



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

Tuesday, 20th February, 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 - 16
To approve as correct the minutes of the meeting held on (<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** 17 - 18
Applications for determination by Committee:
6. **DC/21/2466 Greendene, Stane Street, Codmore Hill, Pulborough** 19 - 66
Ward: Pulborough and Coldwaltham
Applicant: Castle Properties Ltd and Huntstowe Greenacre
7. **DC/23/1631 Peacocks Paddock, Stall House Lane, North Heath** 67 - 76
Ward: Pulborough and Coldwaltham
Applicant: Mr and Mrs Peacock
8. **DC/21/2802 Ebbsworth Cottage, The Street, Nutbourne, Pulborough** 77 - 96
Ward: Pulborough and Coldwaltham
Applicant: Mr and Mrs F Cramer
9. **Urgent Business**
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Agenda Annex

GUIDANCE ON PLANNING COMMITTEE PROCEDURE

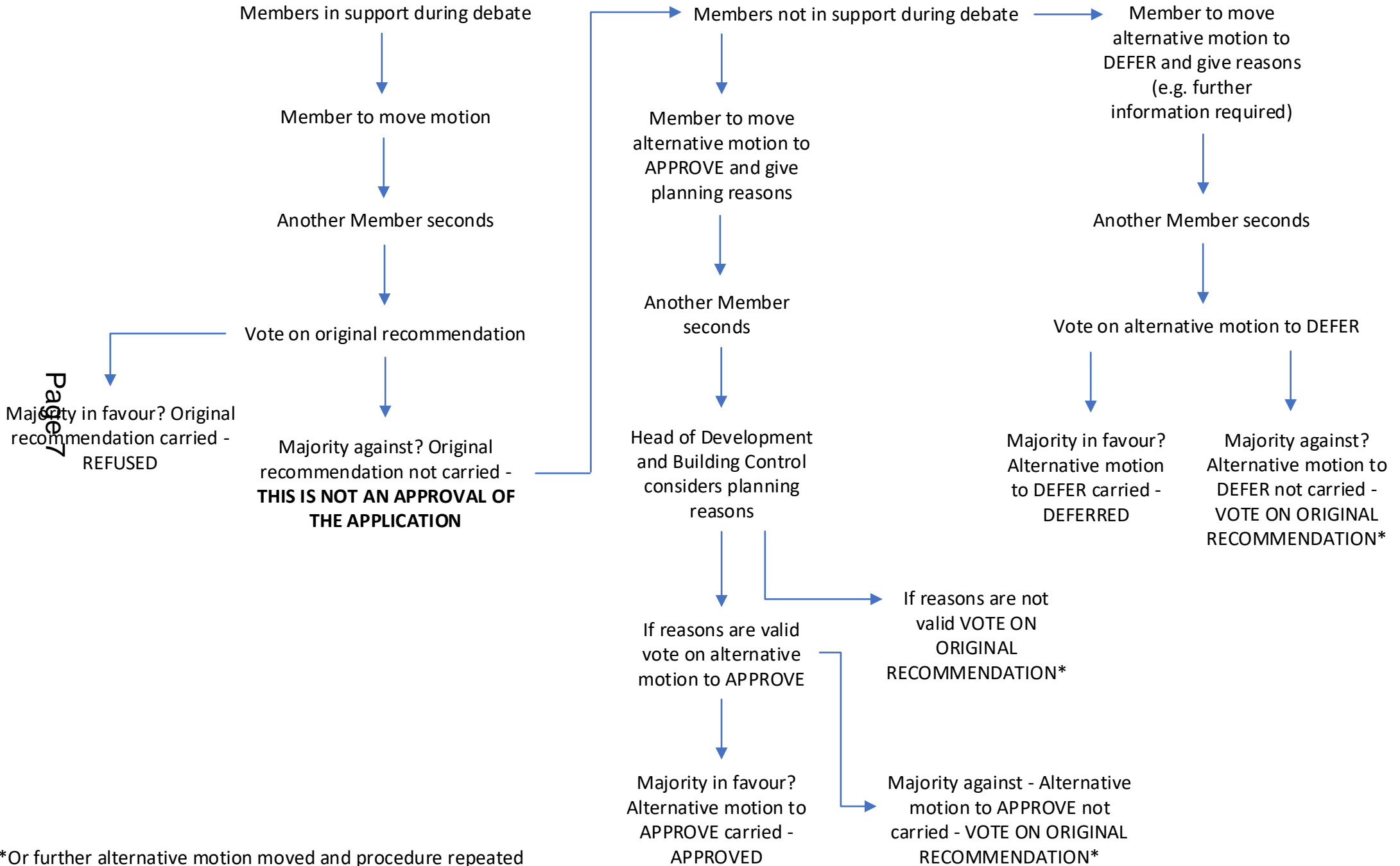
(Full details in Part 4a of the Council's Constitution)

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

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Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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Planning Committee (South)
23 JANUARY 2024

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

Apologies: Councillors: Sam Bateman and Mark Baynham
Absent: Councillors:

PCS/45 **MINUTES**

The minutes of the meeting held on 19th December 2023 were approved as a correct record and signed by the Chairman.

PCS/46 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/23/0701- Councillor Paul Clarke declared an interest as he knew the landowner in a professional capacity. This did not affect his ability to take part in the discussion or vote.

DC/23/0701- Councillor Len Ellis-Brown declared an interest as he knew the landowner in a professional capacity. For this item Vice Chairman Councillor Joanne Knowles chaired the meeting.

PCS/47 **ANNOUNCEMENTS**

Item DC/23/0701 had been withdrawn from the agenda.

PCS/48 **APPEALS**

Councillor Circus raised the success rate of appeals considered by the Planning Inspector to the Head of Development and Building Control as he felt a number had recently not been successful.

The Head of Development and Building Control advised that each case was considered separately, a significant number of appeals had been dismissed and it was continuously monitored.

PCS/49 **DC/21/2466 GREENDENE, STANE STREET, CODMORE HILL, PULBOROUGH**

The Head of Development and Building Control reported that this application sought permission for the demolition of existing buildings and the erection of up to 65 dwellings, of which 35% would be affordable, with associated public open space, landscaping, with all matters reserved except for access.

The application site is located at Greendene, Stane Street, Codmore and the site adjoins the Arun Valley mainline railway line and A29 the public highway.

Following consultation twelve letters were received objecting to the proposal and the Parish Council objected to the application.

Three speakers spoke in support of the proposal and the Parish Council spoke in objection.

Members raised concerns regarding, sewage and drainage on the site, suitable and safe pedestrian access and issues relating to the rail crossing.

It was felt that further information was required. It was therefore proposed and seconded to defer the application.

RESOLVED

That planning application DC/23/2466 be deferred for officers to seek further information and clarification on matters relating to sewage, the rail crossing, and highway mitigation relating to the site access.

PCS/50 **DC/23/0701 OLD CLAYTON BOARDING KENNELS, STORRINGTON ROAD, WASHINGTON**

This item was withdrawn.

PCS/51 **SDNP/22/01589/CND ST MARYS GATE, THE STREET, WASHINGTON**

The Head of Development and Building Control reported that this application sought variation of Conditions 3 of previously approved application SDNP/17/03716/HOUS. Variation sought to allow for retention of existing UPVC windows with added glazing bars.

The application site is located on the northern side of The Street, Washington, and comprises a detached chalet bungalow with 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.

Following the publication of the committee report it was noted that under item 5.1 bullet point 6 should read "the variation should not be allowed".

Sixteen letters of representation have been received objecting to the proposal and the Parish Council objected to the application.

One speaker spoke in support of the application.

Members discussed the visibility of the property and location within the Washington Conservation area. It was however felt that the appearance and design of the proposed alteration was acceptable.

RESOLVED

The application SNDP/22/01589 was approved in accordance with officer recommendation.

PCS/52 **DC/22/2194 LAND TO THE NORTH OF BACKSETTOWN FARM,
BACKSETTOWN FARM, FURNERS LANE, HENFIELD**

The Head of Development and Building Control reported that planning permission is sought for the erection of one 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.

The application site is located to the south of Furners Lane, outside of the designated built-up area boundary. The wider surroundings are characterised by open countryside, with sporadic residential development located to the north and west.

The Parish Council objected to the proposal.

Members noted the planning history of the application, and concerns were raised regarding the impact of development on the nearby oak tree and water neutrality.

It was felt that should the application be granted; an additional condition be included to look at protecting the Oak tree and demonstrating water neutrality.

It was therefore proposed and seconded to add appropriate conditions.

RESOLVED

That planning application DC/22/2194 be approved with the following amended resolution:

To delegate authority to the Head of Development and Building Control to approve planning permission subject to completion of a s106 legal agreement and appropriate conditions, and the addition of a condition requiring a measured survey of the Oak tree and means of protection during and after

construction works, including its Root Protection Area, and subject to clarification that planning permission DC/20/1500 has commenced onsite by no later than 15 February 2024.

In the event evidence of commencement has not been sufficiently provided, to refuse planning permission on the grounds that water neutrality has not been demonstrated.

The meeting closed at 7.41 pm having commenced at 5.34 pm

CHAIRMAN

Planning Committee (South)
23 JANUARY 2024

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

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It was felt that further information was required. It was therefore proposed and seconded to defer the application.

RESOLVED

That planning application DC/23/2466 be deferred for officers to seek further information and clarification on matters relating to sewage, the rail crossing, and highway mitigation relating to the site access.

PCS/50 **DC/23/0701 OLD CLAYTON BOARDING KENNELS, STORRINGTON ROAD, WASHINGTON**

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RESOLVED

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In the event evidence of commencement has not been sufficiently provided, to refuse planning permission on the grounds that water neutrality has not been demonstrated.

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CHAIRMAN

Planning Committee (SOUTH)

Date: 20th February 2024



**Horsham
District
Council**

Report on Appeals: 11/01/2024 – 07/02/2024

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/23/1588	The Barn Stane Street Nurseries Stane Street Codmore Hill Pulborough West Sussex RH20 1BQ	23-Jan-24	Application Permitted	N/A
DC/23/1097	Priory Fields Monastery Lane Storrington West Sussex RH20 4LN	26-Jan-24	Application Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/22/2195	Cadrona Hampers Lane Storrington West Sussex RH20 3EX	Written Representation	30-Jan-24	Application Refused	N/A
DC/23/0234	1 Worthing Road Dial Post RH13 8NQ	Written Representation	06-Feb-24	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/22/0366	Capons Hill Farm Unit 3 Station Road Cowfold Horsham West Sussex RH13 8DE	Written Representation	Appeal Dismissed	Application Refused	Application Refused



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South
BY: Head of Development and Building Control
DATE: 20th February 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 application has returned to Committee in order to clarify a number of points on access, flooding / drainage and the railway crossing.

