



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

Planning Committee (South)

Tuesday, 23rd January, 2024 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

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

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	9 - 20
To approve as correct the minutes of the meeting held on 19 th December 2023.	
<i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
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** 21 - 22
Applications for determination by Committee:
6. **DC/21/2466 Greendene, Stane Street, Codmore Hill, Pulborough** 23 - 60
Ward: Pulborough
Applicant: Castle Properties Ltd and Huntstowe Greenacre
7. **DC/23/0701 Old Clayton Boarding Kennels, Storrington Road, Washington** 61 - 128
Ward: Storrington and Washington
Applicant: Mr Jon Bray
8. **SDNP/22/01589/CND St Marys Gate, The Street, Washington** 129 - 140
Ward: Storrington and Washington
Applicant: Mr and Mrs P and C Curtis
9. **DC/22/2194 Land to the north of Backsettown Farm, Backsettown Farm, Furners Lane, Henfield** 141 - 154
Ward: Henfield
Applicant: C/O Agent
10. **Urgent Business**
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

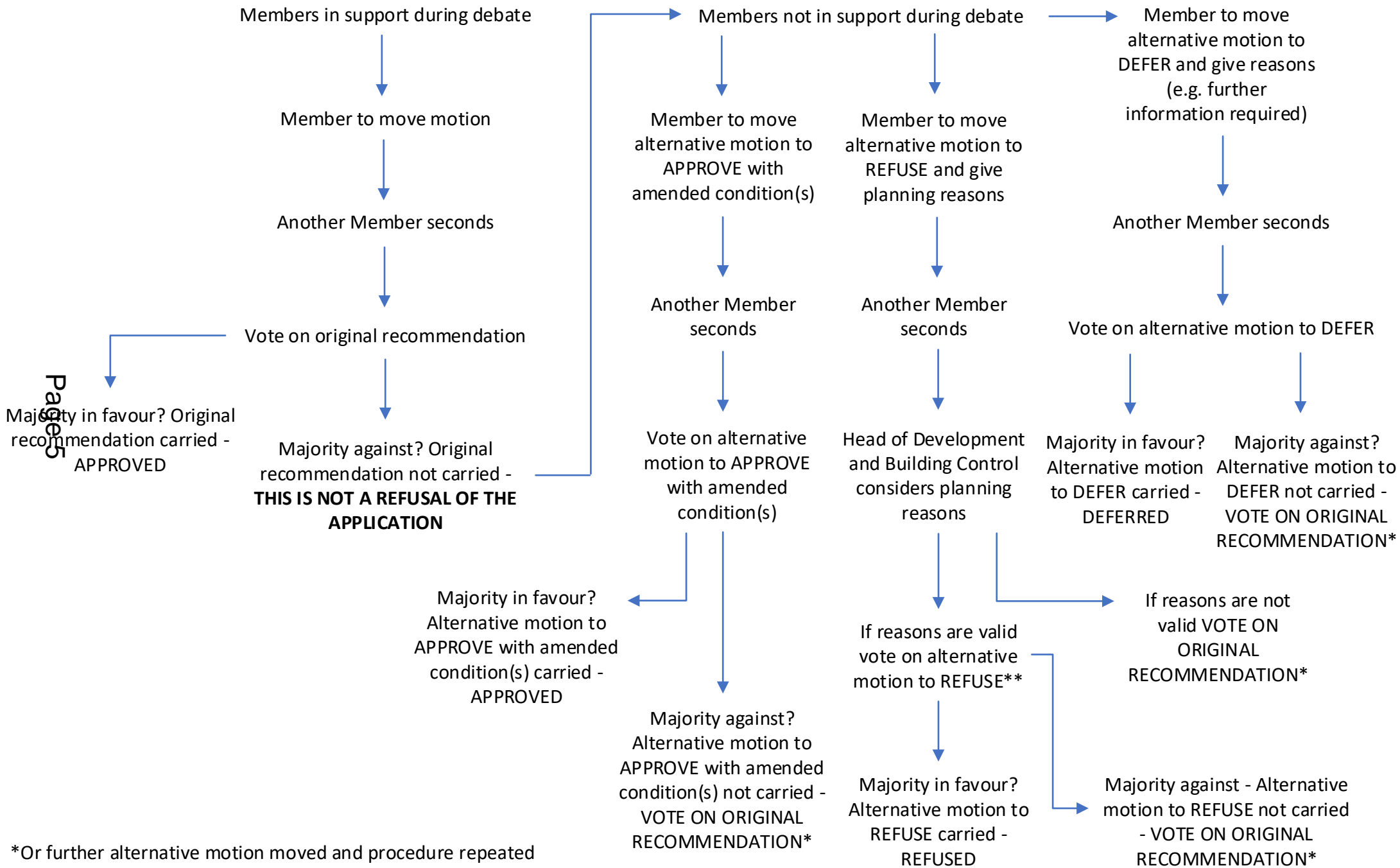
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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 - Seconder 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)

	<ul style="list-style-type: none"> ○ In exercise of a right of reply. Mover of original motion 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. ○ 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 Head of Development and Building Control 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

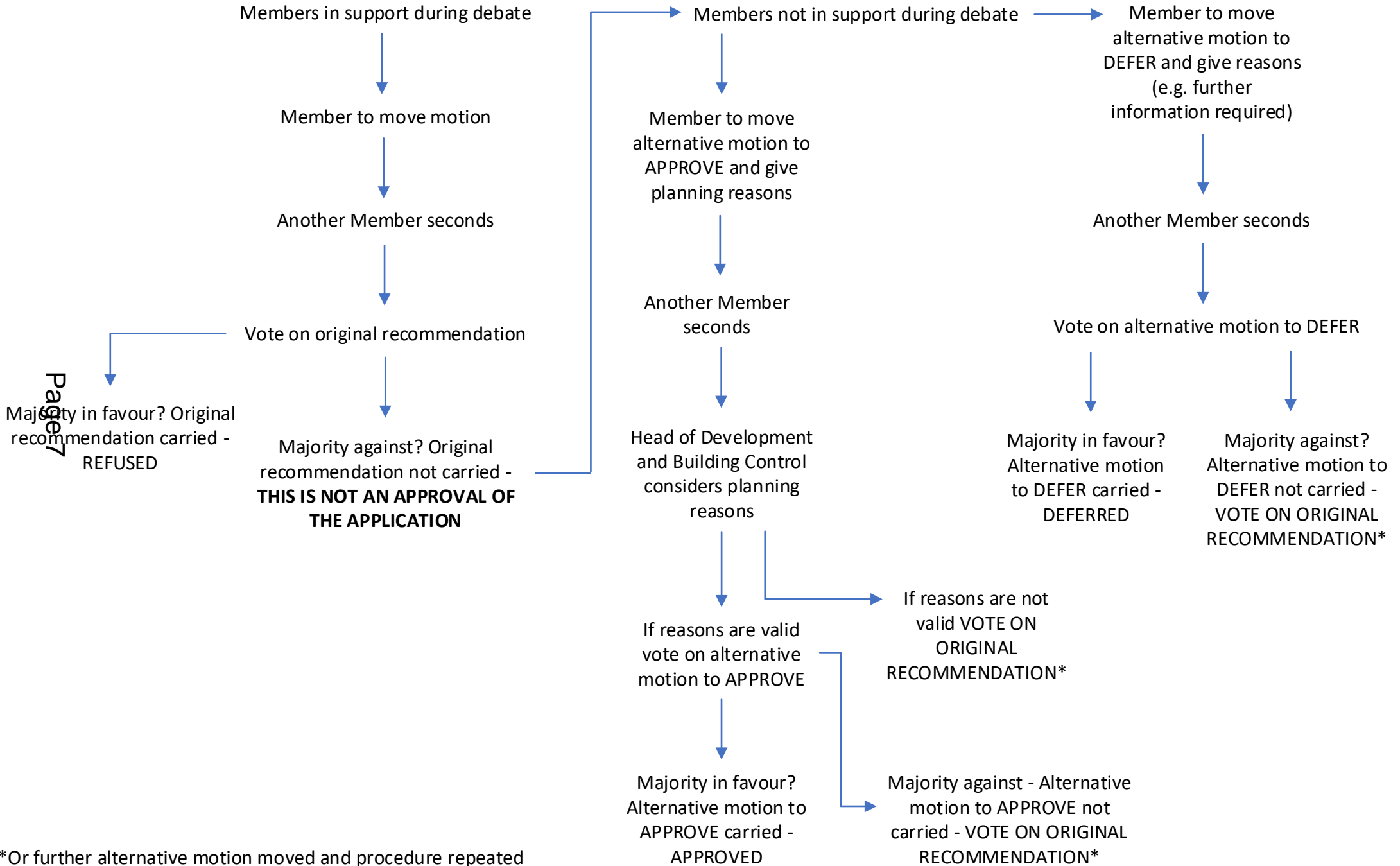


*Or further alternative motion moved and procedure repeated

**Subject to Director's power to refer application to Full Council if significant cost implications are likely

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Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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Planning Committee (South)
19 DECEMBER 2023

Present: Councillors: Len Ellis-Brown (Chairman), Joanne Knowles (Vice-Chairman), Jon Campbell, Paul Clarke, Mike Croker, Lynn Lambert, Alan Manton, John Milne, Roger Noel, Josh Potts, John Trollope and Peter van der Borgh

Apologies: Councillors: Sam Bateman, Mark Baynham, Emma Beard, Philip Circus, Joy Dennis, Victoria Finnegan, Claudia Fisher, Joan Grech and Nicholas Marks

PCS/37 **MINUTES**

The minutes of the meeting held on 21 November 2023 were approved as a true record and signed by the Chairman.

PCS/38 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/23/1177 – Councillor Joanne Knowles declared an interest on this item on the basis that she had spoken to one of the public speakers previously. She remained in the room during consideration of the item and took part in the vote.

DC/23/1594 – Councillor Roger Noel declared an interest on this item. He spoke on the item as a member of the public but left the room thereafter and did not participate in the debate or the vote.

DC/23/1595 – Councillor Roger Noel declared an interest on this item. He spoke on the item as a member of the public but left the room thereafter and did not participate in the debate or the vote.

PCS/39 **ANNOUNCEMENTS**

There were no announcements.

PCS/40 **APPEALS**

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

PCS/41 **DC/23/1177 - HENFIELD SPORTS CENTRE, NORTHCROFT, HENFIELD**

The Senior Planning Officer reported that the application related to the erection of two padel tennis courts to the adjacent north of Henfield Leisure Centre within an area known as the King's Field. The site sat within the defined built-up area boundary for Henfield and constituted designated Local Green Space

within the meaning of the National Planning Policy Framework. It was also defined as a 'playing field'.

Members were shown images of the application site and the proposed courts. Officers were satisfied that the proposed courts and enclosure were appropriate in terms of scale and design.

It was proposed that one of the two adjacent football pitches would be reorientated to ensure that there was sufficient 'run-off' space. This would be secured by a condition. It was reported that Sport England had not objected to the proposed reorientation and was satisfied that it would not diminish the quantity and/or quality of playing pitch provision. Members were advised that Sport England's response carried significant weight as it was a statutory consultee.

The proposals for lighting were outlined. Of particular note was the implementation of a low-impact lighting scheme to mitigate the effects of lighting on a hedge situated adjacent to the proposed courts that was significant for bat commuting and foraging. This would be secured by a condition.

A noise impact assessment had been undertaken and the Council's Environmental Health team was satisfied that the proposed development would not have an adverse acoustic impact.

Members' attention was drawn to an excerpt from the comments received from Sport England. Sport England had consulted with the Lawn Tennis Association who had highlighted that the only other padel tennis facility in the vicinity was at The Triangle Leisure Centre in Burgess Hill, which was operating at 92% capacity. Members were advised that there was anecdotal evidence of a need for such a facility and that the recreational health and wellbeing benefits of having one should be accorded significant weight.

One public speaker spoke in objection and two public speakers spoke in support of the application.

The Local Ward Member also spoke on the application.

Members gave consideration to the concerns raised by one of the public speakers in relation to noise disturbance.

RESOLVED

That the application be approved in line with officer recommendation, subject to the conditions set out in the report.

The Principal Planning Officer reported that the application was retrospective and sought full planning permission for the change of use of the land for dog day care, overnight boarding of dogs and equestrian use; the erection of a grooming building operated as ancillary to the dog day care business; and the erection of a stable building for mixed equestrian and dog day care purposes.

The application site was located to the west of Henfield Road, outside of any designated built-up area boundary and within the countryside. Several properties were located to the north and east of the application site and the wider surroundings comprised open fields and woodland.

The application site comprised an existing residential dwelling known as Old Dairy East Cottage which was used for overnight boarding of dogs, several buildings used for a mix of equestrian and dog day care purposes, and a former sand school and paddocks which were used as exercise fields. There was also an unauthorised residential dwelling known as Lavender Cottage which was the subject of a separate planning application.

Members were shown images of the application site and associated buildings.

The business that operated from the application site was licensed for dog day care services for up to 20 dogs and for overnight boarding at Old Dairy East Cottage for up to 12 dogs. Dog grooming services ran alongside the day care services.

Whilst acknowledging that the development provided a service to the rural locality and contributed to the wider rural economy, it had not been demonstrated to officers' satisfaction that there was sufficient parking for the cumulative needs of the business and the unauthorised residential dwelling. In addition, insufficient information had been supplied in relation to water neutrality. Accordingly, the application was recommended for refusal.

Three public speakers spoke in support of the application, including Roger Noel (speaking as a member of the public rather than as a Local Ward Member) who requested that the application be deferred.

The other Local Ward Member spoke on the application.

Members were supportive of the application being deferred to allow additional information to be supplied.

RESOLVED

That the application be deferred to allow the submission of additional information to seek to address the reasons for refusal (water neutrality and parking provision).

The Principal Planning Officer reported that the application was retrospective and sought full planning permission for the erection of a three bedroom residential dwelling.

The application site was located to the west of Henfield Road, outside of any designated built-up area boundary and within the countryside. Several properties were located to the east and west of the application site and the wider surroundings comprised open fields and woodland. The land immediately to the south and west of the application site was used for dog day care, grooming and boarding, and the keeping of horses.

Members were shown images of the application site and adjacent buildings.

Since the committee report was published, NatureSpace had advised that the development was unlikely to impact on great crested newts or their habitat. Some additional comments had also been received stating that the dwelling would use less water than the former equestrian use of the site, and would be occupied by a worker associated with the business that operated from the wider site. Officers' view was that the dwelling was not essential for the needs of the business, as the dog day care operated between 7.30am and 6.00pm and there was a separate dwelling within the same ownership that was licensed for dog boarding.

It had not been demonstrated to officers' satisfaction that the dwelling was essential to its countryside location, that there was sufficient parking for the cumulative needs of the dwelling and the business, and that the development would not be adversely impacted by noise and disturbance from the activities taking place on the wider site. In addition, insufficient information had been supplied in relation to water neutrality. Accordingly, the application was recommended for refusal.

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RESOLVED

That the application be deferred to allow the submission of additional information to seek to address the reasons for refusal (needs of the business, water neutrality, noise, and parking provision).

There was no urgent business.

The meeting closed at 7.08 pm having commenced at 5.30 pm

CHAIRMAN

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Members were shown images of the application site and adjacent buildings.

Since the committee report was published, NatureSpace had advised that the development was unlikely to impact on great crested newts or their habitat. Some additional comments had also been received stating that the dwelling would use less water than the former equestrian use of the site, and would be occupied by a worker associated with the business that operated from the wider site. Officers' view was that the dwelling was not essential for the needs of the business, as the dog day care operated between 7.30am and 6.00pm and there was a separate dwelling within the same ownership that was licensed for dog boarding.

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There was no urgent business.

The meeting closed at 7.08 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee (SOUTH)

Date: 23rd January 2024

Report on Appeals: 06/12/2023 – 10/01/2024



**Horsham
District
Council**

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/22/1874	Land North of Stonepit Lane Stonepit Lane Henfield West Sussex BN5 9QT	18-Dec-23	Application Refused	N/A
EN/23/0323	The Spoons Harbolets Road West Chiltington West Sussex RH20 2LG	05-Jan-24	Notice served	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/23/0118	1 Station Road Cowfold West Sussex RH13 8DB	Written Representation	08-Dec-23	Application Refused	N/A
DC/22/2165	Wellers Bungalow Marringdean Road Billingshurst West Sussex RH14 9EJ	Written Representation	18-Dec-23	Application Refused	N/A

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/22/0309	Leverence Barn Marles Lane Billingshurst West Sussex RH14 9BT	Written Representation	Appeal Dismissed	Application Refused	N/A
HRA/22/0001	Unit 12 Laura House Jengers Mead Billingshurst West Sussex RH14 9NZ	Written Representation	Appeal Allowed	Application Refused	N/A
DC/23/0107	Bayley Paddock Mill Lane Partridge Green West Sussex RH13 8JU	Written Representation	Appeal Allowed	Application Refused	N/A
DC/22/0811	Bayley Paddock Mill Lane Partridge Green West Sussex RH13 8JU	Written Representation	Withdrawn	Application Refused	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South
BY: Head of Development and Building Control
DATE: 23rd January 2024

DEVELOPMENT: Outline application for the demolition of existing buildings and the erection of up to 65 dwellings, of which 35% will be affordable, with associated public open space, landscaping, with all matters reserved except for access.

SITE: Greendene, Stane Street, Codmore Hill, Pulborough, West Sussex, RH20 1BQ

WARD: Pulborough

APPLICATION: DC/21/2466

APPLICANT: **Name:** Castle Properties Ltd and Huntstowe Greenacre
Address: C/O Agent RH20 1RL

REASON FOR INCLUSION ON THE AGENDA: The proposed development represents a departure from the development plan.

