



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

Tuesday, 23rd April, 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	Perry
Joy Dennis	Josh Potts
Victoria Finnegan	John Trollope
Claudia Fisher	Peter van der Borgh

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	9 - 14
To approve as correct the minutes of the meeting held on 19 March 2024 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

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

5. **Appeals** 15 - 16
Applications for determination by Committee:
6. **DC/21/2007 Land West of Smock Alley, South of Little Haglands, West Chiltington** 17 - 52
Ward: West Chiltington, Thakeham and Ashington
Applicant: C/O Agent
7. **DC/22/0695 Woodmans Farm, London Road, Ashington** 53 - 68
Ward: West Chiltington, Thakeham and Ashington
Applicant: Mr Anthony Skeet
8. **DC/23/1371 Ridge View, Spinney Lane, West Chiltington** 69 - 80
Ward: Storrington and Washington
Applicant: Mr P Marchant
9. **S106/23/0017 Land at Phase 3, Abingworth Nurseries, Storrington Road, Thakeham** 81 - 90
Ward: West Chiltington, Thakeham and Ashington
Applicant: Bellway Homes Limited (South London)
10. **Urgent Business**
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Agenda Annex

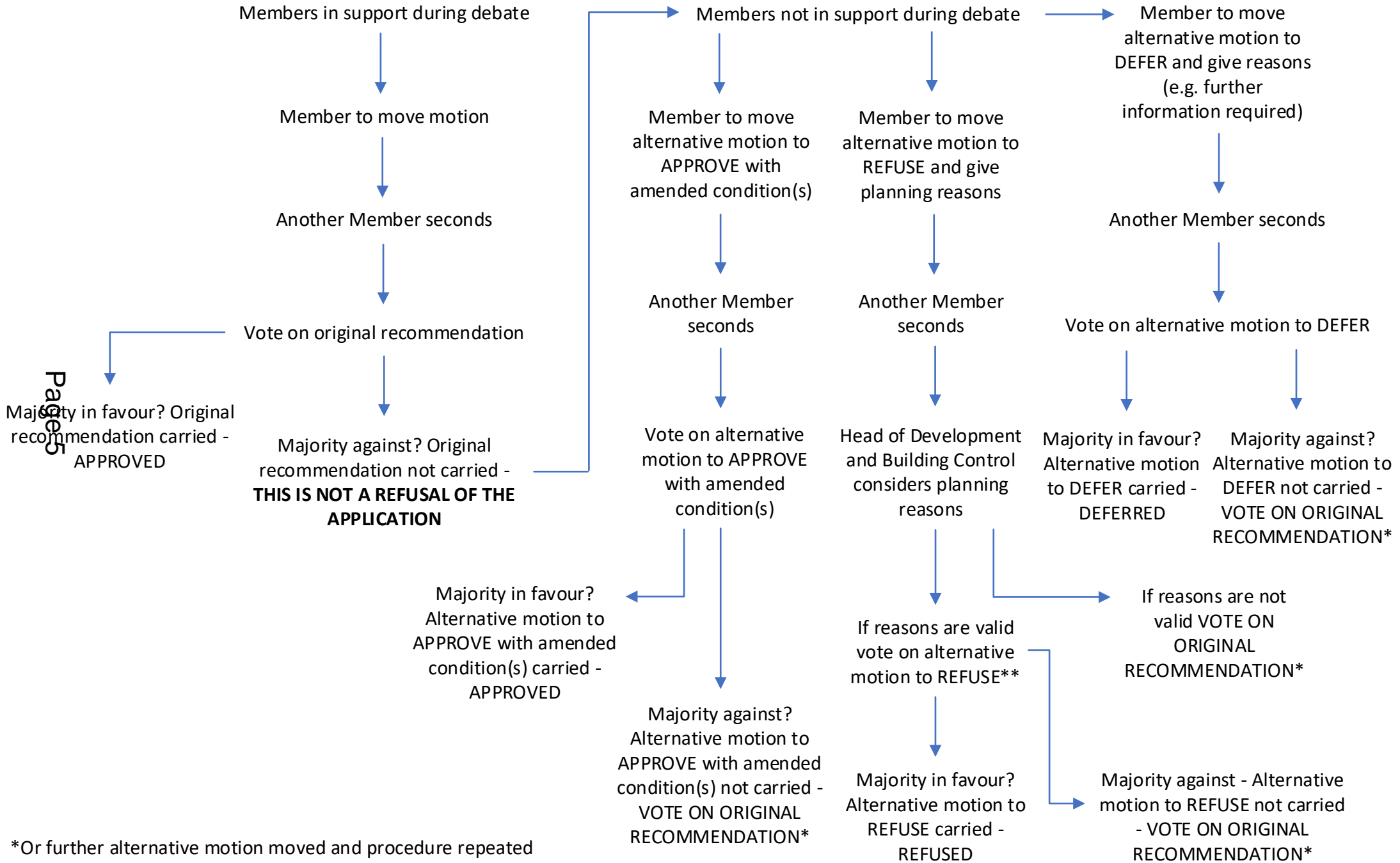
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

Original recommendation to APPROVE application

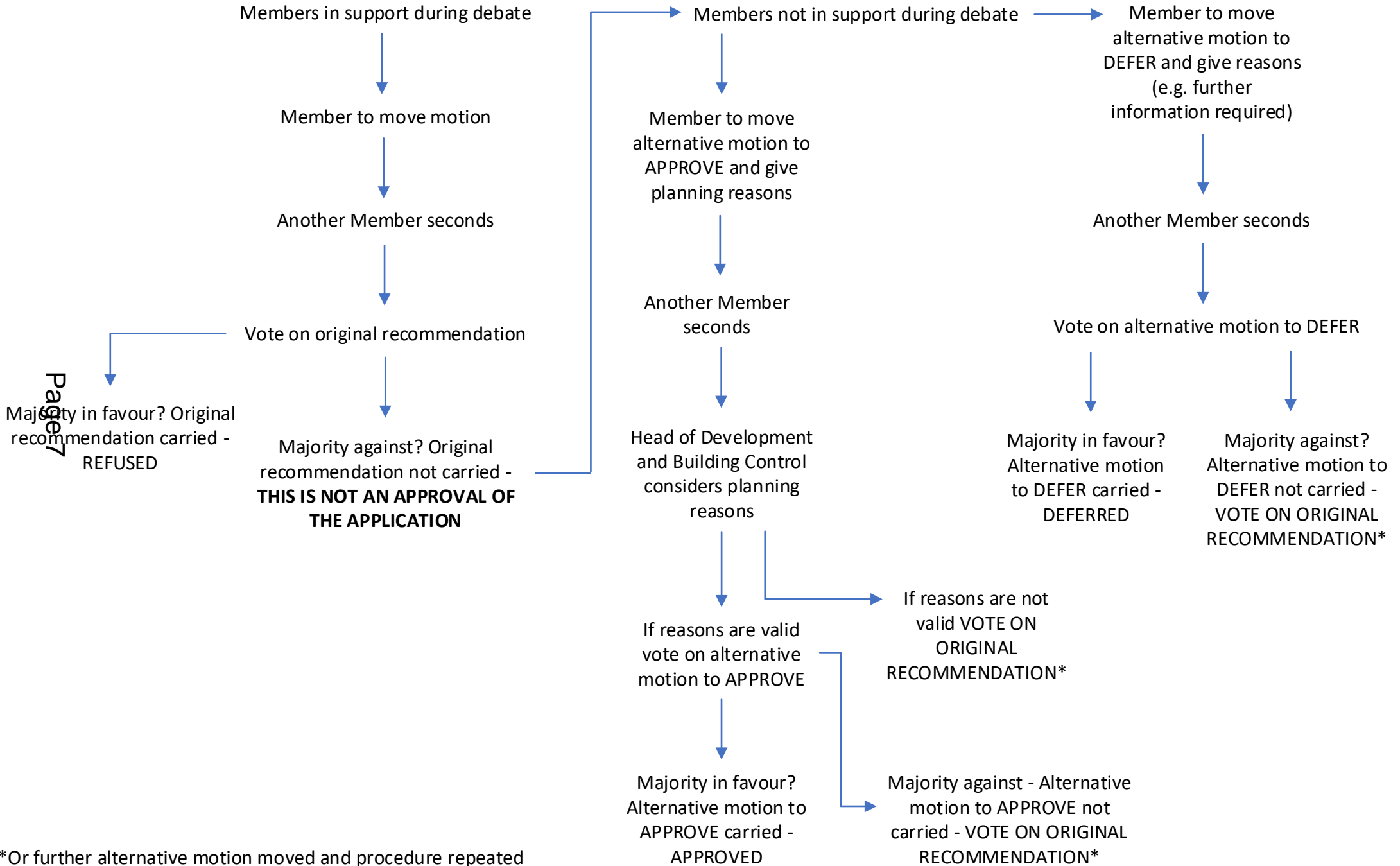


*Or further alternative motion moved and procedure repeated

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

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Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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Planning Committee (South)
19 MARCH 2024

Present: Councillors: Len Ellis-Brown (Chairman), Joanne Knowles (Vice-Chairman), Sam Bateman, Mark Baynham, Emma Beard, Jon Campbell, Philip Circus, Paul Clarke, Mike Croker, Victoria Finnegan, Joan Grech, Lynn Lambert, Alan Manton, Nicholas Marks, Roger Noel, John Trollope and Peter van der Borgh

Apologies: Councillors: Joy Dennis, Claudia Fisher, John Milne and Josh Potts

PCS/53 **MINUTES**

The minutes of the meeting held on 23 January 2024 were approved as a correct record and signed by the Chairman.

PCS/54 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/23/1631 – Councillor Roger Noel declared an interest as he knew the applicant. He left the room for this item and did not participate in the debate or the vote.

DC/23/1631 – Councillor Len Ellis-Brown declared an interest as he is a neighbour to the applicant. He left the room for this item and did not participate in the debate or the vote. He also advised he is a member of Pulborough Parish Council but does not sit on the planning committee.

