of adjacent noise sensitive development (Milford Grange estate), are capable of being achieved through conditions. Noise during the construction phase (Site clearance, preparation, and construction) can be controlled to

minimise experience of adverse impacts from noise, dust and construction traffic movements by way of a Construction Environmental Management Plan secured by condition.

Air Quality

- 6.73 In the original submission, despite submission of revised air quality evidence by the applicant, the District's Air Quality Specialist continued to express reservations regarding the model verification methodology. However, after correction, the model performs well for the worse-case area at the mini-roundabout of Manley's Hill and School in the centre of Storrington. As the forecast for the development to be occupied is 2027, based on the rate of improvement in vehicle emission rates, the impacts of this development in combination with other committed developments are not expected to go beyond Slight Adverse. Therefore the District's Air Quality specialist has not objected.
- 6.74 Also, correctly, the total cost of the air quality mitigation set out in the Air Quality Mitigation Plan in the original submission, was equal to the damage cost (with every measure in the plan costed), based on 'small urban' traffic as opposed to 'rural' traffic. The proposed financial contribution (£5,000) through S106 towards the provision/maintenance of EV chargers and cycling facilities for the Storrington public car parks and Glebe GP surgery is welcomed as this funding will assist the Council to augment local opportunities for EV charging and thus help the transition to EV vehicles by the local community. These mitigations avoid duplicating that secured through other legislative regimes (see below) having regard to the Air Quality and Emissions Mitigation Guidance for Sussex (2021). The submitted air quality evidence on the revised scheme does not reflect these discussions. Therefore, the District Air Quality Specialist finds the development acceptable in terms of its predicated impacts on air quality, this is subject to the evidence on the present application being updated to reflect previously agreed discussions. This can be secured as part of air quality mitigation plan via the legal agreement and/or condition.
- 6.75 The proposed provision of 4 x EV charging points for the care home and provision of EV charging points for all bungalows is also welcomed, subject to confirmation of the charging point specification by way of the Air Quality mitigation package to be secured by legal agreement. In terms of this type of EV provision, with the change in legislation, compliance with Building Regulations (BR) would deliver the equivalent EV provision to the new residential buildings as would have been previously secured by planning condition (subject to BR submission being post June 2023). For this development scheme, EV provision, including for visitor parking, would remain secured as part of air quality mitigation plan via the legal agreement and/or condition.

Amenity and Light Pollution

- 6.76 At some 5 metres, the level difference between the plateau of the application site and the Milford Grange estate (measured from the John Ireland Way Road), as shown on the submitted Site Sections plan drawing 0401 Rev P1) is acknowledged. This accentuates the perceived impact of the introduction of the new built form, in particular the care home building, onto neighbour's amenities. The built form would be visually prominent from certain views from within the estate and curtail some view of the expanse of skyline as a result. However, the level differences, retained distances between the proposed care home building on the site and the existing dwellinghouses on the estate, together with its maximum height, is sufficient to avoid overbearing or overshadowing/loss of light adversely affecting the primary living space of occupiers of those dwellings. A comprehensive lighting plan for the site can be provided by condition to ensure that intensity of illuminance is limited to the confines of site, thereby avoiding harm to neighbouring amenities by way of unacceptable light pollution.
- 6.77 The applicant has updated the section plan drawing to demonstrate the angle of sight from the upper floor of the care home building onto neighbouring properties to the north, and the

intervening fence of above eye-level height at ground floor, would maintain an adequate level of mutual privacy. In normal suburban densities, where the rear facades of buildings with habitable rooms face each other, the recommended spacing is 25 metres between the properties. These provisions also apply to sides and flanks containing habitable rooms. The proposal exceeds these provisions, irrespective of tree screening (existing or proposed); albeit replacement planting for the removal of the existing conifers would reduce mutual overlooking whilst offering adequate outlook for future residents given the extent of glazing to the care home building facing north. The privacy screens shown to the balcony on the north face of the care home should be required to be installed by condition before its use.

Summary on Matters of Environmental Protection and Amenity

- 6.78 Overall, the Council's Environmental Health team remain satisfied that existing neighbours would not experience unacceptable internal living environment and adequate outdoor amenity in gardens, and subject to the recommended conditions being applied, the proposal follows National and Local Planning Policy HDPF 24 to minimise pollution and safeguard human health. The proposed development would have an acceptable impact on the amenities of adjacent residents whilst providing a good standard of amenity for all future occupants of the site, in accordance with HDPF Policies 32 & 33.

Highway Safety, Access, and Parking

- 6.79 HDPF Policies 40 and 41 promote development that provides safe and adequate access, suitable for all users. It should be noted that developers can only be required to mitigate the impact of their development, in accordance with CIL Regulations.

Safety

Access arrangements

- 6.80 West Sussex County Council, in its capacity as The Local Highway Authority (LHA), has carefully assessed the impact of the development. It is confirmed the proposals to widen the existing site access are safe and the LHA is satisfied with the revised arrangements; vehicular visibility onto the publicly maintained highways is appropriate for anticipated road speeds (see below).
- 6.81 The existing central refuge island crossing on the A239 east of the site is already wide enough to shelter pedestrians, including wheelchair users. It is served by street lighting. It was judged sufficient for pedestrians to cross the road safely by both the LHA and the Inspector in the previous appeal scheme for a housing estate of 41 dwellinghouses, which inevitably would have involved a greater number of pedestrian movements, including both the elderly and families, to access the westbound bus stop.
- 6.82 In the present day the refuge island continues to be judged satisfactory by the Local Highway Authority, and there is no evidence held by the LHA to suggest that it operates unsafely; the LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years where there have been 5 x recorded injury accidents within 200m of the site access. However, from an inspection of accident data the LHA does not consider that the nature and quantity would indicate a pattern and does not consider that the incidents were due to any defect with the junction or road layout.
- 6.83 Vehicle tracking shows that the modified access will allow two cars to pass within the access. A refuse collection vehicle can manoeuvre the access and turn within the site. Whilst a refuse collection vehicle cannot pass a car within the access the LHA agree that the occurrence of this will be minimal. A management plan will be necessary to minimise disruption to traffic flow and safety during the construction phase and this can be secured by condition.

- 6.84 Therefore, given the advice of the Local Highway Authority in respect of the application, it is considered that the proposed development accords with HDPF Policy 40 and provides a safe and suitable access.

Visibility

- 6.85 A seven-day speed survey revealed 85th percentile speeds of 44.1mph for eastbound vehicles and 46.5mph for westbound vehicles. This would require visibility splays of 121 metres to the west and 132 metres to the east. This has been demonstrated from 2.4m back into the access as achievable to the carriageway edge in either direction, entirely within publicly maintained highway boundary.

Road Safety Audit

- 6.86 A Stage I Road Safety Audit has been undertaken and signed off by the LHA. Four issues have been raised and addressed; an appropriate system can be agreed at detailed design stage to address a watercourse and headwall adjacent to access road if a vehicle leaves the carriageway; swept path tracking has been suitably demonstrated; a separate footway would be located away from the culvert to protect pedestrians has been agreed; and existing worn hatch separation markings will be renewed.

Internal Layout and Parking

- 6.87 Vehicle access road is sufficient for two cars to pass and features a spur within the site to the existing dwelling, access to care home car park and access drive to the bungalows. Footway is separate from the access road into the site where it then abuts the southern edge of access road to the bungalows. There is ability for all anticipated vehicles, including refuse vehicles, to turn on site to exit in a forward gear and there are also leisure walkways around the grounds to promote walking.
- 6.88 It is acknowledged there is little capacity for on-street parking on the surrounding highway network (Milford Grange being a private estate). The Local Highway Authority judges that a sufficient level of parking across the site is proposed, given the scale and frequency of activity associated with the nature of the development (anticipated visitor parking requirement, anticipated shift/staff numbers). Your Officers have no reason to disagree with this.
- 6.89 A total 30 no. car parking spaces are proposed for the care home, two of which will be designed for disabled parking. Vehicle tracking shows the workability of these spaces. The parking provision is informed by evidence from a comparable Horndean care home where the maximum number of staff on site at one time is 22 within the daytime with 60% driving to work (13 x space requirement. Whilst a dedicated space for ambulance has not been demonstrated, the LHA consider that the turning space demonstrated for fire appliance can be used in this instance. For the bungalows 2 x spaces per plot will be provided which meets the WSCC guidance. 11 cycle parking spaces, predominately for staff and 4 EV vehicle charging points will be provided for the care home. The age restricted bungalows should also feature cycle parking (for example in garden shed per plot). Details of the secure and covered facilities can be secured by condition.
- 6.90 It is important to note WSCC Guidance on Parking at New Developments states that for residential care homes there should be site-specific assessments undertaken to determine the required number of parking spaces that should be provided. The two previous major applications refused on this site were for residential development where single occupancy car travel is a substantial factor for the demographic that would have been targeted to occupy these homes, whereas with the proposed retirement development, single occupancy travel is significantly less important due to the age and lifestyles of the residents.

- 6.91 In terms of staff numbers, the site is expected to operate parallel to Horndean, a consented care home in East Hampshire for which the applicant has provided details on staffing and shift patterns. The proposed development is projected to employ up to 47 staff, however, they will be on separate shift patterns and consequently not all on site at the same time. Based on figures from Horndean care home, the maximum number of staff at one given time is expected to be 22 between the hours of 13:00/15:00 and 16:00/17:00.
- 6.92 The applicant's research has found between 08:00 and 22:00 60% of staff drive to work and between 22:00 and 08:00 80% of staff drive. The maximum number of staff at any given time is 22 which fell within the 08:00 and 22:00 bracket. This means the maximum number of parking spaces taken up by staff for the care home would be 13. This would leave 17 spaces for visitors to the care home.
- 6.93 This is judged by the applicant to be a sufficient number of spaces as visitors typically would arrive and depart to the site across the day and the number of visitors by car at any one time is not anticipated to exceed 17 (or 1 visitor per 4 residents). Additionally, the 13 spaces taken by staff would only be during the hours of 13:00 – 15:00 and 16:00 – 17:00, therefore for the rest of the day there would be more spaces available for visitors. It is therefore not proposed that car parking spaces would be demarcated for visitors or staff, allowing flexibility of use. Furthermore, some visitors and staff are likely to car share to the site which would reduce demand. Moreover, a very low number of visitors will be expected on the site between the hours of 22:00 – 08:00 when staff driving percentages are higher as well as a low number expected between 13:00 – 17:00 as this time frame falls within typical working hours. This means the main period for visitation is anticipated to be between 18:00 – 21:00 when there are less staff onsite and the staff driving percentage remains lower.
- 6.94 It is noted the SSWNP does not impose standards beyond the minimum requirements set by WSCC as LHA, but rather its stated aim is to determine parking spaces for flatted accommodation on a case-by-case basis (SSWNP Community Aim 3). The LHA has done this, and its advice is that the proposed provision is acceptable, and your Officers accept this.