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

By request of Councillors Campbell, Clarke and Ellis-Brown

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

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

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 Outline planning permission is sought for the erection of up to 65 dwellings with all matters reserved except for access. The proposal also includes the demolition of all existing buildings on the site, including the existing 4-bed bungalow 'Greendene' and its outbuildings, as well as the nursery buildings in the south western part of the site.
- 1.3 Vehicular access to the site would be taken off the A29 / Stane Street incorporating a bell-mouth construction and a new right-turn lane within the A29 carriageway, following the removal of a traffic island. The existing access to Greendene through the adjacent Sainsbury's car park, would be stopped up and removed. The submitted details indicate that pre-application discussions were held with the Highways Authority (WSCC), informed by a Design Audit. A TRICS assessment, Road Safety Audit and Transport Statement accompany the application.
- 1.4 The proposal would include the provision of 35% on-site affordable housing, with the following proposed housing mix (based on the submitted indicative layout):
- Open Market (42 units):
2 x 1 bed (4.76%)
12 x 2 bed (28.5%)
17 x 3 bed (40.4%)
11 x 4 bed (26.1%)
- Affordable housing (23 units):
10 x 1 bed (43.4%)
5 x 2 bed (21.7%)
6 x 3 bed (26%)
2 x 4 bed (8.6%)
- 1.5 Whilst the scale, landscaping, appearance and layout of the proposal are reserved, the application is accompanied by a Design and Access Statement and illustrative street-scenes and plans. The indicative layout has been amended during the course of the application to retain a number of trees and tree belts within the site and to ensure increased separation distances to the retained tree belt which runs through the centre of the site, leading to a reduced quantum of dwellings across the site, which was originally 70 dwellings. The layout would accommodate a change in levels of around 18m between the A29 road level and the southern-most corner of the site adjacent to the Arun Valley rail line.
- 1.6 Further amendments have been made to the western area of the indicative layout to show units 10-14 being re-orientated so that the private gardens face south and the communal parking area lies adjacent to the raised delivery yard to the Sainsburys site.
- 1.7 The indicative layout proposes a single arterial central street leading off Stane Street / A29, with a number of cul-de-sacs and parking courts to each side. Indicative street-scenes show traditionally proportioned houses following the site's topography with a palette of materials and roof-forms. The plans indicate a mix of brick faced detached, semi-detached and terraced housing of varying design, including some attached and detached garaging.
- 1.8 The indicative layout provides for two Local Areas of Play (LAP) spaces (each @ 100sq.m) and a Local Equipped Area of Play (LEAP) play space (400sq.m) in the centre of the site.
- 1.9 The indicative plans also show potential footpath connections through to the adjacent development to the south, where PRoW_2330 runs north-south over the railway line.
- 1.10 Landscape details are also reserved but indicative plans show the retention of a number of trees and tree belts within the site, along with existing hedgerows, such as that running

alongside the railway line on the south-eastern boundary. Many of these trees are shown for retention within the communally managed areas of the proposed layout.

DESCRIPTION OF THE SITE

- 1.11 The site comprises some 3.52ha of land that is currently occupied by a single chalet bungalow 'Greendene' in the north, a former plant nursery to the south west, and open pasturelands to the south and east, where the site adjoins the Arun Valley mainline railway line (running north-south). The application site adjoins the public highway (A29 / Stane Street) to the north-west of the site, and adjoins the Sainsbury's site on three sides, where vehicular access to the existing site is provided from the customer car park. The existing chalet bungalow 'Greendene' is set some 50m back from the A29 highway boundary, and its prominence in the street-scene is currently very modest owing to its height and bulk, the sloping site levels which drop away from the road, and the bank of unbroken vegetation across the site's full frontage. The application site adjoins the Sainsbury's supermarket site along part of the boundary, with the service yard and car park sitting on an elevated platform above the natural ground levels, and where the retaining walls to the elevated delivery bay are around 4m above the natural ground levels at the application site.
- 1.12 A number of trees within the site are subject to a recently applied Tree Preservation Order (TPO/1549), and mature hedgerows and historic field boundaries define the site's southern and northern boundaries and run through the site to the east, effectively separating a section of the land that runs alongside the railway line from the remaining site. The closest heritage asset lies some 90m on the opposite side of the A29 / Stane Street to the north. Although not designated as an Archaeological Area of Interest itself, the site lies adjacent to the line of the ancient Roman Road Stane Street and north-east of an Archaeological Notification Area (DWS8562).
- 1.13 The site falls within Flood Zone 1, however there is an identified low, medium and high risk from surface water flooding at the site's lowest point along the south-eastern boundary with the railway line. There are no PRow crossing the land itself, but PRow FP_2330 runs close to the southern corner of the site and then crosses the mainline railway by way of an uncontrolled crossing point. The applicant has also identified a mains water line running parallel to the south-western boundary.
- 1.14 The site lies largely outside of the Built Up Area Boundary (BUAB) of Pulborough / Codmore Hill, however the residential property at 'Greendene', and the neighbouring Sainsbury's site are included within the BUAB. The wider site falls into Landscape Character Area F1 (Pulborough, Chiltington & Thakeham Farmlands), which is defined as an undulating mixed landscape of arable and horticulture with small areas of pasture. The area skirts around the north of Pulborough and includes a number of settlements and roads, sunken lanes (droveways) and woodland blocks. The urbanisation along the A29 at Pulborough is a noted key issue for the character area, along with an increase in traffic and pressure arising from larger scale housing developments.
- 1.15 The adjoining Sainsburys supermarket was subject to planning consent granted in May 1999 (PL/119/97). There are restrictive conditions which remain in place, covering the opening times, external illumination and delivery times (between 07:00 - 23:00hours only). There are also restrictive conditions which prevent the car park from being used for boot sales, fairs or other public entertainment, the overnight parking of lorries running refrigeration or charging units, and no mechanical sweeping of the car park overnight. In January 2008, permission was granted for an extension to the supermarket and for a new car parking deck with some 43 additional spaces (DC/07/1285). A new enclosed area to the unloading bay was added following consent under DC/08/0271, which was subsequently amended from the approved brick elevations to a profiled steel sheet cladding under DC/08/1586.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (Dec 2023)

Horsham District Planning Framework (HDPF 2015)

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

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 3 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

RELEVANT NEIGHBOURHOOD PLAN

The Pulborough Parish Neighbourhood Plan (PPNP) has progressed through independent examination stage and is awaiting further progress. The progress has temporarily stalled

owing to ongoing Water Neutrality issues. As from 8th June 2023, the draft Neighbourhood Plan is considered to have a status of a 'Non-Statutory Planning Advice Note', with the policies contained within deemed to carry significant weight being in accordance with the NPPF. The following policies are relevant to this application:

Policy 1 – Spatial Plan for the Parish
Policy 15 - Design

Parish Design Statement:

Pulborough Parish Design Statement (SPD) – May 2013

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

WSPCC Parking Guidance (Sep 2020)

Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** Comments following amendments to layout Amended layout addresses most of the previous concerns. Some residual concerns:
- The LEAP needs to provide for the required space and buffers
 - Revised layout to move dwellings alongside railway line is positive and will protect the tree belt which is key to maintaining the existing landscape character
 - Ensure conditions are applied: levels, landscape strategy, LMMP, coordinated plan for underground services and landscape and site boundaries to deliver early mitigation measures
- 3.3 **HDC Environmental Health (Noise and Contaminated Land):** No Objection following revised layout and additional information:
- Following review of Acoustic Associates Sussex Ltd Noise Impact Assessment dated 15.08.23, Issue 1 + Addendum, conditions can be applied to secure suitable noise mitigation
 - Following review of the Albury SI Phase 1 Desk Study dated 11.07.23 it is concluded that ground investigation works are required to fully quantify the risks to future users of the site and that suitable conditions can be applied
- 3.4 **HDC Environmental Health (AQM):** Objection
- Missing emission mitigation plan
 - Measures should avoid duplication of measures such as EV charging, cycle shelters as these are required under related policies and strategies
- 3.5 **HDC Waste Services:** No Objections

3.6 **HDC Arboriculture:**

6th June 2023 comments: No Objections

- Revised layout addresses previously raised objections in relation to proximity between development and position of trees.
- Condition advised to secure full compliance with the submitted AA and AMS reports, and associated implementation of tree protection measures

13th Feb 2023 comments: Advice

- Revised layout makes some positive changes, however concerns remain in relation to location of some dwellings / plots and post-development pressure

14th Feb 2022 comments: Objection

- The Council has recently served a Tree Preservation Order(TPO) upon 19 individual trees at the site, mostly Oak and Field maple and one group of Silver birch; Ref TPO/1549
- Potential that current layout would lead to a number of gardens being overshadowed during afternoons, leading to pressure to fell to improve sunlight into gardens
- Concern that a number of trees in the eastern part of the site adjacent to the railway line have not been provided with the required 15m RPA considering their veteran status
- Concern that proposed layout would lead to root of retained trees being damaged by landscaping works within residential gardens

3.7 **HDC Housing:** No Objection

3.8 **HDC Drainage:** No Overall Objections

- It is noted that the FRA should be revised to reflect the latest guidance on Climate Change allowances
- Proposed Drainage Strategy layouts in Appendix J should be amended to reflect the recently submitted landscape strategy

OUTSIDE AGENCIES

3.9 **WSCC Highways:** No Objection

- Pre-application discussions engaged with the LHA in Sept 2020 supported by Stage 1 Road Safety Audit (RSA), as submitted within the Traffic Assessment (TA).
- The LHA have since approved proposed access arrangements / junction on Stane Street (with a turning lane to be provided), which would afford appropriate access for vehicles, HGV and refuse vehicle
- Site is highly accessible with nearby services and facilities in close proximity to the site: bus stops, foodstore, railway station
- Trip generation would not lead to 'unacceptable' impact on existing highway network
- Parking allocation within the site would provide for garages (30), visitor spaces (8) and standard spaces (121) - (144 overall)
- Internal access suitable for 11.2m long refuse vehicle
- Conditions advised: access, CEMP

3.10 **Archaeology:** No Objection

- Heritage Environment Record indicates proximity of the site to the line of the Roman Road / Stane Street and ANA (DWS8563)
- Archaeological and Heritage Appraisal Submitted
- Conditions advised to secure a Written Scheme of Investigation and Programme

3.11 **Network Rail:** No Objection

9th Jan 2024 comments: No Objection / flooding

Discussions have taken place between Network Rail and the applicant's flood consultant with the following measures now agreed:

- NR concerns addressed if any outline consent includes a condition to locate the foul pumping station outside the 20m Network Rail easement (BAPE)
- NR satisfied with positions of soakaways as they are located outside of BAPE
- Clarification that small areas of SUDS permeable paving within the BAPE are designed to drain to the soakaways outside of the BAE, and as they are shallow / 400mm deep pavement structures equivalent to standard pavements they do not cause concern to NR

8th August 2023 comments: Objection / flooding

Potential serious implications on Network rail's infrastructure remain and the following is requested from the Lead Local Flood Authority:

- To state who is maintaining the pumping station and the soakaways
- To demonstrate a lifecycle of maintenance for the soakaways and the pumping station
- To produce exceedance mapping in a 1 in 100 year storm event
- To provide exceedance mapping for the pumping station failure
- To state the exact meterage from all the soakaways to Network Rail land
- To provide the invert level measurements of the soakaways and ensure they are in correlation with the trial hole depths as some within the strategy are not clear.

Once the information has been gathered, our team would like to have a meeting with the LLFA to discuss the above.

20th July 2023 comments: Infrastructure contributions / crossing

- £500,000 considered reasonable, based on the size of the development compared to the 170 dwellings approved at New Place Farm (contributing towards full funding of a stepped footbridge)
- The provision of a fully accessible (ramped) footbridge is unlikely to be possible at the New Place Farm crossing, on account of significant structure and funding required
- In the event that a footbridge is not provided, the proposed development (at Greendene) should contribute towards the cost of a new Miniature Stop Light system to mitigate increased use of / risk at the crossing point
- In the event that the bridge is provided, it is suggested that the funds being sought should be directed to improvements at the level crossing point Forty Steps which is part of a circular walking route, thus contributing to improvements to the PRoW network

13th June 2023 comments: No Objections / Crossing

- Network Rail is working with adjacent developer to deliver the stepped pedestrian crossing point at New Place Farm (where funding for the bridge was secured by way of the s106 agreement)
- Given majority of Pulborough's amenities lie south of the railway, the proposed development is likely to generate new trips and increased risk at the crossing point, so proposal should contribute towards financially towards improvements at the crossing
- However, pooling the contributions would provide risk to the delivery of the footbridge in the event that one of the two developments does not proceed

22nd April 2022 comments: Comments / Crossing

- 'New Place Level Crossing Development Impact Assessment' concludes that the proposal would significantly increase the risk at New Place Footpath Level Crossing with local facilities noted south of the railway line – alternative route along the A29 would require crossing at two locations (no footpath on south side of Pigeon Gate bridge)
- Risk assessment notes 130 trains / day running 24 hours, with available sightlines less than required for the measured crossing time (with some 51 pedestrians using the

crossing over a surveyed 9-day period, and 1/5th of users deemed 'vulnerable' e.g. elderly, children, 'encumbered' users)

- Options to mitigate the risk have been explored:
 - Miniature Stop Lights (MSLs) would require an integrated system at a cost of around £800,000
 - Stepped footbridge at a cost of around £1,200,000
 - Closing the level crossing completely: diverting PRoW 2330 over Pigeon Gate bridge, or constructing a stepped footbridge at the current crossing site

3.12 **Ecology Consultant:** No Objection 22nd Dec Comments: No Objection

- The Emergence Survey Report (Spatial Ecology, September 2022), Proposed Indicative Site Plan Drawing P101 C (OSP Architecture, June 2022), Response to Comments (LUC, March 2022) and Ecological Appraisal (LUC, October 2021) have been reviewed, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation
- Some severance to the flightlines of foraging or commuting bats, but mitigation proposed would be sufficient to maintain habitat connectivity within the site – no Adverse Effect on Integrity of the SAC
- Now satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.
- Proposed reasonable biodiversity enhancements are included, biodiversity net gains achieved, wildlife-friendly and native planting
- HRA Appropriate Assessment in relation to bats carried out concluding avoidance and mitigation measures are appropriate to avoid adverse effects
- Conditions advised / Bat licence required

5th Dec Comments: Objection

- The Ecological Assessment is considered to be satisfactory in its methods and conclusion for all ecological constraints except for those in relation to bats – site is less than 4km from The Mens SAC and so within the conservation area for that site's population of Barbastelle bats. Also, a workshop building with moderate potential for roosting has not been surveyed
- The proposed break in the central tree line has not been accurately assessed or recorded. Mitigations have been proposed, but should be effective during construction as well as operation

3.13 **Southern Water:** No Objection 9th Jan 2024 comments in relation to capacity

Following further investigations into local capacity issues, SW sewer teams have confirmed that the London Road hydraulic overload issues have been caused where the sewer is inundated with surface water as well as foul flows. The issues reported on Stane Street historically have been contributed to by blockages and a collapsed sewer, which have been attended to by SW and rectified.

21st Dec 2023 comments in relation to capacity

The modelled additional sewerage requirements of 0.65l/s could be accommodated within the existing network capacity, with surface water discharged to SUDS. Serious issues which are of concern to local members will be passed to the Operations Team to discuss, review and take any necessary action

2nd Dec 2021 comments: No Objection

- Siting of water main to be determined prior to development layout being finalised (see guidance on planting adjacent to rising mains/ water mains)

- In the event of a new off-site drainage and pumping station for adoption, design and construction would need to be in accordance with Southern Waster Services Ltd specification, including a secure compound of at least 100sq.m and a 15m buffer to nearest habitable windows
- Southern Water can accommodate foul sewerage run off disposal to the development
- Southern Water can facilitate water supply to the service the proposed development
- Conditions/ informatives advised

3.14 **WSSC Fire and Rescue:** Comment

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

3.15 **WSSC Local Lead Flood Authority:** No Objection

1st Dec 2023 comments: No Objection

Additional information has been provided and reviewed – conditions advised

8th Nov 2023 comments: Objections

Objections in relation to the absence of an acceptable Drainage Strategy relating to local flood risk of the development and non compliance with the NPPF / PPG, specifically with regard to infiltration rates, rainfall parameters, and appropriate easements

1st Dec 2021 comments: Advice

More Information required to confirm that consultation has been undertaken with Network Rail in relation to the proximity between the railway line and the soakaways

3.16 **Natural England:** No Objection

8th Aug 2023 comments: No Objection following submission of further information

Subject to the appropriate mitigations being secured by way of appropriate planning conditions and / or planning obligations to deliver the on-site water efficiency measures, and off-site offsetting measures to be delivered at the Hepworth Brewery.

30th June 2023 comments: Further information

More details needed in relation to the offsetting measures in order to secure measures in perpetuity. References to the reference to the new canning facility extension have not been adequately supported to explain the increase in water savings and should be subject to Building Regs part G or BREEAM calculations to support the figures totalling 3,365m³.

3.17 **Pulborough Parish Council:** Objections

Request that this is taken to HDC Committee, for the following reasons:

- Concerns regarding access to local services – school children and others accessing St Mary’s primary school from the proposed housing would have to cross the A29 twice and use the narrow path south of Pigeon Gate Bridge;
- Concerns regarding lack of infrastructure – sewerage and drainage systems serving that area are problematic;
- Concerns regarding road access safety – the road exit from the site onto the A29 has very poor visibility to traffic coming from the north;
- The site is not allocated within Pulborough Neighbourhood Plan, which has passed independent examination and therefore carries considerable weight in planning consideration.