DC/23/1631 – Councillor Emma Beard declared an interest as she taught the applicants' children and knew the family. She left the room for this item and did not participate in the debate or the vote.

DC23/23/1631 – Councillor Jon Campbell and Councillor Paul Clarke declared an interest as they are both members of Pulborough Parish Council but do not sit on the planning committee. They took part in the discussion and vote.

PCS/55 **ANNOUNCEMENTS**

There were no announcements.

PCS/56 **APPEALS**

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

PCS/57 **DC/21/2466 GREENDENE, STANE STREET, CODMORE HILL, PULBOROUGH**

The Head of Development and Building Control reported that this application sought outline permission 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.

The application was considered at Planning Committee South in January and was returning to committee to clarify some issues on access, flooding/drainage and the railway crossing.

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.

Since the January Planning Committee South meeting, two additional representations have been received, raising concerns in relation to drainage issues in the locality, and the overloading of sewers resulting in discharge into rivers.

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

Members acknowledged that previous points raised at the January Committee had been addressed, however concerns were still raised regarding sewage and drainage on the site, suitable and safe pedestrian access and issues relating to the rail crossing.

Members also felt the condition relating to the footbridge should be amended to be delivered prior to the 20th unit being occupied which would be in line with the New Place Farm development.

RESOLVED

That the application be approved subject to the following conditions:

- Planning obligation in the legal agreement to state that the new footbridge over the railway line, to be delivered under the New Place Farm development, is to be provided prior to the 20th unit of DC/21/2466.
- Condition 10 to be amended to also include a requirement to submit details of foul water drainage for approval by the LPA prior to development commencing.

PCS/58 **DC/23/1631 PEACOCKS PADDOCK, STALL HOUSE LANE, NORTH HEATH**

The Head of Development and Building Control reported that this application sought the removal of conditions 3 and 4 of the previously approved application

DC/23/0185 relating to lighting and storage of animal waste and variation of condition 2 of DC/23/0185 to allow for fully flexible agricultural use.

The site is an agricultural smallholding sited on the north-western side of Stall House Lane, North Heath, Pulborough.

Eleven letters of representation were received objecting to the proposal. Pulborough Parish Council objected to the application.

Three spoken representations were received in support of the application and three spoken representations were received in objection to the application.

Members gained further information on condition 2 in the report to promote a more flexible agricultural use. It was felt that further conditions should be included to possibly address lighting sensors and timings and a change to wording on condition 2.

RESOLVED

To delegate approval to the Head of Development to allow discussion regarding the final wording of the amended conditions as follows:

- Condition 3 (lighting). Discuss whether the lighting installed should include sensors and timers – to be included in wording.
- Condition 2 (use). Can the wording limit the use specifically not to include butchery & slaughtering.
- Above to be done in consultation with Ward members.

PCS/59 **DC/21/2802 EBBSWORTH COTTAGE, THE STREET, NUTBOURNE, PULBOROUGH**

The Head of Development and Building Control reported that this application sought retrospective permission for the erection of a two-bed annexe building providing ancillary residential accommodation in place of a previously demolished annexe building.

The site is located to the north of The Street, Nutbourne within a conservation area and is outside of a built-up area boundary.

The application had returned to committee following a deferral at the October Planning Committee to obtain further information. The applicant had provided further information requested which had addressed these issues.

One member of the public spoke in support of the application and one member of the public spoke in objection. The Parish Council objected to the application.

Members acknowledged that further information had been provided since the last committee to address issues raised. Further consideration was given to the

location of the rainwater harvesting storage tank, its capacity and the suitability of the proposed roofing materials.

RESOLVED

That DC/21/2802 be approved in accordance with Officer recommendation, subject to the following amendment to condition 3 to include Local Ward Members.

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, in consultation with the Local Ward Members. The works must not be executed other than in complete accordance with these approved details:

- I. Specification, including elevational drawings of timber frame construction to replicate the form of the demolished historic timber frame.
- II. 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).

PCS/60 **DC/23/1361 ST CRISPINS CHURCH, CHURCH PLACE, PULBOROUGH**

The Head of Development and Building Control reported that the application sought permission for demolition of existing building and erection of six dwellings with associated access, parking, and landscaping.

The site is an existing church hall sited on the northern side of Church Place, Pulborough. The site is located within the built-up area boundary and is wholly within the Pulborough Conservation Area.

Following consultation 20 letters of objection were received and the Parish Council objected to the application.

Members discussed the timing of the West Sussex Highways traffic survey and the impact the temporary closure of the A29 would have on construction access to the site. Concerns were raised regarding the view from the first-floor windows of the dwellings over neighbours, parking capacity and water neutrality.

It was therefore proposed and seconded to defer the application.

RESOLVED

That application DC/23/1361 be deferred to gain updated West Sussex County Council Highway comments in relation to current access on the site and highway arrangements taking into account the current state of the A29.

The meeting closed at 8.39 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee (SOUTH)

Date: 23rd April 2024

Report on Appeals: 07/03/24 - 12/04/24



**Horsham
District
Council**

1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/23/1717	St Clare Fern Road Storrington West Sussex	07-Mar-24	Application Refused	N/A
DC/23/1135	Land North West of Junipers Harbolets Road West Chiltington West Sussex	08-Mar-24	Application Refused	N/A
DC/23/1096	St Clare 15 To 37 Fern Road Storrington West Sussex RH20 4LW	08-Mar-24	Application Refused	N/A
DC/21/1768	19 Holly Close West Chiltington Pulborough West Sussex RH20 2JR	25-Mar-24	Application Refused	N/A
DC/23/1166	Land West of The Deck House Hill Farm Lane Codmore Hill West Sussex RH20 1BJ	04-Apr-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/23/2098	Staalcot Farm Stall House Lane North Heath West Sussex RH20 2HR	Informal Hearing	12-Mar-24	Application Refused	N/A
EN/23/0323	The Spoons Harbolets Road West Chiltington West Sussex RH20 2LG	Written Representation	19-Mar-24	Notice served	N/A
DC/23/1625	Development Site Lot 1 Delspride Kent Street Cowfold West Sussex RH13 8BB	Written Representation	19-Mar-24	Prior Approval Required and REFUSED	N/A
DC/22/1874	Land North of Stonepit Lane	Written Representation	25-Mar-24	Application Refused	N/A

	Stonepit Lane Henfield West Sussex BN5 9QT				
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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/22/2250	Cowfold Lodge Cottage Henfield Road Cowfold West Sussex RH13 8DU	Written Representation	Appeal Allowed	Application Refused	N/A
DC/22/1428	St Crispins Church Church Place Pulborough West Sussex RH20 1AF	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/1068	Small Piece of Woodland Known As Furlong Shaw. Situating Approximately 200M North of 1 Merrion Cottages RH13 8EH	Written Representation	Appeal Dismissed	Split Decision	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 23rd April 2024

DEVELOPMENT: Erection of 14 no. 2, 3 and 4 bedroom dwellings, including 4 bungalows with access from Smock Alley, vehicle parking, public open space, landscaping and a borehole.

SITE: Land West of Smock Alley, South of Little Haglands, West Chiltington

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/21/2007

APPLICANT: **Name:** C/O Agent **Address:** Tetra Tech, The Pavilion, Botleigh Grange Office Campus, Hedge End

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

The proposal represents a departure from the Development Plan.

At the request of Councillor Manton.

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

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the erection of up to 14 No. dwellings (including 4 bungalows) with associated access, landscaping, parking and open space. As amended, the proposal includes a borehole to the north east part of the site and an associated water treatment plant to the southern boundary of the site. The site is divided horizontally by a retained hedge. To the north of hedge, the proposal includes 6 detached dwellinghouses, each with their own garage and garden. To the south of the hedge, the

proposal includes 8 dwellings, comprising 3 detached houses (each with their own garage), one pair of semi-detached houses and a small terrace of three dwellings. 5 of the 14 dwellings proposed would be affordable units (equivalent to 35%).

- 1.2 The proposed development would be accessed from Smock Alley with a new vehicular access point proposed from Smock Alley to the east side of the site. An attenuation pond is proposed to the south eastern corner of the site. There is extensive woodland to the west of the site, which is indicated as being within the ownership of the applicant. This area is not part of the proposal and is to be retained as a wooded area.

DESCRIPTION OF THE SITE

- 1.3 The application site lies to the north east of West Chiltington Common and is situated adjacent to the built-up area boundary of West Chiltington to the south and east. West Chiltington is identified as a Medium Village in the settlement hierarchy of the Horsham District Planning Framework 2015.
- 1.4 The site extends to an area of approximately 1.3 hectares and is currently formed by an open field of rough grassland. There is an expanse of woodland, known as Haglands Copse, to the west of the site. This area of woodland is covered by a Tree Preservation Order. The site currently consists of sloping fields and is divided into two parcels by a mature hedgerow running east to west. The site boundaries are formed by existing trees and hedgerows, with a large dense patch of trees along the west, providing a strong green edge to the site.
- 1.5 This area has retained a rural feel with a verdant setting. The ground level of the site slopes up fairly significantly, by around 10m across the site, from the level of Smock Alley towards the woodland at the western boundary. There is an existing dwelling to north west corner of the site, Little Hagland, which fronts Haglands Lane. The nearest residential properties are otherwise located immediately to the south of the site with residential curtilages that directly abut the southern site boundary. To the east of the site, there are a number of properties fronting Smock Alley which face the site across the road. A Grade II listed building at Old Haglands is located to the north west of the site on Haglands, opposite Haglands Copse.
- 1.6 The site is within the 'bat sustenance zone'. This is consideration for ecological impacts for developments related to The Mens Nature Reserve and Ebernoe Common Nature Reserve, which are both classed as Special Areas of Conservation, within the district of Chichester. One of the special qualities of these areas is that they host protected species, including the Barbastelle and Bechstein's bats, which use the bat sustenance zone.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.2 **National Planning Policy Framework**

- 2.3 **Horsham District Planning Framework (HDPF 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 27 - Settlement Coalescence
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

2.4 **Horsham District Local Plan (2023-40) (Regulation 19)**

Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 3: Settlement Expansion
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 10: Flooding
Policy 11: Environmental Protection
Policy 12: Air Quality
Policy 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 15: Settlement Coalescence
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Policy 23: Infrastructure Provision
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 27: Inclusive Communities, Health and Wellbeing
Policy 37: Housing Provision
Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

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

Policy M9 - Safeguarding Minerals

2.6 **Relevant Neighbourhood Plan:** West Chiltington Parish submitted their Submission draft plan to Horsham District Council on 19 November 2018. The emerging West Chiltington Neighbourhood Plan carries relatively limited weight as it is currently 'paused' because of Water Neutrality.