Trip Generation and Network Capacity

- 6.95 Considering the use as dog kennels the applicant has provided recorded data specific to the site to show a maximum 445 vehicle movements per day as existing. These are anticipated to be spread throughout the day and comprise staff and visitor trips. This data has not been challenged by the LHA. TRICs modelling was used by the LHA to estimate the anticipated vehicles movements from care home and age restricted bungalows as 123 movements over the day with 11 in AM and PM peak hours. An overall reduction is therefore anticipated and no road network capacity concern to the local road network is anticipated.

Sustainable Transport

- 6.96 In general terms, the LHA considers the site to be sustainably located, being situated within reasonable walking distance of bus and cycle routes, given the nature of demand from future residents of the proposed development; the site is served by footway on both sides of the carriageway with more formal provision on the northern side. The footway on the northern side links to the bus stop shelters both east (opposite side of carriageway reached by central refuge crossing) and west and onward to Hampers Lane. Hampers Lane is also public bridleway no. 2627 and links to Warren Hill. The nearby bus stops provide regular services to Storrington and other destinations such as Burgess Hill, Horsham, Worthing and Pulborough (where the nearest train station is). The bus service to Horsham runs every hour Monday – Saturday. The bus service to Worthing runs every hour Monday-Saturday and every 2 hours on a Sunday.

- 6.97 A Transport Plan Statement accompanies this application which sets out initiatives to encourage non-private motor car use. A fee of £3,500 for monitoring and auditing of the Travel Plan Statement via the legal agreement. Following advice from the Council's Air Quality Specialist and LHA, the travel plan statement has been updated to include provision of on-site shower/changing facilities. Barchester Healthcare also operates a Cycle to Work scheme that allows employees to purchase a tax-free bike and/or equipment. It is judged that these measures and others that may come forward as the travel plan is refined via discharge of the planning condition, will have a positive impact on reducing transport preference of the private motor car.
- 6.98 As part of a package of wider public benefits, off-site highway works are proposed to enhance pedestrian connectivity to services within Storrington Village centre as well as access to the surrounding Public Right of Way network within the National Park. Both have received the support of the LHA and the Public Rights of Way Officer. An additional likely effect of the works would be some reduction in vehicle speeds and a raised level of alertness among most drivers passing the site. These works would be secured as part of the legal agreement and comprise: -
- Financial contribution of £15k allocated to highway improvements:
 - footway surfacing improvements along the A283 towards Storrington, which is supported by the LHA. This would ensure an improved access to the Public Right of Way network, along the immediate stretch of A283 outside of the site and to immediate Public Right of Way.
 - the installation of a warning sign in the vicinity of the crossing point, which is supported by the LHA.
 - Financial contribution of £10k for improvements to Public Right of Way surface conditions or access (new gates etc) within 5 km of the site

Summary on highway matters

- 6.99 The development would generate increased levels of traffic and noises. This is relevant to nearby residents. However, the development has been assessed by the qualified highway specialists in their role as Local Highway Authority, taking all the relevant information into consideration including the existing use of the site, and it is not found wanting.
- 6.100 In reaching its conclusions, WSCC has raised No Objection, concluding that the proposed development will not have severe impact on highway capacity or raise highway safety concerns. This is subject to securing a travel plan statement and travel auditing fee, EV and cycle parking, and a Construction Management Plan and Servicing Plan.
- 6.101 In such circumstance, the proposal is not contrary to the National Planning Policy Framework, and there are no transport grounds to resist the proposal. Your Officers have no reason to disagree with this conclusion and recommend that the proposal accords with HDPF Policies 40 and 41. Likewise, as the residual traffic impacts on the local road network have been demonstrated to be not severe, there is no conflict with SSWNP Policy 17 and SSWNP Policy 15vii (minimise need to travel).

Ecology

Water Neutrality and the Arun Valley Sites

- 6.102 In September 2021, the Council received a Position Statement from Natural England that it cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site (the Arun Valley sites). It advises that development within this

zone must not add to this impact and one way of achieving this is to demonstrate water neutrality.

- 6.103 The Applicant has submitted a Water Neutrality Statement by Highwood Homes (Revision H dated 30.08.2022). This sets out the strategy for achieving water neutrality. This is supported by a submitted Water Usage Survey Report by Hopkins. Through installation of onsite water reduction measures as well as offsetting measures, a water neutral development is proposed. The Statement has been considered as follows.

Existing baseline

- 6.104 The site is currently in use as a commercial kennels/cattery but there is an absence of 3 years of metered water bills as evidence for existing water use. In previous advice to the applicant (August and October 2022) Natural England initially stated that, due to lack of metered water bills demonstrating existing water use, a nil baseline should be used as a precautionary measure. The separate baseline for the residential portion using Horsham's average occupancy rates x 135 litres per person per day was accepted.
- 6.105 Evidence has since been submitted in a Water Usage Survey Report (November 2022), concluding that, based on a single day survey, 9,514 litres of water is used on an average day and 19,214 litres would be used when the kennel is at full capacity. This water use is significantly higher than the 3,913 litres estimated in the Water Neutrality Report (Revision H). Despite this, the applicant is still intending on using the lower figure of 3,913 litres for existing use and continuing with the offsetting mitigation to achieve neutrality. There is no industry standard data for the water required for the kennels and the Council's Agricultural Consultant is satisfied the requirements used to calculate the lower figure (which can change depending on breed and size of dog, weather, and exercise) are reasonably accurate. Taking a precautionary approach, having regard to the data submitted, the existing consumption figure of 3,913 litres per day is considered the most robust.

Proposed Water Consumption, following Onsite Efficiencies

- 6.106 The care home will incorporate measures such as water efficient devices, smart metering and rainwater harvesting. The bungalows will also be fitted with water efficient devices, smart metering and rainwater harvesting incorporated into the development. A proportion of the harvested water will be used for the laundry demand for the care home element. The size of the rainwater harvesting tank considers the requirement of a 35-day drought storage for dry periods, alongside specifications of the rainwater tank. The anticipated water consumption figures for the proposed care home and bungalows are produced. A 90% care home occupancy and 97% single bed occupancy rate has been applied which is agreed by officers and Natural England given the nature of occupancy and evidence provided by the applicants. Based on this information, the care home would consume 4,670 litres per day, equivalent to 83.70 litres per person per day. The bungalows would consume 1,282 litres per day, equivalent to 80.09 litres per person per day. Total consumption for proposed development would therefore be 5,952 litres per day.
- 6.107 Utilising the existing and proposed water consumption figures, the excess water usage arising from the proposed development, and which is required to be offset, has been calculated by the applicant as $5,952L - 3,913L = 2,039$ litres per day. The applicant's strategy is to offset this residual consumption on one of their existing assets within the Sussex North Water Resource Zone.

Offsetting

- 6.108 The applicants identify that water saving measures can be effectively adopted at Barchester's Healthcare Red Oaks care home in Henfield (The Hooks, Henfield, BN5 9UY) sufficient to 'off-set' the increase in water use arising from the development at Old Clayton.

Red Oaks is a purpose-built home providing 24-hour nursing care to older people, including those living with dementia alongside several assisted living apartments at Rayner Court.

- 6.109 The applicant's calculations demonstrate that 2,096.64 litres of water can be offset by replacing the existing shower fittings currently operating at 14L per minute with new, upgraded fittings outputting a flow rate of 7.5L per minute. These figures are based on a 90% occupancy and a 97% single bed occupancy rate for the Red Oaks 62 bed care home.

	Flow Rate	Use Factor	Fixed Use	l/person/day
Existing	14 l/min	5.60	0.00	78.40
New	7.5 l/min	5.60	0.00	42.00
Offset/person/day				36.40
Occupancy Rate				64.0
Total Offset / day (based on 90% occupancy)				2096.64

- 6.110 This shows that the required 2,039 litres per day can be offset with the adaptations in the Red Oak care home with some 57.64 litres per day as a reserve. Natural England are satisfied, given the evidence provided of a likely far higher existing water use than has been used, that the development will achieve neutrality provided the mitigation can be sufficiently secured.
- 6.111 A s106 legal agreement is being prepared that secures the delivery of the offsetting savings within the application proposal. This includes a means for evidence of the installation of the efficiencies to be provided to the Council, and for the occupiers to retain the efficiencies at the same or greater efficiency.
- 6.112 These measures have been embedded within the development to be secured as part of any planning consent and are considered sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar sites. This is subject to completion of the legal agreement and adherence to a condition to secure the water consumption of l/p/d in the new development, details of the rainwater harvesting system and its monitoring for water quality, and a condition requiring compliance with the submitted Water Neutrality Strategy for the offsetting.

- *Shower flow rates*

- 6.113 At the 24th January committee a Member queried the flow rate for showers used for the offsetting calculations. Natural England advise that it is up to the competent authority as to which figure they consider to be the most precautionary. Although utilising the reduced average flow rate would technically result in the proposal not meeting neutrality, Natural England believe there is sufficient evidence to demonstrate that the existing water use figure of 3,913 litres is over-precautionary and that it is likely that the figure is far higher. Natural England is therefore satisfied that the proposal will meet neutrality, regardless of the flow rate used.
- 6.114 Your Officers agree with Natural England on this. The Member query related to the average flow rate of the showers being proposed for off-setting at the Red Oaks care home being worked out using the average flow rate, rather than following the Building Regulations advice on how to calculate the flow rate. Advice in the Building Regulations Part G (water efficiency calculator for new dwellings) is that the proportionate flow rate figure be used where the average flow rate/volume of all showers is lower than the proportionate flow rate/volume. The proportionate flow rate is worked out using the highest flow rate x 0.7.
- 6.115 However, if the approach requested by the Member were used, which is to use the reduced average flow rate figure of 11.9 l/min (compared to the proportionate rate of 14 l/min), the offsetting from Red Oaks would reduce by 766.64 litres i.e., from 2,096.64 to 1,330. Utilising the reduced average flow rate would technically result in the proposal not meeting neutrality.