PUBLIC CONSULTATIONS

3.18 12 letters have been received, objecting to the proposed development on the following grounds:

- Large development outside local plan, ribbon development, not allocated in NP, site rejected by NP Steering Group on account of lack of infrastructure, road safety and pedestrian access, overburdened sewerage system, no safe ped access from here to St Marys primary school, children would have to cross A29 twice to access school, narrowness of pavement at Pigeon Gate Bridge, difficult to access by road from A29
- Should not be considered by HDC as site not allocated in NP following rejection by the steering group
- Overdevelopment, creeping urbanisation, development too large and goes beyond ex site boundaries of Greendene
- Destruction of Pulborough as a village over last 10 years
- Site has not been allocated in NP – therefore no development should be allowed on this site – what is the point of NP otherwise, public lack of faith in NP
- NP deemed no development north of Pigeon gate to be acceptable as there are no facilities for residents aside from Sainsbury, butcher and greengrocer, poor links between Codmore Hill and Pulborough
- Increase in traffic, congestion of existing roads
- Need to secure infrastructure in village – safe route to Primary School, improved drainage and sewerage system and safe road access to A29
- Traffic danger from new access onto A29, three accesses within short stretch of A29 – would need significant highways works to make safe – previous refusals for Codmore Garage on access grounds
- Over-stretched local services, cannot cope with 70+ new residents, no planned village infrastructure
- Sloping site and threat to railway (ex problems with flooding at Riverside)
- Nothing to address steep climb along PROW 2330, despite intentions to add a stepped footbridge as part of New Place Nurseries development – no cycleways connections – contrary to Community Aims of NP
- Applicants have seen yet ignored NP – set precedent for other developments and undermine integrity and work behind NP
- Removal of trees and vegetation, loss of wildlife habitat and biodiversity features, loss of rural farmland views

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.

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

Policy Context

- 6.1 The Government published an update to the National Planning Policy Framework (NPPF) on 19th December 2023, and any changes arising from this revision which are relevant to decision-making on this planning application took immediate effect from the day of its publication.
- 6.2 Furthermore, at a meeting of full Council on 11 December 2023 Horsham councillors approved the draft Horsham District Local Plan 2023 - 2040 and recommended that it proceed to Regulation 19 stage.
- 6.3 Although the emerging policies contained within the draft Reg 19 document carry limited weight at the current time, the following are new policy directions which are noted:
- Policy 39 (Affordable Housing): On Greenfield sites, a minimum of 45% affordable housing should be provided, whilst on brownfield / previously developed land, this requirement falls to 10%. In this instance, a broad calculation, given that around 10% of this site is brownfield, yields an affordable housing contribution of 26 dwellings (proposal includes 23 affordable dwellings)
 - Policy 24 (Sustainable Transport): specific reference to prioritising cycle and walking access routes to / from and within development sites
- 6.4 Officers consider that other policy directions set out in the emerging Reg 19 draft would become relevant at the subsequent reserved matters applications in the event of an approval, and are also likely to carry more weight as the Reg 19 process advances.

The Principle of the Development

- 6.5 The majority of the site, with the exception of around 0.4ha of the overall 3.52ha site area, is located outside any of the district's defined built-up area boundaries (BUAB's). The Codmore Hill BUAB extends to the east side of the A29 only insofar as the residential curtilages fronting the A29, including the host dwelling on the site 'Greendene', and abuts the site again at its southernmost point. The wider site, therefore, is located in the countryside in policy terms, with the wider characteristics of the site being predominantly of an open and undeveloped rural location, albeit one with built development immediately to its west and south, and the Arun Valley rail line to its east.
- 6.6 The site is not allocated for development within the Horsham District Planning Framework (HDPF) a 'Made' Neighbourhood Development Plan, or an adopted Site Allocations DPD. As a result, residential development on this majority greenfield site would conflict with the requirements of Policies 2 and 4 (Settlement Expansion) of the HDPF. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location. Consequently the proposed development of this site for housing conflicts with the adopted development plan for the District.
- 6.7 The Pulborough Neighbourhood Plan (PNP) is at post examination stage awaiting referendum and does not allocate this site for development, with the Plan's identified housing need being met by other sites allocated within the Plan. Whilst the PNP does not yet form part of the development plan for the District, it nevertheless carries significant weight in decision making given its advanced stage of preparation and as of 8th June 2023, is adopted as a non-statutory Planning Advice Note (PAN). The PNP does not though benefit from the protections afforded by paragraph 14 of the NPPF as it does not yet form part of the development plan for the district.

- 6.8 The site was promoted for inclusion in the PNP as part of two adjoining sites (PPNP22 - Greendene, and PPNP23 - Puttocks Farm). In Appendix E: Site Assessment Conclusions, of the Site Assessment Report 2019 (published as part of the PNP background documents), both sites remain Amber: *'Sites which are potentially suitable as site allocations if identified issues can be resolved or mitigated'*. However, these two sites were considered unsustainable for purposes of inclusion within the PNP by the Steering Group, with reasons citing the increased risk from fumes to pedestrians who, in order to access a number of village services and facilities which are south of the railway bridge, have to walk alongside the A29, designated as being part of the 'Major Road Network', thus carrying high levels of traffic, with the resulting need for two safer crossings across the railway:
- New footbridge close to southern side of Pigeon Gate Bridge (which carries the A29 across the railway). Although monies from s106 have been set aside for this, no action has yet been taken
 - New footbridge across the level crossing at PRoW_2330 to enable pedestrians from Codmore Hill to avoid walking and cycling next to A29 when accessing the school and other parts of the village to the south – requiring a new bridge over the railway and replacement steps up the hillside with a sloping path.
- 6.9 As a consequence the site has not been allocated for housing development within the PNP. The associated Pulborough village built up boundary remains as currently drawn in this location, resulting in the site remaining mostly outside the defined BUAB in policy terms.
- 6.10 The site is also not allocated for development within the Regulation 19 Horsham District Local Plan 2023-2040 (HDLP), albeit this emerging Plan carries limited weight at this stage.
- 6.11 The HDPF is now over 5 years old, whilst the Council cannot currently demonstrate a 5 year housing land supply with the latest supply calculated at 3 years. This triggers the presumption in favour of sustainable development (the 'tilted balance') in decision making and reduces the weight to be attached to the above HDPF policies.
- 6.12 In response to the Council's current lack of a 5-year housing land supply, the Council formally adopted the Planning Advisory Note 'Facilitating Appropriate Development' (Oct 2022), which forms a material consideration in the assessment of this application. The 'Facilitating Appropriate Development' (FAD) sets out the criteria by which development outside of settlement boundaries may be considered acceptable when applying the presumption in favour of sustainable development. The FAD identifies that proposals which meet all of the following criteria will be considered positively:
- The site adjoins the existing settlement edge as defined by the BUAB;
 - The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
 - The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
 - The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
 - The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.
- 6.13 In this instance the proposed development adjoins the BUAB of Codmore Hill as explained above. The proposed development of up to 65 homes is of a scale that is appropriate to the scale and function of Pulborough and Codmore Hill, which is collectively defined as a small town / large village within the HDPF policy 3 settlement hierarchy, where there is a good range of services and community facilities, local employment and some connections to public transport. The proposal, as explained below, would provide for a range of housing including affordable housing, to help meet local needs, whilst there is no evidence the development of this site would prejudice any comprehensive long-term development in this area. Finally, the

application site is contained within an existing defensible boundary and the indicative layout plans illustrate that the landscape character features can be suitably maintained and enhanced, as discussed below. Accordingly, the development of this site would accord with the requirements of the FAD document.

Affordable Housing and Housing Mix

- 6.14 Policy 16 of the HDPF requires that residential development should provide a mix of housing sizes, types and tenures to meet the needs of the district’s communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). Policy 16 also requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure.
- 6.15 The application includes a commitment to 35% affordable housing (23 units) within an overall indicative housing mix comprising the following breakdown:

Open Market (42 units)	Affordable housing (23 units)
2 x 1 bed (4.76%)	10 x 1 bed (43.4%)
12 x 2 bed (28.5%)	5 x 2 bed (21.7%)
17 x 3 bed (40.4%)	6 x 3 bed (26%)
11 x 4 bed (26.1%)	2 x 4 bed (8.6%)

- 6.16 The Council’s Housing Officers support the application as it stands on account of being compliant with HDPF policy 16. The developer will need to reach an agreement with a housing provider in order to confirm tenure type and split, and to ensure the layout accords with the provider’s requirements.
- 6.17 The delivery of the mix of affordable housing, including their respective split between affordable rented (70%) and shared ownership (30%), which would be secured by way of a s106 agreement. The proposed housing mix is considered to broadly comply with the Council’s expectations for a residential development of this quantum and is therefore considered in accordance with Policy 16 of the HDPF and the latest SHMA assessment, subject to the completion of the necessary s106 agreement.

Trees and Landscaping

- 6.18 As has already been established, the application site lies largely within an open and undeveloped rural area, bounded on one side by the BUAB, a supermarket set on the rising land levels, and residential development alongside the A29 / Stane Street. To the south is a residential development (Riverside) set on a sloping site that sits between the A29 / Stane Street and the railway line.
- 6.19 The prevailing landscape character of the site, as categorised in the Council’s 2003 Landscape Character Assessment, is noted as having an undulating mixed farmland landscape (area F1 / Pulborough, Chiltington and Thakeham Farmlands). The area is noted as having a declining condition on account of increasing traffic and introduction of suburban features along the A29. One of the key issues facing this landscape area arises from the potential of large-scale housing developments.
- 6.20 A Tree Preservation Order was first served in February 2022 and includes a number of Oak trees, a group of Sliver Birch, and Field Maples across the site (TPO/1549). It is noted that the site can be split into 4 distinct parts, comprising the residential property of ‘Greendene’, the former nursery site, an open central pasture field and a linear field alongside the railway. Clusters of trees, boundary vegetation and hedgerows define these areas, and in particular,

the field boundary that separates the linear field from the central part of the site is a strong feature within the landscape.

- 6.21 The Council's Landscape Architect has reviewed the proposal and its amendments, and has visited the site, noting that the development to the south (Riverside) dates from 2004 and was formerly a concrete works site, thus having had a quasi-industrial impact on the landscape without any notable landscape qualities. By contrast, the application site abuts the rural edge of Pulborough on the north and eastern sides and retains strong visual connection to the wider rural landscape. The linear area alongside the railway line is considered to be a particularly sensitive and visually prominent valley side.
- 6.22 In response to the original iteration of the scheme, the Landscape Architect expressed concern that the submitted Landscape Appraisal (LA) failed to acknowledge the effects arising as a result of the proposed layout on the landscape character and landscape features, noting that the development proposal would necessitate the removal of part of the existing strong tree corridor. Furthermore, the layout shown on the indicative plans, albeit having been revised to provide more separations to the retained trees, would put remaining trees across the site at risk of future pruning or felling.
- 6.23 The revised 3rd iteration of the proposed layout would address previously raised concerns relating to the proximity between the retained trees at the site and the proposed housing layout, setting the tree lines within the common management areas for the wider site and clear of any residential gardens.
- 6.24 The Council's Tree Officer has reviewed the revisions which take account of earlier concerns having been raised in relation to the proximity between the retained mature trees and residential gardens. It is considered that the indicative layout now provides a level of certainty that the site can accommodate the quantum of development proposed without compromising the future retention of significant trees on the site. The revised layout now incorporates a potential for greater separations to the trees, boundary vegetation and site boundaries.
- 6.25 The revised layout now presents 17 residential properties backing onto the eastern railway line, retaining the important tree line alongside the boundary with the rail line. The wider layout of the development site achieves a greater landscape-led potential and provides for an enhanced internal layout with green spaces, retained landscape features and reinforced boundary planting, which should be secured by way of a management plan condition.
- 6.26 Furthermore, the revisions to the layout at the northern part of the site, where the proposed vehicular entrance off the A29 / Stane Street is located, have also been subject to a landscape-led approach, with the development set back from the road. As a result, the proposal would create an inviting and well-integrated approach that would not unduly intrude on the peripheral village location.
- 6.27 Although acknowledged to be reserved for future approval, the indicative layout presented is considered to be capable of achieving the desired landscape protection and sensitive integration as required under HDPF policies 2, 25, 32 and 33, whilst ensuring that the existing green infrastructure of the site can be preserved and enhanced as set out under HDPF policy 31.

Layout and Amenity Impact

- 6.28 Policy 25 of the HDPF seeks to protect the townscape and landscape character of the District, including the landform and development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.

- 6.29 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.
- 6.30 The detailed layout of the site is a matter that would be reserved for subsequent approval should this outline application be permitted, therefore it is not for consideration now. However, Officers are of the view that the proposal for up to 65 units on this site including appropriate orientations, amenity space, play areas, parking, landscape buffers, open space, internal linkages, and water attenuation - can be satisfactorily accommodated on the site without causing unacceptable harm to the wider landscape character or local amenity. Overall, Officers are of the view that the indicative layout of the site is acceptable for the purpose of this Outline proposal.
- 6.31 The indicative layout has taken into consideration the key site constraints which is welcomed. The key sensitivities of this site include the rising topography towards the northern corner, the proximity of the railway line to the east, the presence of existing mature vegetation with the site and at the site boundaries, and the presence of existing residential development to the north. The proposed play areas are located where they would be accessible for all future occupants as well as being accessible by neighbouring residents.
- 6.32 The order to address the proximity of units 10-15 with the elevated Sainsburys delivery bay, a revised layout has re-worked this western part of the site to achieve dwellings with a communal parking forecourt facing the delivery bay and retained vegetation, with south-easterly facing gardens. It is noted that delivery times for the supermarket remain restricted by way of planning conditions, with no deliveries taking place between 23:00 – 07:00hours. However, the revised layout would satisfactorily maintain a suitable level of amenity for the prospective occupants of these units with the Council's Environmental Health satisfied with the resulting noise impact assessment submitted.

Open Space

- 6.33 According to the latest Open Space, Sport and Recreation Review (2021) Pulborough has deficiencies in natural and semi-natural open space; amenity open space; children's play space; and multi-functional green space. The development is over the distance threshold for amenity open space and for local children's play, and there is a requirement for this to be addressed on-site.
- 6.34 The proposal includes three areas of designated open play space: two of which are LAPs (intended for the under 6s, each providing over 100sq.m of area), and a central LEAP (providing a min of 400sq.m). Furthermore, the development can provide in excess of 7000sq.m of multifunctional open space that can perform various functions: landscaped and provided with seating, or left in a natural or semi-natural state. The proposals therefore have the ability of according to the expectations of HDPF policies 32, 33 and 43.
- 6.35 Officers also consider that suitable landscaping and layout details secured by way of a landscaping condition and subsequent Reserved Matters would also assist in providing beneficial screening and noise dampening to this western area of the site.
- 6.36 In summary, subject to an appropriately designed layout at Reserved Matters stage, it is considered that an acceptable development on this site can be achieved without undue impact on the surrounding landscape or neighbouring residential amenity and the amenities of future occupiers.

Design and Appearance

- 6.37 It is noted that detailed matters of design, appearance and the final layout would be reserved for subsequent approval should the Outline application be approved, and therefore it is not subject to considerations at the current time. Officers consider that the indicative palette of materials suggested in the Design and Access Statement and the indicative street-scenes could ensure that the development is sympathetic to this location, with details to be secured by condition.
- 6.38 Officers also note the densities, orientations, amenity spaces, play areas, open spaces, parking, internal linkages and landscape buffers shown on the indicative revised site plan, and consider that these could satisfactorily be accommodated on the site without causing unacceptable harm to the wider landscape character and local amenity.

Heritage Impacts

- 6.39 Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting. Chapter 16 of the National Planning Policy Framework (NPPF) follows this statutory provision and seeks to positively manage changes to the historic environment to ensure sufficient flexibility whilst conserving the important and irreplaceable nature of the designated asset. Chapter 16 requires decision-makers to consider whether a development proposal would lead to 'substantial' or 'less than substantial' harm to a designated heritage asset, and if so, describes how decisions should be steered in order to preserve the asset whilst allowing some flexibility for change, where appropriate.
- 6.40 The site does not adjoin or contain any designated heritage assets, nor are there any conservation areas adjoining the site. The closest listed building lies some 90m to the north of the site, Stane Street Hollow, which is not visually (or functionally) linked to the application site and would not be impacted. Although no Archaeological Notification Areas have been identified at the site itself, the site lies alongside the line of the ancient Roman Road Stane Street. Heritage records within the submitted Archaeological and Heritage Appraisal reveal archaeological deposits previously discovered to the west of the site, on the opposite side of Stane Street.
- 6.41 In assessing the submitted Archaeological and Heritage Appraisal, the Council's Archaeologist is satisfied with the details submitted at this stage of the outline application, recommending a more detailed Written Scheme of Investigation condition be secured in the event of approval, satisfying the criteria of HDPF policy 34 and NPPF para 200 in relation to heritage assets.

Highways Impacts

- 6.42 Access arrangements are not a reserved matters and therefore must be considered in full now. The submission includes a Transport Statement (TS), which sets out that pre-application discussions were held with WSCC Highways, accompanied by a Design Audit. The application site is located on the southern side of the A29 / Stane Street, just within the 30m.p.h zone. The entrance to the Sainsbury supermarket site lies some 70m south, whilst some 50m to the north is a garage forecourt selling cars. Immediately on the opposite side of the application site is the vehicular entrance to the Coombelands racing and equestrian facilities.

Vehicular Access

- 6.43 The A29 is part of the designated national Major Road Network and accordingly carries a significant volume of traffic through the District and beyond. To address the location and proposed development, a new access would be created off the A29 by way of a new two-way priority junction with pedestrian footways to each side, afforded with visibility splays and

a new right-turn access lane within the hatched area in the north-bound lane of the A29. To facilitate the works, an existing traffic island in the A29 would need to be removed, additional lane markings would be needed on the south-bound lane, and vegetation cut back to ensure the visibility splays are achieved and maintained.

- 6.44 The dimensions shown in the submitted plans in respect of carriageway widths and junction radii reflect the relevant pre-application discussions held with WSCC Highways and are considered by the Highways Authority to be acceptable. The new priority junction and access land on the A29 would be subject to a separate s278 agreement with the Highways Authority.
- 6.45 The application is supported by a TRICS assessment, which predict the development would generate some 31 movements each at AM and PM peak hours. These are not considered to lead to an unacceptable impact on the highway network.
- 6.46 A number of objections are noted as part of the neighbour and Parish Council representations, citing the perceived danger arising from the development and the proposed access to the site from the A29, including concerns over diminished visibility to the north given vegetation grown along the verge. However, the Highways Authority have reviewed the submitted details and are satisfied that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal therefore is not considered to be contrary to Paragraph 115 of the NPPF, and there are no transport / movement grounds to resist the proposal. Highways conditions have been recommended in the event that permission is granted, including implementation of the access and the submission of a Construction Management Plan.
- 6.47 Officers agree with the Highways Authority's assessments therefore the proposal complies with HDPF policy 40 in terms of highway access and safety.