2.7 **Other Relevant Guidance and Policies:**

- Planning Obligations and Affordable Housing Supplementary Planning Document (2017)
- Community Infrastructure Levy (CIL) Charging Schedule (2017)

- Supplementary Planning Guidance (September 2020) - revised county parking standards and transport contributions methodology
- Air Quality and Emissions Mitigation Guidance for Sussex (2020)
- Planning Advice Note: Biodiversity and Green infrastructure (2022)
- Planning Advice Note: Facilitating Appropriate Development (2022)

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/14/2248	Outline planning application for the development of 21 dwellings (13 market and 8 affordable) with access from Smock Alley, vehicle parking, public open space (including balancing pond and 1.5 hectares of woodland), wildlife corridors, landscaping and upgrading of public footpath to village centre	Application Refused on 25.03.2015. A subsequent appeal was dismissed.
DC/15/1389	Outline planning application for up to 19 dwellings with access from Smock Alley, landscaping, parking, public open space and a new public footpath link.	Application Refused on 17.09.2015. A subsequent appeal was dismissed.

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Arboriculturist:** Comment (summarised).
Whilst there will be some impacts on trees from the creation of the access, the proposal reasonably respects the bounding hedgerow tree constraints. If minded to approve, conditions are recommended relating to the submission of details of underground services and a requirement for the tree protection measures to be in place prior to works commencing.
- 3.3 **HDC Drainage:** No objection subject to suitable drainage conditions.
- 3.4 **HDC Ecology:** No objection subject to the following conditions (summarised):
- All works to be carried out in accordance with Biodiversity Net Gain Assessment and Ecological Appraisal Addendum.
 - Submission of a copy of the mitigation licence for badgers or proof that a licence is not required.
 - Submission of a Biodiversity Construction Environment Management Plan.
 - Submission of a Biodiversity Enhancement Layout.
 - Submission of a Landscape and Ecological Management Plan.
 - Submission of a Wildlife Sensitive Lighting Design Scheme.
- 3.5 **HDC Environmental Health:** No objection subject to the following conditions (summarised):
- Submission of an Air Quality Mitigation strategy.
 - Submission of details of the treatment of the water abstracted from the borehole.
 - Submission of details of a Private Water Supply Management Plan.
 - Submission of details of sampling of the water abstracted from the borehole.
 - Submission of risk assessment compliant with regulation 6 of the Private Water Supplies (England) Regulation 2016.
 - Submission of a scheme to deal with risks associated with contamination.
 - Submission of Construction Management Plan.
- 3.6 **HDC Heritage:** Comment (summarised).
The proposal will lead to less than substantial harm at the lower end of the scale to the setting of Grade II listed Old Haglands. This harm should be weighed against the public benefits of

the proposal. It is the Senior Conservation Officer's view that the harm will not be outweighed by the public benefit where this benefit can be provided elsewhere without harm to designated assets.

- 3.7 **HDC Housing:** Comment (summarised).
The proposal is policy compliant with 35% affordable housing. Details are required regarding the tenure split.
- 3.8 **HDC Landscape Officer:** No objection (summarised)
No objection subject to a condition requiring advanced planting along the boundary of Smock Alley and the submission of a Landscape Specification.

OUTSIDE AGENCIES

- 3.9 **Natural England:** No objection.
- 3.10 **Southern Water:** Comments (summarised):
- Investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
 - Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.
 - Should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
- 3.11 **WSCC Fire Services:** Comment (summarised).
Conditions are recommended requiring details to be submitted showing locations of fire hydrants.
- 3.12 **WSCC Local Lead Flood Authority:** No objection.
- 3.13 **WSCC Highways:** No Objection
No objection subject to the following conditions (summarised):
- Provision of the access in accordance with approved details.
 - Provision of the visibility splays prior to first occupation.
 - Provision of vehicle parking and turning spaces.
 - Submission of details of cycle parking.
 - Submission of Construction Management Plan.

PUBLIC CONSULTATIONS

- 3.14 **West Chilton Parish:** Objection (summarised).
- It is noted that although the site is included in both HDC's Draft Local Plan and the West Chilton Draft Neighbourhood Plan, both are still subject to further public consultation. As such it feels that the application is premature and any approval at this time would significantly undermine an important democratic process.
 - Any future iteration of the application's proposals should include a re-siting of the water treatment plant room away from the boundary of existing neighbouring properties.
 - The parish questions the applicant's borehole solution as there is huge uncertainty about its sustainability and longevity. There is concern that, if found acceptable, this will set a precedent for further boreholes.

- The parish refer to policies in their draft plan in relation to climate change, ecology, housing types, pedestrian access and the woodland to the west of the site.

3.15 **Sussex Bat Group:** Comment (summarised).

Concern is raised regarding the surveys undertaken. It is noted that mitigation plans included consideration to lighting, however, the Bat Group would suggest that there should be a generous buffer to protect the tree-lines and woodland edges most used by the bats.

3.16 **184** objections from **101 addresses** have been received for this proposal, including one letter of objection from the Campaign to Protect Rural England. The grounds of objections are summarised as follows:

- Concern is raised that the reinstatement of the pumping station at Smock Alley to help the water shortages at Hardham pumping station will affect any proposed use of a borehole as a viable for the water supply of 14 proposed houses on the application site. The drilling of the borehole has caused noise disturbance.
- Concern is raised to the proposed water treatment plant and borehole. These features will have a negative visual impact and will impact on residential amenity. Concern is raised regarding the management of the water treatment and borehole.
- Lack of infrastructure.
- Increase in pollution.
- This approval will set an unwanted precedent.
- Impact on wildlife. The proposal to relocate protected wildlife is unacceptable. The adjoining woodland is a priority habitat. The surveys undertaken are out of date.
- Impact on 'strategic gap'.
- The proposal will impact negatively on the street scene. The visibility splay will remove a large area of vegetation and lose any screening effect to the proposed housing estate. The design of the houses is imposing.
- The proposal results in harm to the nearby listed building.
- Concern is raised over the management of the SUDs on site.
- The proposal should be carbon neutral.
- The biodiversity credentials of the site are challenged.
- Impact on pedestrians and cyclists.
- The proposal needs to include larger buffer zones.
- The affordable housing is insufficient.
- The inclusion of this site in the draft neighbourhood plan is questioned.
- General impact on local residents. The houses will be overbearing on adjacent residents and will result in a loss of privacy and noise disturbance. The site has a large steep slope rising up 11 meters to the west by the protected woodland, any development of this site will cause overbearing harm on Lavender Cottage and the surrounding houses. This was cited by the Planning Inspector previously on the dismissed appeals.
- No footpaths have been provided on site or connection to the school (over 1.5 miles away) and local shops and very restricted public transport 1 mile away. Any access would be on unlit roads without footpaths – how is this a sustainable development?
- Parking is insufficient for the development.
- The proposal will lead to light pollution.
- The proposal includes a number of inaccuracies. The claim that the scheme cannot be seen from adjacent rights of way is inaccurate.
- Increased traffic impact. The submitted highway details is misleading and inaccurate. The roads here are narrow with no verges. Additional traffic would be dangerous.
- A nearby resident has submitted their own traffic survey of the area. This shows that the volume of traffic is excessive and damaging for such small lanes.
- Permission has been turned down twice for the development of this site at appeal.
- The proposal is unacceptable in principle being outside the Built Up Area Boundary and contrary to the Council's spatial strategy.

- Lack of adequate drainage for the proposal. There is concern regarding flooding on nearby roads.
- Loss of greenspace. This development should be to a brownfield area.
- Now that the government has changed its approach to building in the countryside with its Levelling-Up and Regeneration Bill, which stresses the importance of building on Brownfield sites, it is hoped that HDC will be in favour of protecting this site.
- Overdevelopment of the area.
- Loss of trees and general landscape impact.

3.17 **Campaign to Protect Rural England:** Objections (summarised):

- Notwithstanding the absence of a 5-year land supply, including for affordable housing, the harm given to this proposal would significantly and demonstrably outweigh the benefits and there were no material considerations sufficient to justify a decision otherwise.
- The Local Plan Review and the draft West Chiltonington Neighbourhood Plan are yet to be made and yet form policy.
- The current proposal is contrary to the Council's strategic plan and policies within the HDPF.
- The applicant's Ecological Appraisal does not take in to account the impact of recreational usage on the proposed natural areas/wildlife buffers/wildlife areas, and neither does the applicant's Biodiversity Net Gain Assessment.
- The proposal would result in an urbanising impact.

3.18 **2** letters of support have been received on the grounds that this would make an ideal site for housing.

3.19 **Andrew Griffiths MP** has commented as follows (summarised):

- The site is reportedly of significant ecological value with protected bat species, dormice etc. The application must be considered in light of an up-to-date ecology survey.
- The roads here are narrow adjacent to the site. There are limited passing places with no verges or footways. Surveys should be undertaken.
- The delivery of borehole to supply potable water cannot be determined with certainty as any property can request to be connected to the mains.