	Flow Rate	Use Factor	Fixed Use	l/person/day
Existing Showers	11.9 l/min	5.60	0.00	66.64
New Showers	7.5 l/min	5.60	0.00	42.00
Offset/person/day				24.64
Occupancy Rate				64
Total Offset / day (based on 90% occupancy)				1330

Red Oak Off-setting

- 6.116 The Water Usage Survey Report carried out by J&B Hopkins Ltd was on a cold, low occupancy day for the kennels in November 2022. This meant that not all the bowls, kennels and outside equipment such as the paddle pools were being used as they would be during the hotter periods in the year. Given the cold and low occupancy, this figure would be below a realistic average for the business. Consequently, it was accepted by Natural England and your Officers as an appropriate figure for them to utilise when undertaking their appropriate assessment.
- 6.117 The Water Usage Survey Report prepared by J & B Hopkins established the existing usage at 9,515 litres per day. The agreed use of the proposed development is 5,952 litres per day. Consequently this results in a 3,563 litre net surplus without the need to off-set the showers in the Red Oaks care home. If the Building Regulations advice were followed when undertaking works to the Red Oaks then this surplus increases to 5,659.64 litres. Alternatively, if the advice of the Member were followed it increases to a surplus of 4,893 litres. Regardless of this figure attributed to the offsetting from the Red Oaks care home, there is a substantial net benefit in water neutrality as a result of this development.

Conclusion on Water Neutrality

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

Ecology matters separate to the Arun Valley Sites

- 6.121 The Council's consultant ecologist has reviewed the ecological material submitted in support of the application, relating to likely impacts on Protected and Priority habitats and species, particularly bats, and identification of proportionate mitigation. The revised scheme is supported by an updated site walkover survey (April 2023) including an external bat roost assessment of the buildings on site and badger survey. The findings were no significant change to the habitats on site (which were surveyed as of limited nature conservation value) or the potential for protected species since the 2021 appraisal and surveys. Therefore, there is no change to the avoidance, mitigation and enhancement measures set out in the 2021 Ecological Appraisal and Badger and Bat Report.

The Mens and Ebernoe Common SAC

- 6.122 Bat emergence and re-entry survey and Activity Surveys recorded bat species using the habitat on site for foraging and commuting. No roosts or Barbastelle bats were recorded during the surveys, but historic records placed Barbastelle bats within 2km of site. The majority of habitat associated with bat commuting and foraging across the site will be left intact and so avoid habitat fragmentation. Whilst the Badger and Bat Report records individual bats around the hedge, most species recorded are Common Pipistrelle. Additional native tree planting has been proposed to replace removed trees and hedge. The Badger and Bat Report has raised the increase in lighting from the development and potential for light spill over flightlines. As there is potential for habitat fragmentation from light spill of potentially functionally linked land for Barbastelle bats, a sensitive lighting scheme will be secured by condition. As the Council's Appropriate Assessment on The Mens SAC (updated to reflect the revised scheme) concludes, these avoidance and mitigation measures are considered satisfactory to rule out adverse effect on the integrity of interest features (Barbastelles) of The Men's SACs. Natural England concurs with this.

Biodiversity and Green Infrastructure Planning Advice Note (PAN)

- 6.123 Aligned with the HDC endorsed PAN, the Council's consultant Ecologist has recommended reasonable biodiversity enhancements be implemented to secure measurable net gains for biodiversity. The measures should be outlined with a Biodiversity Enhancement Strategy secured by a condition. In terms of biodiversity net gain as set out in the Council's PAN, the enhancements proposed in this development will contribute towards this.

Conclusions on Ecology

- 6.124 The Council's consultant ecologist is satisfied with the findings of the submitted ecological evidence (including updated walkover surveys), with sufficient ecological information to the likely impacts of the development available for determination and recommends approval subject to conditions. This is subject to identified mitigation measures being secured by condition, as well as additional measures including a wildlife sensitive lighting scheme.
- 6.125 This provides certainty of likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable and enable the Council to demonstrate its compliance with its statutory biodiversity duties and Development Plan policies pertaining to biodiversity. It also satisfies the policy objective of the South Downs National Park Partnership Management Plan (2020-25) to Conserve and enhance populations of priority species in and around the National Park, delivering targeted action where required.

Drainage and Groundwater Resource and Land Stability

- 6.126 Consultees raise no objection to the impacts of drainage and groundwater resources, subject to planning conditions ensuring agreed details on foul and surface water drainage and verification so that the development can be accommodated without increasing flood risk elsewhere, in accordance with the NPPF and HDPF Policy 38. It has been noted the Flood Risk Assessment has been updated to accompany the revised scheme, to reflect recommended increase in climate change allowance, with no effect on the previously agreed drainage strategy. The drainage is integrated with the landscape design, so there is compliance with SSWNP Policy 15 in this regard. The Environment Agency confirms previous landfill and farming uses of the site present a high risk of contamination that could be mobilized by surface water infiltration from the proposed drainage system. This could pollute controlled waters, particularly sensitive as the site is on a principal aquifer. The Environment Agency supports the submitted Flood Risk Assessment and Drainage Strategy to mitigate against risk to controlled waters. However, due to the potential contamination still present, a condition is required regarding unacceptable levels of water pollution caused by mobilised contaminants.

- 6.127 The Environment Agency confirms piling and using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers, and creating preferential pathways. As specified previously, groundwater is particularly sensitive in this location. The Phase I and II Geo Environmental Site Assessment (A11530/1.0 June 2021) comments that piled foundations may be suitable, but it is unclear if they are proposed. Considering the above, the development will only be acceptable if a planning condition controlling disturbance of the aquifer is imposed. When seeking discharge of this condition, the Environment Agency would expect to see a piling risk assessment submitted.
- 6.128 National Planning Practice Guidance (PPG) addresses how development is suitable to its ground condition and how to avoid risks caused by unstable land. Consideration of land stability is a planning consideration. When dealing with land that may be unstable, the planning system works alongside other regimes, including Building Control. As land stability has been raised as an issue by third parties (in relation to the existing wall on the north and west boundaries and site levels), the Council invited the applicant to seek appropriate technical expert advice to assess the likely consequences of the proposed development, as advised by PPG.
- 6.129 The applicant has instructed a qualified structural engineer to carry out a desk top study and site visit to identify risk of land and slope stability. These investigations have identified that the risks are acceptable or can be mitigated to an acceptable level. It is concluded that no load from the proposed structures would interact or add any additional load to the walls. The design of the wall will not change due to the new structure being construction. The foundations of the care home are situated away from the boundary walls and will have no interaction with the wall. The Council's Building Control does not dispute these conclusions. With regards to the sustainable drainage system, the wall is not designed for hydrostatic pressure. According to the PPG, given these conclusions, there is no requirement on the applicant to carry out further studies and the Council can proceed to a decision.

Minerals Safeguarding

- 6.130 WSCC as Minerals and Waste Planning Authority (MWPA) advises the revised proposal will not result in change to the impacts previously assessed as acceptable. On the evidence submitted, the proposal complies with Minerals Local Plan Policy M9 which permits development in a Soft Sand Resource safeguarding area, if there is an overriding need for development and prior extraction is not practicable or environmentally feasible. The applicant communicated the extraction opportunity with the nearby Mineral operator (Cemex) but not incidental extraction. The MWPA has raised no objection, recommending condition to secure incidental extraction. Your Officers have weighted the mineral safeguarding given the site is brownfield and most likely only suitable for incidental extraction, and as Soft Sand is an important resource within the county, supports such a condition. The MWPA is satisfied the proposal would not adversely impact operation of the nearby quarry by the Mineral Operator or its approved recovery (restoration and aftercare) scheme.

Climate Change

- 6.131 The revised proposal will not result in fundamental change to the impacts previously assessed as acceptable. An Energy Statement accompanies this application and HDPF policies which support development which mitigates impacts of climate change in reflection of National Planning Policy, are satisfied. The new buildings incorporate Environmental Performance measures (including material sourcing) to reduce energy use in construction, as well as energy efficiency and sustainable resource management once occupied. Your officers are also satisfied the proposal sufficiently minimises waste generation, maximises opportunities for re-using/recycling, and includes waste management facilities (in compliance with County strategy Policy W23).

Community Infrastructure Levy (CIL)

- 6.132 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. Except for the C2 care home element, this development constitutes CIL liable development.