RECOMMENDATION: To approve the application, subject to the previously recommended planning 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 The application was presented to Members at Planning Committee South, 23rd January 2024, where members resolved that the application be deferred to allow for the clarification of the following three matters:

- 1) The sewerage capacity in the local area and whether the proposed development could adversely overburden the existing infrastructure and contribute to a worsening of an existing localised problem and associated flooding issues
- 2) Confirmation on the costing and provision of miniature stop lights, and / or footbridge over the 'at grade' railway crossing at PRow_2330.
- 3) Confirmation that the access onto the A29 would be provided with visibility splays to the satisfaction of the Local Highways Authority.

1.2 This report should be read alongside the previous committee report shown at Appendix A, which together form the assessment of this application.

2 BACKGROUND TO THE QUERIES RAISED

Sewerage / Neighbourhood Plan

- 2.1 The concerns in this instance arise on account of the apparent ongoing sewerage / surface water inundation of the existing infrastructure in the locality, resulting in instances of backing up and flooding, affecting areas and properties to the south-west of the application site. The instances appear to worsen during significant rainfall events.
- 2.2 During the committee meeting, reference was made to the pumping station (Wickham Bridge) pumping sewerage into the River Stor for some 620 hours, which, when added to the localised reports of flooding and gardens and properties being flooded with sewage on a regular basis, contributes to the concern that the local foul water system, operated and maintained by Southern Water, is already at capacity and cannot cope with the current level of demand. The concern is therefore that the additional 65 dwellings resulting from this development would detrimentally add pressure to an already at risk system.
- 2.3 It was also put forward at the meeting, that the application site at Greendene was removed from the site allocations as part of the Neighbourhood Plan process and local plan process, on account of these flooding / drainage issues. Furthermore, reference was made during the meeting that the examining inspector of the Neighbourhood Plan would have had sight of all the potential sites identified within the background documents and did not progress with allocating the Greendene site as a housing allocation in the NP, having taken note of the ongoing sewage issues experienced in the locality.

Railway Crossing

- 2.4 The existing pedestrian 'at grade' crossing of the railway line and PRow 2330 has been assessed by Network Rail, who are obliged to run a 'safe and efficient' railway network. This proposed development is considered to lead to an increased number of users crossing the railway line at this point in order to access some of the village services which lie to the south, such as the Primary School, sports ground and shops and services along the A283.
- 2.5 Officers referred to the delivery of a new footbridge at the crossing point, which is to be funded from the s106 infrastructure contributions of the outline permission granted for the New Place Farm development to the south of the railway line. The delivery of this footbridge would remove the risk from the increased numbers of users of the existing 'at grade' crossing. However, the current application is not tied to the delivery of the footbridge.
- 2.6 In recognition of this, Network Rail have requested a sum of money by way of site-specific s106 infrastructure contributions, to deliver a miniature stop light system (MSL) at the crossing, in the event that the adjacent development does not proceed and the footbridge is not delivered as a consequence.
- 2.7 Clarification was sought by members on the funding and delivery of the footbridge and the MSL, recognising the apparent deficit in funding between the £500,000 being sought for the s106 contributions, and the reference to the systems cost of £800,000 as per a Network Rail consultation response.

Highways Access

- 2.8 Concern was raised at the committee meeting over two particular aspects in relation to Highways matters: the network capacity to accommodate the additional traffic generated by way of the proposed development and the ability of the proposed development to achieve safe access onto the highway / A29, with particular regard to the road geometry and the transition point close to the site between a 40mph/ 30mph zone.
- 2.9 Clarification and assurance was therefore sought in relation to the earlier 'desk-based' highways response, taking particular note of the site-specific context which results in the

north-bound carriageway bend potentially affecting sightlines, a footpath crossing to the north of the site where the speed limit transition occurs, and the access of Coombelands Equestrian onto the A29 close to the proposed site access.

3 ADDITIONAL REPRESENTATIONS

- 3.1 Since the case was considered at the January Planning Committee South meeting, one additional representation has been received, raising concerns in relation to drainage issues in the locality.

4 ASSESSMENT

Sewerage / Neighbourhood Plan

- 4.1 Following the previous committee meeting, officers have sought to understand more on the flooding issues experienced in the locality and have sought further clarification from Southern Water on the local network capacity.

- 4.2 Nationally, Officers are aware that there have been numerous instances reported of raw sewage being discharged into the sea with water companies referring to these instances happening when significant rainfall overloads the available tank capacity at sewerage plants. Looking closer at the water treatment works and sewage pumping stations in the district, or adjacent to our district, there is data available via the Rivers Trust website, which reveals similar events that affect local rivers. Wastewater companies have a licence to discharge treated water into rivers up to a particular volume per year, as per agreement with the EA. However, during storm events, the volume of surface water flows which enter the foul flows and treatment works can exceed the volume of water that can be stored, and this can lead to these events, referred to as 'Hydraulic Overload'. Power outages and mechanical failures can also lead to the pumping station failures.

- 4.3 The data from the Rivers Trust website clarifies that the 620 hours of sewage discharged into the River Stour across 44 separate occasions, averaging out to some 14 hours per occurrence. Data also reveals that this type of incident is not isolated in the district, with these 'sewer storm overflows' and 'emergency overflows' designed to relieve the pressure on the combined rainfall and sewerage network during excess rainfall events, with a view of preventing flooding of streets and residential properties. During this time, excess rainwater and raw sewerage is mixed and temporarily bypasses the treatment plant. The data also revealed the following instances during 2022:

- *Fittleworth – 81 times / 1468 hours*
- *Loxwood – 7 times / 1234 hours*
- *Monks Gate – 77 times / 1151 hours*
- *Bury – 39 times / 837 hours*
- *Mannings Heath – 53 times / 830 hours*
- *Partridge green – 64 times / 882 hours*
- *Farhalls Crescent Horsham – 42 times / 672 hours*
- *Billingshurst – 45 times / 582 hours*
- *Barns Green- 43 times / 411 hours*
- *Warnham – 26 times / 291 hours*
- *Hollands Road, Henfield – 49 times / 274 hours*
- *Rudgewick Rec – 15 times / 101 hours*
- *Billingshurst Pumping Station – 14 times / 72 hours*
- *Abbey Road, Steyning – 25 times / 73 hours*

- 4.4 According to the Southern Water website, issues such as un-flushable products and grease / oil build up in the sewers can also contribute to blockages and flooding events, which Southern Water are seeking to address by way of consumer awareness and education, and

using new sensors to monitor water levels in a sewer, which could provide an early indication of an imminent problem.

- 4.5 Southern Water have, through a freedom of information request initiated by the applicants, provided the applicant with their records of flooding which have occurred on or near this part of the A29 within the last 10 years, the majority of which are the result of blocked drains. These details have been made available to officers following the previous committee meeting:
- 2013 - 7 instances of blocked drains resulting in flood to property or curtilage
 - 2014 - 1 instance of blocked drain resulting in flood to property or curtilage, 1 instance of hydraulic overload resulting in external flood to property
 - 2015 - 2 instances of blocked drains resulting in flood to curtilage
 - 2016 - 5 instances of blocked drains resulting in flood to property or curtilage
 - 2017 - 3 instances of blocked drains resulting in flood to curtilage, 1 instance of blocked drain resulting in flood to highway
 - 2018 - 0 instances reported
 - 2019 - 1 instance of blocked drain resulting in flooding of highway
 - 2020 - 1 instance of blocked drain resulting in flood to property
 - 2021 - 2 instances of blocked drain resulting in flood to property or curtilage, 1 instance of burst drain resulting in flood to highway
 - 2022 - 4 instances of blocked drain resulting in flood to property or curtilage
- 4.6 In a direct response to officers (rec'd Jan 2024) following the previous planning meeting, Southern Water (SW) confirm that they have a duty under the Water Industry Act 1991 to provide a suitable sewer network and the opportunity for all domestic properties to connect to the sewer system. They also have a duty to plan and implement works and improvements to ensure the network of sewers and associated facilities, continues to operate satisfactorily. Infrastructure reinforcements are identified and delivered by SW. When assessing planning applications, SW assess whether there is infrastructure capacity to serve the development and that there would be no adverse amenity impacts for existing or prospective users as a result. In some instances, SW may advise that a phased development be delivered in line with improvements to the infrastructure, as identified.
- 4.7 Officers can confirm that this approach to phase development has been advised in SW consultation responses in other locations in the district, where capacity in the existing system would be insufficient to accommodate a proposed development at the point of connection. In these instances, a phased delivery program is required in consultation with SW, to ensure that any improvements are made prior to the connections.
- 4.8 However in the instance of Greendene, SW advised in their initial consultation response (rec'd Dec 2021) that SW could facilitate foul sewerage disposal to the site, without the need to any phasing necessary to ensure the proposed development can suitably be accommodated within the existing network. Subsequent comments from SW relating to the sewer capacity in the area have also not referred to a need to phase development on this site, nor a need to prevent development from taking place.
- 4.9 As part of their assessments, SW model the data of a development proposal to arrive at a likely capacity requirement, and therefore comment on whether the existing local infrastructure can accommodate that capacity. In this instance, the proposed development would first connect to a new pumping station within the site, which is designed with a holding tank. This system then pumps the waste water into the sewer system at a more constant rate. This therefore clarifies the difference between the incoming capacity rate of the Type 3 pumping station of 3l/s and the out-going pumped rate of 0.65l/s from the pumping station to the sewer network.