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

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

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

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

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

6. PLANNING ASSESSMENTS

6.1 The key issues for consideration in the determination of this application are as follows:

- The Principle of Development
- Impact on the Character and Appearance of the Surrounding area
- Impact on Heritage Assets
- Impact Upon the Amenities of Nearby and Future residents
- Housing Mix & Affordable Housing Provision
- Highway Impacts
- Ecology
- Water Neutrality
- Climate Change
- Drainage, Land Contamination, Air Quality and Minerals Safeguarding
- Planning Balance and Conclusion

Background:

6.2 It's important to note that there have been two previous applications relating to this site, both of which were refused and dismissed at appeal (DC/14/2248 & DC/15/1389). The two applications are outlined below. These decisions are material considerations in the determination of the current proposal.

DC/14/2248:

6.3 This application proposed outline permission for 21 dwellings with access from Smock Alley. The application site for this proposal related to the lower field only at Smock Alley. The current proposal includes both fields facing Smock Alley. The application was refused on the 23rd March 2015 for the following reasons (summarised):

1. The site by reason of its location, limited accessibility to sustainable modes of transport, distance to local services and reliance on the private car is considered to be unsustainable and does not therefore accord with the presumption in favour of sustainable development.
2. The site is currently an agricultural field forming a steep slope and is bounded to the west by an area of woodland subject to a TPO Order. Given the site characteristics the development is considered to isolate the woodland area to the west and result in a prominent form of development which would result in significant landscape harm.
3. Lack of legal agreement to secure the affordable housing units.

6.4 The subsequent appeal of the above refusal was dismissed by the Planning Inspector in December 2015, on the following grounds:

- *'While the appeal proposal does not conflict with the spatial strategy of the HDPF as a matter of principle, on the fundamental issues of design, landscape character and effect on living conditions, the layout proposed does conflict with the relevant HDPF policies. Since the delivery of the spatial strategy requires compliance with other policies setting out detailed requirements to be met by all development the proposal therefore conflicts with the development plan as a whole. I do not consider that this conflict would be outweighed by any shortfall in the five year housing land supply particularly as Framework paragraph 56 states that good design is a key aspect of sustainable development and is indivisible from good planning.'*

DC/15/1389:

6.5 This application proposed outline permission for 19 dwellings with access from Smock Alley. Again, the proposal was to the lower field only. The layout of this proposal was similar to

that of DC/14/2248. The application was refused on the 17th September 2015 for the following reasons (summarised):

1. The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the emerging Horsham District Planning Framework, or an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the emerging Horsham District Planning Framework.
2. The proposed development would, by virtue of its location, have limited accessibility to sustainable modes of transport and access to local services, and residents would have a reliance upon the private car. The proposal is therefore considered to be unsustainable development that would not accord with the requirements of the National Planning Policy Framework or the presumption in favour of sustainable development.
3. The site is currently an open field and forms a steep slope leading up to an area of woodland adjacent to the western boundary, which is subject to a Tree Preservation Order. The characteristics of the site are such that it is considered that the proposed development would isolate the woodland area to the west and create a prominent form of development which would result in significant landscape harm.
4. Lack of legal agreement to secure the affordable housing units and infrastructure improvements.

6.6 The subsequent appeal of the above refusal was dismissed by the Planning Inspector in November 2016, on the following grounds:

'Paragraph 12 of the Framework makes it clear that the Framework does not change the statutory status of the Development Plan and advises that proposed development that conflicts with an up-to-date plan should be refused unless other material considerations indicate otherwise. Proposals are not sustainable development if they conflict with an up to date plan and there are no material considerations of sufficient weight, including the positive benefits of the scheme, to indicate the decision should be otherwise. I have identified that the scheme would conflict with the spatial strategy in the HDPF and would conflict with policies 2, 3, 4 25 and 26. The Development Plan is up-to-date and addresses the issues at the heart of this proposal. The conflict with the plan is therefore of significant weight and would result in development that would have a significant adverse environmental impact. On this basis the proposal would not be sustainable development and should not be supported.'

Principle of the Development:

- 6.7 The site is located outside of the defined built-up area boundary (BUAB) of West Chiltington Common, and does not form part of Horsham's adopted development plan comprising the Horsham District Planning Framework (HDPF), or a 'made' Neighbourhood Development Plan. As a result, residential development here would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Policy 4 'Settlement Expansion', and as such, in strict policy terms is not acceptable. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location.
- 6.8 Notwithstanding the above, the application site has been selected by West Chiltington Parish Council as a draft allocation in the forthcoming West Chiltington Neighbourhood Plan (2021-2031). The draft policy H2 allocates this site for 14 units (Policy H2, Site 2) with the policy criteria for the development of the site including the provision of 6 bungalows, 3 affordable dwellings, dwellings no more than 2 storeys high and adequate parking. Although included as an allocated site, this area is part of the 'Settlement Separation Zone' referred to in Policy H1 of the draft neighbourhood plan, which states that development proposals are supported

where they *'do not diminish the Settlement Separation Zone / Local Gap visually, perceptually or physically between West Chiltington Common and West Chiltington Old Village.'*

- 6.9 The current iteration of the West Chiltington Neighbourhood Plan has though only been through a Regulation 14 consultation and is therefore at an early state of preparation. The plan is currently on hold and cannot proceed to the next round of consultation and submission due to the wider issue of water neutrality within the district. The policies within the draft plan can therefore only carry very limited weight at this stage. With regards to the separation zone policy, this is at odds with the allocation of the Smock Alley site for development. However, it is important to note that the plan itself concedes the separation zone may be altered (page 55). In addition, the current plan is in draft and, if HDC were to recommend going forward with the plan, it's likely that amendments would be recommended including excluding this site from the separation zone designation altogether. Accordingly, given this discrepancy and the current status of the neighbourhood plan, both policies H1 and H2 cannot be given any appreciable weight at this stage.
- 6.10 The HDPF is now over 5 years old and a new local plan (the Horsham District local Plan (HDLP)) has been prepared and has recently progressed through Regulation 19 consultation stage. All representations received will be submitted to the Planning Inspectorate together with the Local Plan for independent examination later in the year. Submission is expected to take place in June this year (2024).
- 6.11 The HDLP sets out the emerging development strategy for the district to deliver housing and wider development needs in the period 2023 to 2040. This includes a continuation of the current settlement strategy which focuses growth within existing built-up area boundaries, with planned strategic extensions to settlements. This application site at Smock Alley is included as an allocation within the HDLP under Policy HA21.
- 6.12 Policy HA21 West Chiltington and West Chiltington Common Housing Allocations allocates this site for 15 homes. The policy (WCH2) states that development will be supported where proposals;
- a) Are designed to be sympathetic to the character of the area;
 - b) Take into account, through appropriate design and siting, the impact on trees protected by Tree Preservation Orders in the adjacent Haglands Copse.
- 6.13 In terms of the weight attributed to the HDLP, paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan. The more advanced its preparation, the greater the weight that may be given. The Regulation 19 consultation period for the HDLP has now ended and the Council's Strategic Planning team (at the time of writing this report) are in the process of collating all the responses ahead of formal submission to the Planning Inspectorate in the summer. As the plan has yet to be submitted for examination the weight to be applied to Policy HA21 is low to moderate only. Once the plan is submitted to the Inspector and is undergoing examination, it can be attributed moderate to substantial weight.
- 6.14 In January 2024, the Council published the latest Authority Monitoring Report (AMR) which revealed that the Council currently has a housing land supply of 2.9 years against current targets. In light of this, it is acknowledged that the Council is unable to demonstrate a full 5-year housing land supply, and it is recognised that this forms a material consideration in decision making which may trigger the application of the 'tilted balance' at Paragraph 11d of the NPPF, which presumes in favour of sustainable development. In accordance with Paragraph 11d, the Council is required to grant permission unless either (or both) of the following limbs apply:

- (i) the application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 6.15 According to Footnote 7 of the NPPF, the areas referred to in limb (i) above include habitat sites, and those listed in NPPF para 187 (including SSSIs, Green Belt, AONBs and National Parks). A determination on whether the tilted balance is engaged or not is dependent on whether the proposal is able to protect the areas of importance listed in Footnote 7.
- 6.16 In light of Natural England's requirement for all development in the Sussex North Water Supply Zone to demonstrate that it is 'water neutral' in order to protect the habitat sites within the Arun Valley designations, the Council (as the decision maker) is required to determine whether water neutrality has been demonstrated. If the proposal is unable to demonstrate water neutrality through mitigation (as tested by Appropriate Assessment), then the tilted balance of paragraph 11d is not engaged, and in accordance with limb (i) and paragraph 186(a) of the NPPF the application should be refused.
- 6.17 In this scenario, the presumption in favour of sustainable development would not apply and the remaining matters should be determined by the Council on a 'flat' basis. If the proposal can successfully demonstrate that it can operate without increasing water demand on the Sussex North Water Supply Zone, then the proposal will accord with limb (i), and the tilted balance is then engaged and must be applied in the determination of the remaining matters. An assessment of this application in light of Natural England's requirements for water neutrality is provided towards the end of this report.
- 6.18 Given the Council's inability to demonstrate a 5-year supply of deliverable housing sites and in recognition of the key objective of Government policy to significantly boost the supply of homes, the Council has adopted a Facilitating Appropriate Development (FAD, Oct 2022) document. This forms a material planning consideration in decision making. The advice contained in the FAD is guidance only and does not form policy and does not alter the statutory decision-making framework.
- 6.19 The FAD sets out the weight that can be given to current and emerging local policy and has been produced to enable the Council to act proactively to continue to deliver housing in a sustainable manner. For development proposals located outside the defined BUAB, the FAD (at paragraph 5.7) echoes the requirements of HDPF Policy 4 and states that applications will be considered positively provided that all of the following criteria are met:
- The site adjoins a BUAB
 - The level of expansion is appropriate to the related settlement
 - The proposal meets local housing needs
 - The impact does not prejudice long term development
 - The development is within an existing defensible boundary
- This proposal would meet all the criteria of the FAD.
- 6.20 Given the site is located outside the defined BUAB and is not allocated for development in the adopted development plan (the HDPF or a made Neighbourhood Plan), the principle of the development is contrary to Policies 1, 2, 3, 4, and 26 of the HDPF. The site is though a draft allocation within the emerging West Chilmington Local Plan and is an allocation within the Regulation 19 HDPL, however as emerging plans these allocations do not carry full weight in decision making at this stage. It is though recognised by Officers that in the context of the Council's 5-year housing supply position the benefits that would arise from the delivery of extra housing carry positive weight in the determination of the proposal. In order to come to a considered conclusion, it is necessary to therefore balance the benefits of the proposed development against this policy context and any other policy compliance, conflict and harm. The following sections of this report consider all other detailed planning considerations, with the final section considering the overall planning balance.