Conclusions and Planning Balance

- 6.133 In considering this 2023 revised scheme, the Council should have regard to the need for consistency in decision making and should give reasons if it reaches a different view to that which was it reached on the 2021 application. In the preceding planning assessment of this report, your Officers have provided reasons why the revised development is acceptable where the original development was considered not. This includes the material consideration of receipt of Legal Counsel Opinion on the interpretation of Policy 1 of the SSWNP and conflict with the development plan as a whole; receipt of an updated Water Neutrality Strategy with resolution on calculation of water consumption; and a revised design of the care home building that will result in improvement over the 2021 scheme in terms of mass and bulk, including as appreciated from the South Downs National Park.
- 6.134 This planning application should be determined in accordance with the presumption in favour of sustainable development (the 'tilted balance') at paragraph 11d of the National Planning Policy Framework due to the acknowledged absence of a five-year housing land supply and the fact that the current Local Plan for Horsham is out of date. The proposal has demonstrated it is 'water neutral' and consequentially no harm would arise onto the Arun Valley habitat sites to disengage the presumption in favour of sustainable development. It should be noted that the previous appeal decision to dismiss the 41 dwelling housing estate on this site was at a time the Council could demonstrate a five-year-housing land supply.
- 6.135 The site is outside of a defined settlement boundary, located part-way between Washington and Storrington within an area designated for policy purposes as countryside. To that extent, there would be some harm and conflict with the HDPF from the market-housing element of the scheme (the 8 bungalows). Any harm would however be limited because legal obligations would align this market provision with delivery on identified need (age restricted and marketed for first refusal to local parishes). Moreover, the proposed development would be reuse of previously developed land and provide for a 60 bed care home otherwise in compliance with HDPF and SSWNP spatial policy criteria addressing this type of accommodation in a sustainable manner in the countryside.
- 6.136 Objections of the Parish Councils to the proposals being in the countryside and not allocated within their neighbourhood plan are recognised. However, significantly, policy 1 of the SSWNP expressly supports development proposals outside the Built Up Area Boundary of Washington if they result in the reuse of the previously developed land outside the South Downs National Park and provided the proposals accords with other policies in the Development Plan. In this case, the proposal reuses previously developed land and is otherwise supportable under Policy 18 of the HDPF and other policies within the SSWNP and HDPF.
- 6.137 Your officers are satisfied the proposal would be in accordance with HDPF Policy 18, which does not restrict in principle the provision of retirement and specialist care housing within the countryside. Substantial levels of care accommodation are needed both now and throughout the Plan period and that the proposal would help address the demographic evidence of this need for elderly accommodation in the district, with a policy compliant provision of affordable housing. This carries significant weight in favour of the proposals. The homes would cater for older residents enabling them to continue to live locally, which could free up existing family size homes within the district. This in turn has the potential to alleviate the pressure elsewhere within rural locations to deliver general housing. There would also be benefits for

elderly people currently living in unsuitable accommodation achieved through increased housing choice within the district. Planned onsite facilities would reduce the need to travel for future site occupiers, the majority of whom will be elderly and in care.

- 6.138 Accessibility of the site is more limited relative to other urban and village locations the development plan directs residential schemes towards, having regard to Policy 18 and other parts of the HDPF and the SSWNP. These factors count against the proposal in terms of its physical integration with existing settlements and their existing mixed and balanced communities. Whilst not located directly adjacent to a local centre, the nearby bus stops provide regular services to Storrington and other destinations such as to Horsham and to Worthing and Pulborough (where the nearest train station is). The nature of occupancy means there is less need to access daily services such as schools and work. Further, the proposal will provide for onsite amenities including a café, cinema, and hairdressers, meaning residents will be less reliant on accessing local services and facilities.
- 6.139 In addition, accessibility would be improved by developer contributions secured as part of the permission, including Highway and Public Right of Way and Green Space enhancements within the locality to benefit those more active future residents. These include:
- Contribution to maintenance and management of Milford Grange County Park (£20k)
 - Contribution to improvements to the existing Public Right of Way network within the locality of the site (£10k)
 - Contribution to highway improvements at crossing and along Storrington Road (£15k)
 - Financial contribution to cycle and EV charging infrastructure at Storrington public car parks to supplement/upgrade existing EVC and Glebe surgery (£5k).
- 6.140 No harm in respect of the NPPF has been identified to the setting of the listed building of Old Clayton. The proposed change would not constitute a loss of heritage significance (an adverse impact). Although the development would result in some urbanising effect, it has been demonstrated the development will largely retain the qualities of the semi-rural transition between the development at Milford Grange, and the attractive rural landscape of the South Downs National Park and its setting would not be harmed. The scheme makes efficient use of land and optimises the provision and use of buildings, appropriately designed to reflect surroundings, and open space within the site with appropriate landscaping; harm to wider landscape character and appearance, including protected views, is mitigated. To that extent, growth has been accommodated on previously developed land without compromising the integrity, landscape, and heritage of the ward of Washington, in accordance with the Vision statement of the SSWNP, and actioned in its policies 8 and 14 and 15.
- 6.141 It has been demonstrated site access can be achieved safely and, according to the Highway Authority, would not cause harm to the operation use of the existing highway network, having regard to the detailed travel plan proposed, the range of facilities to be provided on site, and the reduced car ownership amongst residents of the development. The proposal would not amount to an adverse impact on existing residents' amenity. Appropriate ecological mitigations and enhancements have been recommended, which the Council's Ecological Consultant has agreed. Mineral safeguarding is achieved subject to the imposing of condition.
- 6.142 Bringing all relevant points together, your officers have carefully assessed the weight that should be given to each of these considerations and have concluded that the benefits arising from the scheme outweigh any identified harm. Your Officers therefore recommend that this application for the development of the site be approved, subject to the detailed list of planning conditions and the completion of the necessary s106 legal agreement.

7. RECOMMENDATIONS

7.1 To approve full planning permission, subject to the completion of a s106 agreement and the conditions set out below:

1. Approved Plans List

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

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

3. Pre-commencement condition: Prior to commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be 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(s) 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 UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 33 of the Horsham District Planning Framework and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

4. Pre-Commencement Condition: No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless otherwise agreed to and approved in writing by the Local Planning Authority. The CEMP shall provide details as appropriate but not necessarily be restricted to the following matters:

- An introduction consisting of construction environmental management plan, definitions and abbreviations and project description and location;
- A description of management responsibilities;
- A description of the construction programme which identifies activities likely to cause high levels of noise or dust, including vibration from any groundworks;
- Site working hours and a named person for residents to contact;
- the anticipated number, frequency and types of vehicles used during construction,
- method of access and routing of vehicles during construction;
- Detailed Site logistics arrangements;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders, if required);

- A site compound plan and details regarding parking of vehicles by site operatives and visitors, deliveries and the loading and unloading of plant, materials and waste, and storage of plant and materials used in construction of the development;
- Details regarding dust and noise mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
- Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- Details of public engagement both prior to and during construction works and communication procedures with the local community regarding key construction issues – newsletters, fliers etc;
- Details of traffic construction routing to and from the site the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction work;
- the erection and maintenance of security hoarding

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 existing neighbouring dwellings, wildlife and biodiversity, and highway safety during construction in accordance with Policies 24, 31, 33 and 40 of the Horsham District Planning Framework (2015) and Policy 15 of Storrington and Sullington and Washington Neighbourhood Plan, and to conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, and the Wildlife & Countryside Act 1981.

5. Pre-commencement condition:

1. With the exception of the above ground demolition and removal of existing buildings, no development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

3. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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).

6. Pre-Commencement Condition: Prior to the commencement of development, detailed ground investigations shall be undertaken to determine if the site is suitable for incidental mineral extraction of the safeguarded mineral resource. The results of these investigations should be submitted to and approved in writing by the Local Planning Authority. If it is

determined that incidental mineral extraction within the site is practical, then a scheme to secure the incidental extraction of mineral resource shall also be submitted to be approved by the Local Planning Authority.

Reason: The incidental extraction of the mineral is in accordance with Policy M9 of the West Sussex Joint Minerals Local Plan and the National Planning Policy Framework

7. **Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, detailing compliance with the landscape scheme have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

8. **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below and submitted in an updated detailed, scaled Tree Protection Plan and related Arboricultural Method Statement, which shall include details of the pre-start meeting, Arboricultural supervision and monitoring:
- i. All trees on the site shown for retention on approved drawings as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
 - ii. Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
 - iii. Areas so fenced off shall be treated as zones of prohibited access and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site and as part of future landscape mitigation in accordance with Policies 25 and 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

9. **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul water disposal to serve that phase has been submitted to and approved in writing by the Local Planning Authority. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

- 10. Pre-Commencement Condition:** Notwithstanding details previously submitted, no development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme and shall be designed so as to prevent the discharge of water onto the public highway. The surface water 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).

- 11. Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed external ground levels and finished floor levels of the development adjacent datum points on land adjoining the application site including Milford Grange housing estate have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details, unless otherwise agreed to and approved in writing by the Local Planning Authority.

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) Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

- 12. Pre-Commencement Condition:** No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. 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; and
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

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).

- 13. Pre-Commencement Condition:** No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan for a minimum of 5 years. This should include:
- a. Drawings showing:
 - i. The extent of the LMP; i.e. only showing the areas to which the LMP applies, areas of private ownership should be excluded
 - b. Written Specification detailing:
 - i. All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting.
 - ii. All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.
 - iii. Furniture (Bins, Benches and Signage)
 - iv. All operations and procedures for surface water drainage system; inspection of linear drains and swales, removal of unwanted vegetative material and litter.
 - c. Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

Reason: To ensure a satisfactory development that is sympathetic to the landscape character of the countryside and built form of the surroundings within the setting of the South Downs National Park, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

- 14. Pre-commencement Condition:** No development related to the granary building shall take place until a method statement detailing its relocation and repurposing has been submitted to and approved in writing by the Local Planning Authority. The repurposing of the granary building so agreed shall be completed prior to occupation of the care home building.

Reason: In order to preserve the significance of the setting of the Listed Building Old Clayton in accordance with Policy 34 of the Horsham District Planning Framework (2015) and Policy 14 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

- 15. Pre-Commencement (Slab Level) Condition:** No development above ground level shall take place on site until a scheme for protecting the proposed development from noise has been submitted to, and approved in writing by the Local Planning Authority. The proposed scheme shall achieve the following noise levels:
- a) Internal day time (0700 - 2300) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with windows open)
 - b) Internal night time (2300 - 0700) noise levels shall not exceed 30dB LAeq with individual noise events not exceeding 45dB LAm_{ax} (bedrooms and living rooms with windows open).
 - c) Garden/external amenity spaces should not exceed 55 dB LAeq, 16hr.

If it is predicted that the internal noise levels specified above will not be met with windows open, the proposed mitigation scheme shall assume windows would be kept closed, and will specify an alternative rapid/purge ventilation system, to reduce the need to open windows. As a minimum, this will usually consist of a mechanical heat recovery ventilation system with cool air by pass or equivalent.

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

- 16. Pre-Commencement (Slab Level) Condition:** No development above ground level shall commence until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- i. Purpose and conservation objectives for the proposed enhancement measures;
 - ii. Detailed designs to achieve stated objectives;
 - iii. Locations of proposed enhancement measures by appropriate maps and plans;
 - iv. Persons responsible for implementing the enhancement measures;
 - v. Details of initial aftercare and long-term maintenance (where relevant).

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

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

- 17. Pre-Commencement (Slab Level) Condition:** No development above ground level shall take place until a scheme of soft landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities.