- 4.10 As referenced above under the Rivers Trust data, storm overflows happen when excess surface water during storms and extended periods of rainfall is mixed with the anticipated loading of the sewer network. In order to reduce these 'hydraulic overload' instances, new development is required to include sustainable urban drainage features (SuDS), which are designed to hold and manage surface water rather than causing excessive infiltrations of the sewer system. Following assessment, advice and revisions of the proposed surface water drainage systems presented by the application the Local Lead Flood Authority (LLFA) are satisfied with the proposed details and have requested a number of conditions in the event that outline consent is granted. The proposed development is therefore capable of ensuring that it can accommodate and satisfactorily manage its own surface water without adding to the existing infrastructure network during excessive rainfall events.
- 4.11 SW acknowledge the local concern raised by residents in relation to this development and the potential impact on future sewerage / flooding issues. SW advise that they cannot refuse connections to the existing sewer system, but also acknowledge that they have a duty to ensure that the service they provide to existing customers does not deteriorate as a result of new development. SW have the option to request that a development be phased to ensure adequate infrastructure is provided in a time and have requested other developments in the district be phased. SW have not requested that this development be phased as they consider the sewer system to be sufficient to cater for the development's demand. Accordingly, officer advise that whilst the issues identified by the community are recognised, SW as the statutory undertaker have been made aware of these issues but have advised that the development can proceed without the need for phasing or bespoke mitigation. In light of this an argument that the development would overload the local sewer system is very difficult to sustain and substantiate.
- Neighbourhood Plan / draft Reg 19 Local Plan
- 4.12 The Independent Examiner reviewed the draft Pulborough Parish Neighbourhood Plan as presented during the NP examination. The Greendene site was not included in the draft NP for consideration at examination stage, and the Examiner's report makes no reference to the merits of otherwise of development on the Greendene site accordingly. This is because the Examiner is charged with assessing whether the plan as presented is sound, rather than assessing each and every site that was promoted for inclusion in the Plan. The plan includes sufficient housing to meet its identified needs therefore the Examiner had no reason to need to re-assess the excluded sites. There is therefore no evidence that the Examining Inspector considered the site as 'unsuitable' for development in principle.
- 4.13 Having reviewed the available background 'evidence' documents associated with the Neighbourhood Plan, there is a document entitled Sewerage and Drainage Report (2019), by Dr Andy Tilbrook, which refers to several issues experienced in the village on account of drainage and flooding issues, and inundation arising from surface water run-off and recent development over culverts. One issue cited is the drainage / sewer pipe which runs alongside the A29, and which is said to be at a shallow angle which leads to solid matter blocking the pipe when there is little rainfall to flush through. During subsequent heavy rainfall, these blockages are then forced southwards to north of Pigeon Gate Bridge, where the pipe is understood to still be an old narrow pipe, despite newer connections, upgrading works and pipe linings having been undertaken as documented in the report.
- 4.14 Also part of the evidence documents, is the AECOM site assessment report for the Pulborough Neighbourhood Plan (Feb 2019), which considered the site as 'Amber' in the RAG rating (Red, Amber, Green), concluding that the site was potentially suitable if identified issues could be resolved/mitigated, with reference to landscape, heritage, access, viability and sewerage / drainage. The slightly later Site Assessment Report (April 2019), carried out by Pulborough Parish Council concluded that 'development above the roundabout on Codmore Hill is unsustainable' and therefore discounted 5 identified sites for the following reasons (including the Greendene site):

- 1) The A29 has recently been upgraded to be part of the Major Road Network. This upgrading is the result of studies having been undertaken which have shown that there has been a significant increase in vehicles on this road and it can no longer be classified as a Local Lorry Network route. Pedestrians will therefore be at greater risk from exhaust fumes.
- 2) All the main infrastructure such as schools, primary care, village hall and recreational facilities are located south of the railway bridge.
- 3) Paragraph 3.27 within the Pre-Submission Plan refers to safer crossings needed across the railway. Two new footbridges are proposed.
- 4) The first footbridge is close to the southern side of Pigeon Gate Bridge which carries the A29 across the railway. Section 106 monies have already been set aside to mitigate the dangers to pedestrians on this bridge but as yet no action has been instigated.
- 5) The second footbridge is to enhance Footpath No. 2330 to enable pedestrians from Codmore Hill to avoid walking and cycling beside the busy main road to reach the school and other parts of the village. A bridge over the railway and the replacement of steps up the hillside with a sloping path will be necessary.

- 4.15 Officers are also aware that the site was included in the Reg 18 draft Horsham District Local Plan (2019), but has not been carried into the Reg 19 version which is currently out for public consultation. Only the land at Highfield has been retained as an allocation (for some 25 dwellings), with the land at new Place Farm having gained outline planning consent under DC/21/2321) for up to 170 dwellings. Incidentally, the land at Highfield also lies north of the railway line, and would be subject to connection with the same sewerage network as the application site at Greendene. Paragraph 10.147 of the Reg 19 Horsham District Local Plan states:

“There are strong local concerns that further development in the north of the village will exacerbate existing and ongoing issues reported with sewage overflow at times of heavy rainfall, particularly in light of the expected increase in frequency and intensity of these rainfall events in the light of climate change. The Council will seek to ensure that such issues are appropriately addressed at the planning application stage. Applicants will need to be mindful of this issue in the design of any scheme which in particular will need to ensure that rainfall events do not increase runoff and adversely affect site drainage and storm overflows.”

Railway Crossing

- 4.16 Network Rail (NR) in their consultation response (rec'd 22 April 2022) noted that the existing pedestrian 'at grade' crossing of the railway line would likely see increased traffic as a result of the proposed development. Network Rail, who are obliged to run a 'safe and efficient' railway network, would therefore seek to eliminate or mitigate any risks associated with the proposed development. In this instance, risk reduction would be to implement some betterment of the crossing point for pedestrian users; elimination of risk would be the closure of the crossing point for all.
- 4.17 In assessing schemes to mitigate risk, NR use a Cost Benefit Analysis process to ensure their financial viability and value for money, which is also then used in the prioritisation of safety schemes within the network. To this end, there are two viable and costed options to lower the risk of the existing crossing:
- 1) Close existing 'at grade crossing' and install a new stepped footbridge – Cost £1,200,000
 - 2) Improve existing crossing with miniature stop lights (MSL) – cost £200,000, but, including the need to carry out surveys to determine which type of MSL would be appropriate, the worst-case scenario costing would be £800,000

- 4.18 The approved development to the south of the railway line, New Place Farm (DC/21/2321) includes a commitment in the relevant s106 agreement to deliver the footbridge and ensure it is open to members of the public prior to the occupation of the 51st dwelling of the development (at New Place Farm). NR have recently confirmed that the tendering process for the new footbridge 'design phase' is currently underway with anticipated build out and completion by the end of 2025. It is currently expected that the funding contributions arising from the permitted outline consent at New Place Farm would cover the provision of the new footbridge in its entirety, and so no deficits are envisioned to stall the delivery of the bridge.
- 4.19 However, at the time of responding to the planning consultation of the current application at Greendene, the involvement between NR and the developers at the adjacent New Place Farm site was much less advanced, and pre-dated the completion of the associated s106 agreement. Therefore, in order to address the lack of certainty in relation to the build-out of the adjacent development at New Place Farm, and to ensure that the proposed development would mitigate the increased risk at the crossing, a separate means of ensuring a safe rail crossing was recommended. Given the smaller scale of the Greendene development, NR recommended a less costly scheme involving the Miniature Stop Lights (MSL)
- 4.20 Further to the queries arising from the last committee meeting involving the funding of the MSL, NR have confirmed that the scheme could cost between £200,000 - £800,000 depending on the type of signalling system required. At this stage, NR have not carried out the assessments to determine which system would be required, but have requested a sum of £500,000 as being proportional when viewed against the New Place Farm development which is 3 times larger than the proposal at Greendene, and where the s106 infrastructure contributions are therefore 3 times greater.
- 4.21 However, NR have stated that there would likely be a funding shortfall in the event that the more costly 'integrated system' is required at the site (estimated cost of £800,000) and that NR do not consider they should bear the cost difference over and above the requested s106 contributions of £500,000.
- 4.22 The s106 agreement secured for the development at New Place Farm did not place a cap on the level of funding required to deliver the footbridge, simply requiring that the footbridge be delivered at the necessary and agreed point in time. Officers advise that a similar approach should be taken at Greendene, with the s106 agreement requiring that the applicants/owners ensure that the MSL system is delivered and operational prior to the occupation of the 51st dwelling, unless the footbridge to be delivered by the new Place Farm development has already been delivered or commenced with secured funding. This would provide the necessary certainty that no rail crossing safety issues would arise from the proposed development.
- 4.23 Furthermore, it needs to be clarified that the contributions being sought to deliver the MSL at the crossing point are considered to address a very narrow site-specific increase in risk at the crossing point only, arising by way of the increased pedestrian use of the Network Rail crossing. Officers acknowledge that the NP identifies a number of 'community aims', including a long-standing plan to install a separate footbridge alongside the existing 'Pigeon Gate Bridge' on the A29 which would create some separation between the roadway and pedestrians at this restricted rail crossing point. It is understood these projects could be funded from CIL funds available to the Parish. Although there may be a desire to re-direct the funding for the MSL to other projects, WSCC Highways officers have advised that no other sustainable infrastructure improvements are required to make this development acceptable in planning terms. Officers therefore advise that re-directing these funds towards other wider projects would not be directly related to the impact arising from the current proposal, failing the tests of Paragraph 57 of the NPPF.

Highways Access

- 4.24 Officers have sought clarification from the Local Highways Authority (WSCC) in respect of the access, sightlines and highways capacity. Reference is made to the pre-application advice between the applicant and WSCC in late 2020, in which a new junction / access to the site and the A29, was discussed and assessed.
- 4.25 The Stage 1 Road Safety Audit (RSA), submitted as part of the Transport Statement (Appendix E), refers to the removal of vegetation to ensure the northern visibility splay of 91m can be achieved, also noting that cars were parked on the verge to the front of Moyne and Arun Prestige car dealership. The associated Designer's response in Appendix B of the RSA further recommends that detailed works associated with the development would include the re-painting of the demarcation lines to the front of Arun Prestige car dealership to define the pedestrian zone, and the provision of bollards in the verge outside of Moyne to prevent parking in the verge.
- 4.26 WSCC confirm that, if permitted, the proposed bellmouth access to the development site from the A29 would be subject to a s278 agreement with the Highways Authority, and furthermore, that a Stage 2 RSA and technical Check would be undertaken as part of these works to identify and implement associated works such as the line painting and bollard placement to ensure suitable sightlines and mitigations can be achieved. It is also noted that these measures have been accepted by the applicant in their submitted documents, and illustrate that any deficiencies have been duly assessed and remedied.
- 4.27 Reference to the location of PRoW_1996 to the north of the site where it emerges between Willow Barn and Stane Street Hollow and then crosses the A29 is noted. However, following further discussions with Highways officers, it is considered that this situation has been present and operational for many years and would not be worsened by the proposed development. Similarly, the proximity between the access point to Coombelands Equestrian and the proposed new bellmouth access to the application site is considered to be acceptable in relation to junction design and proximity.
- 4.28 The Transport Statement submitted with the application calculates that the development (at the original capacity of 70 homes) would likely result in around 30 additional vehicle movements during the peak am / pm periods, and 301 two-way movements daily, which is within the network capacity of the public highway in this location. This is equivalent to one vehicle movement onto or off the A29 every two minutes. It is noted that the Transport Assessment for New Place Farm DC/21/2131) calculated that a similar number of vehicle movements would enter the A29 from that development, circa 30 in the am peak and 15 in the pm peak, and that WSCC Highways agreed that there was sufficient local highway capacity for the New Place Farm development in combination with all other committed development at that time. Considered in combination with the findings of the New Place Farm Transport Assessment there is no indication that the above additional traffic movements from Greendene will result in highway capacity issues, and WSCC Highways have not indicated otherwise.