Road Layout and Parking

- 6.48 The internal road layout is only shown indicatively at this stage as full details will be required as part of any Reserved Matters approval. WSCC Highways have confirmed that the general principles as shown on the illustrative site layout are acceptable.
- 6.49 Parking provision would be expected to accord with the WSCC Parking Standards, including the provision of an appropriate number of visitor spaces, and spaces for disabled users, with garages accounting for 0.5 space if they meet the minimum internal dimensions of 3m x 6m. At this stage, the indicative parking provisions would meet the WSCC guidance, with cycle parking provided in sheds to each garden.
- 6.50 The provision of electric vehicle charging points is expected to be in accordance with the minimum standards as set out in Approved Part S of the Building Regulations, which requires one active space per dwelling and passive ducting to other spaces.
- 6.51 In summary, the Highways Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to NPPF (paragraph 115), and that there are no transport grounds to resist the proposal.

Access by Sustainable Modes

- 6.52 There are a number of local facilities within reasonable walking and cycling distance of the site, including shops, a primary school, health services, bus stops, and eating establishments. Pulborough Railway Station is around 1.9km from the site. Access along footpaths which follow the road network would be over the narrow Pigeons Gate Bridge.
- 6.53 There is a PRoW (FP_2330) that runs close to the southern site boundary and over the unsignalled crossing over the Arun Valley railway line, and connects to a wider PRoW

network, the primary school and recreation ground, as well as the village amenities along Lower Street.

- 6.54 At the point of the crossing, train speeds can reach up to 60mph northwards and 75mph southwards, with some 8 trains in each direction during peak hours. The steep and stepped terrain to both sides of the crossing presents difficulties for any users with mobility issues, including buggies and prams, which are currently not suited for transversing the crossing and use of the PRow.
- 6.55 The Network Rail consultation has identified that the proposed development is likely to introduce additional users of this PRow and crossing point, which has been assessed as having deficient sighting distances to enable 'safe' crossings. On the Risk Score between 1(very high) - 13 (zero risk), the crossing scores a value of 4. The increased risk to Network Rail posed by the development arises from the additional footfall likely to occur at the crossing and the user's behaviour, with various factors such as age, mobility, being 'encumbered' (with dogs, shopping, pushing bicycles, prams, parents with children) increasing this risk, and resulting in a higher Risk Score value of 3. The consultation response notes that members perceive the risk of crossing a railway line as lower than the risk of crossing a busy road, with the alternative route to the village amenities necessitating two crossings of the A29 / Stane Street to access Pigeon Gate Bridge.
- 6.56 The issues of Pigeon Gate Bridge have been highlighted in the Pulborough Neighbourhood Plan, which notes that pedestrians along this route are placed in danger on account of their proximity to the heavy traffic using the national trunk route and fumes / emissions from vehicles. Emerging Policy 16 of the Pulborough Neighbourhood Plan (PNP) seeks to create a more accessible path along the FP_2330 to accommodate bikes, mobility scooters and pushchairs.
- 6.57 The proposed development would therefore be expected to contribute towards the provision of mitigation to reduce the risk posed by increased use of this un-signalised crossing point, with Network Rail seeking to install a footbridge at this location. Officers are aware that funding towards the provision of this footbridge have been secured from another recently approved development to the south of the railway line (DC/21/2321 – New Place Farm), with Network Rail constructing the bridge to their own specification, and delivery of the bridge expected at a specified trigger point.
- 6.58 However, it is also recognised that there is an element of uncertainty in the delivery of this footbridge in the event that the adjacent development does not take place (at New Place Farm). Therefore, Network Rail have sought to secure financial contributions in this event towards the implementation of miniature stop lights at the crossing point, acknowledging that the proposed development would give rise to increased foot traffic across this unmanned railway crossing, which provides a route to St Mary's Primary School, the village recreation ground / sport facilities and other village amenities. In the event that the new footbridge is delivered at the crossing point via the New Place Farm planning permission, then the necessary risks have been addressed and improvements made to the crossing point such that the financial contribution from this development would no longer be required. In this scenario Network Rail have advised that the at grade rail crossing point some 400m to the north of the site could be upgraded as an alternative. However, given the distance to this crossing point and the absence of a specific destination to the other side beyond general countryside, it is not be considered that a requirement to upgrade this crossing point meets the relevant tests for securing infrastructure contributions to remedy an existing deficiency directly related to the development.

Ecology

- 6.59 The application site is not subject to any statutory or non-statutory ecological designations. The nearest statutory sites for ecological importance are Marehill Quarry Site of Special

Scientific Interest (SSSI) located around 1.2km to the south-east (although this is only allocated for geological interest); Pulborough Brooks SSSI located some 1.4km to the south which also forms part of the Arun Valley Special Area of Conservation (SAC) and Special Protection Area (SPA). The Mens SSSI and SAC is located 3.6km to the north-west of the site which is designated for its Barbastelle bat population. Owing to its proximity to the Mens SAC, the Council is required to prepare an HRA Screening Report regarding effects on flightlines for Barbastelle bats.

- 6.60 The application is accompanied by a Biodiversity Net Gain Metric, Emergence Survey Report (Spatial Ecology, September 2022), Proposed Indicative Site Plan Drawing P101 C (OSP Architecture, June 2022), Response to Comments (LUC, March 2022) and Preliminary Ecological Appraisal (LUC, October 2021).
- 6.61 The Council's Ecology consultant has reviewed the submitted reports and survey and, subject to adequate avoidance, mitigation and enhancement measures secured via suggested conditions, does not object to the proposed development. The proposal will require a European Protected Species Mitigation License for bats prior to any commencement of works and it is therefore advised that a copy of this license be required as part of a suitably worded condition. Suitable mitigation will also be required during construction works as the central tree line will be breached to form the new estate road through the site (such as sensitive lighting), as well as the proposed post construction mitigation. It appears that linear features will be retained, protected and enhanced, the species-rich hedgerow with trees and the two mature treelines will be strengthened through native tree and shrub planting, and an additional species-rich hedgerow with trees will be created along the south-eastern boundary of the site (Ecological Appraisal (LUC, October 2021). Future tree removal works should also be subject to roost assessments.
- 6.62 Having undertaken an Habitats Regulations Assessment in relation to bats, it is considered that the proposed avoidance and mitigation measures set out as part of the proposal, including a new species-rich hedgerow along the south-east boundary, wildlife sensitive lighting, and additional species rich planting to ensure habitat connectivity for Barbastelle bats will be retained, protected and enhanced.
- 6.63 Accordingly, the proposal is therefore considered to satisfy the criteria of HDPF Policy 31 and regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Climate change

- 6.64 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- Consideration of solar panels, Air Source Heat Pumps, solar hot water panels
 - Efficient building fabric
 - Water efficiency measures
- 6.65 Under Part S of the Building Regulations, each new dwelling is expected to be provided with an EV charge point.
- 6.66 Subject to the implementation of these measures (either within the design of the site at Reserved Matters stage or secured by condition); the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Water Neutrality

- 6.67 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.
- 6.68 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.
- 6.69 The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide water neutrality strategy.
- 6.70 As a starting point, the baseline water consumption figures of the existing site have been provided by the applicant. These refer to an existing 4-bed bungalow, a 1 bed mobile home and a flock of 11 sheep that graze the land, citing an existing overall water use for the site of 564 litres per day (l/p/d). Officers have raised a dispute over the credibility of the flock of grazing sheep on site, having no evidence in recent time of the land being used for active pasture, as well as the position in relation to the claimed mobile home, for which there is no planning history or evidence.
- 6.71 The only certainty is the existence of the 4-bed bungalow on the site, which is still occupied. As there are no metered water bills available for this property, the existing baseline water use has been calculated using the 2011 Horsham census data of an occupancy rate of 2.86 (people) and a rate of 135 litres per day per person, arriving at an existing baseline water use of 390 l/p/d.
- 6.72 Applying Census data, occupancy level across the site from 65 homes based on the housing mix set out above would be some 141.79 persons. Therefore, applying the Part G2 (optional standard) water use of 110 l/p/d (per person), and subtracting the existing consumption from the house at Greendene, the proposed water budget of the development would be **15,600 l/day**. Mitigating this quantum of mains water use will therefore require onsite efficiency measures as well as the likelihood of off-site mitigations.
- Onsite mitigation:*
- 6.73 As a first-step, the applicants Water Neutrality Statement (WNS) sets out efficiency measures in respect of low-flush and efficient fittings which would reduce the water use to 100 l/p/d. Further on-site measures are promoted including rainwater harvesting or greywater harvesting, which would secure re-use for WC flushing. The submitted details envisage this further reduction will reduce the daily water use to 63.4 l/p/d (or **8,989 l/day** site-wide). Although the final details would be subject to planning conditions, there are several domestic GWH systems that fit into residential properties and 'harvest' water directly from source, treat and store ready for re-use within the home for WC flushing and washing machines that can meet the anticipated savings.
- Off-site mitigation:*
- 6.74 The applicant's Water Neutrality Statement (WNS) has been revised during the course of the application to omit reference to offsetting measures at Kinswood Eggs given the closure of this facility following an outbreak of avian flu in 2022. All offsetting measures are to now be located at the Hepworths Brewery site further along the A29 Stane Street to the north

opposite Brinsbury College. The statement sets out various water saving and reduction measures across the Hepworths Brewery site, using the 2022 baseline of metered water use at the Brewery, and taking account of the uplift in production during the first half of 2023.

- 6.75 When permitted in 2015 (under DC/13/2328) the Hepworths Brewery building was not subject to an upper limit on the amount of product brewed at the site, but anticipated the building to be able to accommodate increased capacity in future years. Officers recognise that the brewing process is quite water intensive, requiring more water input than product output. As the brewing process requires potable water for the product itself, the potential savings and water efficiency measures are to be delivered in the cleaning processes of the equipment used in the brewery and would present a saving over and above the existing / ongoing brewery use at the site.
- 6.76 From the submitted documents, it is understood that the brewery is currently operating below its potential capacity, with the documented production output for 2022 at some 60% of the site's capacity. In the first half of 2023, there was an uplift in the production at the site of some 10.9%. The figures below therefore represent the potential savings based on the 2022 production, and later will refer to the uplift.
- 6.77 The following areas have been identified for water recovery and reduction opportunities:
- Bottle Rinse – re-use of internal rinse water for external bottle rinse, currently utilises fresh water:
 - Internal bottle rinse uses 200ml of water per bottle at 20,000 bottles per day – 800,000 litres / year
 - External bottle rinse uses 50ml of water per bottle at 20,000 bottles per year – 200,000 litres / year
 - Savings delivered by using the internal rinse water for the external bottle rinse, thus reducing water use by 200,000 litres / year (549 l/day)
 - Rinse water recovery from bottle filler and keg washer sterilisation operations – water can be recovered and re-used for the next cycle:
 - Currently each bottle filler sterilisation process uses 2,500 litres of water per overnight cycle uses 500,000 litres / year
 - Each keg racker sterilisation process uses 1,500 litres of water per overnight cycle uses 225,000 litres / year
 - 100% of this water could be captured for re-use, leading to the saving of 725,000 litres / year (1,986 l/day)
 - CIP (Cleaning in Place) wash system and water recovery – currently all CIP cycles use fresh water after each brewing batch is completed and is manually carried out:
 - Based on 343 brews per year, each CIP cycle uses around 18,658 litres
 - By installing an automated system, which uses a consistent amount of water / chemicals and heat for the CIP system, savings can be delivered over and above the existing water use of around 25% (or 1,600,000 litres / year) (4,383 l/day)
 - Ancillary water use – currently all using fresh water:
 - Boiler make up water Currently requires some 1,200 litres per day (300,000 litres / year)
 - Floor washdown uses around 180,000 litres / year
 - Vehicle washing uses around 80 litres / vehicle with 3 vehicles washed each month requires around 2,900 litres per year
 - By using rainwater harvesting for these cleaning processes there would be a potential saving of some 480,000 litres / year (1,315 l/day)
- 6.78 The proposed water recycling and re-use measures would be capable of delivering water savings within the brewery, used in the existing cleaning and sterilisation processes. Based on the 2022 production levels of cleaning, sterilisation, brewing cycles and vehicles being

cleaned throughout the year, the above would deliver savings of some 8,233 l/p/d. This is below the 8,989 l/day (8,599 l/day when including the existing dwelling on site) required to offset the proposed development.

- 6.79 According to the submitted figures, the 2022 production at the brewery yielded 343 brew cycles, producing some 4,000,000 bottles of beer. Figures derived from the submitted Water Neutrality Statement reveal that each brew cycle uses some 18,600 litres of water (6,379,800 litres / year), all of which is currently supplied from the mains. The 10.9% uplift in production during 2023, taken forward for a full year, would lead to an increase in brew cycles to 380 per year, leading to an additional water demand of 688,200 litres / year (overall 7,068,000 litres year). The uplift in production experienced in 2023 would therefore lead to a reasonable annualised increased water demand at the brewery of 1,885 l/day (10,108 l/day total).

Overall water budget

- 6.80 By discounting the existing baseline water use of the bungalow on the application site (390 l/p/d) from total calculated water budget arising from the proposed development (8,989 l/p/d), there would remain a total of 8,599 l/p/d to be offset before the proposal would achieve a water neutral position.
- 6.81 Officers have reviewed the documents submitted in relation to the WNS and have run the calculations separately from those presented in the WNS. Based on the submitted information, the water offsetting measures, to be achieved by way of water capture, re-use and rainwater harvesting, along with efficiencies derived from automated cleaning processes, would realistically achieve a saving at the brewery of 10,108 l/p/d based on 2023 production levels continuing, this is higher than the calculations presented in the submitted WNS, which arrives at a potential daily saving of 9,131 l/day. This would achieve a headroom in the figures of some 532 l/day.
- 6.82 Following the submission of the above information, the potential water savings have been clarified and re-assessed by Natural England, who have raised no objection subject to the implementation of the stated measures prior to any occupation of the proposed development, to be secured by way of an appropriate legal agreement. Accordingly there is certainty that the proposal would not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such circumstances there would be the required certainty as by policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters:

Air Quality

- 6.83 The application site is not located within or close to any of the district's defined Air Quality Management Areas (AQMA's), however, on account of the quantum of development, comprising a 'major' development, an Air Quality Assessment (AQA) has been submitted.
- 6.84 Officers note that provision of EV chargers is now part of Building Regulations under Part S, and covered by the WSCC standards, so a robust AQA must go over and beyond the standards in place under other legislations. The AQA arrives at a total damage cost arising from the proposed development over 5 years as £14,736, but does not include a Mitigation Plan, which reflects in the Environmental Health department's objection on this ground.
- 6.85 The developer will therefore need to review the proposed mitigation strategy to ensure that the mitigation measures are effective and to ensure that they are not already covered by other legislation or other requirements to make the application acceptable in planning terms (for example, the provision of cycle storage and broadband). Given the provision of a

damage cost, officers consider that a suitable Air Quality Mitigation Plan can be secured under a planning condition.

Minerals Safeguarding

- 6.86 Under the West Sussex Joint Minerals Local Plan (JMLP July 2018) the site falls within a Building Stone and Brick Clay Mineral Safeguarding Area and would occupy some 3.52ha of land. A Minerals Resource Assessment has been submitted to identify whether economically viable mineral resources are present on site, and whether prior extraction is practicable.
- 6.87 Policy M9 (iii) of the West Sussex Joint Minerals Local Plan requires that for non-mineral development (such as residential development), the decision maker must determine whether the overriding need for the development outweighs the safeguarding of the mineral. In addition, the applicant must demonstrate that prior extraction is not practicable or environmentally feasible. It is acknowledged that there is a relative abundance of Brick Clay in the south east, therefore its safeguarding is a lower priority than other more scarce minerals such as Horsham Stone. In this instance, the area present for Brick Clay is around 150m x 150m in size and presents a potential site for extraction. However, given the location of the resource it may present planning-related constraints such as noise or transport movements.
- 6.88 The submitted Minerals Resource Assessment sets out that the Building Stone resource (Hythe Formation) may be economically viable, it comprises a relatively small and narrow formation within the site (located close to the site's northern boundary and the trees subject to preservation orders. It is stated that the extraction methods required would render this resource economically unviable for extraction. As such, WSCC Minerals and Waste Team has confirmed that no objection is raised to the proposal. Furthermore, the Council's housing supply position at present means that the need for more housing units carries significant weight in decision making. The proposal therefore satisfies the requirements of Policy M9 (iii) of the West Sussex Joint Minerals Local Plan.

Drainage / Flooding

- 6.89 The Environment Agency Flood Map shows that the application site is located within Flood Zone 1, indicating that it is at a very low risk from river flooding. In terms of surface water flood risk, the EA mapping data shows a low to high risk along the south-eastern boundary alongside the railway line, where the land levels are the lowest. It is in this location that the rear gardens of units 61 – 65 are indicatively located, along with an indicative pumping station.
- 6.90 The Local Lead Flood Authority (LLFA) has reviewed the additional information submitted and is satisfied that conditions can be applied to ensure suitable flood mitigation measures are put in place.
- 6.91 Network Rail requested further details in relation to the proximity of the sewage pumping station to the tracks, given the location of this part of the site within a surface water flood risk zone, and needing to ensure that the pumping station and soakaways would not impact on Network Rail infrastructure. More recently, Network Rail have confirmed that they have been in discussions with the applicant and their drainage engineer to address these concerns. Agreement has now been reached in terms of the soakaways and pumping station locations being outside of the 20m NR easement zone. Officers are satisfied that these details could be adequately required as part of a suitably worded condition, particularly noting that the layout of the site is currently only indicative, and would be subject to finalisation under a subsequent reserved matters application.