The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape character of the countryside and built form of the surroundings within the setting of the South Downs National Park, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

- 18. Pre-Commencement (Slab Level) Condition:** No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features) and proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features).

The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To ensure a satisfactory development that is sympathetic to the landscape character of the countryside and built form of the surroundings within the setting of the South Downs National Park, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

- 19. 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) and samples for the care home building has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 14 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

- 20. Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved Water Neutrality Statement April 2023 and August 2022 Revision H by Highwood and Water Usage Survey Report by Hopkins Report No: 10686/WUS/001 Date of Issue 16 Nov 2022 have been submitted to and approved in writing by the Local Planning Authority.

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

- 21. Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement April 2023 and August 2022 Revision H by Highwood and Water Usage Survey Report by Hopkins Report No: 10686/WUS/001 Date of Issue 16 Nov 2022. No dwelling/care home room 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/care home room has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained as such thereafter.

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

- 22. Pre-Occupation Condition:** Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF and in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 23. Pre-Occupation Condition:** No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in condition 15. A method statement should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority.

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

- 24. Pre-Occupation Condition:** The development hereby approved shall not be occupied until all the works which form part of the scheme for protecting the proposed development from noise as approved by the Local Planning Authority under conditions 15 and 23 have been completed. All works which form part of the approved scheme shall be completed prior to first occupation. The approved scheme shall be thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.

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

- 25. Pre-Occupation Condition:** No development shall commence until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

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

to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

- 27. Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved details. This would require visibility splays of 121 metres to the west and 132 metres to the east, demonstrated from 2.4m back in to the access as achievable to the carriageway edge in either direction, entirely within publicly maintained highway boundary.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework and Policies 14 and 17 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

- 28. Pre-Occupation Condition:** The buildings hereby approved shall not be occupied until the vehicle parking spaces and turning and access facilities have been provided in accordance with the plans hereby approved (or in accordance with plans submitted to and approved in writing by the Local Planning Authority) and the vehicle parking spaces, turning and access facilities shall thereafter be retained solely for that purpose and solely in connection with the development.

Reason: To ensure adequate car parking, turning and access facilities are available to serve the development in accordance with Policies 40 and 41 of the Horsham District Planning Framework and Policies 14 and 17 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

- 29. Pre-Occupation Condition:** No building shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose. At a minimum, 11 no. cycle parking spaces shall be provided for the care home and each bungalow with its own cycle storage.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with Policies 40 and 41 of the Horsham District Planning Framework and Policies 14 and 17 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

- 30. Pre-Occupation Condition:** No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details of the types and locations has been submitted to and approved by the Local Planning Authority. At a minimum, provision of 4x EV chargers for the care home and EV charging points for all the bungalows shall be provided and retained at all times for their designated purpose.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies and to mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015) and Policies 14 and 17 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

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

Reason: To ensure the adequate provision of recycling facilities in accordance with policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 17 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

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

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

33. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until 1 no. fire hydrant to BS750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant or stored water supply shall thereafter be retained as such.

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

34. **Pre-Occupation Condition:** The balcony on the north elevation of the care home building shall not be occupied unless the privacy screens have been installed in full accordance with the approved plans. Once installed the privacy screens shall thereafter be retained as such.

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

35. **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Walkover technical note by Tetra Tech 784-B048409 Rev 1 (TeraTech May 2023); Ecological Appraisal (Tetrattech, Sept 2021) and the Badger and Bat Report (Tetrattech, Nov 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

36. **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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).

- 37. Regulatory Condition:** No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation (or use) of any part of the development hereby permitted, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by the Local Planning Authority.

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).

- 38. Regulatory Condition:** Piling and using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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).

- 39. 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).

- 40. 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), the buildings hereby approved shall not be extended or altered (including the installation of building services plant) unless planning permission has been granted by the Local Planning Authority on application in that respect.

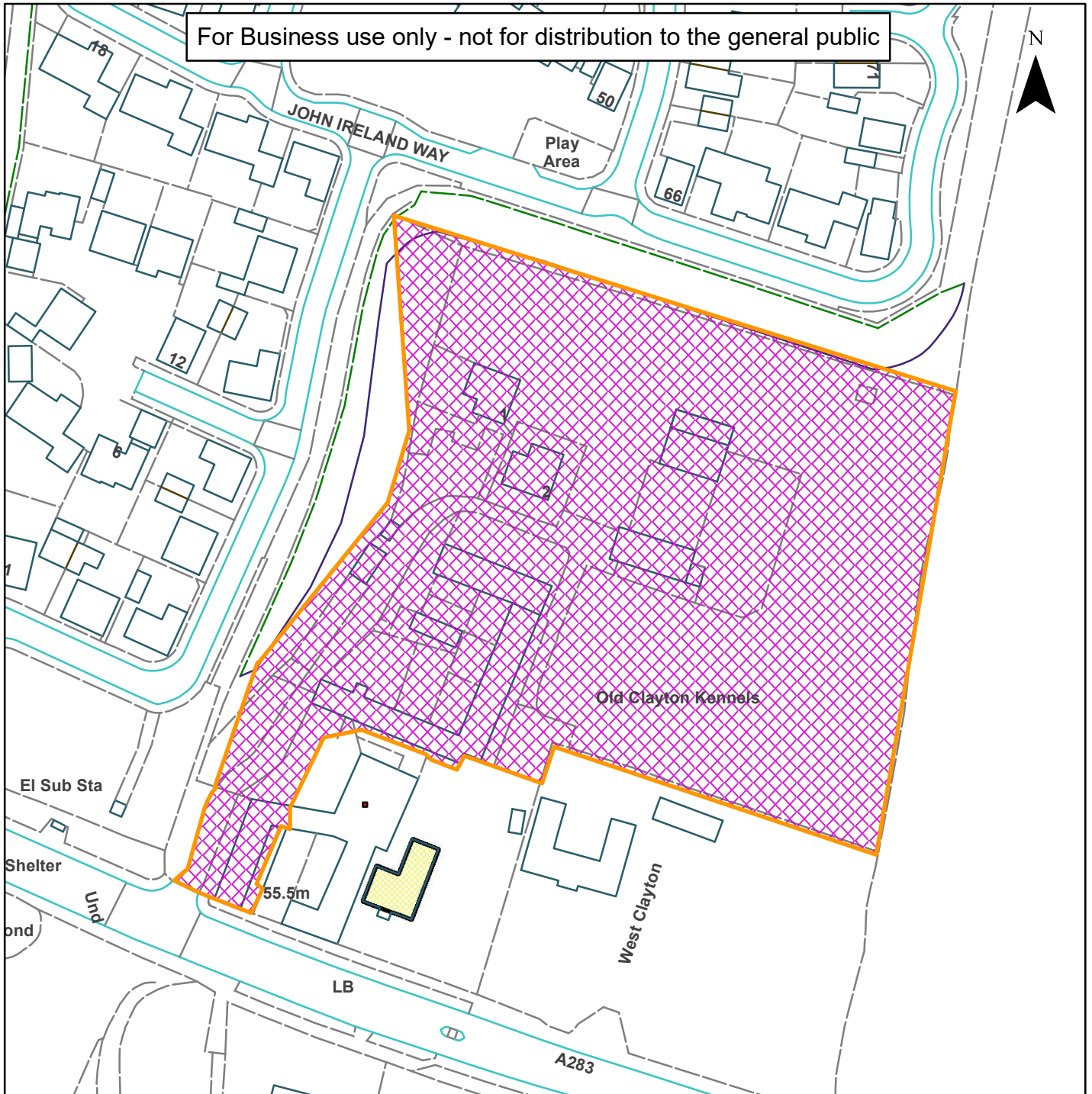
Reason: In order to safeguard the character and visual amenities of the locality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

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

Reason: In order to safeguard the character and visual amenities of the locality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).



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Date	09/06/2023
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**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 20 June 2023

DEVELOPMENT: Retention of an agricultural building and extended hardstanding.

SITE: Peacocks Paddock, Stall House Lane North Heath West Sussex RH20 2HR

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/23/0185

APPLICANT: **Name:** Mr and Mrs Peacock **Address:** Peacocks Paddock, Stall House Lane, North Heath, West Sussex, RH20 2HR

REASON FOR INCLUSION ON THE AGENDA: Presented at the discretion of the Head of Development and Building Control

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the retention of an agricultural storage barn and associated hardstanding. The storage barn is sited parallel to the south-eastern boundary of the site facing Stall house Lane, measuring approximately 14.7m in length and 5m in depth, with a mono-pitched roof with an eaves height of between 2.5m and 2.8m. The barn comprises 4x bay, 3x of which are open, and is used for the storage of feed and materials, and for livestock sheltering during the lambing season. The barn is composed of a timber cladding with a sheeted metal roof. The application also seeks to retain an area of hardstanding which extends toward the centre of the site.

DESCRIPTION OF THE SITE

- 1.2 The application relates to an agricultural smallholding sited on the north-western side of Stall House Lane. The site is mostly laid to grass, with internal wire fencing field boundaries, in addition to the hardstanding and application barn. The site also accommodates a mobile caravan which is utilised as a mess hall. The site is bound by split timber fencing with sporadic tree and foliage planting, and benefits from an access into the site from the highway. The site is located outside of the built-up area. A public footpath (2298) runs north to south adjacent to the eastern boundary of the site (outside of the application site), and neighbours Laurel Cottage to the south (a grade II listed dwelling).

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:

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 30 - Protected Landscapes

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 - Parking

2.4 Pulborough Neighbourhood Plan (Regulation 16)

2.4 RELEVANT PLANNING HISTORY

None relevant to this application.

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 HDC Conservation: Comment:-

- 3.3 Laurel Cottage is an attractive timber framed vernacular building with its significance relating to the historic fabric of the building, and its character as a historic homestead. It may be that the building did not have a functional relationship with the land to the north, but it would be suggested that overtime the perception of the heritage asset as a rural dwelling is understood by its wider countryside setting.

- 3.4 Due to the contribution made by the wider rural setting of the heritage asset to its significance it would be considered that the proposal would result in less than substantial harm to the listed building at the lower end of the scale. The building to be retained does not reflect the traditional Sussex vernacular and it would be considered that a building with a pitched roof

would be more in keeping with both the setting of the listed building and the wider countryside.