5 Conclusion

- 5.1 Officers acknowledge that the site has not been allocated in either the post-examination Pulborough Parish Neighbourhood Plan (PPNP) or the Reg 19 Horsham District Local Plan, and that the site has not been progressed in the Reg 19 draft Horsham District Local Plan, taking a precautionary approach in relation to the identified flooding and foul water drainage issues. That does not mean to say though that these issues could not be mitigated and demonstrated as being overcome as part of detailed work in support of a planning application.

- 5.2 The proposed development would include its own pumping station within the site boundary, which would collect, hold and then pump the waste back into the public sewer network at a managed rate, as per the 0.65l/s identified by Southern Water. Furthermore, the surface water run off arising from the site and development would be held and managed on site via SuDS attenuation measures, which have been assessed by the Local Lead Flood Authority and amended to ensure they incorporate future climate change resilience.
- 5.3 Officers acknowledge the issues cited by members and local residents, and have referred these matters back to Southern Water for comment. SW consider that there is sufficient capacity within their network to accommodate the additional load without necessitating a phased development condition to enable improved infrastructure to be installed. Officers recognise the concerns raised but conclude based on the SW advice that there is no evidence that the proposed development would directly contribute to an increased risk of the public sewer network being inundated beyond its capacity to accommodate the increased foul load. Furthermore, the surface water run off would not contribute to inundation of the public sewer network as this is to be managed within the site at existing rates by way of surface water attenuation features.
- 5.4 One of the concerns cited in the PPNP and its associated background documents, is the poor pedestrian connection between the Codmore Hill side of the village to the north and the wider amenities within Pulborough to the south, noting that the existing footpath alongside the A29 is a particular detractor along with the narrowness of the Pigeon Gate Bridge. The proposed development is noted as increasing the likelihood of pedestrian use of the 'at grade' crossing point of the railway line along PRow 2330 to access the village amenities to the south of the railway line, as assessed by Network Rail. There has been a long-held community desire to improve this crossing point to facilitate an easier and safer connection between Codmore Hill and Pulborough's amenities to the south.
- 5.5 Officers understand that the delivery of the footbridge at this point is advancing, with an envisaged delivery date for the end of 2025, with delivery and funding dependant upon the adjacent development of New Place Farm and subject to the adherence of the relevant s106 agreement, which restricts occupation of more than 51 dwellings on this adjacent site until the footbridge has been delivered and opened for use. The delivery of the footbridge is therefore separate to the current application, but would deliver the desired improvements in pedestrian connectivity and safety at this crossing point.
- 5.6 In order to ensure there is a relevant mechanism built into the current application that would deliver risk mitigations at the crossing point in the event the footbridge is not delivered, the s106 agreement for Greendene would limit occupations until the miniature stop lights (MSL) have been provided, with the applicants and Network Rail to agree the final costings. In the event the footbridge is delivered or has commenced with secured funding, the requirement for the MSL will fall away. In this way the safety risk from increased rail crossings generated by occupants of the development wishing to access the school, PRow network and village south of the rail line will be suitably mitigated.
- 5.7 Officers can confirm that the Highways Authority has robustly assessed the proposed access arrangements for the site from the A29, including the available visibility splays and road geometry. As assessed by the Highways Authority, the visibility splays would exceed those required for a 30mph road as set out by the MfS (Manual for Streets), with the automated speed survey confirming that traffic is generally decelerating as it travels southward into the village from the 40mph to the 30mph zone. The new junction between the site and the A29 would necessitate a s278 agreement with the highways authority, which would also be subject to a Stage 2 Road Safety Audit and Technical Check to ensure the advised measures are implemented, in this instance the verge bollards and repainting of pedestrian demarcation lines to the frontage of Arun Prestige car dealership.

- 5.8 In conclusion, officers have sought advice and clarification on the points raised during the previous planning committee meeting, and consider that there is sufficient clarity in the responses provided within this addendum to enable certainty in reaching a decision on this application. Officers and statutory consultees consider that there is sufficient capacity in the network to accommodate the proposed development, and that planning conditions or relevant legal agreements will suitably mitigate for the outstanding details so that there are no undue adverse impacts arising as a result of the proposed development for up to 65 new dwellings.

6 RECOMMENDATIONS

- 6.1 To approve outline planning permission, subject to the completion of the Section 106 Agreement and subject to the previously set out list of conditions.



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)

WSCC 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-signalled 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 (AQMAs), 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:
- 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 L_{Amax} (bedrooms and living rooms with windows open).
 - c) The level of attenuation achieved for all habitable rooms will be a minimum of 11dB on the 50Hz frequency.
 - d) 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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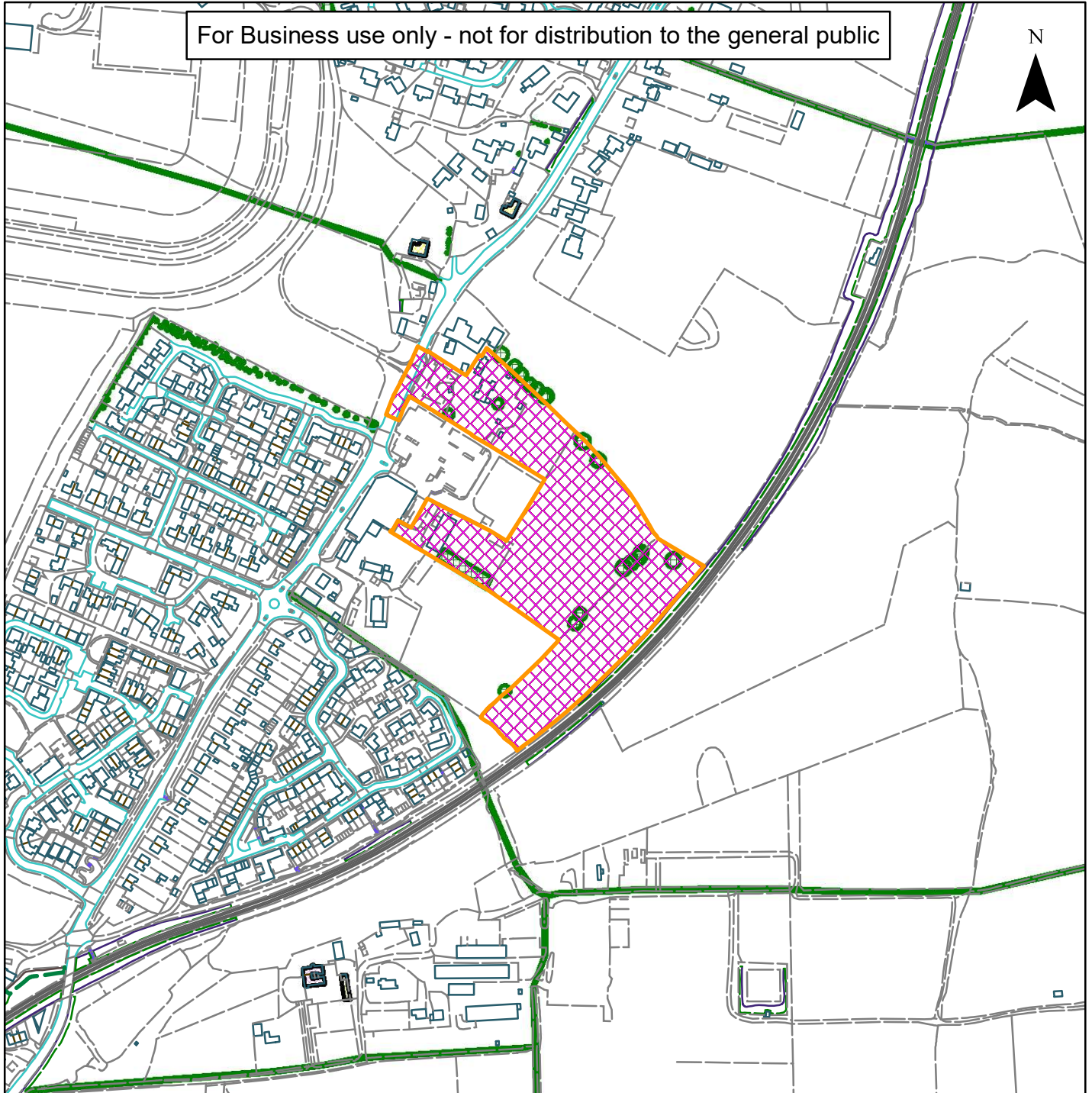


Horsham District Council

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

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Organisation	Horsham District Council
Department	
Comments	
Date	08/02/2024
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 20 February 2024

DEVELOPMENT: Removal of conditions 3 and 4 of previously approved application DC/23/0185 (Retention of an agricultural building and extended hardstanding) Relating to lighting and Storage of animal waste; and Variation of condition 2 of DC/23/0185 to allow for full flexible agricultural use.