- 6.92 With regards to foul drainage, Southern Water have re-confirmed that they would be able to facilitate foul sewerage disposal to service the proposed development, with the additional modelled 0.65 litres per second generated by the development not impacting on the existing network capacity. Surface water would be discharged to SUDS. The connection to the Southern Water system requires a separate formal application to the sewerage undertaker by the developer / applicant.
- 6.93 Southern Water have also responded to the wider capacity issues experienced locally and report that some issues with the foul capacity experienced at Stane Street have been attended to and resolved and arose following blockages and a sewer collapse. These issues along London Road tend to result when the sewer becomes inundated with surface water as well as the anticipated foul flows. The suggested conditions include the requirement for surface water drainage schemes to be submitted to and approved by the LPA in conjunction with the LLFA, dealing with the temporary site construction works and the ongoing permanent site details, which should alleviate such sewer inundations being caused by the proposed development, with the development managing its surface water onsite and not increasing the risk of flooding elsewhere.
- 6.94 Officers consider that there is sufficient flexibility in the final layout of the site which would be submitted under reserved matters, to secure satisfactory details of these two matters by way of condition.

S106 Agreement and Community Infrastructure Levy (CIL)

- 6.95 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. This development constitutes CIL liable development. In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.
- 6.96 HDPF Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. The provision of affordable housing must be secured by way of a Legal Agreement, as would contributions to infrastructure and off-site improvements including sustainable transport commitments and air quality mitigation measures.
- 6.97 It is noted that Network Rail initially placed a holding objection on the proposal relating to the increased pedestrian movements likely over the at grade crossing / PRoW in order to gain access to the local facilities including the primary school. Following officer discussions with Network Rail and a site visit to assess the crossing point, financial contributions have been sought to remedy the issues experienced at the existing at grade crossing point, thus removing the holding objection.
- 6.98 Therefore, officers would advise that the legal agreement include a relevant trigger point for the provision of funding for the miniature stop lights at the relevant crossing point only, and then only in the event that the new footbridge is not delivered under application DC/21/2321.
- 6.99 Furthermore, the s106 should also include the provision of a new footpath / cycle path within the development site and up the site's southern boundary so that links can potentially be achieved through to PRoW 2330, with land secured to provide a similar link to the north of the site to 'future-proof' for prospective site connections.
- 6.100 A s106 legal agreement to secure the obligations necessary to make this application acceptable in planning terms is currently being drafted. The headline obligations are to include the following:
- 35% Affordable Housing (60 units)
 - Provision of funds towards new miniature stop lights at the at grade crossing on PRoW 2330 (sum of £500,000) to be used in the event of the new railway footbridge not being completed

- Provision of a new cycle/ footpath within the site up to the southern boundary best endeavours to complete the link to the PRow 2330 on the adjacent land
- Provision of land, and retention thereof in perpetuity to achieve a cycle / footpath connection to the north if needed
- Water neutrality matters to provide offsite offsetting measures as stated at Hepworths Brewery within the district

Conclusions and Planning Balance

- 6.101 In any planning decision, the starting point for the assessment is to consider whether or not it accords with the provisions of the adopted development plan (in this case the HDPF) and the NPPF (updated December 2023).
- 6.102 Within the NPPF, a newly added para 70 now sets out support for small and medium sized sites coming forward for housing development.
- 6.103 Otherwise, it is considered that the latest version of the NPPF has not raised any new matters which are material in the considerations of this application.
- 6.104 In this case the majority of the site lies outside of the BUAB of Codmore Hill, with only 4 of the proposed 65 dwellings indicated as likely to fall within the BUAB. The site is not allocated for development within the HDPF, or in a made neighbourhood plan, or in a site allocations DPD. Therefore the development of this site for housing runs contrary to Policies 1, 2, 4, and 26 of the HDPF and conflicts with the development plan as a whole.
- 6.105 In addition, the site has not been allocated for housing development in the post-examination Pulborough Neighbourhood Plan, and is not allocated within the Regulation 19 Horsham District Local Plan 2023-2040 (HDLP), albeit the weight to be attached to the HDLP is limited at this stage.
- 6.106 Of note is that Horsham District Council now has an emerging local plan at Regulation 19 Stage and as a consequence, must now demonstrate only a four-year housing land supply (as opposed to five years) for a period of two years from publication of the updated NPPF (paragraph 226). However, further clarification provided at footnote 79 of Annexe 1: Implementation, reveals that this criteria should only be applied to applications made on or after the revisions of the NPPF (19th Dec 2023). Therefore, in considering the current application, it is the 5 year housing land supply position that is relevant, and so the NPPF does not change the weighting applied to the housing land supply in the district.
- 6.107 The Council is unable to demonstrate a 5 year housing land supply with current supply calculated as being only 3 years. The failure to demonstrate a 5 year housing land supply triggers the presumption in favour of development at paragraph 11d of the NPPF in the determination of this application. This means policies 2, 4 and 26 of the HDPF, which are the most important policies when considering this application, must be considered out of date. In such circumstances paragraph 11d requires that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (paragraph 11d(ii)). In assessing this proposal, officers conclude that matters in relation to designated habitats sites / water neutrality, heritage assets, archaeology and flooding can all be satisfactorily addressed and therefore do not present any clear footnote 7 reasons for refusing the development in the alternative (paragraph 11d(i)).
- 6.108 Whilst the Pulborough Neighbourhood Plan has passed through examination and allocates other sites to meet its identified housing need, it does not yet form part of the development plan for the district. Consequently the protections afforded by paragraph

14 of the NPPF, which in effect disapply the presumption in favour of sustainable development, cannot be taken into consideration.

- 6.109 Therefore, applying paragraph 11(d) of the NPPF, the Council is directed to grant planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 6.110 This report has established that (subject to conditions and a legal agreement) key matters including impact on highways, landscape, neighbouring amenity, ecology / trees, heritage/archaeology, drainage / flood risk, air quality, minerals and sustainability / climate change are judged to be acceptable, or are capable of being acceptably mitigated for by way of subsequent reserved matters and conditions. Whilst in outline form, the submitted plans have shown that the quantum of housing proposed can be accommodated appropriately within the site boundary taking into account of landscape sensitivities and neighbouring amenity. The provision of three areas of dedicated children's play spaces as well other areas of open amenity space, offer benefits to the scheme that would create a pleasant place for new and existing residents, and adds weigh in favour of the proposal. In addition, the application proposes a policy compliant number of affordable units (23no.) which will be beneficial to those on the housing register in in Pulborough, and to those who cannot afford to buy or rent at market prices. This also adds weigh in favour of the proposal.
- 6.111 Although the site is not allocated for development in the adopted local plan (the HDPF), not allocated in the post-examination PNP for housing, nor allocated in the Reg 19 Local Plan, Officers consider the proposal complies strongly with the requirements of the FAD document which, coupled with the Council's current lack of a 5-year housing land supply and the associated application of the tilted balance, leads to the conclusion that the benefits of the 65 market and affordable dwellings in this location would outweigh the conflict with the HDPF and the post-examination PNP.
- 6.112 In reaching this conclusion Officers acknowledge that the site was promoted through the neighbourhood plan process but discounted from allocation on account of the stated deficiencies for pedestrians in accessing village amenities, thus placing an expectation in the community that any development of this site would be resisted. However, the identified difficulties in reaching facilities south of the rail line have been largely addressed by securing upgrades to the rail crossing, whilst the site otherwise sits in a sustainable location close proximity to existing development, sustainable transport routes and facilities such as the adjacent supermarket. The conflict with the post-examination PNP is fully acknowledged and significant weight has been attributed to this, however the PNP does not yet form part of the development plan for the district therefore it does not benefit from the protections afforded by paragraph 14 of the NPPF. As a consequence, the benefits of the provision of housing in this location are considered to significantly outweigh the conflict with the post-examination PNP, HDPF and the draft Regulation 19 Horsham District Local Plan when applying the presumption in favour of sustainable development and considering the NPPF as a whole.
- 6.113 Officers therefore recommend that, subject to the conditions listed below and the completion of a s106 legal agreement to secure 23no. affordable housing units, off-site water neutrality measures and other obligations including provision for a safe rail crossing, this application for up to 65no. dwellings on this site should be granted outline planning approval.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
Residential	5876.5	258	5618.5
	Total Gain		5618.5
	Total Demolition		258

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

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

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

7. RECOMMENDATIONS:

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

Conditions:

1. List of Approved Plans

Name of Document/Plan	Reference	Date Received by HDC
Proposed Site Access (as part of the Transport Statement)	1803075-03 Rev A	10/11/2021
Location Plan	20052 S101 Rev A	02/11/2021

2. Regulatory (Time) Condition:

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

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

3. **Pre-Commencement Condition:** No development, including any demolition, shall commence until the following construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following measures:
- i. Details of site management contact details and responsibilities;
 - ii. A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
 - a. location of site compound,
 - b. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
 - c. site offices (including location, height, size and appearance),
 - d. location of site access points for construction vehicles,
 - e. location of on-site parking,
 - f. locations and details for the provision of wheel washing facilities and dust suppression facilities
 - iii. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
 - iv. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

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

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

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

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

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

5. **Pre-Commencement Condition:** Any works which will impact the breeding / resting place of Bats shall not commence unless the Local Planning Authority has been provided with either:

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

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998

6. **Pre-Commencement Condition:** Notwithstanding previously submitted information, no development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery, or materials onto the site, until the tree protection fencing has been erected in the position as indicated in drawing Ref: MW.20.0821.TPP.RevB [attached to Mark Welby Arboricultural Consultancy Arboricultural Assessment & Method Statement Revision B issued 2023.04.17]. Once in place the person(s) responsible for supervising the works must meet the Arboricultural Officer of the Local Planning Authority, on site, so the Arboricultural Officer can supervise that condition x attached to planning permission is fully complied with.

Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

7. **Pre-Commencement Condition:** No development, including demolition pursuant to the permission granted, shall commence until the following components of a scheme to deal with the risks associated with contamination (including asbestos contamination) has been submitted to and approved in writing, by the Local Planning Authority:
 - a) An intrusive site investigation scheme to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
 - b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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

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

8. **Pre-Commencement Condition:** No development, including demolition of the existing buildings on the site, shall commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall

provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015), and in accordance with paragraphs 171, 173 and 175 of the National Planning Policy Framework (Dec 2023).

9. Pre-Commencement Condition:

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

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

10. Pre-Commencement Condition: No development, other than the demolition of the existing buildings on the site, shall commence until detailed designs of a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the submitted FRA and Drainage Strategy (Final B, Motion, 27.10.23) and drawings 1803057-0500-01 Rev B 13.10.23, 1803057-0500-02 Rev B 13.10.23, 1803057-0500-03, 1803057-0500-04 Rev B 13.10.23, and shall incorporate details to address the following matters:

- a) Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration features, or if infiltration is proven to be unfavourable then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. These post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% annual probability. The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.
- b) Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).
- c) Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.
 - 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- d) The design of any drainage structures will include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface

water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event. This will include surface water which may enter the site from elsewhere.

- e) Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- f) Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- g) A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015), and in accordance with paragraphs 169, 173 and 175 of the National Planning Policy Framework (Dec 2023).

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

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

12. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Appraisal (LUC, October 2021), has been submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

13. **Pre-Commencement (Slab Level) Condition:** Notwithstanding the details submitted in the Michael Bull & Associates Air Quality Assessment (dated 19 July 2023), no development above ground floor slab level of any part of the development hereby permitted shall take place until an appropriate damage cost mitigation strategy has been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document. The identified mitigation measures shall be implemented in accordance with the agreed damage cost mitigation strategy prior to first occupation of the approved development.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

14. **Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (Water Environment, received 04.05.2023) have been submitted to and approved in writing by the Local Planning Authority. The rainwater harvesting system shall include suitable storage tanks to provide a minimum 35 days storage capacity.

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

15. **Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence 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 be undertaken in accordance with the Outline Plan Ref 20052 / SK14D, the internal layout as detailed in Section 10 (Addendum) of Acoustic Associates Sussex Noise Impact Assessment dated, 15.08.23 and supplementary information received dated 21.09.23, and shall achieve the following noise levels:
- Internal day time (0700 - 2300) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with windows open)
 - Internal night time (2300 - 0700) noise levels shall not exceed 30dB LAeq with individual noise events not exceeding 45dB L_{Amax} (bedrooms and living rooms with windows open).
 - The level of attenuation achieved for all habitable rooms will be a minimum of 11dB on the 50Hz frequency.
 - Garden/external amenity spaces should not exceed 55 dB LAeq, 16hr,

The approved scheme for each dwelling shall be implemented prior to first occupation of that dwelling and shall thereafter be retained and maintained.

If it is predicted that the internal noise levels specified above will not be met with windows open for any of the dwellings, 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.

The development shall thereafter be carried out in accordance with the approved details.

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

16. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 7 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 7 unless otherwise agreed in writing by the Local Planning Authority.

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

17. **Pre-Occupation Condition:** Prior to the first occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing, by the Local Planning Authority. The content of the LEMP shall include the following:
- a) Details of proposed biodiversity enhancement measures.
 - b) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall have regard to the requirements set out within the Horsham District Council 'Biodiversity and Green Infrastructure' Planning Advice Note (October 2022) to seek to achieve a measured 10% net gain in biodiversity. The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

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

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

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

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

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

20. **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing 1803075-03 Revision B. The access shall be thereafter retained as such.

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

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

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).

22. **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, details of the rainwater harvesting system installed including a minimum 35 days storage capacity, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter

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

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

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

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

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

25. **Regulatory Condition:** No works or activities relating to the implementation of the development hereby permitted (including deliveries of materials and equipment) shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public holidays

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

26. **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Emergence Survey Report (Spatial Ecology, September 2022) and the Ecological Appraisal (LUC, October 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

27. **Regulatory Condition:** The foul pumping station and any soakaways will be located outside of the 20m Network Rail easement zone.

Reason: To 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 in accordance with paragraph 173 of the National Planning Policy Framework (Dec 2023).

28. **Regulatory Condition:** The development hereby approved shall be carried out in strict accordance with the approved documents (Mark Welby Arboricultural Consultancy Arboricultural Assessment & Method Statement Revision B issued 17.04.2023).

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

29. **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).

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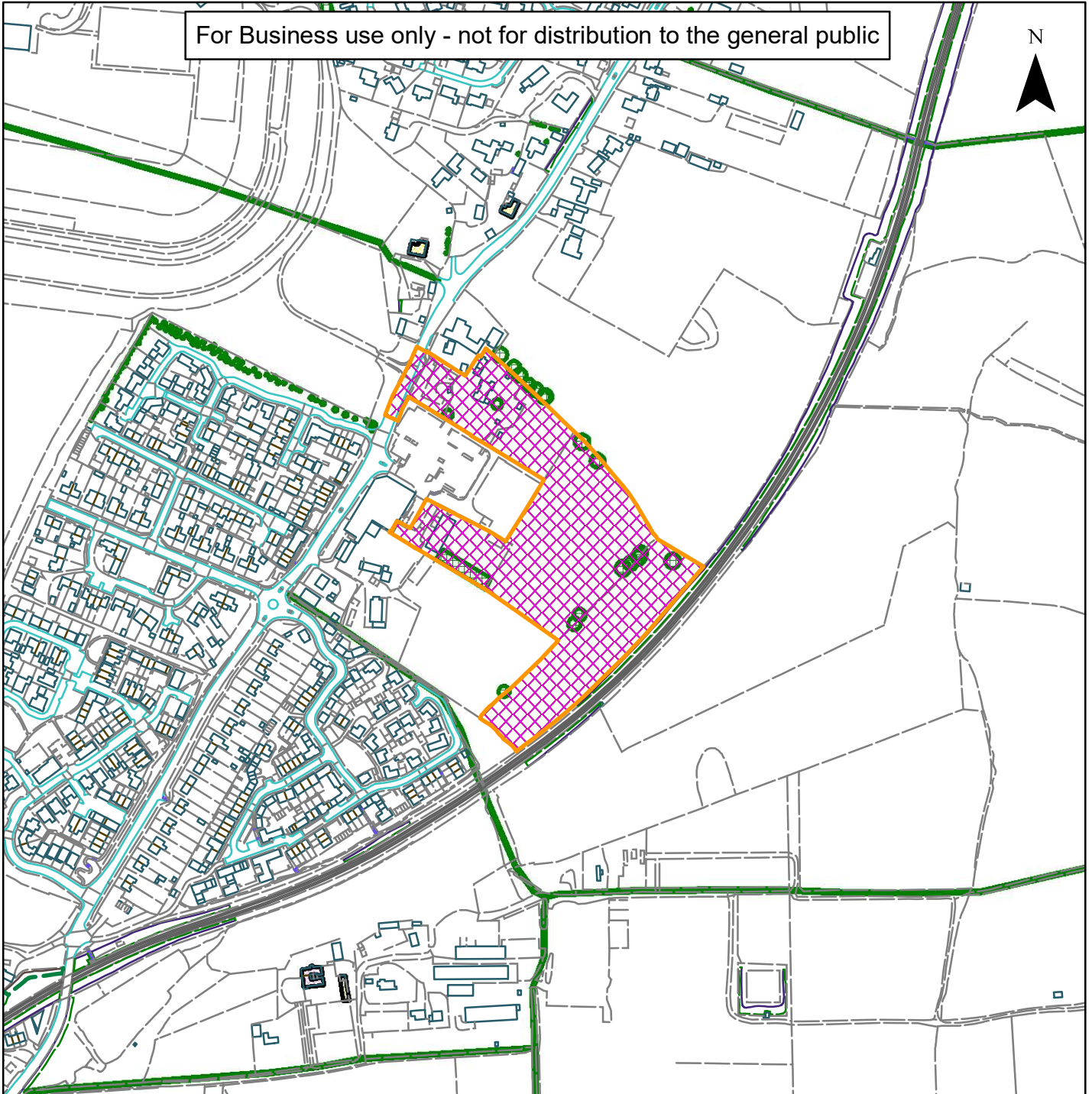


Horsham District Council

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SA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 23rd January 2024

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, 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: The application has returned to Committee due to the applicant's revised Affordable Housing offer.