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

3.6 If the application is approved the barn should only be used for storing hay, straw, animal feed, farming equipment, and temporary housing of livestock requiring isolation. No bulk storage of fuels, oils or other chemicals should be permitted.

3.7 No external lighting to be installed or operated without the prior written approval of the local planning authority.

OUTSIDE AGENCIES

3.8 **WSCC Highways:** No Objection

3.9 **Agricultural Consultant:** No Objection

3.10 **Archaeological Consultant:** No Objection

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

PUBLIC CONSULTATIONS

3.12 **Pulborough Parish Council** raises *no objection* to the proposal

3.13 5 letters of representation received from 5 separate addressed *supporting* the proposal on the following grounds:

- The use is in-keeping with the surrounding area
- Better use of the land

3.14 10 letters of representation received from 9 separate addresses (of which 6 are within the District) *objecting* to the proposal on the following grounds:

- Increased traffic
- The building is unlawful
- Overdevelopment
- Increase in noise
- The caravan is in residential use
- Adverse impact on listed dwelling
- Light pollution

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

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

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community,

in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

6. PLANNING ASSESSMENTS

Background

- 6.1 The application follows from an investigation by the Council's Compliance Team in respect of the alleged stationing of a mobile home in permanent occupation. The investigation concluded that the caravan was not in residential use and does not fall under the meaning of 'development' as set out in Section 55(2)(e) of the Town and Country Planning Act 1990. No planning permission is therefore required for the caravan. The investigation did though conclude that planning permission was required for the barn and hardstanding. This application therefore relates solely to the retention of the barn and hardstanding.

Principle

- 6.2 The site is located outside of any built-up area boundary and is therefore within a countryside location. Policy 26 of the HDPF requires development in the countryside to be essential to its countryside location and to meet one of the following criteria:
- Support the needs of agriculture or forestry;
 - Enable the extraction of minerals or the disposal of waste;
 - Provide for quiet informal recreational use; or
 - Enable the sustainable development of rural areas.
- 6.3 Furthermore, this policy requires that development be of a scale that is appropriate to its countryside character and location and not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside.
- 6.4 The barn is used for the storage of feed and equipment in association with the operation of the smallholding and is used to shelter livestock during lambing season. The Council's Agricultural Consultant has advised that shelter is generally required for the storage of hay as it can otherwise perish when left to the elements. Furthermore, shelter is required for lambing to improve standards for the wellbeing of the animals. The Environmental Health Officer's comments are noted - however, lambing activities on the site / within the barn would only take place for a short period over the course of the year, and can adequately controlled by way of condition. The temporary use as such would not result in an over-intensive use compared to permanent storage use. The consultant's report concludes that it would be necessary to retain the building and hardscaping for the use of the site.
- 6.5 On the basis of the available information it is considered that the proposal would support the needs of agriculture taking place on the smallholding. In addition, retaining the barn and hardstanding would not result in any significant increase in activity at the site, with the use of the barn to supplement existing activities taking place on the site. The principle of development is therefore considered acceptable and in accordance with the above policy.

Design and Appearance

- 6.7 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape, with Policy 33 of the HDPF stating that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.8 The barn has an agricultural appearance and scale that would not otherwise appear out of character within a rural setting, with the scale also commensurate with the associated use of the land.
- 6.9 The barn is sited parallel to the south-eastern boundary of the site facing the highway, and as such does appear prominently on the street. The applicant's comments relating to screening are noted and the barn would not be overly visible when the boundary hedging is in leaf. However, this cannot be relied upon as a permanent measure to screen and perceived impact, as boundary hedging can die or be removed. An Officer visit to the site was undertaken in March 2023 when the boundary was not in leaf. Though the barn was largely obscured by the thicket, it was still noticeable on the street.
- 6.10 It is however important to consider the context of the site in relation to its neighbours: permission was granted in 2002 for a detached garage / workshop (PL/95/02) to the south-west of Woodside (neighbouring property to the west), which appears to have extended close to the boundary of the site in a similar arrangement to the proposal site. In addition, the land east of Farthings hosts a large detached stable block (PL/42/02 and DC/15/0003) also located close to the boundary to the highway.
- 6.11 Whilst Officers do not consider the presence of existing nearby development sufficient to warrant a precedent for such development on the street, the application barn does not exacerbate a sense of enclosure or overbearing on the street. Therefore, Officers are of the view that the barn does not adversely impact the character and appearance of the surrounding area.
- 6.12 The proposal also seeks to retain the hardstanding laid in association with the use, including a compacted gravel to the front of site serving the access and barn, and loose stone shingle to the mess facilities. The overall extent of hardstanding in relation to the use of the site and barn is not considered out of context for this setting.
- 6.13 For the reasons set out, the visual impact of the proposal is considered acceptable and in accordance with the above policies.

Impact on Amenity

- 6.14 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.
- 6.15 The barn is sited approximately 26m from Laurel Cottage to the south, 54m from 1 Stall House Cottage to the south-west, and 109m from Woodside to the west. Given this retained separation and the nature of the use of the site, and when considering the barn's single-storey height, location and orientation in relation to the neighbours, the barn has not resulted in any unacceptable harm to amenity for occupants of these properties / related land.
- 6.17 Neighbouring concerns relating to noise are noted. The barn would primarily be used for the storage of equipment and feed, and for lambing between March and June. Given the storage

use of the barn, which includes infrequent movement of machinery and feed to and from the store, it is not anticipated that this would generate a level of noise that would be harmful to neighbouring amenity. With regards to the lambing during March and June, it is accepted that consolidating this use to this location on the site may result in some increase in animal noise from the site. However, given the context of the site in this rural countryside location, this level of noise from livestock is not considered out of the ordinary. In addition, given the scale of the development, the increase in noise levels between the months of March and June would not be so sufficient to warrant a reason to refuse itself.

- 6.18 The amenity impacts of the proposal are therefore considered acceptable and in accordance with the above policy.

Heritage Impact

- 6.19 Policy 34 of the HDPF states that the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets, stating that development affecting the setting of a listed will not be permitted which would have an adverse impact on the setting or special architectural character or appearance of a listed building.
- 6.20 The barn is located some 26m north-west of Laurel Cottage, which is a grade II listed dwelling. The Council's Conservation Officer has noted that the siting of the barn in this location has resulted in *less than substantial* harm to the setting and character of the listed dwelling, citing the harm to be towards the *lower end of the scale*.
- 6.21 Paragraph 202 of the NPPF (2021) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.22 The barn is used in connection with an agricultural small holding. The submitted design and access statement indicates that the activity relates to a farming enterprise, thus the use of the site does contribute to the local economy. Furthermore, the barn provides necessary shelter for the animals when in lambing, in addition to security for the storage of feed and equipment, therefore deterring any potential rural crime.
- 6.23 As above, any harm to the setting of the listed dwelling is on the lower end of less than substantial. It is considered that the resultant economic benefits from the associated use of the barn within the wider site, in addition to benefits to the welfare of the livestock and security, would outweigh the identified harm, as per paragraph 202 of the NPPF.
- 6.24 The proposal is therefore considered to accord with Policy 34 of the HDPF.

Highways and Access

- 6.25 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 9 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds if there would be an unacceptable impact on highway safety grounds, or the residual cumulative impacts on the road network would be severe'.
- 6.26 WSCC Highways have commented on the proposal, stating that the access does not appear to present any concerns in terms of visibility, and that there are no recorded incidents of injury on this stretch of the highway. In addition, suitable space has been provided for on-site parking and turning.

- 6.27 The site is located directly to the west of an existing footpath, which travels north to south on the neighbouring field. The application does not seek to amend the footpath and does not impinge on public use. Furthermore, whilst the barn is sited close to the footpath, it is not considered to be of a scale that would affect the amenity of the users of the footpath.
- 6.28 The proposal is considered to accord with Policies 40 and 41 of the HDPF.

Water Neutrality

- 6.29 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.
- 6.30 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.
- 6.31 The proposal does not seek to connect to mains water, thus would not result in an increased use of water. The animals on site are fed through existing field troughs present on site (as per its lawful use), and would thus remain unchanged. The barn would not be connected to mains, therefore existing water consumption levels would be moved from one part of the site to another. This does not represent a marked increase in consumption of water compared to livestock being in the fields. The barn would be used for the storage of equipment and feed only for most of the year, which does not require the use of water. The use of the barn for lambing between March and June would also not involve the additional use of water, as animals would be moved from one part of the site to the shelter. Though it is accepted that the process of lambing would result in a net increase in livestock on site, therefore resulting in an increased consumption, the use of the overall site is already in agricultural use where the level of livestock would likely fluctuate and additional livestock would not require planning permission. In any case, given the agricultural nature of the use, it would not be reasonable or necessary for the Council to impose restrictions on the nature of agricultural activity on the site.
- 6.32 The proposal can therefore be screened out from significant effect which would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites, and is thus considered to be water neutral.

Other Considerations

- 6.33 Neighbouring comments relating to the use of the land are noted. However, the site does appear to be in use as an agricultural small holding and officers are satisfied that there has been no material change of use of the land.
- 6.34 In addition, it is noted that the access would have been newly created. As Stall House Lane is a Class D road (and therefore unclassified) planning permission is not required for such works. However, the access would likely require licencing from the Local Highway Authority. As this is not a matter for the District Council to control, and cannot be controlled by way of planning consent, these works cannot be assessed as part of this proposal. As such, the proposal seeks permission to retain the storage barn and hardstanding *only* and it is not necessary to further consider the access.