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

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/23/1631

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

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

By request of Councillor Clarke

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Section 73 consent is sought to vary condition 2 and removed conditions 3 and 4 attached to permission DC/23/0185

DESCRIPTION OF THE SITE

- 1.2 The application relates to an agricultural smallholding sited on the north-western side of Stall House Lane. The site is mostly laid to grass, with internal wire fencing field boundaries, in addition to the hardstanding and application barn. The site also accommodates a mobile caravan which is utilised as a mess hall. The site is bound by split

timber fencing with sporadic tree and foliage planting, and benefits from an access into the site from the highway. The site is located outside of the built-up area. A public footpath (2298) runs north to south adjacent to the eastern boundary of the site (outside of the application site), and neighbours Laurel Cottage to the south (a grade II listed dwelling).

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 30 - Protected Landscapes

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 – Parking

Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/23/0185	Retention of an agricultural building and extended hardstanding.	Application Permitted on 23.06.2023
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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

HDC Environmental Health: Comment

The main concern with the original application proposal was the potential impacts on the amenity of the neighbouring residential occupiers.

Condition 2 was proposed because the applicants descriptions of activities at the site were sufficiently low key as to pose no risk of adverse impacts on neighbouring occupiers. However any other uses of the site such as for permanent housing of livestock may give rise adverse impacts on the dwellings located within 100m of the site. The wording of the condition was based on the applicants own description of the intended use of the site and the intent of the condition is clear. The permitted development rights for farms recognise the potential loss of amenity by prohibiting buildings housing livestock within 400m of a dwelling. I would also note the exceptions to this requirement:

"i) that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or

(ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions."

In this context the wording of the condition is entirely consistent with language used in the GDPO

Condition 3 relates to the provision of externally located lighting and is designed to ensure that any external lighting does not detrimentally impact the neighbouring residential occupiers. The condition is based on nationally recognised guidance for reducing obtrusive light. This is particularly important in this case as the locality is relatively dark at night. The condition does not exclude the use of lighting but seeks to ensure that glare and light trespass are prevented. The wording of the condition is widely used and is considered to meet the 6 tests.

Condition 4 requires details of how animal wastes will managed and stored. The aim is to prevent loss of amenity to neighbouring occupiers. As noted above the permitted development rights for farms recognise the potential loss of amenity by prohibiting the storage of slurry or sewage sludge within 400m of a dwelling. Therefore measures to manage manure and to prevent adverse impacts from odour, flies etc on neighbouring occupiers are a valid planning concern.

Parish Comments:

The Planning Committee of the 21st of September objected to this planning application based on the previous HDC conditions are there for good reasons and there is no reason given for why the conditions should be removed.

Representations:

11 letters of representation received from 10 separate addresses *objecting* to the proposal on the following grounds:

- Adverse impact on neighbouring amenity (lighting and smell)
- Increased light pollution
- No reason to remove the condition
- The applicant is in breach of the condition as three months has been exceeded

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 Section 73 consent is sought to vary condition 2 and remove conditions 3 and 4 attached to permission DC/23/0185:

Variation of Condition 2:

- 6.2 Condition 2 attached to the consent reads:

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

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

- 6.3 In their planning statement, the applicant contends that there was no justification for the reasoning attached to the condition which seeks to prevent further water use from the site. Furthermore, the applicant wishes greater flexibility with the use of the barn, as (for example) the applicant could not store bedding within the unit, which would be acceptable in this context. In addition, shelter may be needed on an ad hoc basis for animal welfare. Officers agree that greater flexibility could be applied to this condition to enable an ad hoc welfare use, provided that the use remains agricultural, and there is no evidence that this would increase water use given that it would not increase the capacity of the holding. However, the Council maintains that for the purposes of water neutrality, the reasoning is valid, given that any other uses may give rise to an increased water demand. Officers are proposing alternative wording to the applicant to enable a more flexible use, whilst ensuring the barn be retained for agricultural purposes:

Regulatory Condition: *The barn (shown on plan 1877.1/01, received by the Council on 01.09.2023) shall be used solely for agricultural purposes in connection with the site known as 'Peacocks Paddock' and shall not be used for any commercial or domestic purposes.*

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites and in the interests of amenity in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

- 6.4 Officers, therefore, have no objection to the variation of condition 2 as re-worded above.

Removal of Condition 3:

- 6.5 Condition 3 attached to the consent reads:

Regulatory Condition: *Within 3 months of the date of this permission hereby granted, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light and shall have been designed by a suitably qualified person in accordance with the recommendations. The scheme shall be implemented in accordance with the approved scheme and thereafter retained as such. No other lighting shall be installed without the prior consent of the Local Planning Authority.*

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

- 6.6 Planning and Environmental Health Officers attended a visit to the site on 30 November 2023 where the lighting was inspected during daylight and evening hours. The lights installed (both internally and externally) were observed to be domestic units that would typically be found attached to and within a dwelling. The external lighting comprises a single dual-lit unit with a diffused illuminator (attached to the barn) and two low-level solar powered units (attached to the front gates). Internally, the installed lighting comprises three strip light units- two of which faced inwards behind the front soffit, and the other on the third bay's ceiling, the latter unit resulting in minimal external light spill. The internal lights have also been installed with movement sensors when turned on, which would turn off the lighting if no movement is detected after a few minutes.
- 6.7 Given the relatively low level of lighting currently present at the site, which is considered reasonable for its agricultural purposes, Officers are satisfied that the lighting does not result in adverse amenity harm by way of light spill to neighbouring properties or the wider landscape, especially considering the wider presence of residential units on Stall House Lane.
- 6.8 The applicant is though seeking the removal of this condition in its entirety, as opposed to a variation, stating that the condition does not meet the 'six tests' under paragraph 66 of the NPPF (2023). Officers are satisfied that in this instance a condition to control the lighting is reasonable and necessary and does meet the relevant tests, to ensure the impact on neighbouring amenities and the wider landscape is mitigated. This is particularly the case given three of the four bays are open. Given Officers consider the lighting currently installed at the site is acceptable (and the Council has photographic evidence of the installed lighting) it is considered appropriate to amend the condition to a regulatory condition, so no further lighting can be installed without the consent of the Local Planning Authority. It is not considered to be appropriate to remove the condition in its entirety.

Regulatory Condition: No additional lighting shall be installed on the site other than that previously inspected by the Council on the site on 30 November 2023, unless otherwise agreed to and approved in writing by the Local Planning Authority. Any replacement lighting shall be of a similar specification to that of the existing lighting.

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

- 6.11 Whilst Officers do not agree that the condition should be removed in its entirety, it is recommended to the committee that condition 3 is varied as per the wording above.

Removal of Condition 4:

- 6.12 Condition 4 attached to the consent reads:

Regulatory Condition: Within 3 months of the date of this permission hereby granted, details of the location and size of the storage of animal waste shall be submitted to an approved in writing by the Local Planning Authority (in consultation with Local Members). The approved detail shall thereafter be retained as such unless otherwise agreed to and approved in writing by the Local Planning Authority.

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

- 6.13 As advised within their statement, condition 4 was attached to the permission during the committee debate by Councillors when considering DC/23/0185. Following a visit to the site on 30 November 2023 with Council Officers (comprising Planning and Environmental Health Officers) it was discussed a muck heap would not typically be expected for the animals kept on site (sheep and pigs)- sheep waste is typically left on the site and returned to the earth, and pig waste is managed and removed from the site for welfare purposes. Muck heaps are typically used for non-agrarian animals, such as horses. Whilst a condition requiring details of a muck heap is not an unreasonable requirement given the proximity of neighbours, given the small scale of the agricultural holding, and the type of animal currently using this site, Officers agree that the condition is not necessary, and could be removed from the consent.

Conclusion

- 6.14 Officers agree that condition 2 attached to DC/23/0185 could be varied to promote a more flexible agricultural use of the barn on site, and condition 4 be removed entirely, as it is not relevant / necessary to the use being undertaken on the site. However, Officers do not agree that condition 3 should be removed in its entirety- in order to protect neighbouring amenity, Officers are of the view that the existing lighting should be conditioned to be retained and no further lighting installed, and therefore the condition be varied. Section 73(2) of the Town and Country Planning Act 1990 (TCPA) states:

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 6.15 Planning legislation enables the Local Planning Authority to grant a permission with conditions differing to the wording of the conditions attached to a previous consent. Though the applicant has applied to remove condition 3 as above, Officers consider that the condition be instead varied, therefore exercising its right to apply conditions of differing wording on the permission for the proposed amendments to DC/23/0185 under Section 73(2)(a) of the TCPA.

7. RECOMMENDATIONS

Conditions:

1 **A List of the Approved Plans**

- 2 **Regulatory Condition:** The barn (shown on plan 1877.1/01, received by the Council on 01.09.2023) shall be used solely for agricultural purposes in connection with the site known as 'Peacocks Paddock' and shall not be used for any commercial or domestic purposes.

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites and in the interests of amenity in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

- 3 **Regulatory Condition:** No additional lighting shall be installed on the site other than that previously inspected by the Council on the site on 30 November 2023. Any replacement lighting shall be of a similar specification to that of the existing lighting. No other lighting shall be installed unless otherwise agreed to and approved in writing by the Local Planning Authority.