Impact on the Character and Appearance of the Surrounding area

- 6.21 Policy 33 of the HDPF states that in order to conserve and enhance the natural and built environment, developments shall be required to ensure that the scale and massing of development relates sympathetically within the built surroundings, landscape, open spaces and routes within the adjoining site.
- 6.22 Policy 25 of the HDPF seeks to preserve, conserve and enhance the landscape and townscape character of the district, taking into account individual settlement characteristics, and maintaining settlement separation. Policy 26 states that, outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Policy 32 requires development to complement locally distinctive characters and to contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings.
- 6.23 Under the previous appeals for this site, respective applications for 19 (DC/15/1389) and 21 (DC/14/2248) dwellings were both refused partly on the grounds of landscape and visual impact. Of particular note with the previous appeals is that these applications were to the lower field at Smock Alley only. The current application spreads out the proposed development for 14 dwellings over the two fields located at the site.
- 6.24 Under DC/14/2248, the Inspector noted that *'the settlement of West Chiltington is in two parts. What local residents described as the historic core lies to the north on higher ground. The school is there. To the south and almost wholly separated by open land is the much larger West Chiltington Common. The appeal site lies at the eastern edge of this part of the settlement and would become part of the triangular residential area enclosed by Haglands Lane to the north, Smock Alley to the east and Lordings Lane to the south and west. The latter is a private road along which runs a public right of way.'* Although dating back nearly 10 years, the above description is still accurate.
- 6.25 The Inspector goes on to states that *'the appeal site is a field that rises to the west from Smock Alley by about 10 to 11m. At the top of the slope but outside the application site is an area of woodland subject to a Tree Preservation Order. Although lying to the south of Haglands Lane the narrow nature of that Lane combined with the woodland at the top of the slope means that, in my judgement, the appeal site reads as part of the open countryside that separates the two parts of the settlement and which HDPF policy 25 seeks to maintain. Although of little intrinsic landscape value in itself, it is the contribution towards this settlement separation that is the most important landscape characteristic of the appeal site.'*
- 6.26 As outlined in the appeal, the proposal to the lower field would extend the residential development of the village into this undeveloped area with a modest urban estate and would have some eroding effect on this important contribution to the landscape character. The Inspector stated that the determinative for this issue therefore is the extent to which the layout responds to local character and history, and reflects the identity of local surroundings. The Inspector concluded that the constrained nature of the proposal to the lower field, with limited opportunity for planting, would be at odds with the character of this part of the settlement.
- 6.27 Under DC/15/1389, the proposed layout was similar to that proposed under the previous appeal with a reduction to a proposal for 19 dwellings. The Inspector also refused this appeal on design grounds stating that the *'proposed development would result in material harm to the character and appearance of the area, in particular having regard to the individual settlement characteristics, including the separation of the two built-up areas of West Chiltington.'*
- 6.28 For the current proposal, as stated, the scheme now includes both the lower and upper fields at Smock Alley. The two fields are divided by an existing hedge to be retained on site. The

access to the site is proposed from Smock Alley in a central position allowing access to both fields. To the lower field, 8 dwellings are proposed. These are divided into three detached dwellings (two bungalows and a two storey dwelling), a two storey pair of semi-detached houses and a row of three houses (also two storey). The three detached houses each include their own detached garage and parking area. The southern field would also include the location of the proposed water treatment plant. The water treatment plant is a small pitched roof building up to 4.1m high, 6.5m long and 3.2m wide. The treatment plant is surrounded by proposed landscaping and fencing. Adjacent to the treatment plant and located to the south eastern corner of the site, a retention pond is proposed.

- 6.29 To the northern field, 6 detached dwellings are proposed. These are divided into 2 bungalows, located to the plots to the northern west corner of the site, and four two-storey dwellings. Each of these dwellings would include its own detached garage and parking area. All of the houses are shown in a traditional design or varying designs, all with pitched roofs. Some of the two storey houses include half dormers, quoin details and full length side chimney stacks. The bungalows are also shown with quoin details, large chimney stacks and small pitched roofed dormer windows to allow accommodation in the roof space. The submitted plans show a variety of materials including brick, tile hung, plain tile roofing and whitewash.
- 6.30 For the current proposal, the Council's Landscape Architect has commented that the application site is predominately rural and can be read as part of the open countryside it sits in. The Landscape Architect has stated that whilst there is landscape harm from the proposal, the scheme's layout is considered to *'largely respond to the local character and being reflective of the surrounding urban fabric. Most of the existing landscape features are proposed to be retained and have the potential to be enhanced. This together with other mitigation measures, could result in acceptable harm to the receiving landscape.'*
- 6.31 The above comments were subject to conditions and the applicant addressing the following:
- More information required on the existing and proposed levels. This concern was subsequently addressed with site survey and proposed finished floor level plans. The proposed plan demonstrated that there is enough distance between the plots to accommodate the level changes without needing development platforms with retaining walls or other less engineered interventions.
 - The submitted Tree Survey and Arboricultural Report indicated the loss of Goat Willows, no: 49 C1 and 50 C1, both located at the top of the site near plot 6 & 7 as shown on the tree protection plan. These trees are however still showing in the landscape proposals plan as being retained. It was subsequently clarified that these trees are to be retained.
 - Clarification was also sought on the removal of hedgerow and trees to allow the access. As amended, the Landscape Architect commented that the further details received were acceptable subject to a condition requiring details of the planting along the boundary of Smock Alley.
 - Concern was raised regarding the central hedgerow comprising mostly of blackthorn and Hawthorn. This can be of concern to future residents, particularly those with younger children near the open space and therefore measures to avoid this becoming an issue must be integrated with the design from the outset. Amended plans were subsequently submitted showing fencing and knee rail fencing with posts to screen the hedgerow.
 - Concern was raised regarding the original 1.8 high timber fence all around the development. This was subsequently amended to more appropriate green chainlink boarded fencing. As amended, close boarded fencing was also removed from abutting the public realm.
 - Larger tree specimens were recommended to be shown in the Landscape Plan. As amended, the Landscape Plan indicates trees with girths of 18-20cm. This is considered acceptable.

- 6.32 For tree removal, the scheme largely retains the existing tree and boundary hedgerow around the site. The proposal includes the removal of 7 trees to facilitate the development. This includes one category B oak tree to allow the main vehicular access. The proposal does not affect the adjacent wooded area protected by a Tree Preservation Order. The remaining trees to be removed are of low and poor quality. The Council's Arboricultural Officer has raised no objections to the proposal subject to a condition regarding tree protection measures.
- 6.33 Overall, taking into account the comments of the Landscape Architect, the landscape impact of this proposal is considered appropriate. It can also be argued that the current layout is materially different to those dismissed under the two previous appeals. Under the previous appeals, the proposals for 19 and 21 dwellings were limited to the lower southern field only. This resulted in a more constrained layout which the Inspectors considered out of character with the surrounding area. In contrast, the current proposal includes only 8 dwellings in the lower field resulting in a more spacious and less intensive use of the site that is more commensurate to the character of the adjacent development in West Chiltington Common.
- 6.34 The surrounding area is predominately comprised of large dwellings set within spacious curtilages and a verdant setting, which the current proposals would echo. The current scheme utilises both the southern and northern fields mostly retaining the existing boundary treatment around the site. The houses are well spaced out within the site and set well away from the boundaries. The design of the houses is also appropriate matching the character of the houses in the surrounding area. Buffer zones are included all around the proposal. These areas will be retained as grassed areas. Additional landscaping is also proposed. As such, the current layout is considered to have much more of a rural feel to it and is much less 'urban' and constrained when compared to the previous appeal schemes. The proposal is therefore considered to be in accordance with Policies 25, 26, 33 and 36 of the Horsham District Local Plan (2015) in the context of design and landscape impact.
- 6.35 With the introduction of the northern field, it is accepted that the proposal would result in reducing the separation between West Chiltington and West Chiltington Common. The weight attached to this impact is addressed in the Planning Balance below.

Impact on Heritage Assets:

- 6.36 Policy 34 of the HDPF relates to Cultural and Heritage Assets and states that applications should make a positive contribution to the character and distinctiveness of the area, and ensure that development in conservation areas is consistent with special character of the area. Section 66 of the Listed Buildings Act and paragraph 205 of the NPPF (2023) also stress the importance and great weight attributed to the desirability of preserving listed buildings or their settings.
- 6.37 The closest designated heritage asset to the site is the Grade II listed post-medieval former farmhouse at 'Old Haglands'. This is located more than a hundred metres north west of the site and is separated from the site by a number of well vegetated boundaries and woodland west of the site. Given this separation, the submitted Heritage Statement concludes that the proposed development of the site would not cause any harm to the significance of Old Haglands, nor any appreciation of that significance.
- 6.38 The Council's Conservation Officer has commented that the proposed development will further suburbanise the setting of the non-designated and the designated heritage asset which would lead to less than substantial harm at the lower end of the scale. This harm should be weighed against the public benefits of the proposal as described in paragraphs 208 & 209 of the NPPF. The weight attached to the harm attributed to the impact on the setting of the listed is addressed in the Planning Balance section below.