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

1.1 To update the Committee on the applicant's revised Affordable Housing offer which constitutes a new material planning consideration.

BACKGROUND

1.2 This application was resolved to be granted subject to conditions and completion of a Section 106 Agreement at the Planning Committee South meeting on 20th June 2023. The 20th June 2023 committee report is attached as Appendix A, which includes the description of the site and the full details of the application along with all consultee comments and an assessment of all material considerations undertaken at the time the application was considered (with additional matters identified subsequent to the report publication detailed to Members by officers via verbal update at the committee meeting).

1.3 At the time of the 20th June committee meeting the applicant's affordable housing offer was to provide 6 no. bed spaces at local authority rates in the care home. This offer was deemed

sufficient to comply with the encouragement set by Policy 18.1 (*Retirement Housing and Specialist Care*) for such developments to include an affordable provision.

- 1.4 Since the resolution to grant permission, and before the s106 agreement has been completed to enable planning permission to be granted, the applicants have sought to re-consider how they intend to offer their affordable housing provision with this development.
- 1.5 The proposal is to provide Horsham District Council with a sum of £245,000, proposed to be paid in instalments (£100k on commencement; £72.5k on occupation of 4th bungalow; and £72.5k on occupation of 8th bungalow) to be paid direct to Horsham District Homes to provide general affordable rent housing elsewhere in the district. This payment would be in lieu of the 6 no. bed spaces within the care home.
- 1.6 No other aspects of the development proposals have been amended since the resolution to grant planning permission was made.
- 1.7 Additionally since the resolution to approve, the National Planning Policy Framework (NPPF), which sets out the Government's planning policies for England and how these are expected to be applied, has been updated, on 19th December 2023.
- 1.8 Furthermore, at a meeting of full Council on 11 December 2023 Horsham councillors approved the draft Horsham District Local Plan 2023 - 2040 and recommended that it proceed to Regulation 19 stage.

2. PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/2161	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).	Refused 24-01-2023
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3. OUTCOME OF CONSULTATIONS

- 3.1 The full list of all consultations received as a result of the original application are outlined in the appended report.
- 3.2 Since committee resolution to approve, two further letters of objection have been received, raising the following:
 - site notice date did not enable me to comment;
 - an eyesore including from National Park;
 - works threaten integrity of boundaries;
 - old people would be marooned;
 - A283 has had many accidents;
 - dispute claim kennels will fold;
 - Kennels/cattery is a wonderful place. Closure would mean people out of jobs and may find it hard finding another one.

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

- 6.1 The primary consideration now relevant to this application relates to the applicant's new affordable housing offer. Additionally, whilst there have been no material changes to the site or its surrounds, there has been change to local and national planning policy which must be considered. These policy changes and the new affordable offer are addressed in the paragraphs below, but otherwise all other material planning considerations remain as set out in the appended committee report and verbal update, as considered acceptable at the 20th June 2023 committee.

National and Local Planning Policy

- 6.2 The Government published update to the National Planning Policy Framework (NPPF) on 19th December 2023, and changes arising from this relevant to decision-making on this planning application took immediate effect from the day of its publication.
- 6.3 Firstly, there is a new clause in paragraph 70 of the NPPF instructing authorities to support small and medium sites to come forward.
- 6.4 Secondly, Government has added a specific expectation to new paragraph 63 of the NPPF in which authorities are expected to take particular care to ensure that they meet need for retirement housing, housing-with-care and care homes.
- 6.5 Thirdly, paragraph 14 of the updated NPPF now extends the protection to Neighbourhood Plans that are up to five years old where the paragraph 11d presumption in favour of sustainable development applies. Previously the protect was for two years only, subject to other criteria that have now been removed. In this case, the Storrington Sullington and Washington Neighbourhood Plan (SSWNP)) became part of the development plan in September 2019 and is now within the 5 years protection afforded by the new paragraph 14 wording.
- 6.6 At the time of the June committee decision the SSWNP did not benefit from the paragraph 14 protections as it was over two years old. This is identified at paragraph 6.10 of the June committee report, which goes on to state that the paragraph 11d presumption in favour of sustainable development is engaged in decision making, reducing the weight to be applied to the SSWNP policies. This is reflected in the report's conclusion at paragraph 6.134 where the paragraph 11d presumption is again stated to have been engaged.
- 6.7 Applying paragraph 14 correctly, the adverse impacts of allowing development that conflicts with the neighbourhood plan are likely to significantly and demonstrably outweigh the benefits in cases where the paragraph 11d presumption applies. In this case, as set out at paragraphs 6.14- 6.16 of the June committee report, and in the conclusion at paragraphs 6.134- 6.138, the proposals comply with both Policy 18 of the HDPF (which allows for

retirement and specialist care development outside of settlement boundaries) and Policy 1 of the SSWNP (which supports re-use of brownfield sites outside settlement boundaries within the Parish of Washington). On this basis there remains express policy support in both the HDPF and SSWNP for the development of this site for a care home and retirement bungalows. Whilst the paragraph 11d presumption no longer applies in this case, officers remain of the view that the proposals are otherwise compliant with the development plan (the HDPF and SSWNP) when considered as a whole.

- 6.8 Otherwise, it is considered that the latest version of the NPPF has not raised any new matters which are determinative to the outcome of this application. It does not result or require an amendment to the scheme or the technical assessments that support it or the evidence submitted. In cross-referencing the key principles of the scheme there is only minor changes in wording and terminology, and paragraph references.
- 6.9 It is important to note that whilst Horsham District Council now has an emerging local plan at Regulation 19 Stage and as consequence, must now demonstrate a four-year housing land supply (as opposed to five years) for a period of two years from publication of the updated NPPF (paragraph 226), this policy should only be taken into account as a material consideration when dealing with applications made from the date of publication of the updated NPPF (Footnote 79 of Annex 1: Implementation).
- 6.10 Therefore, your Officers advice is that the updates to the NPPF and emerging Local Plan have not fundamentally altered the weighting previously applied to the various material planning considerations relevant to this proposal, which is a scheme compliant with the Development Plan when read as a whole. At this stage of the emerging local plan (now at Regulation 19 Consultation), including the draft local plan policies themselves, continues to have only limited weight as a material planning consideration and does not alter the balance of considerations. It remains that the Council can only demonstrate a three-year housing land supply (as evidenced by the 2021/22 monitoring year), and the requirement upon authorities to meet housing need for older people remains set against an evidenced significant shortfall of such accommodation in the district. Both are material considerations that continue to attract significant weight in favour of approval. The new emphasis placed in the updated NPPF upon authorities to address this type of housing need, including via support for small and medium site schemes, itself attracts significant weight.

Affordable Housing Offer

- 6.11 The main amendment is to the affordable housing offer. At the time of 20th June Committee, the offer, as agreed by officers and the planning committee, was to provide 6 no. bedspaces in the care home at local authority rates. The execution of this was subject to further negotiations on the terms of the legal agreement.
- 6.12 This offer reflected current local plan policy (HDPF Policy 18 *Retirement Housing and Specialist Care*) which encourages schemes that meet identified local needs for those on lower incomes and provide affordable accommodation for rent or shared ownership/equity. 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. It is noted that Policy 39 (Affordable Housing) of the Regulation 19 HDLP requires 30% affordable housing on continuing care retirement housing, retirement housing and other specialist housing, however Policy 42 (Retirement Housing and Specialist Care) clarifies that this only applies in respect of self-contained units of accommodation (Nb the applicants care home does not comprise self-contained accommodation). These policies currently carry limited weight as explained above.
- 6.13 Since the committee resolution in June, an offer had managed to be negotiated - a 'spot arrangement' for the next 10 years, giving WSCC priority access through nomination rights

at WSCC local authority rates for 6 of the bed spaces each time they become available. This was instead of a 'block' arrangement where the bed spaces would be set aside solely for occupation by those on local authority rates.

- 6.14 In negotiating this offer, it has been made clear from WSCC Head of Commissioning – Older People, Adults and Health, that WSCC is not currently looking to block book or enter into a prior agreement with standard residential care provision outside of the hospital discharge tenders which have recently been sent to service providers. WSCC has explained why below.
- 6.15 Whilst there are occasions where WSCC may look to commission specific provision within residential services to meet a specific need (e.g., winter pressures, or nursing dementia), WSCC contract with most of the homes in West Sussex on a spot purchases basis and have a block contract for 590 beds which is sought to utilise as a starting point. Additionally, where WSCC spot purchase, WSCC seek to secure services at their usual maximum rates which are reviewed annually. It is not always possible to purchase on the usual rates and where it is not, WSCC would look to secure a service that can meet the needs of the individual and present value for money. Whilst WSCC uplifted rates significantly in the last couple of years in response to inflation and market pressures and review the position annually, WSCC cannot guarantee what future uplifts will include.
- 6.16 Therefore, whilst the offer would have operated in a similar way to a spot purchase, the approach of WSCC for the foreseeable future is to utilise their existing block arrangements (without increasing current volumes) and spot purchase additional residential beds only when need arises. The offer would have required a separate arrangement governing decisions on rate uplifts during the course of the agreement, which would not be manageable within existing WSCC processes, as the Applicants were not prepared to fix to WSCC rates but wanted them to be indexed annually so in time it would be conceivable that WSCC would have to pay more than their usual rate to access the 6 bed spaces.
- 6.17 As WSCC cannot guarantee any referrals to Old Clayton Kennels or enter into any prior agreement on rates, or alternatively accept a one-off lump sum to the equivalent outside of existing WSCC processes, it is evident that the notion of the scheme agreed at the 20th June Committee cannot be secured, would unlikely be used, and therefore does not meet the needs of local people.
- 6.18 Therefore, your officers and the applicant have committed to find a solution to satisfy the requirements of HDPF Policy 18. This included possible affordable accommodation within the provision of the eight bungalows to be delivered onsite by Highwood alongside but separate to the Barchester care home. An offer was presented to your officers on this; one 2 bed wheelchair accessible semi-detached bungalow, for affordable rent. This was based on the applicant's valuation of the bungalow as an affordable rent home, and a corresponding 10% devaluation that would occur to the remaining bungalows as a result, which the applicants estimated would cost them some £563,000 in lost development value (£171,500 from the affordable bungalow and potentially some £391,500 in lost value from the other 7 bungalows, albeit whether the extent of this lost value would be this severe would not be known until final sales).
- 6.19 However, this offer was devised on a valuation of the bungalow by the applicant that does not reflect a similar exercise undertaken by the Horsham District Homes (an affordable housing company owned by Horsham District Council), based on local housing association incomes and reasonable yield; £220,000 compared to the applicant's £318,500. Horsham District Homes preference was also to take on three of the bungalows as affordable rent, which was unlikely at the applicant's value.
- 6.20 Given this outcome, and that the Applicant has said that it is now crucial for Highwood as an SME business to progress with the construction of the scheme as soon as possible, your officers have negotiated that instead of providing the bungalow on site, Horsham District

Homes are provided a straight payment, left to the choice of Horsham District Homes on how it is spent on general affordable rent housing within the district.

- 6.21 The Applicant has put forward an offer of £245,000, proposed to be paid in instalments (£100k on commencement; £72.5k on occupation of 4th bungalow; and £72.5k on occupation of 8th bungalow). This is a direct cost to Highwood, not Barchester Healthcare, and is said by the applicant to be hard to accommodate given the size of the scheme as an SME business but it is hoped shows willingness to find a solution. In justifying this sum, the applicant has explained:
- The costs of construction and funding is punitive and as an SME Highwood would struggle to build standard housing for £220,000 per lot, as the construction industry has suffered inflation.
 - Introducing an affordable rented bungalow onto the site may impact the sale values of the remaining properties but this would not be known until the point of purchase.
 - Ordinarily, developers will agree a forward funding agreement with a Registered Provider (due to the discount being applied the unit is pre-sold with the Registered Provider funding the build on monthly valuations). A straight payment has a significant impact on cashflow, as it needs to be drawn down from bank funding with interest applied and accrued.

Conclusion

- 6.22 It is noted that neither Policy 18 nor the Planning Obligations and Affordable Housing SPD set out the quantum, type or tenure requirement for affordable housing for retirement and care home developments, with each case to be assessed separately. Having carefully considered the various options and offers, the proposed revised affordable housing offer is judged by officers to be acceptable to comply with Policy 18. It offers Horsham District Homes flexibility of spend to address local affordable housing need. Having taken account of this new material consideration, as well as the changes to local and national planning policy relevant to this development proposal, your Officer's recommendation to approve planning permission remains as previous, but with amended obligations in the legal agreement to secure the revised affordable housing offer. This recommendation reflects a change in the overall weighting of material planning considerations only insofar that the paragraph 11d presumption in favour of sustainable development no longer applies to this development proposal as explained above.
- 6.21 Officers therefore recommend that this application be approved, subject to the below detailed list of planning conditions and the completion of the necessary s106 legal agreement.

7. RECOMMENDATIONS

- 7.1 To approve full planning permission, subject to the completion of the Section 106 Agreement and the following conditions:

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 (TetraTech 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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07) DC/23/0701

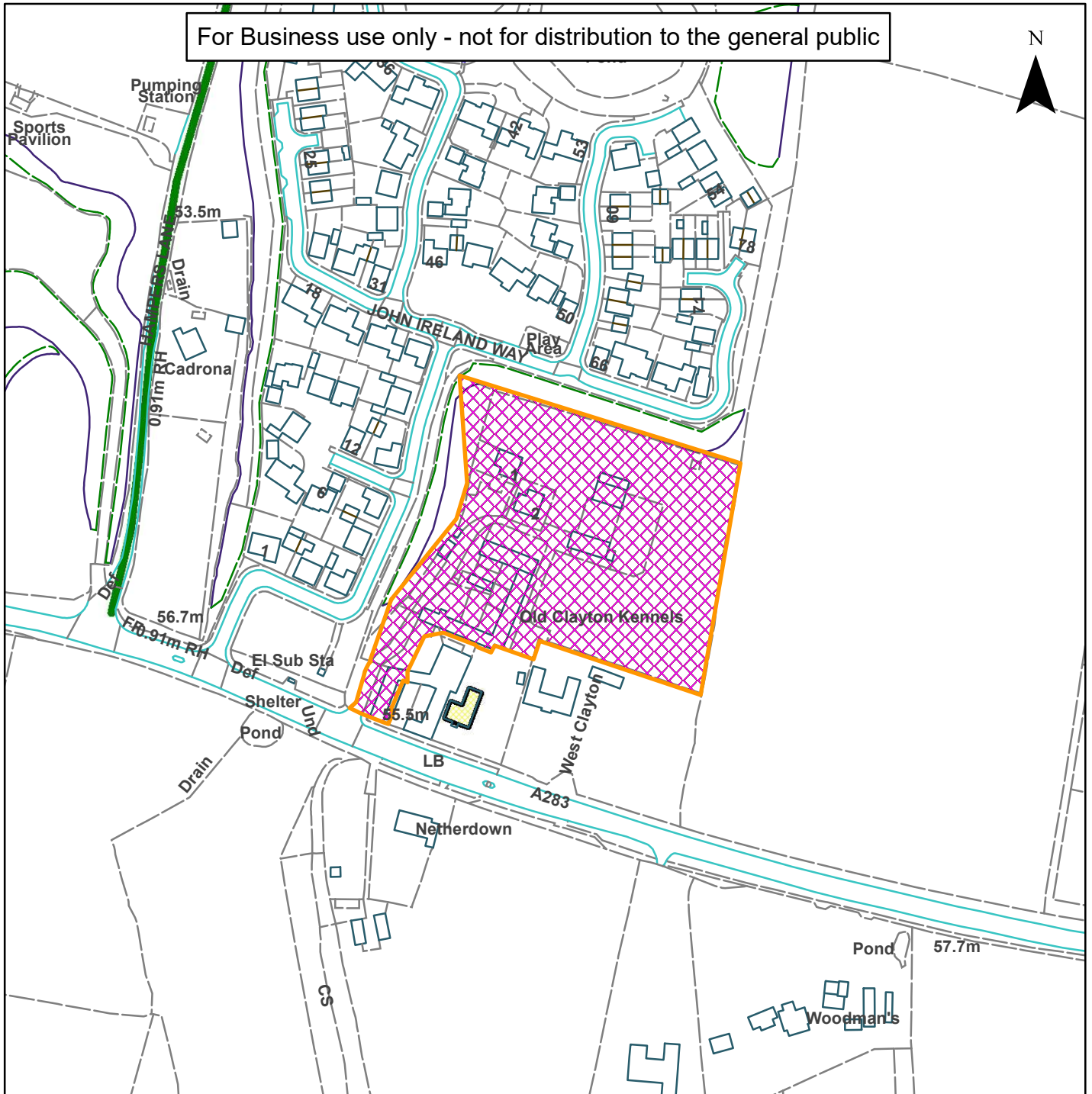


**Horsham
District
Council**

Old Clayton Boarding Kennels, Storrington Road, Washington,
West Sussex, RH20 4AG

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	11/01/2024
SA Number	100023865

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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 (WSCC 2018, Revised 2021)

West Sussex Waste Local Plan (WSCC 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).