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

Background Papers: DC/23/0185, DC/23/1631

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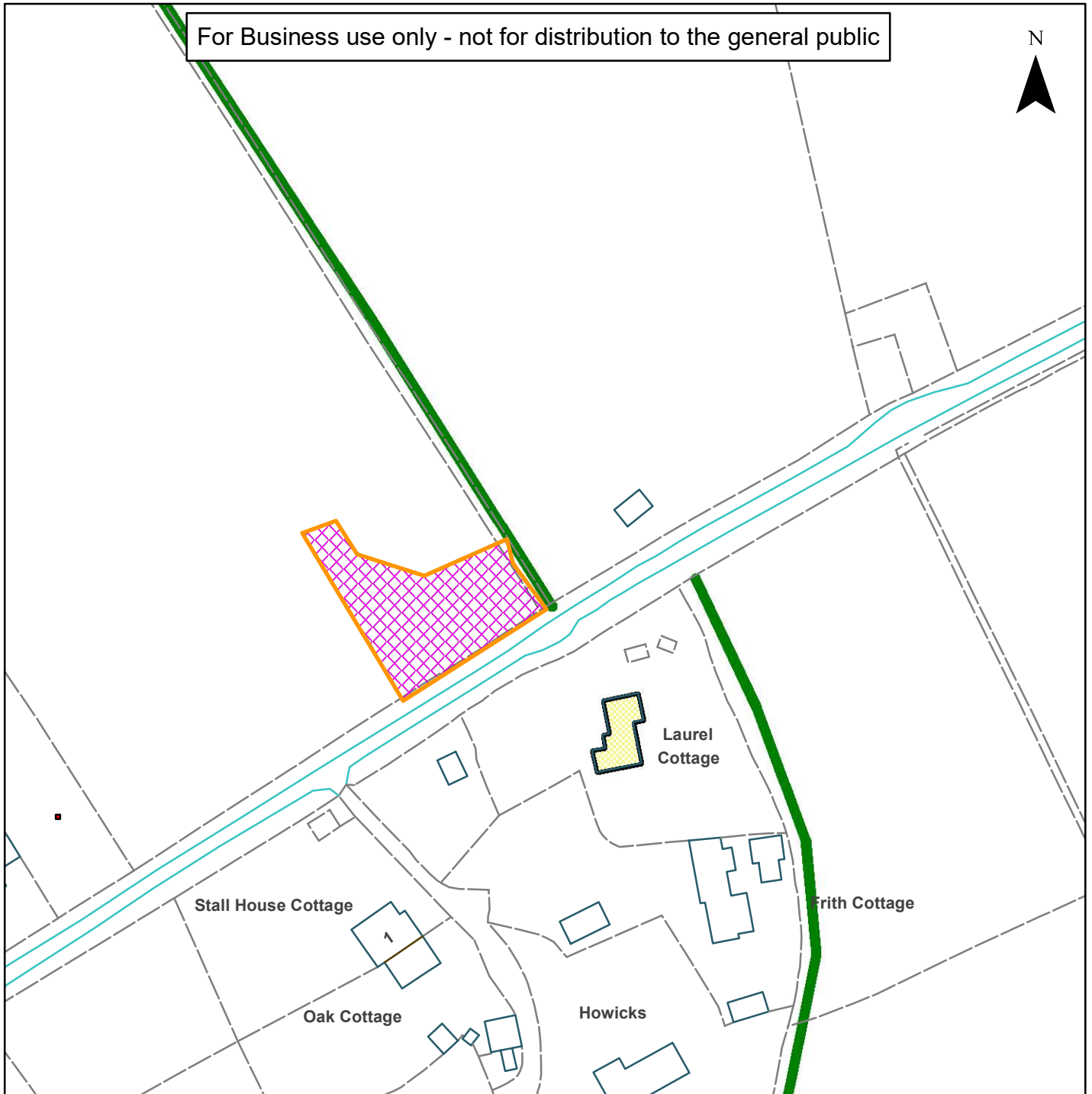
07) DC/23/0185



Horsham District Council

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

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Department	
Comments	
Date	08/02/2024
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 20 February 2024

DEVELOPMENT: Erection of a two-bed annexe building providing ancillary residential accommodation in place of a previously demolished annexe building (Retrospective).

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

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/21/2802

APPLICANT: **Name:** Mr and Mrs F Cramer **Address:** Ebbsworth Cottage, The Street, Nutbourne, Pulborough, West Sussex, RH20 2HE

REASON FOR INCLUSION ON THE AGENDA: Following deferral at the 17th October 2023 Committee meeting

By request of Pulborough Parish Council

RECOMMENDATION: To approve planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 This planning application was considered at the 17th October Planning Committee South meeting where it was resolved to defer consideration for the following reasons:

- To seek further information relating to the baseline of the existing dwelling for the purpose of demonstrating water neutrality;
- To review the rainwater harvesting storage tank capacity and location;
- To seek further information relating to the slab / foundation construction;
- To seek the inclusion of leaded windows to the annexe, and;
- To seek clarification of the ridge height compared to the previous building on the site.

The October committee report is attached as an Appendix and forms part of the assessment of this application. The previous report should therefore be read alongside this report.

1.3 No other aspects of the development proposals have been amended since consideration of the application at the October Planning committee meeting.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/1972	Erection of a detached double garage and a bin and log store.	Application Permitted on 27.01.2021
DC/19/2532	Erection of a single storey rear extension, external and internal alterations and replacement of roof covering with plain hand made clay tiles (Householder)	Application Permitted on 27.02.2020
DC/19/2533	Erection of a single storey rear extension, external and internal alterations and replacement of roof covering with plain hand made clay tiles (Listed Building Consent)	Application Permitted on 27.02.2020
DISC/20/0135	Approval of details reserved by conditions 3b and 3c to approved application DC/19/2533	Split Decision on 27.07.2020
DISC/20/0137	Approval of details reserved by conditions 3b (in respect of roof tiles) and 3c to approved application DC/19/2532	Split Decision on 27.07.2020

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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

2.3 National Planning Policy Framework (Dec 2023)

2.4 Horsham District Planning Framework (HDPF 2015)

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

Policy 26- Strategic Policy: Countryside Protection

Policy 28- Replacement Dwellings and House Extensions in the Countryside

Policy 31- Green Infrastructure and Biodiversity

Policy 32- Strategic Policy: The Quality of New Development

Policy 33- Development Principles

Policy 34- Cultural and Heritage Assets

2.5 Pulborough Neighbourhood Plan

The Pulborough Neighbourhood Plan has passed through examination and is awaiting a date for referendum. The following policies are relevant in the case of this application, and carry significant weight in decision making:

Policy 15 - Design

2.6 Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

3. PLANNING ASSESSMENTS

- 3.1 This application was heard at committee on 17th October 2023, with the decision deferred by the Committee for the following reasons:
- To seek further information relating to the baseline water consumption of the existing dwelling for the purpose of demonstrating water neutrality;
 - To review the rainwater harvesting storage tank capacity and location;
 - To seek further information relating to the slab / foundation construction;
 - To seek the inclusion of leaded windows to the annexe, and;
 - To seek clarification of the ridge height compared to the pre-existing building on the site.

Water Neutrality and Rainwater Harvesting

- 3.2 An updated water neutrality statement was received by the Council on 11 January 2024. The statement details that through the use of rainwater harvesting and efficiency measures within the proposed annexe, the water demand from the new annex can be reduced to 42.8l/p/d. Multiplying this by the Council's average occupancy of 1.88 people for a two bedroom dwelling, the total water demand per day can be calculated as **80.5l/day**.
- 3.3 A Part G calculator has been provided for the existing dwelling on site, which has demonstrated a water demand of 129.8lpd, illustrating the existing water demand from the fixtures and fittings within the dwelling. Using the Council's average occupancy for a three bedroom dwelling, this figure can be multiplied by 2.47 to total 320.6l/d. Though the use of more efficient fixtures and fittings within the dwelling, and rainwater harvesting for non-potable supply, the water demand can be reduced to 73lpd, or 180.31l/d. This represents a water demand reduction of **140.29l/d**, which would therefore offset the proposed annexe's water demand. Natural England have been consulted on this strategy, and agree with the Council's Appropriate Assessment that the development would not result in adverse impact to the integrity of the protected sites.
- 3.4 The floor plans of the annexe were updated on 15th December 2023 to reflect the Part G calculations for the proposed annexe to exclude the bath.
- 3.5 The revised strategy also provides details of the rainwater harvesting tanks. As per the Council's FAQs and guidance, a 35-day drought contingency is required for applications which rely on rainwater harvesting. This goes above and beyond the national suggested average of an 18-day drought contingency. The strategy details that 48.12l/d is required to meet the needs of the non-potable supply serving the annexe, and 35.2l/d for the main dwelling. Multiplied by 35(days), this totals a contingency of 1,684.2l and 1,232l respectively. Appropriately, a 1,700l storage tank is proposed to be installed on the site, which accords with the Council's guidance.
- 3.6 Details of the storage tank and its location have been requested by way of condition (condition 5) which is standard practice for proposals incorporating such measures. The condition requests details of the rainwater harvesting system (in addition to fixtures etc), which would not typically be detailed at this stage in the process.

Slab/foundation construction

- 3.7 Technical details of the slab construction were submitted to the Council on 15th November 2023 (Construction Design Partnership). The plans illustrate that the foundation has been constructed using a raft foundation design. The Council's Building Control Team Manager has reviewed the technical drawings and has advised that this design would be expected from a structural engineer.

- 3.8 As previously advised to members, the matter of structural integrity and foundation design will be the subject of building regulation approval following the granting of a planning application. It is not the responsibility of the Local Planning Authority to consider such matters as part of a planning application, as these are not material planning considerations unless related to matters such as tree root protection. However, it is hoped that the above comments following the submission of the technical drawings will abate any immediate concerns with the means of construction being used.

Window Details and Building Height

- 3.9 Revised plans were submitted on 13th December 2023 which include leaded windows to the annexe. Photographs of the existing windows within the main dwelling have been illustrated for context, which match those now proposed in the annexe. Condition 10 has been updated to incorporate this detail within its wording.
- 3.10 The annexe building, both as pre-existing and proposed, is constructed of two sections, with the southern-most portion of the building comprising a higher ridge height. The higher portion of the annexe would stand at 5.2m as per the pre-existing structure. The northern part of the annexe would be raised 0.9m from the pre-existing structure from 3.6m to 4.5m. Both roofs would incorporate a pitched roof as per the pre-existing arrangement.

Conclusion

- 3.11 Further to the committee resolution on 17th October 2023, the applicant has provided the information requested by the Committee. The applicant has provided more detailed evidence relating to the baseline water use of the existing dwelling and has included the necessary rainwater harvesting storage tank capacity- specific details on the matter have been requested by way of condition. Further plans and elevations have been provided relating to the foundation design of the proposal, in addition to the inclusion of leaded windows, and clarity on the height of the building has been provided.. With this in mind, Officers recommend that the application is approved subject to the below list of conditions.

4. RECOMMENDATIONS

- 4.1 The application is therefore recommended for approval, subject to conditions as listed below.

Conditions:

1 A List of the 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 relevant works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details:

- a) Specification, including elevational drawings of timber frame construction to replicate the form of the demolished historic timber frame.
- b) Samples or specifications of external materials and surface finishes.

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

- 4 **Pre-commencement Condition:** Prior to any further works being undertaken on the site, a Great Crested newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to avoid potential impacts to Great Crested Newt bats during demolition and construction phases. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the Local Planning Authority 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 (Slab Level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater harvesting system required by the approved water neutrality strategy (received 11.01.2024) 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, and shall be accommodated below ground.