Impact upon the Amenities of Nearby and Future residents

- 6.39 Policy 33 of the HDPF requires that development is designed to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land. It is considered that the site is located a sufficient distance from adjacent residential properties to avoid harming the residential amenity of any existing occupiers, in terms of loss of light, outlook or privacy.
- 6.40 This proposal would most affect the properties directly to the south of the site and the property at Little Haglands, adjacent to the north west corner of the site. The existing residential properties to the west are separated from the site by the retained woodland, whilst the properties to the east are separated from the site by the existing road and retained boundary hedging. It is though acknowledged that there would be some impacts on these properties in terms of the proposed access and associated increase in traffic, however this is not considered so significant as to warrant the refusal of permission. There would also be impacts on the surrounding properties in terms of construction traffic however this is unavoidable but would be for a temporary period only. A condition is recommended requiring the submission of a construction management plan which would outline details to mitigate the impact of construction works as far as possible.
- 6.41 Under the previous appeal decision for 21 dwellings to the southern field (DC/14/2248), the Inspector identified that the layout would result in harm to the amenities of Lavender Cottage and Plot 1 by way of loss of privacy. Lavender Cottage sits to the south of the site close to the southern boundary. No other amenity impacts were identified as being of concern.
- 6.42 Under the current scheme, the proposed site layout has significantly increased the separation of the proposed dwellings from Lavender Cottage such that no property now sits in close proximity. The proposal includes a substantial grassed buffer and a pond to the south east corner of the site, and Lavender Cottage would look out over this buffer and pond. Whilst the dwellings would be visible from the side windows of Lavender Cottage, the proposed dwellings are set a significant distance so that there would be no loss of amenity to either Lavender Cottage or the future occupiers of the new dwellings. This takes into account the differences in land levels between the application site and Lavender Cottage. With the proposed dwellings set back from the boundaries of the site separated from adjacent properties by buffers and retained boundaries, the proposal is also considered acceptable in terms of its impact on all other adjacent properties around the site.
- 6.43 The borehole is located to the north east boundary of the site with a water treatment plant to the southern section. The treatment plant is a single-storey brick structure situated beyond the 10 wide buffer from the southern boundary with Lavender Cottage. With this set back, the treatment plant building would not significantly affect the amenity of Lavender Cottage in visual terms. In terms of potential noise disturbance from the pumping and treatment mechanism, the Council's Environmental Health officer has commented that the background noise levels from the plant would be low. Nevertheless, given the proximity of the plant room to adjacent properties, a condition is recommended requiring the submission of an acoustic impact assessment, including any required attenuation measures, to ensure that the noise impact of the plant is acceptable. Subject to this condition, the proposal is considered in accordance with the above policies.

Housing Mix & Affordable Housing Provision

- 6.44 HDPF Policy 16 requires a mix of housing sizes, types and tenures to meet the needs of the district and local communities and of the number of dwellings as proposed, that 35% of the provision be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure.
- 6.45 The HDLP includes an amended Affordable Housing Policy (Policy 39) which requires, amongst other things, a provision of 45% affordable housing on greenfield sites. As previously stated, given the current emerging status of the HDLP, Policy 39 is given low -

moderate weight at this time. As such, at the current time officers consider the requirement for affordable housing to remain at 35% as stated in the HDPF 2015.

- 6.46 This proposal includes 5 affordable units out of the 14 units proposed. This equates to a provision of 35%. No details have been provided about the tenure split of the affordable houses however the expectation would be a 70/30 split of affordable rented and shared ownership properties respectively. The Council's Housing Officer has commented that due to the small number of properties, even a 50/50 split would possibly present problems for Registered Providers. Housing Officers have stated they would be happy to discuss potential options regarding the split with the applicant, with the final split to be agreed under an obligation set out in a legal agreement to secure the affordable units. With the provision of 35% affordable housing and the tenure split to be agreed, the scheme is in accordance with Policy 16.
- 6.47 In terms of market housing, the proposal would provide 2 x four bedroom units, 5 x three bedroom units and 2 x two bedroom units. This is considered appropriate given the provision of smaller three and two bedroom units, in accordance with the Council's Strategic Housing Market Assessment (2019).

Highway impacts

- 6.48 Policy 40 of the HDPF states that development will be supported if it is appropriate and in scale to the existing transport infrastructure, including public transport; is integrated with the wider network of routes, including public rights of way and cycle paths, and includes opportunities for sustainable transport. Policy 41 of the HDPF states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users.
- 6.49 The current scheme proposes a new access to serve the development from Smock Alley. This is in a central position opposite the dwellings at Oak Tree House and The Oaks. Under the previous appeals for development of the lower field, a proposed access was also shown from Smock Alley, albeit this access (for both appeal schemes) was indicated opposite the Oaks, slightly further south onto Smock Alley, when compared to the current proposal.
- 6.50 It should be noted that under the previous appeal decision, the Inspectors did not raise any concerns regarding the access onto Smock Alley or on any highway capacity, safety or sustainable access grounds. Under DC/15/1389, neither highway impact nor the sustainability of the site for pedestrians was directly addressed by the inspector. Under DC/14/2248, the Inspector commented that '*subject to a condition securing the provision of the required visibility splays, the Highway Authority raises no objection. I saw that only a limited amount of lower level vegetation would need to be removed to achieve the necessary visibility and have no reason to disagree with the Council on this aspect.*'
- 6.51 With regard to access to facilities, the Inspector commented that it took about 10 minutes to walk to the village centre along narrow roads with limited footways. The Inspector considered it unlikely that a child would be walked to school from the Smock Alley site. Whilst this was not considered ideal, the Inspector considered a reason for refusal untenable on these grounds. For the current proposal, lesser houses are proposed when compared to the previous appeal schemes. As such, the highway impact is considered less than the previous appeal schemes.
- 6.52 To support the current application, a Transport Statement has been submitted. The Statement outlines that the access road has been designed with 6 metre kerb radii and 6 metre wide carriageway for the first 10 metres. Thereafter the access road narrows to 3.25 metres at various location throughout the site. A number of passing places including private drives are situated throughout the site to allow two cars appropriate space to pass if required. The Statement goes on to state that Smock Alley is subject to a 30 miles per hour speed limit. To ascertain the required visibility splays an automatic traffic counter (ATC) was placed

along Smock Alley, within the vicinity of the proposed access location. The ATCs were placed between the 2nd July 2021 and 8th July 2021.

- 6.53 WSCC Highways have commented that TRICS (trip generation) data has been provided to give an indication of related vehicle movements on the highway network. WSCC have commented that the levels indicated would not give rise to a level that would cause a highway safety impact or safety concern on the local highway network. In addition, no concerns are raised with regards to the access arrangements and visibility splays.
- 6.54 The proposal would provide 30 standard parking spaces and 7 double garages. The parking details are in line with the WSCC parking guidance and there is not expected to be any overspill parking on the highway due to the provision being proposed. Cycle parking is to be provided in the garages or gardens of the dwellings.
- 6.55 In terms of sustainable access, WSCC have commented that *'whilst there are several local services available to future residents and options to travel sustainably there are no footways to allow direct access, and walking/cycling would have to take place on the local roads to access these or via Public Right of Ways (PROW's). There are options available although it is suspected that there will be a heavier reliance on the private motor vehicle give the sites location and context of the area.'*
- 6.56 It is acknowledged that the houses proposed would be reliant on private motor cars given the location of this site. However, having regard to the appeal decisions for the development of the site for a larger amount of housing and the comments on sustainable access, a refusal in these grounds is not considered warranted.
- 6.57 As originally submitted, WSCC requested an updated Road Safety Audit. This was subsequently submitted and considered appropriate by WSCC. As such, WSCC have commented that, subject to conditions, the proposal is acceptable in terms of its highway impact in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).
- 6.58 During the process of the application, an independent traffic survey was submitted by a nearby resident. WSCC assessed the survey and its findings. They commented that the Highway Authority acknowledge and understand the local concerns being raised about the rural nature of the roads being referred to, and concerns regarding increasing traffic levels on these types of roads are a regular occurrence, as is the case for many others across the West Sussex County. However, WSCC are satisfied that the application has demonstrated that the highway impact of the proposal is acceptable and the evidence submitted to them does not alter this assessment.

Ecology

- 6.59 Policy 31 of the HDPF (2015) 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.
- 6.60 The current application was submitted in September 2021 and has been delayed due to issues with water neutrality. In accordance with guidance, the applicant has submitted up to date ecology surveys (submitted August 2023). It should be noted that no ecology concerns were raised to the two previous appeal decisions relating to the lower field.
- 6.61 The updated ecology reports include a Biodiversity Net Gain Assessment (with Defra Metric 3.1 Spreadsheet) and an Ecological Appraisal. These cover the likely impacts of development on protected & priority species and habitats, and the identification of proportionate mitigation. It should be noted that there is no legal requirement for this

proposal to provide 10% BNG, as it was submitted prior to February 2024. The Council's ecologists note the site lies 7.9km from The Mens Special Area of Conservation (SAC) (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and therefore falls within the 12 km Wider Conservation Area for the SAC. The qualifying feature for the SAC is Barbastelle bats, but this species was not recorded during the bat activity surveys (Ecological Appraisal Addendum (LUC, August 2023)) and there are no records for this species within 2km of the site. Common and Soprano Pipistrelle bats, Noctule, Leisler's, Serotine, Myotis sp. and Brown Long-eared bats were recorded during the bat activity surveys.