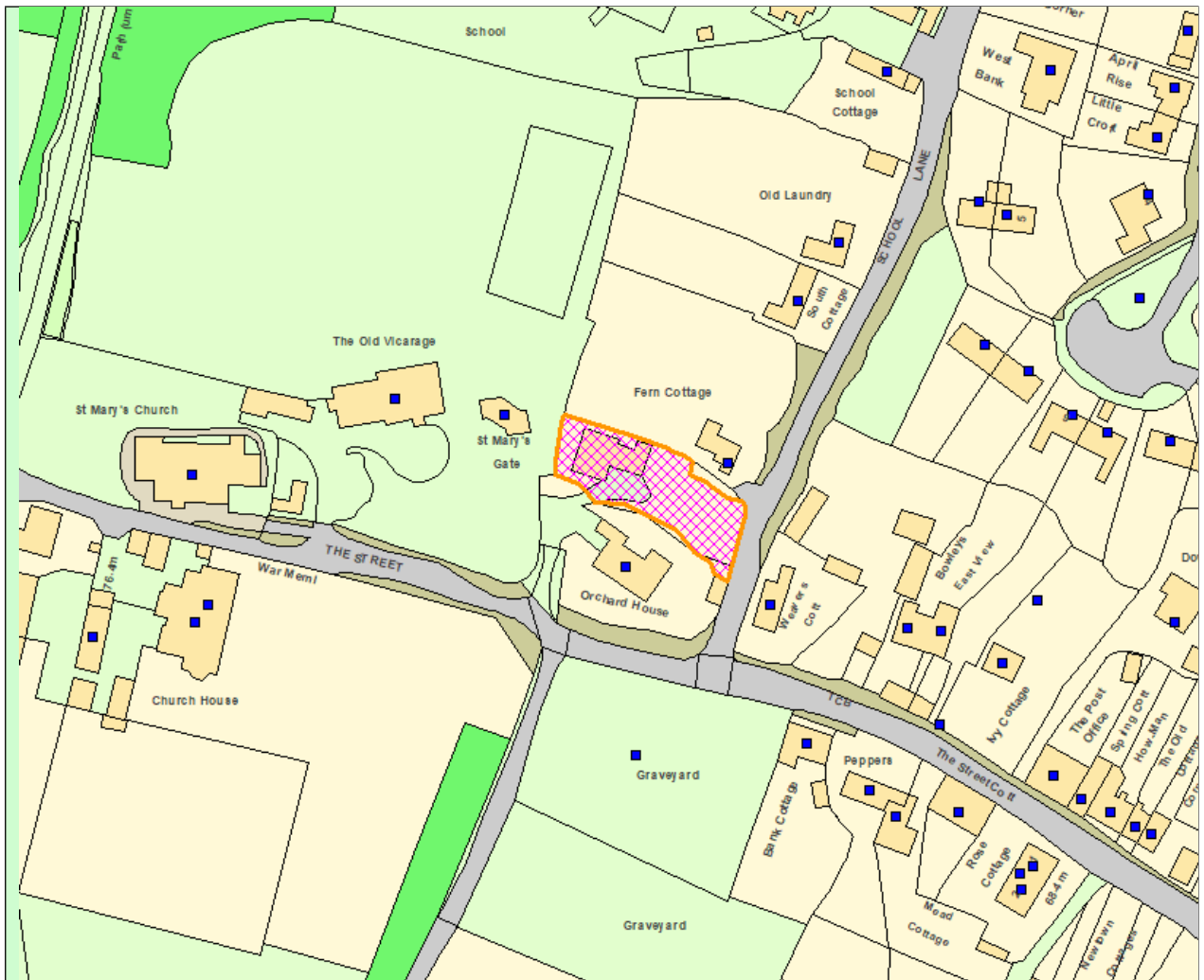
- 41. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no buildings shall be erected, constructed or placed within the curtilages of the buildings hereby 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).

Report to	Planning Committee
Date	23rd January 2024
By	Director of Planning
Application Number	SDNP/22/01589/CND
Applicant	Mr and Mrs P and C Curtis
Application	Variation of Conditions 3 of previously approved application SDNP/17/03716/HOUS (Demolition of existing garage and side extension. Erection of replacement part two storey part single storey side extension with first floor dormer to eastern elevation and 2x 'lantern' rooflights) Variation sought to allow for retention of existing UPVC windows with added glazing bars.
Address	St Marys Gate The Street Washington West Sussex RH20 4AS

Recommendation: That the application be Approved subject to the conditions set out in paragraph 8.1 of this report.

Reason For Inclusion on the Agenda: More than 8 letters of representation have been received contrary to the Officer's recommendation



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Executive Summary

The main issues for consideration in respect of the application are:-

- The design / appearance of the proposed alteration
- The impact on the nearby designated heritage assets

The application is placed before the Planning Committee as more than 8x letters of representation have been received contrary to the Officer's recommendation.

1. Site Description

- 1.1 The application site is located on the northern side of The Street, Washington, and comprises of a detached chalet bungalow with projecting single-storey elements on the western side of School Lane, north of its junction with The Street. The building falls within Washington Conservation Area with Grade II Listed Buildings surrounding to the north, east and west.

2. Relevant Planning History

SDNP/17/03716/HOUS	Demolition of existing garage and side extension. Erection of replacement part two storey part single storey side extension with first floor dormer to eastern elevation and 2x 'lantern' rooflights	Application Permitted on 18.05.2018
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3. Proposal

- 3.1 Planning permission was granted in 2018 for the demolition of an existing garage and side extension and the erection of replacement part two storey, part single storey side extension with first floor dormer to the building's eastern elevation and 2x 'lantern' rooflights, under the above reference number. The application was granted subject to a condition requiring all materials for the walls, roof and windows of the extension to match the existing building.
- 3.2 The development has not been built in accordance with the approved plans as the windows have been constructed using UPVC. The application therefore seeks a variation of the approved plans condition and matching external finish materials condition to resolve this discrepancy.

4. Consultations

4.1 Washington Parish Council

Members feel that the current proposal is against the spirit of the condition imposed by Horsham District Council on the original approval for an extension SDNP/17/03716/HOUS to ensure that the windows matched the existing building. In January this year, the Parish Council had strongly objected to the subsequent application DC/21/06195/CND to vary the Conditions 1 & 3 of the above consent. At that time, it was noted that the applicant had installed windows which did not comply with the condition 3. The windows in the original part of the building had also been replaced with UPVC.

The Parish Council agreed to OBJECT to the current application for the same reasons as before and is of the opinion that the windows should be properly restored. The property is within a much cherished Village Conservation Area, and members note the strong local support for its protection.

4.2 HO - Design and Conservation Officer

The windows fitted to the property remain unacceptable. The proposed alterations will not alter the appearance to an extent where the suburban character will be improved. However, the harm to the character of the conservation area and setting of the adjacent listed building is negligible and I am willing to accept that retention of the windows will have some public benefit in terms of not wasting the embodied energy which would be the case if they were removed and disposed of. I am willing to accept that the situation will be improved when the windows have reached the end of their life. The public benefit of

retaining the windows may outweigh the harm to the heritage assets.

4.3 HO - Planning Compliance Team

Compliance case SDNP/21/00405/DEVMON was opened following the reports of the windows being changed without planning permission. Application SDNP/21/06195/CND submitted and subsequently withdrawn, SDNP/22/01589/CND received and will form part of the compliance investigation. Compliance case remains open until the outcome of SDNP/22/01589/CND.

5. **Representations**

5.1 16 no. objections received during the neighbour consultation process. The following concerns were raised:

- Adding glazing bars, more plastic upon plastic is not acceptable as a variation in the attempt avoid enforcement.
- Use of uPVC is not in keeping with the direct rural locality.
- Object to materials used.
- Glazing bars add to the inappropriate appearance of the windows.
- Glazing bars to the uPVC units makes mockery of the planning regulations and blatant disregard for the appearance and aesthetic of the conservation area.
- Unlawful installation breach of planning condition therefore variation should be allowed.
- Contravene planning agreements.
- Fenestration suitable for suburban dwelling not SDNP.
- UPVC is not in keeping with the materials used in neighbouring properties in this Conservation Area.
- Expected life-span of uPVC is 20-35 years therefore unacceptable in Conservation Area.
- uPVC windows with or without 'glazing bars' are clearly inappropriate in such an environment and this was made clear in the planning conditions imposed in 2018.
- Glazing bars are purely cosmetic and do not fit the original criteria.
- Aesthetically unsightly and more akin to those found on a modern housing development, are totally out of keeping and unsympathetic to adjacent listed properties and to the surroundings/location in the heart of the conservation area and within a National Park.
- UPVC is not in keeping with the materials used in neighbouring properties in this Conservation Area.
- UPVC is not a sustainable material so would not support commitments to tackle climate change.
- Proposal would have negative impact.
- The development would destroy the charm & character of the locality and should not allowed.
- Disrespect and dilution of the Conservation and heritage area of Washington

6. **Planning Policy**

6.1 Relevant Sections of National Planning Policy Framework:

12. Achieving well-designed places

16. Conserving and enhancing the historic environment

6.2 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix I)

Strategic Policy SD4 - Landscape Character

Strategic Policy SD5 - Design

Development Management Policy SD22 - Parking Provision

Strategic Policy SD25 - Development Strategy

6.3 Most Relevant Policies of the Adopted Storrington Sullington and Washington Neighbourhood Plan (A full list of other relevant policies can be found in Appendix I)

14 – Design

7.0 Planning Assessment

7.1 The proposal relates to a Section 73a application to vary condition 3 attached to permission SDNP/17/03716/HOUS, which read:

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

Reason: In the interests of visual amenity and in accordance with policy DC13 of the Horsham District Local Development Framework: General Development Control Policies (2007).

7.2 The main issue for consideration is whether the proposed development would preserve or enhance the character or appearance of the Washington Conservation Area, and/or affect the setting of adjacent listed buildings. The proposal would involve the retention of uPVC windows as installed, but with the inclusion of glazing bars.

Character and Appearance

7.3 Policy SD15 of the SDLP (2019) seeks to ensure that development will only be permitted which preserve or enhance the special architectural or historic interest, character or appearance of the conservation area by the use of locally distinctive building materials, styles or techniques.

7.4 Condition 3 attached to the 2017 permission sought for replacement windows to match those existing on the dwelling, which at the time of approval were critical. Since permission was granted and the extension constructed the property has changed all of its windows to UPVC under permitted development rights. Nevertheless, the UPVC windows as installed do not match the windows on the building at that time, which were critical.

7.5 The Council's Conservation Officer has identified that the replacement windows has resulted in negligible harm to the setting and character of the nearby designated heritage assets. In such cases where harm to designated heritage assets is identified, paragraph 208 of the NPPF 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 including, where appropriate, securing its optimum viable use.'

7.6 The Conservation Officer has advised that the public benefit in terms of not wasting the embodied energy from removing and disposing of the UPVC windows would outweigh the harm afforded by their retention. This acceptance is on the proviso that the situation would be improved when the windows have reached the end of their life.

7.7 Officers disagree that the retention of the UPVC windows would in this case result in heritage harm. The property is of modern construction that in itself has no historic elements and does not contribute to the historic character of the area. Whilst it is located within the Washington Conservation Area and positioned in the setting of adjacent listed buildings, it is not prominent in the street, being significantly set back from The Street and School Lane behind other properties and vegetation. Furthermore, the critical windows that were previously installed on the property are not a notable heritage feature of the conservation area or surrounding listed buildings generally, and therefore offer no historic reference to retain. Indeed the applicants have identified a number of other properties in the vicinity that benefit from UPVC windows. Finally, given the remainder of the property has been able to change its windows to UPVC under permitted development rights, the reversion of the windows in the extension only (which is the only part of the property condition 3 relates to) to critical would be visually discordant and would indeed harm the overall appearance of the building.

7.8 Accordingly, whilst the Conservation Officer considers there to be a negligible level of harm that is outweighed by the public benefits of retaining the windows, officers are of the view that retaining the UPVC windows with glazing bars is preferable to replacing half the windows on the

property with critical. As such the retention of the UPVC windows with added glazing bars would have a neutral impact on the character and appearance of the Washington Conservation Area and the setting of the adjacent Listed Buildings.

Impact on Neighbouring Amenity

- 7.9 It is considered that due to the nature of the proposal and its relationship with surrounding properties there would be no unacceptable harm to neighbouring amenity.
- 7.10 Due to the nature of the development, the amenity impacts of the proposal are therefore considered acceptable.

Dark Skies

- 7.11 Policy SD8 of the SDLP (2019) provides that development will be permitted that conserves and enhances the intrinsic quality of dark night skies and the integrity of the Dark Sky Core. Development must demonstrate that all opportunities to reduce light pollution have been taken, including the avoidance of unnecessary lighting and appropriate mitigation where unavoidable.
- 7.12 The application site is located within Dark Skies Zone EI(b) which is classified as transition zone area that lie between the larger urban settlements and the surrounding darker skies notably vulnerable to light pollution. The nature of the proposal would not create any significant potential for additional light spill and no conflict with policy SD8 would arise from the proposal.

Conclusion

- 7.13 The proposed development would accord with the above-mentioned policies. As this Section 73 application would become the extant consent, the relevant conditions from the 2017 permission have been brought over to this decision notice.

8.0 Reason for Recommendation and Conditions/Reasons for refusal

- 8.1 It is recommended that the application be Approved subject to the conditions set out below.

Conditions

- 1 A List of the Approved Plans
- 2 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 The materials and finishes of all new external walls, windows (as currently installed) and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building as it appears on the date of this permission, subject to the requirements of condition 4.
- Reason: In the interests of visual amenity and in accordance with policies SD5 and SD12 of the South Down Local Plan 2019.
- 4 Within 6 months of the date of this permission, the proposed glazing bars as detailed on plan 297-21-11 shall be installed on the windows. The glazing bars shall be retained as such thereafter.
- Reason: In the interests of visual amenity and in accordance with policies SD5 and SD12 of the South Down Local Plan 2019.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or Orders amending or revoking and re-enacting the same, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the northern elevation of the development without express planning consent from the Local Planning Authority first being obtained.

Reason: To protect the amenities of adjoining residential properties to the north from loss of privacy in accordance with Policy SD5 of the South Downs Local Plan 2019.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Robert Hermitage
Tel: 01403 215382
email: Robert.Hermitage@horsham.gov.uk

Appendices	Appendix I - Information concerning consideration of applications before committee
SDNPA Consultees	Horsham Conservation Officer Horsham Planning Compliance Team
Background Documents	N/A

Appendix I – Information concerning consideration of applications before committee

Officers can confirm that the following have been taken into consideration when assessing the application:-

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and the Vision & Circular 2010

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Major Development

Paragraph 177 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 177 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 177 is undertaken in the Assessment Section of the main report.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

The Conservation of Habitats and Species Regulations 2017

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

Relationship of the Development Plan to the NPPF and Circular 2010

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The South Downs National Park Partnership Management Plan 2019-2025

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.

South Downs Local Plan

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

All policies of the South Downs Local Plan which are of relevance to this application

All Relevant Policies of the Neighbourhood Plan

I4 – Design

Legislation for Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission that may affect Listed Buildings, Conservation Areas or their setting. Section 66 (1) states that 'in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 relates to conservation areas specifically, and states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It is confirmed that, where the application relates to Listed Buildings, the setting of Listed Buildings, or sites within or adjacent to a Conservation Area, regard has been had to the above legislation

Scheduled Ancient Monuments (SAMs) are protected by law and any physical works affecting them is likely to require Scheduled Monument Consent from Historic England (on behalf of the Secretary of State) which is separate from the statutory planning process. In regard to planning decisions, the impact of development upon the setting of a scheduled monument and its nationally important heritage significance can be a material planning consideration and will have been taken into account when assessing the proposals.

Human Rights Implications

These planning applications have been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Equality Act 2010

Due regard has been taken within this application of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

Crime and Disorder Implication

It is considered that the proposal does not raise any crime and disorder implications

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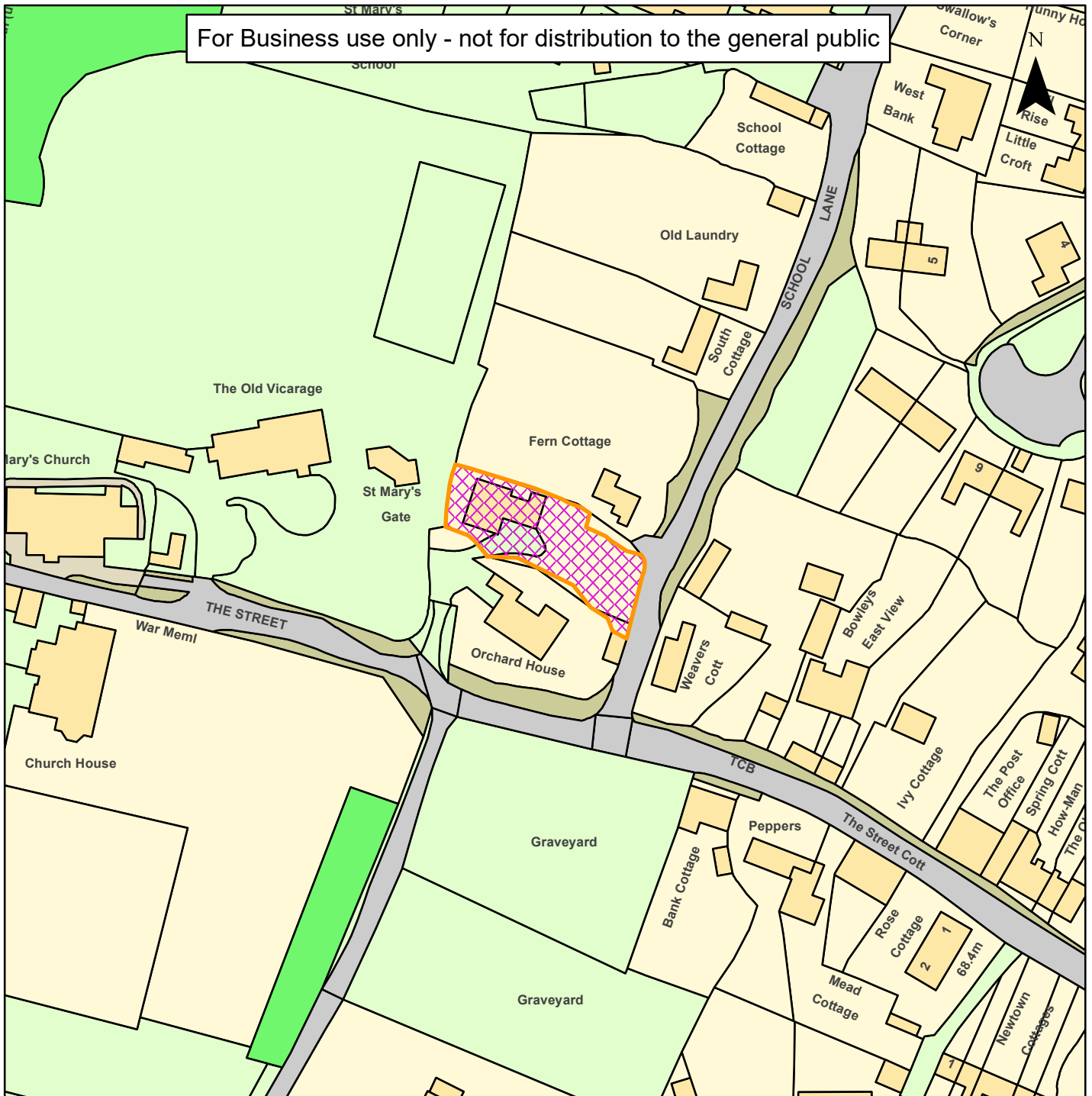
08) SDNP/22/01589/CND



**Horsham
District
Council**

St Marys Gate, The Street, Washington, West Sussex, RH20 4AS

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Organisation	South Downs NPA
Department	Not Set
Comments	
Date	11/01/2024
NPA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 23rd January 2024

DEVELOPMENT: Erection of 1no detached chalet style dwelling replacing mobile home on farm.