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), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 6 **Pre-commencement (Slab Level) Condition:** A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Lizard Landscape Design and Ecology, November 2022) shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 7 **Pre-occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Water Neutrality Statement received 11.01.2024) No development hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in the imposition of the following conditions: accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species

Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 8 **Pre-occupation Condition:** Prior to the occupation of the annexe commencing, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, November 2022) 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 Local Planning Authority 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.

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

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

- 10 **Regulatory Condition:** The new windows fitted in the building hereby permitted shall have timber casements flush fitted with their frames, and its glazing shall include leaded lights as illustrated on plan 2.04 (received by the Council on 13.12.2023)

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

- 11 **Regulatory Condition:** Any roof lights fitted shall be metal framed and sit flush with the roof slope.

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

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

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

- 13 **Regulatory Condition:** The annexe hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of Ebbsworth Cottage, The Street, Nutbourne, Pulborough (as identified on the approved plans), and shall not be used as a separate unit

of accommodation, as habitable living accommodation, for any commercial purposes or for any other purpose(s)/use(s).

Reason: The establishment of an additional independent unit of accommodation, additional living accommodation, commercial use or any other use(s) would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).

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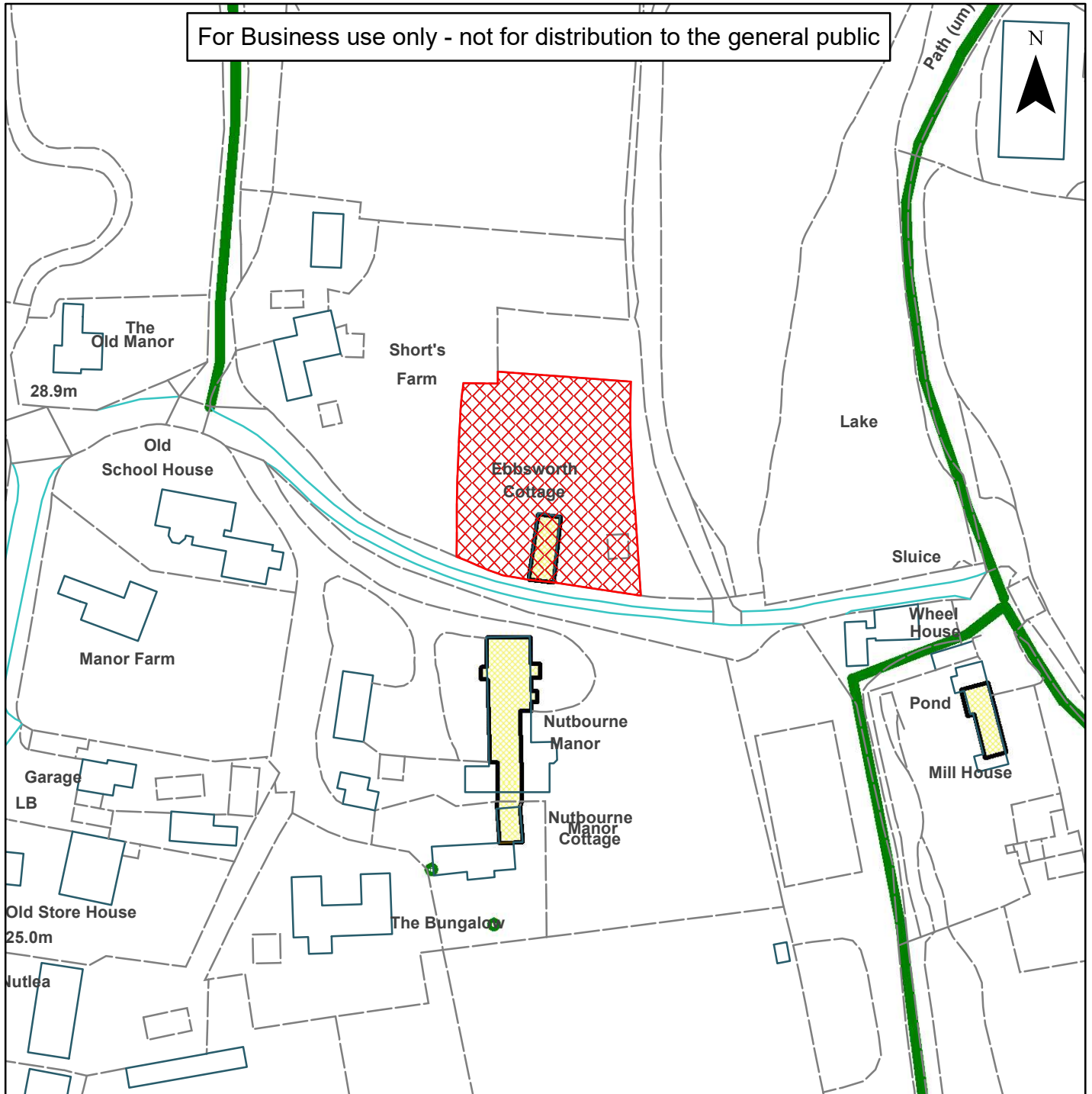
08) DC/21/2802

Ebbsworth Cottage, The Street, Nutbourne, Pulborough, West Sussex, RH20 2HE



Horsham District Council

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Department	
Comments	Not Set
Date	08/02/2023
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TO: Planning Committee

BY: Head of Development and Building Control

DATE: 17 October 2023

DEVELOPMENT: Erection of a two-bed annexe building providing ancillary residential accommodation in place of a previously demolished annexe building (Retrospective).

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

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/21/2802

APPLICANT: **Name:** Mr and Mrs F Cramer **Address:** Ebbsworth Cottage The Street Nutbourne Pulborough West Sussex RH20 2HE

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought for the erection of a two-bed annexe building providing ancillary residential accommodation located to the east side of the existing dwelling. The site previously benefited from an existing annexe which was left in a state of disrepair, and it has since been demolished. The works have ceased, and the application site remains with hardstanding foundation for the replacement building. The original annexe building had a gross internal floor area of approximately 69.5 square metres including a first-floor area over part of the living space. The new proposed annexe building is a single storey construction with an appropriate gross internal floor area of 68 square metres.

DESCRIPTION OF THE SITE

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

1.4 Ebbsworth Cottage is a Grade II Listed Building sited immediately adjacent to the road. The building is described in the listing as a; *'Restored Grade II C17 or earlier timber-framed*

building with plaster infilling, ground floor and north end of the first floor rebuilt in stone rubble with red brick dressings and quoins. Thatched roof. Casement windows. One blocked original window with wooden mullions behind. Two storeys. Four windows'. The building is located to the north of The Street within Nutbourne.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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

2.3 National Planning Policy Framework

2.4 Horsham District Planning Framework (HDPF 2015)

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

Policy 26- Strategic Policy: Countryside Protection

Policy 28- Replacement Dwellings and House Extensions in the Countryside

Policy 31- Green Infrastructure and Biodiversity

Policy 32- Strategic Policy: The Quality of New Development

Policy 33- Development Principles

Policy 34- Cultural and Heritage Assets

2.5 RELEVANT NEIGHBOURHOOD PLAN

2.6 Independent examiner John Slater was commissioned to undertake the examination of the **Pulborough Neighbourhood Plan**. The examiner underwent unaccompanied site visits of the plan area on the 27 July 2021 and was issued all Reg 16 representations in full. The examiner produced a note of his Initial Comments and setting a deadline of the **25 August 2021 at 12pm** for responses. The Examiner published his final report on the 18 September 2021. The following polies are relevant in the case of this application:
Policy 15 - Design

2.7 Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/1972	Erection of a detached double garage and a bin and log store.	Application Permitted on 27.01.2021
DC/19/2532	Erection of a single storey rear extension, external and internal alterations and replacement of roof covering with plain hand made clay tiles (Householder)	Application Permitted on 27.02.2020
DC/19/2533	Erection of a single storey rear extension, external and internal alterations and replacement of roof covering with plain hand made clay tiles (Listed Building Consent)	Application Permitted on 27.02.2020
DISC/20/0135	Approval of details reserved by conditions 3b and 3c to approved application DC/19/2533	Split Decision on 27.07.2020
DISC/20/0137	Approval of details reserved by conditions 3b (in respect of roof tiles) and 3c to approved application DC/19/2532	Split Decision on 27.07.2020

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

HDC Compliance: No Objection. Work had started on building an ancillary building without obtaining planning permission. A large concrete raft had been constructed. Following contact from Sean Rix (HDC Conservation Officer) an application has now been received for "*Erection of a two bedroom annexe providing ancillary residential accommodation to replace an annexe that has been demolished due to its dilapidated condition.*" DC/21/2802 refers.

HDC Conservation: No Objection. I am disappointed that there was no opportunity to consider reuse of the timber frame rather than demolition and replacement. Even if only a proportion of the historic timbers could have been reused. I have no objection to the erection of the replacement building. This will not harm the setting of the listed building. It will be beneficial in reinforcing the special interest of the cottage to rebuild the annexe with the same timber dimensions and framing design of the historic outbuilding. (suggested conditions attached)

OUTSIDE AGENCIES

Ecology Consultant: Recommended approval subject to attached conditions and subject to Natural England's formal comments on the conclusion of the Bat Appropriate Assessment.

Natural England: No Objection – Subject to appropriate mitigation being secured. Upon re-consultation of the updated Water Neutrality Statement no comments were received by Natural England. Based on the information provided, we advise that we are happy that the development will not result in adverse effect on The Mens SAC, however we would recommend that this is recorded within your authorities Appropriate Assessment for completeness.

PUBLIC CONSULTATIONS

- 3.2 **Pulborough Parish Council Comments:** The Parish Council issued an objection on 17.02.2022 to the application on the grounds of overdevelopment and requested the application to be referred to Horsham District Council planning committee. It is understood that there is no previous planning permission for the removal of the previously demolished building. Upon re-consultation the Parish Council reaffirmed its original objection of 17.02.22.
- 3.3 2 letters of representation have been received from 1 separate addresses supporting the application based on design, the neighbour states that they are familiar with the property for the last 25 years, which had been open for charitable garden events. The neighbour states that existing annexe was a habitable accommodation with a kitchen, living area and a store. No objection has been raised to the replacement of the existing annexe.