- 6.62 The Ecologist notes that trees are to be removed during the development. However, 39 native and non-native trees will be planted within the development as mitigation for the loss of these trees and all of the hedgerows within the site, including the central hedgerow, and the scrub and broadleaved woodland edge with mature trees, will be retained. As Barbastelle bats may use the onsite habitat, the Ecologist supports the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Appraisal Addendum (LUC, August 2023) to avoid impacts from light disturbance. This can be secured by a recommended condition. Therefore, with mitigation, there will be no adverse effect on the integrity of the SAC. As such, in line with Habitat Regulations, an Appropriate Assessment on the impacts on bats has been produced. Natural England have been consulted on the assessment and raised no objections.
- 6.63 The proposal would require the relocation of a badger sett on site. The badger sett would be relocated nearby. In accordance with government guidance, the exact location of the badger sett and the area for its relocation cannot be stated in this report, in order to protect the badgers from persecution. The Council's Ecologist has not raised any concerns to the relocation and commented that a Badger mitigation licence will be required for this application.
- 6.64 The Ecologist is also supportive of the implementation of the Reptile Method Statement and is satisfied that the reports and mitigation proposed provides certainty for the Local Planning Authority regarding the likely impacts on protected species. The 29.71% increase in habitat units and the 21.80% increase in hedgerow units set out in the Biodiversity Net Gain Assessment (LUC, August 2023) is also welcomed. The proposed habitats, including the enhancement of modified grassland, planting of meadow seed mixes, urban trees, broadleaved woodland, scrub and a SuDS feature should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity.
- 6.65 Overall, subject to conditions, no objection is raised to this proposal in terms of its ecological impact and the proposal is in accordance with Policy 31 of the HDPF.

Water Neutrality

- 6.66 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 6.67 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such

sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site. Regulation 70(3) requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habitats site. Regulation 63 sets out the process by which an HRA must take place.

- 6.68 The requirements of Regulations 63(5) and 70(3) are reflected in paragraph 186 of the NPPF, which states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 6.69 The site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are currently material planning considerations relevant to any future planning proposal on this site. Given the requirements of the Habitat Regulations and paragraph 186 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making. In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone that is likely to increase water consumption (such as housing) must demonstrate water neutrality. Until a wider strategy is developed to address this issue, all developments must demonstrate that they will be water neutral in their own rights. In order to demonstrate this, a Water Neutrality Statement must be submitted which sets out the strategy for achieving water neutrality within the development. This would then be considered through Appropriate Assessment (in consultation with Natural England) to consider whether the mitigations proposed will ascertain that adverse effects will be avoided.
- 6.70 As there are no existing uses on the land, the baseline for water usage for this development is nil. Based on the proposed occupancy levels of the proposed 14 houses and the standard Building Regulations water consumption figure of 125 litres per person per day, without mitigation, the total proposed water usage is calculated as 4,357.5 litres per day.
- 6.71 To minimise the water use of the development, water efficient fixtures and fittings will be incorporated. A water calculation in accordance with Building Regulations Part G has been carried out and confirms that the proposed development will achieve a water consumption rate of 110 litres per person per day, which includes an allowance of 5 litres per person per day for external water usage. A copy of the Part G calculation can be found with the submitted Water Neutrality Statement.
- 6.72 Using the Part G water consumption figure of 110 litres per person per day and a population size of 34.86, it is estimated that the total water usage per day for the proposed development would be reduced to 3,834.6 litres per day (34.86 x 110). Therefore, following incorporation of water efficient fixtures and fittings the total water demand of the proposal will be 3,834.6 litres per day.
- 6.73 To offset the remaining water demand required for this proposal, the applicant is proposing a borehole which would extract up to 20,000 litres per day. This is from the underlying Hythe Formation aquifer. This has been designed to draw the water supply from a source which is not connected to the Sussex North water supply zone.

Water Source

- 6.74 To support this proposal, the applicant has submitted evidence in the form of a Borehole Feasibility Assessment. The Assessment identifies that the borehole will target the Hythe Formation aquifer (Nb The Sussex North WRZ obtains its water from Folkestone Formation aquifer via boreholes some 5.7 km west of the site).

- 6.75 Given the relative proximity of the site to the Hardham abstraction points, officers have queried whether the Hythe Formation aquifer is separate from the Folkestone Formation aquifer. The applicants have responded that there are no field investigation methods that can be undertaken on-site that could be used to verify or refute the assertion that the Marehill Clay (or the Sandgate Formation as a whole) is locally an aquitard that acts to prevent connectivity.
- 6.76 Notwithstanding the above, the applicant has evidenced further how the yield will be from the Hythe Beds aquifer and not likely impact on the Folkstone Formation which serves Hardham. This evidence is based on qualitative differences in hydraulic resistance of three pathways between the potential sources of water and the borehole. This evidence shows the Smock Alley Waterworks borehole was artesian when drilled (i.e. naturally high pressured), which strongly indicates that the source of water was the Hythe Formation, as the alternative routes, which include movement of water from the Folkstone Formation (the Hardham aquifer) through the Marehill Clay and Pulborough Sandrock beds (which sit between the Folkstone and Hythe Formations) would not have generated an artesian head and could not have maintained such a high flow rate for any period of time. Based on this information officers are satisfied that there is little likelihood of there being an appreciable link between the Hythe Formation which the borehole targets and the Folkstone Formation which serves Hardham.

Headroom Yield:

- 6.77 To address whether the borehole can provide enough yield for the lifetime of this proposed development, a memo has been submitted from Stephen Buss Consulting Ltd. The memo states:

'There is no reasonable doubt that a borehole drilled to the recommended depth (see below), and completed correctly, will be able to yield in excess of 20 m³/day. The Hythe Formation is a good aquifer, that can locally maintain a public water supply abstraction of about 3000 m³/day.'

- 6.78 Southern Water's Smock Alley pumping station is located nearby for which there is a borehole log. This also utilises the Hythe Beds. Southern Water's Water Resources Management Plan retains the Smock Alley pumping station as a source capable of providing up to 3320 m³/day. This corroborates the applicant's evidence of their being sufficient long term yield to cater for their development. The applicant has therefore suitably evidenced that the proposed borehole will be able to provide sufficient yield for the lifetime of the development.

Conflict with Southern Water Borehole:

- 6.79 As stated, the proposed borehole will utilise the same part of the Hythe Formation aquifer used by Southern Water nearby on Smock Alley. The Southern Water borehole is not currently in use but it is understood that Southern Water wish to bring the borehole back into use. To address this potential conflict, the applicant has submitted an assessment which considers whether future abstraction by Southern Water at Smock Alley pumping station will make groundwater abstraction unviable at the Smock Alley development site for 14 houses. The assessment states that it has been estimated that, even with abstraction at Smock Alley, there will always be at least 44m of water within the new Smock Alley borehole, and since the pump has been set near its base the expected drawdown will not compromise its operation.
- 6.80 To confirm the water neutrality solution and impact on the Southern Water borehole, the Council has employed the services of an independent hydrologist. The hydrologist has assessed all submitted material and commented that they agree with the reported outcomes.

This includes agreement that the proposal would not be impacted or impact upon the reuse of the Southern Water borehole. In terms of Southern Water comments, they have stated that they do not comment on individual water neutrality statements but have forwarded their comments to the Environment Agency licence for the new Smock Borehole. The comments from Southern Water raise no objection to the licence application.

Water Quality:

- 6.81 The quality and safety of private water supplies is controlled by the Private Water Supplies (England) Regulations 2016 (as amended) and is regulated by the Council's Environmental Health team. The applicant has undertaken a water quality assessment from the test borehole and the measures to ensure the water quality is acceptable for drinkable consumption has been provided. The Council's Environmental Health Team have commented that the testing is acceptable and that subject to conditions they have no objection to the proposal in relation to water quality.

Conclusion on water Neutrality:

- 6.82 The proposed borehole will utilise the Hythe Formation aquifer which can provide up to 20,000 litres per day. This more than enough to offset the water demand of the proposed development of 3,834.6 litres per day. Evidence has been submitted to satisfy officers that the aquifer is separate to the Folkestone Formation aquifer (used by Southern Water's Hardham boreholes). Evidence has also been submitted to indicate that there is sufficient water yield for the lifetime of this development and that, subject to conditions, the water quality provided would be acceptable.
- 6.83 Subject to conditions and obligations to be secured in a legal agreement, the project will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects. Natural England have been consulted on the Appropriate Assessment undertaken for this proposal and have raised no objection.

Climate Change:

- 6.84 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The Planning statement details several measures which seek to build resilience to climate change and reduce carbon emissions, including:
- Use of energy efficient materials / construction methods,
 - Potential for roof mounted photo voltaic panels,
 - Delivery of net gain in biodiversity,
 - Limiting water consumption through the installation of water efficient appliances, grey water and rain water harvesting.
- 6.85 Subject to the implementation of these measures (either within the design of the site or secured by condition); the application will suitably reduce the impact of the development on climate change in accordance with current local and national policy.

Drainage:

- 6.86 The current application is accompanied by a Flood Risk Assessment and Drainage Strategy. The existing site is an open greenfield site with vegetated boundaries, hedgerows and a wooded area to the west. The site lies within Flood risk zone 1 and is at very low risk of surface water flooding. The proposal states that post-development surface water will be

managed through sustainable drainage systems. The SuDS feature will also attenuate and discharge surface water via infiltration.

- 6.87 The Council's Drainage Officer has commented that they have no overall objections to the proposal subject to drainage conditions requiring further details. WSCC as the Local Lead Flood Authority have also commented that they have no objection to the proposal.

Land Contamination

- 6.88 The Council's Environmental Health Team have commented that the proposed use is a use that is sensitive to the presence of contamination. From reviewing GIS data and undertaking a site visit the Environmental Health officer is of the view that the risks from contamination to future site users are capable of being assessed through a recommended condition.