Conclusion

6.35 The barn would support the needs of an agricultural use operating on the site, thus is supported in principle. The barn comprises a scale commensurate to the use of the land and is of an appearance and material composition that would not appear out of character within a rural context. Though the siting of the barn close to the boundary to the highway no demonstrable harm has resulted to the character or appearance of the wider surrounding area. Furthermore, whilst the siting of the barn in this location may result in less than substantial harm to the setting of the adjacent listed dwelling, this harm is placed on the lower end of the scale, with the benefit derived from supporting the needs of agriculture considered to outweigh this harm. The applicant has also demonstrated that the proposal would not result in adverse highways impact and would not result in an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions:

1 **A List of the Approved Plans**

2 **Regulatory Condition:** The development hereby permitted shall be used solely for the storage of hay, straw, animal feed, farming equipment and the temporary housing of livestock (between the months of March and June) in association with the agricultural activities carried out at Peacock Paddock, as identified on the approved plans, and for no other purpose.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites and in the interests of amenity in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application. Any lighting that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

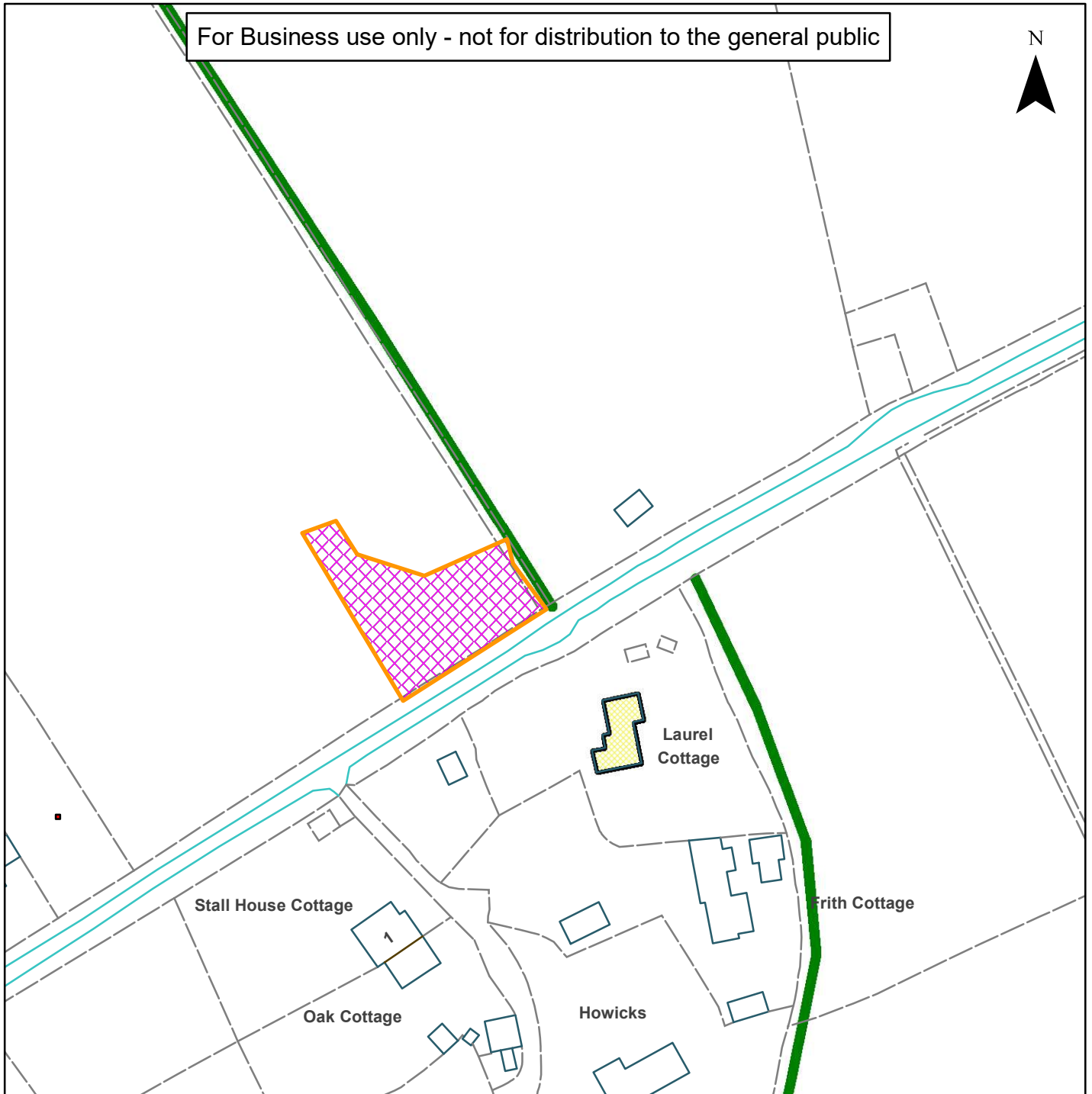
Background Papers: DC/23/0185



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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 20th June 2023

DEVELOPMENT: Erection of a detached carport and log store and the creation of new access to the highway (Part Retrospective).

SITE: Ebbsworth Cottage The Street Nutbourne West Sussex RH20 2HE

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/23/0339

APPLICANT: **Name:** Mr Tristin Lambeth **Address:** Ebbsworth Cottage The Street Nutbourne West Sussex RH20 2HE

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the erection of a detached carport and log store together with the creation of a new access to the highway. The frontage of the site originally had elevated vegetation lining right up against the narrow rural road with a brick wall, this has since been removed and access / enabling works have taken place to create an area of hardstanding on the site. The application is therefore part-retrospective. The new proposed car port building is a single storey, two car parking bay construction with an approximate depth of 6.4m, an approximate length of 6.5m and an overall height of 6m.

DESCRIPTION OF THE SITE

1.3 The application site relates to a grade II listed two-storey building located to the north of The Street, Nutbourne. The application site is located within a conservation area and is on a narrow section of the highway with no through route. The site is outside of a Built-Up Area Boundary and as such is a countryside location. The dwelling benefits from a garden curtilage extending to the west, north and east of the dwelling and the dwelling sits on the southern boundary with the highway.

- 1.4 Ebbsworth Cottage is a Grade II Listed Building that sits immediately adjacent to the road but at right angles to it. The building is described in the listing as a; 'Restored Grade II C17 or earlier timber-framed building with plaster infilling, ground floor and north end of the first floor rebuilt in stone rubble with red brick dressings and quoins. Thatched roof. Casement windows. One blocked original window with wooden mullions behind. Two storeys. Four windows. The building is located to the north of The Street within Nutbourne, an unclassified settlement which is described in the Village Design Statement (VDS) as being a small linear rural hamlet dominated by surrounding farmland.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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

2.3 National Planning Policy Framework

2.4 Horsham District Planning Framework (HDPF 2015)

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

Policy 26- Strategic Policy: Countryside Protection

Policy 28- Replacement Dwellings and House Extensions in the Countryside

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

2.5 RELEVANT NEIGHBOURHOOD PLAN

- 2.6 The Pulborough Neighbourhood Plan is currently in progress but has not yet been Made.

2.7 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/2802	Erection of a two-bed annexe building providing ancillary residential accommodation in place of a previously demolished annexe building (Retrospective).	Under consideration
DC/20/1972	Erection of a detached double garage and a bin and log store.	Application Permitted on 27.01.2021
DC/19/2532	Erection of a single storey rear extension, external and internal alterations and replacement of roof covering with plain hand made clay tiles (Householder)	Application Permitted on 27.02.2020
DC/19/2533	Erection of a single storey rear extension, external and internal alterations and replacement of roof covering with plain hand made clay tiles (Listed Building Consent)	Application Permitted on 27.02.2020
PL/33/72	Complete internal modernisation, small addition, re-roofing and other refurbishing of structure and erection of garage	Application Permitted on 25.04.1972

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 Compliance:** In December 2022, a complaint was received stating that the garage that formed part of application DC/20/1972, was in the process of being built but not in accordance with the agreed plans. Contact was made with the property owner and no further work continued after making them aware of the investigation.
- 3.3 An unannounced site visit was conducted on Wednesday 4th January 2023, confirming the structure was approximately 5 metres too close to cottage itself and too large both in width and length. A further site visit was conducted on Thursday 9th February 2023, with the site engineer, architect and structural engineer. Advice was given around the garage structure, and they were again informed that the structure in its current form was not acceptable nor would be supported. A retrospective application was invited but changes needed and the structure to differ from that of DC/20/1972.
- 3.4 **HDC Conservation:** Comment. This property has been subject to several enforcement visits regarding work being undertaken that has gone beyond those alterations granted consent. The background to this application is that a garage was permitted in 1972 as part of a number of alterations. This garage was not built but the permission was deemed to be extant. Rather than build the permitted garage, which was a flat roofed, utilitarian design, the owners sought permission for an alternative which would respect the setting of the listed building. This was granted under DC/20/1972.
- 3.5 The current proposal for a car port follows partial construction of a garage which is positioned several metres closer to the listed building than previously permitted under DC/20/1972. The impact of the structure, to the setting of the listed building, when moved closer to the listed building will be greater than the impact if the structure was built where it has been permitted. This impact will be harmful, albeit less than substantial, and at the lower end of that scale. This is due to the visual impact of the car port partially concealing the listed building when viewed from The Street and beginning to crowd the cottage in its setting. Paragraph 202 of the NPPF states that any harm should be weighed against the public benefits of the proposal. The applicant has not made a case for any public benefit but the Council may take into consideration the fact that if the garage were to be built in the location it was permitted, this would have consequences for the stability of the steeply sloping ground to the west of the car port location, potentially undermining the garden of the neighbouring property and destabilising the north side of The Street.
- 3.6 It should be pointed out that the applicant should have sought advice before building the structure in a different location and closer to the listed building. Simply using the fact that the ground levels would not permit the building of the garage in the permitted location is not justification for moving the structure closer to the listed building. In seeking to minimise the harm of the car port in this closer location the structure has a more open form to allow views through the building towards the cottage. Although it is not unusual for a village dwelling to have an ancillary building in close proximity (Long Platt is one such example in the village) in this case it will be a conspicuous change in the street scene which will result in less than substantial harm to the setting of the listed building. Satisfied that the scale, design and detailing are acceptable in principle with the harm arising from the location and proximity to the listed building. The impact to the character of the conservation area will be neutral as the car port will not fail to preserve the character of the conservation area.