SITE: Land To The North of Backsettown Farm, Backsettown Farm, Furners Lane, Henfield, West Sussex

WARD: Henfield

APPLICATION: DC/22/2194

APPLICANT: **Name:** C/O Agent **Address:** Backsettown Farm, Furners Lane, Henfield, BN5 9HS

REASON FOR INCLUSION ON THE AGENDA: The application if approved, would represent a Departure from the Development Plan

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

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the erection of 1no. detached chalet dwelling. The proposed dwelling would be located immediately to the south of Furners Lane, within the wider ownership of Backsettown Farm, and would be accessed from the existing access track.

1.3 The proposed dwelling would be single storey with 2no. bedrooms, a kitchen, lounge/dining room, bathroom, and integral garage. The proposal would incorporate a hipped roof and would be finished with facing brick and clay tiles.

1.4 The proposal seeks an alternative development to that approved under planning reference DC/20/1500, which approved a replacement dwelling located within the wider site ownership. The Applicant has agreed to enter into a s106 Agreement to limit the implementation of either the extant permission DC/20/2500 or the development currently proposed (but not both). If this permission is implemented, a clause within the legal agreement will require the removal of the mobile home.

DESCRIPTION OF THE SITE

- 1.5 The application site is located to the south of Furners Lane, outside of the designated built-up area boundary. The site is therefore located within the countryside in policy terms.
- 1.6 The site comprises part of an agricultural field located within the site ownership of Backsettown Farm, with the complex of buildings comprising the Farm located further to the south.
- 1.7 The wider surroundings are characterised by open countryside, with sporadic residential development located to the north and west.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.3 **National Planning Policy Framework (Dec 2023)**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 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 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

- 2.5 **Henfield Neighbourhood Plan (2021)**

Policy 1 – A Spatial Plan
Policy 2 – Housing Site Allocations
Policy 10 – Green Infrastructure and Biodiversity
Policy 12 – Design Standards for New Development

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/1500	Replacement of detached bungalow (amendment to DC/18/0952)	Application Permitted on 15.02.2021
DISC/23/0085	Approval of details reserved by conditions 3 and 4 to approved application DC/20/1500	Application Permitted on 30.05.2023

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 Arboricultural Officer:** Comment

The site is bounded to the north along Furners Lane PROW by a length of suburbanising closeboard fence and the remains of the somewhat unkempt laneside hedgerow which contains a row of mature trees. The nearest tree to the proposed dwelling position is a large oak tree that due to its species, size and age, is of significant landscape merit.

The application is not accompanied by a tree survey and AIA and the tree is not plotted on the submitted plans. Having briefly discussed the value of the tree with the land owner whilst on site, it is clear that former guidance was given by the HDC arboriculturist to ensure any new construction or excavation was minimally the height of the tree away (circa 20m). From my observations it would appear that the proposed build siting is closer.

If minded to approve, in order to ensure the retention of the tree and longer term public amenity, recommend either a measured tree survey and AIA is requested in accordance with standard validation requirements or the tree is accurately plotted on a layout plan, with clear dimensions showing the dwelling juxtaposition and all proposed hard landscaping and fencing. Ideally, both the dwelling and associated garden curtilage should be re-sited well away from the current branch spread of the tree to avoid unnecessary future pressures to lop the tree, associated with perceived domestic nuisances of leaf and seed fall etc.

3.3 **HDC Conservation:** Comment

The proposed dwelling has no architectural merit and is reminiscent of late twentieth century suburban design. The context is one of edge of settlement historic farmsteads.

If the principle of development is acceptable, then any dwelling should reflect the context and appear as a traditional farm building fronting the lane. The current proposed dwelling will cause harm to the setting of the neighbouring listed building due to a dilution of its historic rural context.

OUTSIDE AGENCIES

3.4 **WSCC Highways:** Comment

No concerns raised

3.5 **WSCC Public Rights of Way:** No comments received

3.6 **Southern Water:** Comment

Southern Water requires a formal application for a connection to the public sewer to be made by the Applicant or developer.

PUBLIC CONSULTATIONS

3.7 Parish Comments: Objection

- Not allocated as a strategic site
- Not a nominated site within the Neighbourhood Plan
- Not within an existing built-up area
- Does not adjoin an existing settlement edge
- Does not maintain the quality and character of the area
- Does not contribute to diverse and sustainable farming enterprises or promote recreation
- Does not protect the high quality of the District's environment
- Does not protect, conserve, or enhance the landscape or townscape character of the District
- Does not support the needs of agriculture or forestry; does not enable the extraction of minerals or disposal of waste; or provide for quiet informal recreational use; or enable the sustainable development of the rural area
- The scale, massing and appearance is out of keeping and unsympathetic with the built surroundings
- Much larger than the existing mobile home
- Different location on 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

- 6.1 The application seeks full planning permission for the erection of 1no. 2-bed dwelling. The application represents an alternative to planning approval reference DC/20/1500, where the current proposal seeks an alternative siting of the dwelling.

Principle of Development

- 6.2 Policy 28 of the Horsham District Planning Framework (HDPF) states that outside the defined built-up areas, replacement dwellings will be supported if the development can be accommodated appropriately within the curtilage of the existing dwelling. In addition, replacement dwellings will only be supported on a one for one basis and if it can be demonstrated that the property is not derelict. Replacement dwellings should not be disproportionate to the size of the existing dwelling.
- 6.3 Policy 1 of the Henfield Neighbourhood Plan defines the built-up area boundary of Henfield and Small Dole. Development proposals located inside these boundaries will be supported

provided they accord with the other provisions on the Henfield Neighbourhood Plan and Horsham District Planning Framework. Development proposals outside of these boundaries will be supported where they conforms, as appropriate to their location in the neighbourhood area, to national, HDPF and South Downs Local Plan policies in respect of development in the countryside.

- 6.4 The application site benefits from an extant planning permission under reference DC/20/1500 which related to a replacement 2-bed dwelling. The application was approved on 15 February 2021 and remains extant with the permission expiring on 15 February 2024.
- 6.5 The current application seeks permission for a 2-bed dwelling to the same footprint, design, and form as that previously approved. No alterations are proposed to the development, however the proposed dwelling would be re-located to the north outside of the existing Farm curtilage, but remaining within the wider land ownership. The Planning Statement submitted in support of the application outlines that the proposed development would be re-located to improve the solar efficiency of the property and to provide better access. It is also suggested that the area of land subject of the previous application is now frequently affected by flooding, with the relocation of the dwelling to the north reducing the likelihood of flooding. It is noted that the site is located in Flood Zone 1 which has a low probability of flooding from rivers and seas, and no evidence has been provided to demonstrate that the land does flood frequently.
- 6.6 The application is submitted on the basis that the proposed dwelling would replace the extant permission for the dwelling approved under application DC/20/1500. Given the new location would be within the wider land ownership and not unduly remote from the existing buildings or other buildings along Furners Lane, it is considered that the principle of development can be supported subject all other material considerations including landscape impact, and subject to a s106 Agreement to ensure that only one of the permissions is built out (either DC/20/1500 or the current proposal DC/22/2194). The Legal Agreement would also require the removal of the existing caravan within the land ownership, which justified the approval of the extant development in the first instance.

Design and Appearance

- 6.7 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.8 Policy 12 of the Henfield Neighbourhood Plan states that as appropriate to their scale, nature and location, development proposals will be supported where their design and detailing meet the relevant requirements in the Henfield Parish Design Statement. In addition, the scale, density, massing, height, landscape design, layout and materials should be of a high quality and reflect the architectural and historic character and scale of the surrounding buildings and street scene.
- 6.9 Paragraph 135 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

- 6.10 As set out above, no alterations are proposed to the design, form or appearance of the dwelling compared to the extant scheme. The principle of this style and vernacular has therefore been established as acceptable within the locality.
- 6.11 The main consideration is therefore the new location for the dwelling to the north away from the complex of farm buildings where the extant permission is located. The new location is immediately to the south of Furners Lane, set adjacent to the main farm site access and behind a retained tree line which extends along the boundary with Furners Lane. Given this tree line, the proposal would be glimpsed when passing the site access.
- 6.12 It is noted that this section of Furners Lane comprises sporadic residential development, with a higher density ribbon development located within the Henfield Built Up Area Boundary approximately 60m to the west. These dwellings are generally set back from the highway, albeit visible due to the limited screening provided along their frontages. Furners Farm is located approximately 220m to the east of the application site, with the dwelling located in similar proximity to Furners Lane as that proposed.
- 6.13 Given the context of sporadic residential dwellings located adjacent to Furners Lane, it is not considered that the proposed development would result in a significant adverse impact on the landscape character of the area. While recognised that the proposed dwelling would be visible from the access point, only intermittent glimpses of the development would be visible from wider public views, with the modest scale and height of the building, when coupled with the enclosed nature of the site, considered to limit the visual prominence of the proposal. On the balance of these considerations, the proposed development is therefore considered to accord with the above policies.

Amenity Impacts

- 6.14 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.15 Policy 12 of the Henfield Neighbourhood Plan states that development proposals should be designed to respect the amenities of occupiers/users of nearby property and land.
- 6.16 The proposed dwelling would be located at a substantial distance from the nearest residential properties, and would reflect the residential characteristics of similar development within the vicinity. It is not therefore considered that the proposed development would result in harm to the amenities of neighbouring properties through noise, disturbance, loss of privacy or loss of natural light. The development is therefore considered to accord with the above policies in this regard.

Highways Impacts

- 6.17 Policy 41 of the HDPF states that development should provide safe and adequate parking, suitable for all anticipated users.
- 6.18 No detailed drawings have been provided of any proposed hardstanding to be utilised by the development, albeit that it is considered there is sufficient space within the red outline to accommodate anticipated parking demand. Conditions can secure the necessary hard and soft landscaping detail to ensure sufficient onsite parking capacity is provided. No alterations are proposed to the existing access.

- 6.19 Following consultation with WSCC Highways, the proposed development is considered similar to the existing dwelling on the site, and no highway capacity or safety concerns are raised.
- 6.20 For these reasons, the proposed development is not considered to result in adverse harm to the safety and function of the public highway, in accordance with the above policy.

Water Neutrality

- 6.21 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.
- 6.22 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.
- 6.23 The proposed dwelling would consume no more water than the dwelling approved under the extant permission DC/20/1500, given the number of bedrooms and design is identical. Both the pre-commencement and pre-slab level conditions attached to the extant permission have been discharged under application DISC/23/0085, therefore the extant permission may be implemented without needing to demonstrate water neutrality. The Applicant has further confirmed their intention to carry out the approved development if the current application is not approved. It is therefore considered that the extant permission for the 2-bedroom dwelling approved under application DC/22/1500 represents a reliable fallback.
- 6.24 The proposed development would result in no greater water consumption than the previously approved scheme, and the applicant has agreed to enter into a s106 Agreement to secure that only one of the permissions (either DC/21/1500 or the current application DC/22/2194) is implemented. Subject to such Legal Agreement, the proposed development would result in no greater water demand than the approved scheme.
- 6.25 For this reason, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in 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.

Climate change

- 6.26 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.27 Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions:

- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Cycle parking facilities
- Electric vehicle charging points

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

Conclusions

6.29 The proposed development is located outside a defined built up area boundary, where the development of open-market housing would result in conflict with the strategic spatial strategy of the development plan as outlined within HDPF Policy 2 and the provisions of HDPF Policy 26 in seeking to prevent development unessential to a countryside location.

6.30 The development would however represent an alternative development to that approved under planning permission DC/20/1500, where this approval represents a reliable fallback. The Applicant has agreed to enter into a Legal Agreement to limit the implementation of one scheme (either DC/20/1500 or DC/22/2194) and remove the mobile home to ensure that there would be no net increase in the number of dwellings on the wider land holding. The proposal would not therefore result in a greater level of activity within the countryside location, a net increase in vehicle movements to and from the site or an increase in water consumption. The principle of the development is therefore considered acceptable.

6.31 The proposed development is not considered to result in significant adverse harm to the visual amenity and landscape character of the site and wider surroundings, nor would the development result in harm to the amenities of neighbouring residential properties and users of land. Furthermore, the development is not considered to result in adverse harm to the safety and function of the public highway.

6.32 For these reasons, it is recommended that planning permission be granted, subject to the completion of a legal agreement pursuant to S.106 of the Town and Country Planning Act 1990, and the conditions specified below.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	101.18		101.18
	Total Gain		
	Total Demolition		

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

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

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

7. RECOMMENDATIONS

- 7.1 To approve the application subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

Conditions:

1 **Approved Plans**

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

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

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

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

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

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

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

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

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

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following

the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

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

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

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

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

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles has been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied or use hereby permitted commenced until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

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

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

- 9 **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).

- 10 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

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

Reason: In the interest of visual amenity and due to the site's countryside setting in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **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 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

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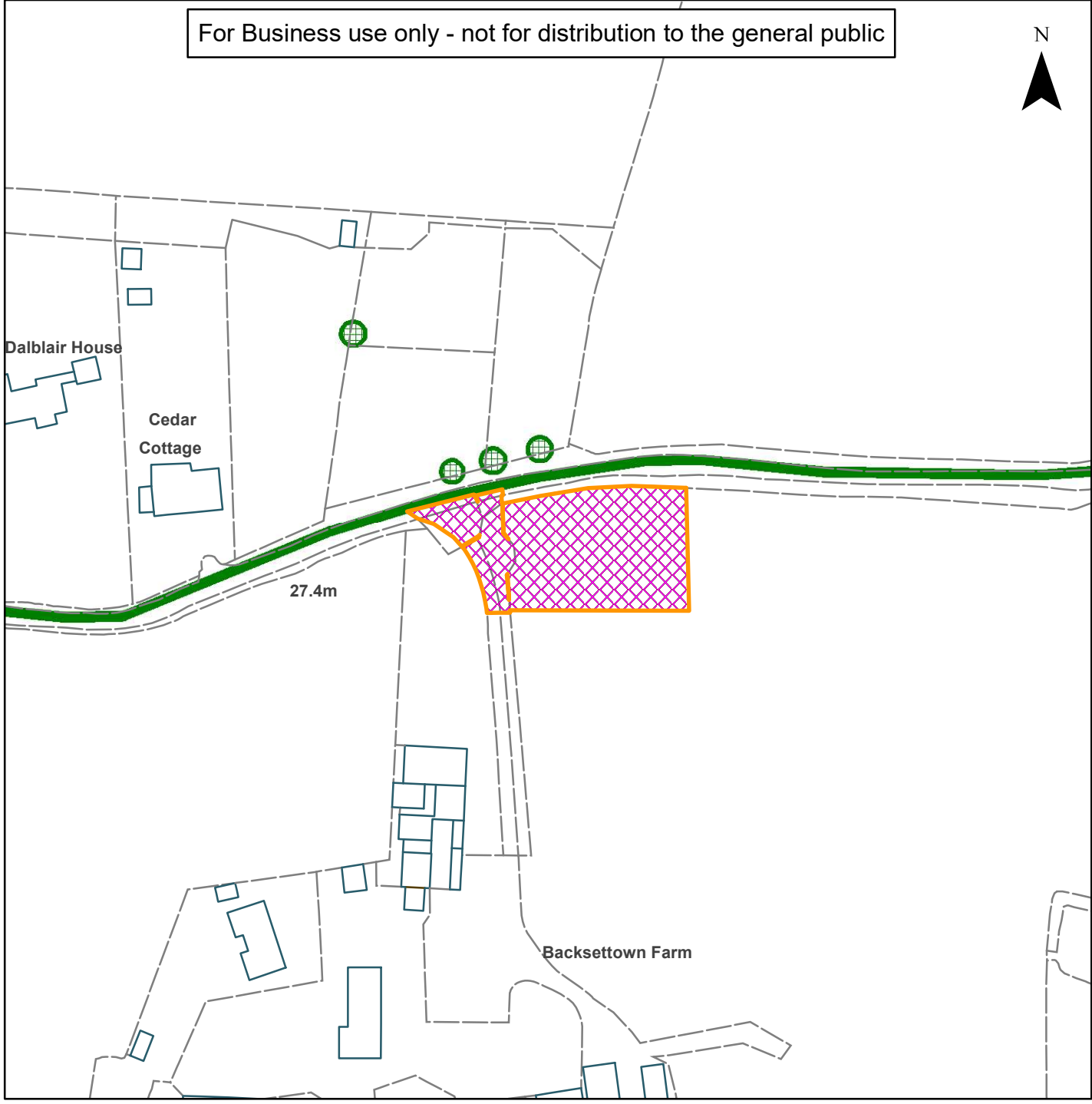
09) DC/22/2194



Horsham District Council

Land To The North of Backsettown Farm, Backsettown Farm, Furners Lane, Henfield, West Sussex

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	11/01/2024
MA Number	100023865

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