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of

property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

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

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

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

6. PLANNING ASSESSMENTS

Principle of Development

- 6.1 Policy 28 of the Horsham District Planning Framework (HDPF) seeks to ensure that any replacement dwellings, house extensions, outbuildings and ancillary accommodation are of an appropriate scale, siting, and design, and have due regard to the countryside setting and the existing dwelling.
- 6.2 The proposal relates to a part-retrospective planning application for the erection of a two-bed annexe building providing ancillary residential accommodation in place of a previously demolished annexe, serving Ebbsworth Cottage. The proposal seeks to rebuild the existing annexe using the same footprint, with a slight increase to the ground floor area. Whilst the proposal would increase accommodation, the annexe would remain in its pre-existing position, retaining a close physical relationship with the existing property, maintaining reliance on the main dwelling, as well as sharing access and parking and thus would not be considered as a separate dwelling. It is noted that a separate dwelling within the same location would be considered unacceptable owing to its location outside of the built-up area- however, given the proximity to the main dwelling and the continued use in association with, it is considered that in principle the annexe would remain connected to the main use of the dwelling, and that this can be adequately controlled by way of condition.

Character and Appearance

- 6.3 Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.
- 6.4 Policy 15 of the emerging Pulborough Neighbourhood Plan states that the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and landscape, as detailed in the Pulborough Design Statement and Nutbourne Design Statement. In particular, the effects of any proposed development should respect any conservation area within the parish.
- 6.5 Policy 34 of the Horsham District Planning Framework states that Development should reinforce the special character of the district's historic environment through appropriate

siting, scale, form, and design, and should make a positive contribution to the character and distinctiveness of the area. In addition, development should preserve and ensure clear legibility of locally distinctive vernacular building forms and their setting, features, fabric and materials, and should seek to secure the viable and sustainable use of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset.

- 6.6 As above, the application proposes a replacement annexe which would be contained in a building of a similar footprint to the pre-existing building, providing accommodation at ground floor level. The proposed annexe building would comprise a similar scale and form to that of the pre-existing structure which was demolished on the site. It is considered that the proposed works would be subservient to the host building and would not appear unduly prominent or intrusive in views from surrounding properties over and above the pre-existing arrangement. Save for minor changes to the roof and external design, no other external changes have been proposed and no fundamental alterations to the building in terms of form or appearance.
- 6.7 While the increase in accommodation on the site would be generous, the resulting building would be reflective of the scale of outbuilding found in the surrounding area. As a result, it is not considered that the resulting building would appear out of character in this location and the proposal would not be harmfully disproportionate to the pre-existing arrangement.
- 6.8 The scale and siting of the replacement annexe does not prevent an appreciation or understanding of the principal listed building. Its siting, and the resulting proximity between buildings is not considered to create an unacceptable impact on the cottage. It is recognised this replaces a previous outbuilding on the site, and with consideration of the above assessment, would therefore have a neutral impact on the setting of the listed building.
- 6.9 Following comments from the Council's Senior Conservation Officer, it would have been desired that there be a reuse of the timber frame rather than demolition and replacement, even if only a proportion of the historic timbers could have been reused. The applicant has confirmed that the materials were not salvageable from the existing annexe. Whilst the loss of previous materials is regrettable, the siting and scale of the replacement annexe would not harm the setting or character of the listed dwelling. Conditions are suggested below to ensure that the detailed architectural aspects of the replacement annexe are submitted to and approved in writing by the Local Planning Authority prior to the development commencing, as to ensure the special interest of the cottage to rebuild the annexe with the same timber dimensions and framing design of the historic outbuilding is reinforced.
- 6.10 The overall scale would be of an appropriate design and siting such that there would be no adverse visual impact over and above the pre-existing arrangement, and would accord with the above policies. Furthermore, the proposals would not have a detrimental impact on the surrounding area or the adjoining properties in terms of its character and design, nor result in harm to the character and special interest of the host listed dwelling. The proposed works are therefore considered to be acceptable in this regard, subject to an appropriate condition in relation to specific materials to be used for the proposed development.

Impact on Neighbouring Amenity

- 6.11 Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.12 It is considered that the siting and layout of the proposed annexe and the resulting relationship with the nearest adjoining property Short's Farm would be sufficient to prevent any unacceptable harm to neighbouring amenity. Short's Farm is located to the north-west and is set at an acceptable distance from the proposed site. It is noted that the existing boundary treatment to the east where the annexe is located has mature vegetation and no visible views from neighbouring boundaries. The provision of additional ancillary accommodation would not be expected to result in significant potential for harmful levels of noise or disturbance, and no adverse impact in these regards would be expected.

Water Neutrality

- 6.13 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.
- 6.14 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.
- 6.15 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. Detached annexes are generally considered capable of self-contained occupancy supplemental to the main dwelling and therefore will be assessed in the same manner as a new dwelling in terms of occupancy rates and water consumption. There is a likelihood the detached annexe would result in an increased occupation given the nature of accommodation proposed and as such the application cannot be screened out due to impact.
- 6.16 The pre-existing annexe comprised of a total Gross Internal Area (GIA) of 69.5m² with most of the internal area on the ground floor and a modest first floor area. The proposed Annex will comprise of a single storey structure of 68m². The pre-existing building contained one bedroom and a bathroom with a bath, w.c. & wash hand basin and a small kitchenette with a sink. Based on the Horsham District census data, a one-bedroom unit has an occupancy of 1.32. The proposed annex comprises of 2no. bedrooms and a shower room with shower, w.c. & wash hand basin. Based on the Horsham District census data, a two-bedroom unit has an occupancy of 1.88. Due to the likely increased occupancy numbers, there will therefore be an increase in water usage.
- 6.17 The existing baseline water usage is accepted as 0l/d. Based on the worse case flow rates for the fixtures and fittings a proposed water usage of 84.8 l/p/d has been calculated within the Part G Calculation. To determine the water usage per day the calculated 84.8 l/p/d is multiplied by 1.88 average occupancy, which equals 159.42 l/d. The proposed annex does not include a kitchen, as the kitchen facilities within the main house will be utilised as part of the annex.

- 6.18 As the proposed use would incorporate an increased water demand, the water strategy proposes to retrofit the annexe and existing property with efficient fixtures and fittings; water reuse with rainwater harvesting system which is considered acceptable and as such the water strategy is sufficiently detailed in this regard. The proposed efficiencies would reduce the overall water demand on the site by 115.62l/d, thus offsetting the proposed increase in demand resulting from the proposal.
- 6.19 Appropriate mitigation measures have been embedded within the development and would be secured by condition as part of the planning consent (detailed below). These measures are considered sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar site from the development either alone or in combination with other plans and projects, 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).

Ecology

- 6.20 Policy 31(2) of the HDPF states that development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.
- 6.21 The application was accompanied with an ecological assessment report. The site lies within the 6.5 km Key Conservation Area of The Mens Special Area of Conservation (SAC) and the 12 km Wider Conservation Area of Ebernoe Common SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). One of the qualifying features for the SACs is Barbastelle bats, but this species has not been recorded within 2.00 km of the site area (Ecological Impact Assessment (Lizard Landscape Design and Ecology, November 2022)).
- 6.22 The new development will be constructed on the existing concrete hardstanding and the line of trees along the eastern boundary of the site will be retained, together with all surrounding trees and shrubs (Ecological Impact Assessment (Lizard Landscape Design and Ecology, November 2022)). Therefore, there will be no severance to the flight lines of foraging or commuting bats from the SACs. Ecology advises that there will therefore be no Likely Significant Effect on the SACs and has recommend that Preliminary Roost Assessments for bats should be undertaken on any trees which may be scheduled to be removed from the site in the future.
- 6.23 In addition, although the pond is isolated from the construction area, the site could support Great Crested Newt (GCN) during their terrestrial phase in the modified grassland and tall ruderal habitats and, in addition, there is a record of GCN within 2.00 km of the site (Ecological Impact Assessment (Lizard Landscape Design and Ecology, November 2022)). It has therefore been recommended that a GCN method statement should be secured by a condition of any consent for discharge prior to commencement of any works which will impact the breeding / resting place of GCN.
- 6.24 Based on the information provided Natural England are satisfied that the development will not result in adverse effect on the Mens SAC. Ecology is satisfied that there is sufficient ecological information available for determination.

Conclusion

- 6.25 The proposed annexe is a replacement for an existing annexe and would be viewed within this context. Whilst the level of accommodation would be increased, the annexe would remain in its previous position and would retain a close physical relationship with the existing property. It would also maintain reliance on the main dwelling, as well as sharing access and parking. It is noted that the existing boundary treatment to the east where the annexe is located has mature vegetation and no visible views from neighbouring boundaries. The provision of additional ancillary accommodation would not be expected to result in significant potential for harmful levels of noise or disturbance, and no adverse impact in these regards would be expected. As such the proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

7. RECOMMENDATIONS

- 7.1 The application is therefore recommended for approval, subject to conditions as listed below.

Conditions:

- 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 relevant works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details:

- a) Specification, including elevational drawings of timber frame construction to replicate the form of the demolished historic timber frame.
- b) Samples or specifications of external materials and surface finishes.

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

- 4 **Pre-commencement Condition:** Prior to any further works being undertaken on the site, a Great Crested newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to avoid potential impacts to Great Crested Newt bats during demolition and construction phases. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the Local Planning Authority 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 (Slab Level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and

rainwater/greywater harvesting system required by the approved water neutrality strategy (Water Neutrality Statement 3 received 09.08.2023 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), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 6 **Pre-commencement (Slab Level) Condition:** A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Lizard Landscape Design and Ecology, November 2022) shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 7 **Pre-occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Water Neutrality Statement received 09.08.2023 No development hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

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

- 8 **Pre-occupation Condition:** Prior to the occupation of the annexe commencing, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, November 2022) 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 Local Planning Authority 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.

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

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

- 10 **Regulatory Condition:** The new windows fitted in the building hereby permitted shall have timber casements flush fitted with their frames.

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

- 11 **Regulatory Condition:** Any roof lights fitted shall be metal framed and sit flush with the roof slope.

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

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

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

- 13 **Regulatory Condition:** The annexe hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of Ebbsworth Cottage, The Street, Nutbourne, Pulborough (as identified on the approved plans), and shall not be used as a separate unit of accommodation, as habitable living accommodation, for any commercial purposes or for any other purpose(s)/use(s).

Reason: The establishment of an additional independent unit of accommodation, additional living accommodation, commercial use or any other use(s) would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/21/2802