- 3.7 **Natural England:** Standing Advice:-
- 3.8 It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 3.9 To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.
- 3.10 **West Sussex Highway Authority:** No Objection. The applicant proposes a new vehicular access from The Street, to serve the proposed car port. The principle of the use of an access in this location was permitted for application DC/20/1972 and as such, some weight is given in respect of this. However, the LHA would request that maximum achievable visibility splays be demonstrated, taken from a 2m setback distance, and drawn to the nearside carriageway in both directions, within as much land as is under control from the applicant. This is to ensure that adequate visibility can be maintained in perpetuity for the proposed access.
- 3.11 The applicant proposes a carport, which from inspection of the plans appears suitably sized to accommodate two cars. On-site turning does not appear achievable, so vehicles may have to exit the site in a reverse gear. However, this is not anticipated to lead to an adverse highway safety impact, owing to the low speed and lightly trafficked nature of The Street in this location.
- 3.12 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.

OUTSIDE AGENCIES

- 3.13 **Pulborough Parish Council Comments:** No objection as long as the hard standing is of a permeable nature.

PUBLIC CONSULTATIONS

- 3.14 16 letters of representation have been received objecting to the application for the following reasons:
- The outbuilding is incorrectly sited to the wrong position
 - The scale and mass of the carport is too large
 - The development has not sympathised with the Listed Building or the Conservation Area
 - Destruction of the original front wall
 - Negative impact on the surrounding area
 - Carport sited too close to the Listed Building
 - Removal of vegetation
 - The retrospective location for the carport dominates the frontage of the site

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

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

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

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

6. PLANNING ASSESSMENTS

Background

- 6.1 Planning permission was granted in 2021 for the erection of a detached double garage and a bin and log store, ref: DC/20/1972. As part of a subsequent investigation by the Council's Compliance Team, it emerged that the garage had been sited closer to the related dwelling and was larger than the approved scheme. As part of this investigation it was advised (to the Council) that the permission could not be implemented in accordance with the agreed plans due to issues relating to ground levels and the stability of steeply sloping ground to the west of the site.
- 6.2 This current application is seeking consent to regularise the access and enabling works which have taken place and for the erection of a garage / log store which would differ in design and siting from that previously approved and that commenced on the site.

Character and Appearance

- 6.3 Policy 28 of the Horsham District Planning Framework (HDPF) relates to house extensions and garaging in the countryside and seeks to ensure they can be accommodated appropriately within the curtilage of the existing dwelling and are not disproportionate in relation to the existing.
- 6.4 Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views. Policy 34 of the HDPF relates to cultural and heritage assets, and requires, inter alia, that development reinforce the special character of the historic environment, through appropriate siting, scale, form and design.

- 6.5 The development would be contained within the existing curtilage and while re-sited in comparison to the preceding permission, ref: DC/20/1972, would be reflective of the scale of outbuildings found in the surrounding area. It is not unusual for village dwellings to feature ancillary buildings in close proximity, and the wider visual impact on the character and appearance of the Conservation Area would be neutral. It is therefore considered that the key impact of the proposal derives from the relationship between the proposed car port and the listed cottage.
- 6.6 Paragraph 199 of the NPPF (2021) states that ‘when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)’. Paragraph 200 continues to state that ‘any harm to, or loss of, the significance of a designated heritage asset (from its alterations or destruction, or from development within its setting), should require clear and convincing justification’.
- 6.7 The NPPF also states (at paragraph 201) that ‘where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent’, and that ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal’ (paragraph 202). The National Planning Practice Guidance states that, in general terms, substantial harm is a high test and may not arise in many cases.
- 6.8 The scale and siting of the car port does not prevent an appreciation or understanding of the principal listed building. Its siting, and the resulting close proximity between buildings, would though create a sense of ‘crowding’ the cottage and would therefore impact on its setting. It is considered that this relationship between the car port and cottage would result in less than substantial harm on the setting of the listed building, with this harm at the lower end of the scale. While the impact of the proposed car port on the setting of the listed building is greater (than the impact which would have resulted had the structure been built where it was originally approved) it does not though follow as a matter of course that the resulting impact is such that planning permission must be refused for the current scheme. It must therefore be considered, as set out in 6.7 (above), whether the identified less than substantial harm is outweighed by any public benefit of the proposal.
- 6.9 The Council’s Conservation Officer has advised that consideration of public benefit could derive from the *‘fact that if the garage were to be built in the location it was permitted, this would have consequences for the stability of the steeply sloping ground to the west of the car port location.....potentially undermining the garden of the neighbouring property and destabilising the north side of The Street’*. It is also acknowledged that in response to concerns arising from the proximity of the car port to the listed cottage, the proposed design comprises a more open structure than was previously approved, with this approach retaining some semblance of views towards the cottage and considered to be an improvement over the previous planning permission on the site. In this regard it is also noted that a historic permission on the site entailed a flat roofed garage and this permission could still be implemented (ref: PL/33/72), with the current application representing an improved form and design from which some public benefit would derive.
- 6.10 It is considered that the degree of harm which would result from the scheme, being less than substantial and at the lower end of this scale, is such that the public benefit identified above would outweigh the identified impact on the setting of the listed cottage. The design of the car port is appropriate to the locality and would preserve the character and appearance of the wider Conservation Area. For the reasons set out it is considered that the proposal would accord with relevant local and national planning policies.

Impact on Neighbouring Amenity

- 6.11 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.
- 6.12 It is considered that the siting and layout of the proposed extension and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways

- 6.13 The siting of the proposed carport would allow parked vehicles to pull off the highway and there would be no obstruction to vehicular movements along The Street. The Highway Authority has advised that it does not anticipate the development to lead to an adverse highway safety impact, owing to the low speed and lightly trafficked nature of The Street in this location. In these circumstances it is considered that access and egress associated with the proposal would not be expected to create highway safety issues or have a severe impact on the highway network.

Water Neutrality

- 6.14 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 dwelling 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

- 6.15 The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

7. RECOMMENDATIONS

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

1 **A List of the Approved Plans**

- 2 **Pre-Commencement Condition:** No further development above ground floor slab level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority. The development shall not be executed other than in complete accordance with these approved details:

- a) Specification of brickwork, including material, colour, texture, face bond, components of the mortar, and jointing/pointing profile.
- b) Samples or specifications of external materials and surface finishes.

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance, and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

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

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

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed 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).

- 4 **Regulatory Condition:** The new roof junctions at ridge, hips, eaves and verges shall be built to reflect traditional detailing including exposed rafter feet, cut verges, bonnet hip tiles and hogs back or half round ridge tiles.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** All new and replacement rainwater goods shall be cast iron or cast aluminium.

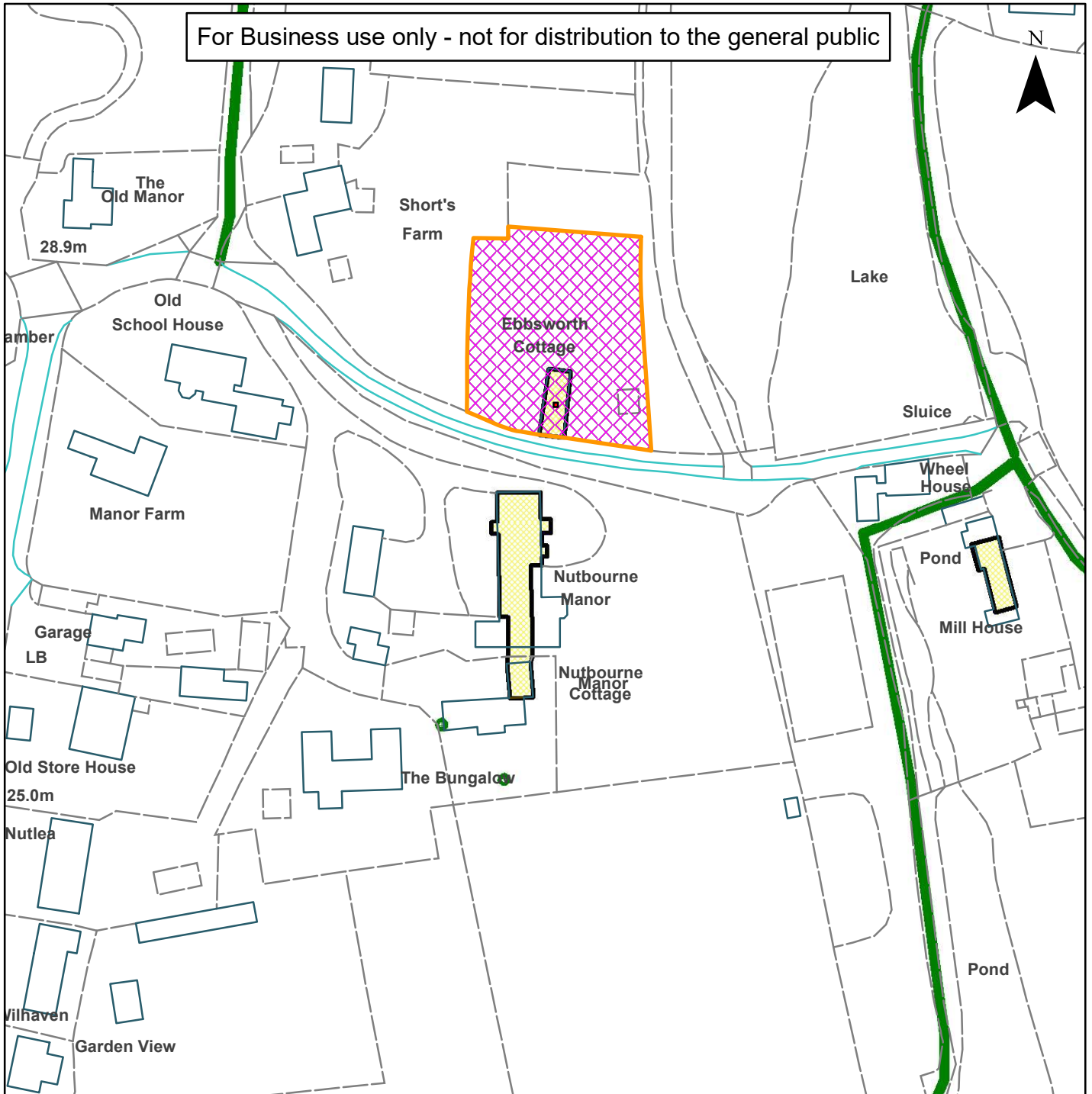
Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

Background Papers: DC/23/0339
DC/20/1972



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