Air Quality:

- 6.89 The application site is not located within a defined Air Quality Management Areas (AQMAs). However, it is close by the AQMA located at Storrington. An Air Quality Assessment (AQA) has been submitted with this application. This outlines measures to mitigate the impact of the proposal in air quality.
- 6.90 The Council's Air Quality Officer has commented that they have reviewed the submitted Air Quality Assessment dated 27 July 2021 and agree with its assessment. Should the proposed development be approved, a condition is recommended securing the provisions of the air quality mitigation. This would secure the air quality mitigation plan should equal in value to the calculated environmental damage cost of £2,529, as outlined in the submitted statement. This is in accordance with the Air Quality and Emissions Mitigation Guidance for Sussex (2020).
- 6.91 The assessment should provide itemised costing for each proposed measure, equating to the total damage costs. It should be noted that 'Part S' of the Building Regulations requires a raised level of EV provision within all developments, therefore the Council are of the view that this cannot now be used to mitigate against the calculated emissions impacts of the development, unless any such EV charging facilities are clearly in excess of the Part S standards.

Mineral Safeguarding:

- 6.92 The application site is located within a Minerals Safeguarding Area (as defined in the WSCC Joint Minerals Local Plan (JMLP), 2018) for Brick Clay, Silica Sand and Building Stone. As required by the West Sussex Joint Minerals Local Plan (2021) a Minerals Resource Assessment should be submitted to identify whether economically viable mineral resources are present on site, and whether prior extraction is practicable. 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. This proposal does not include a Mineral Resource Assessment. However, given the relatively minor scale of this development, the impact on the mineral resource would be negligible and would not warrant a reason for refusal.

Planning Balance and Conclusion:

- 6.93 In accordance with planning law, the starting point for the assessment of this proposal is to consider whether or not it accords with the provisions of the adopted development plan (comprising the HDPF). The site is not allocated for housing development in the HDPF, therefore in the first instance, it must be concluded that the development of the site for

housing is contrary to Policies 1, 2, 4, and 26 of the HDPF. This carries significant weight against the proposal.

- 6.94 Notwithstanding this, it is acknowledged that the site has been selected for housing allocation in the emerging Local Plan (HDLP) and draft West Chiltington Neighbourhood Plan (Regulation 14 version). Although only very limited weight can be attached to the draft neighbourhood plan allocation at this stage, and low-moderate weight to the HDLP allocation, they do indicate a direction of travel for this site. The proposal is also considered to accord with the main criteria listed within the published Facilitating Appropriate Development (FAD) document which also carries weight in favour of the proposal.
- 6.95 This report has established that (subject to conditions and a legal agreement) key matters including impact on highways, landscape, ecology, BNG improvements, heritage, drainage, and sustainably/climate change are judged to be acceptable. The proposal has been designed to accord with the surrounding landscape and heritage characteristics and has taken care to ensure that neighbouring amenity is not unduly compromised by the inclusion of suitable boundary treatments and additional planting. The application proposes a policy compliant number of affordable units which adds weight in favour of the proposal.
- 6.96 Some harm has been identified within the report, including an impact on the distance between West Chiltington Village and West Chiltington Common reducing the separation between the two. Whilst this harm is acknowledged, Officers are of the view that the level of harm is not significant enough to warrant refusal but does however carry weight against the proposal.
- 6.97 Less than substantial harm has also been identified to the setting of a nearby listed building. Given the public benefits of the proposal, providing much needed housing (including affordable housing), the harm attributed to the setting of the listed building is outweighed by the benefits.
- 6.98 As established within this report, the Council is unable to demonstrate a 5-year supply of deliverable housing sites when calculated against the identified need, with supply currently calculated as 2.9 years. As such, the weight attributed to the conflict with HDPF Policies 4 and 26 is diminished, and the provisions of paragraph 11d of the NPPF are relevant, which requires the decision makers to apply a presumption in favour of sustainable development (the tilted balance) in such circumstances. As the proposal has been demonstrated to be water neutral, no policies that protect areas of particular importance provide for a clear reason to refuse permission, therefore the presumption in favour of sustainable development (the 'tilted balance') fully applies in the consideration of this application.
- 6.99 Whilst the site is not allocated for development in the adopted local plan (the HDPF), the emerging site is allocated in the draft Neighbourhood Plan and the emerging HDLP. The proposal is also in compliance with the contents of the FAD document. This coupled with the Council's 5-year housing land supply position and associated application of the tilted balance, leads to the conclusion that the benefits of the 14no. market and affordable dwellings, would outweigh the conflict with the HDPF.
- 6.100 Officers are therefore recommending to Committee that the subject to the conditions listed below, and the completion of a s106 legal agreement (to secure 5no. affordable housing units) the application for 14no. dwellings on this site should be granted planning approval.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.101 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
		0	2178.7sqm
		Total Gain	2178.7sqm
		Total Demolition	0

6.102 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 Approve subject to the completion of a legal agreement to secure the affordable housing units and in accordance with the below conditions:

Conditions:

1. Plans list.

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

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

3. **Pre-Commencement Condition:** The development hereby approved shall not commence until the following demolition and construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to 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 in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of wildlife and biodiversity, nearby occupiers and highway safety during construction and in accordance with Policies 31, 33 and 40 of the Horsham District Planning Framework (2015).

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

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

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

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6. **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- i. All trees on the site shown for retention within the Arboricultural Impact and Method Statement, as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- ii. Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- iii. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

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

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

The works shall 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.

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).

8. Pre-Commencement Condition: The development hereby approved shall not commence until the following biodiversity construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:

- 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).

9. Pre-Commencement Condition: No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include the following.

- i. Purpose and conservation objectives for the proposed works.
- ii. Review of site potential and constraints.
- iii. Detailed design(s) and/or working method(s) to achieve stated objectives.
- iv. Extent and location/area of proposed works on appropriate scale maps and plans.
- v. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- vi. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- vii. Persons responsible for implementing the works.
- viii. Details of initial aftercare and long-term maintenance of the Receptor area(s).
- ix. Details for monitoring and remedial measures.
- x. Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

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

- 10. Pre-Commencement Condition:** No development shall commence until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

- 11. Pre-Commencement Condition:** No development shall commence until a Drainage Strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. As part of the details required, a Surface Water Drainage Scheme should be submitted (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) which should demonstrate how surface water run off would be disposed of, in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained, and to prevent increased risk of flooding, in accordance with Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 12. Pre-Commencement Condition:** No development shall commence until the following have been submitted to the Local Planning Authority in writing:
- (a) A licence issued by Natural England in relation to the badger sett closure pursuant to the Badger Protection Act 1992 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 and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

- 13. Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
- (a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

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

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

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

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

- 14. 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 mitigation scheme, undertaken by a suitably qualified and competent consultant, has been submitted to and been approved in writing by the Local Planning Authority that demonstrates how the water from the borehole(s) will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall ensure that the components of the proposed treatment system are compliant with Regulation 31 of The Water Supply (Water Quality) Regulations 2016 (or subsequent superseding equivalent) and Water Regulations Approval Scheme (or subsequent superseding equivalent). The mitigation scheme shall be implemented in full prior to first occupation of any dwelling and shall be retained and maintained at all times thereafter.

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

- 15. Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the Local Planning Authority. The PWSMP shall include, but not necessarily be limited to, the following information:
- i. Detail on the sampling and testing regime, undertake in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), with detail on how any failure of any samples will be investigated and managed.
 - ii. Confirmation that a Regulation 6 risk assessment (or subsequent superseding equivalent), undertaken by a suitably competent and experienced person in accordance with relevant guidance and statutory requirements, shall be undertaken before the private water supply is brought into use and at least once every five years thereafter with the findings of the risk assessment submitted to the LPA.
 - iii. detail on the maintenance, servicing and cleaning of the pump, pumphouse, water treatment equipment, tanks, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of use.
 - iv. Full specifications and details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit

iv. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, maintenance and for making these records available to Local Authority officers when reasonably requested.

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

Reason: To 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).

- 16. 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 Biodiversity Net Gain Assessment (LUC, August 2023), Defra Metric 3.1 spreadsheet (LUC, August 2023) and Ecological Appraisal Addendum (LUC, August 2023) 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 LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

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

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

- 18. Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from the tap within the dwelling(s) been a) sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies, b) has been analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and c) meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent).

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).

- 19. Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until a risk assessment compliant with Regulation 6 the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent) undertaken by a

suitably competent and experienced person has been submitted to and approved in writing by the Local Planning Authority.

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

- 20. Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the approved Water Neutrality Statement. No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and evidence they meet the required water consumption flow rates. The installed measures shall be retained and operated as such at all times 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).

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

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details.
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting (in accordance with Condition 10)
- Details of the attenuation pond (including gradients, planting, etc)
- Details of all planting in relation to the visibility splays
- A Landscape Specification

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

Particular focus shall be made to enhance planting along the western boundary of the site to enable an appropriate transition from built development to rural countryside.

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

22. Pre-Occupation Condition: No part of the development hereby permitted shall be occupied until an air quality mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The air quality mitigation plan should contain measures equal in value to the calculated environmental damage cost of £2,529 and include (but not be limited to) the measures detailed in Section 6.2 of the RSK Air Quality Assessment:

- Good design principles;
- Low emission boilers;
- Electric charging vehicle points.

The recommended type for a charging point is a fast charging point (30 Amp) with type 2 connector and Mode 3 circuit.

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).

23. Pre-Occupation Condition: No part of the development hereby permitted shall be occupied until a Landscape Management and Maintenance Plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas has 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 Policy 33 of the Horsham District Planning Framework (2015).

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

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

25. Pre-Occupation Condition: No part of the development hereby permitted shall be occupied until the car parking spaces (including garages where applicable) necessary to serve it have been constructed and made available for use in accordance with the approved plans. The car parking spaces permitted shall thereafter be retained as such for their designated use.

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

26. Pre-Occupation Condition: No part of the development hereby permitted shall be occupied until the vehicular access serving the development has been constructed in accordance with the details shown on the approved drawing.

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

27. Pre-Occupation Condition: - No part of the development shall be first occupied until visibility splays as shown on drawing no: 2103083-03 have been provided at the proposed site vehicular access onto Smock Alley in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all

obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 28. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings has been submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

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

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

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

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

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

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

- 32. Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

- 33. Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Net Gain Assessment (LUC, August 2023), Defra Metric 3.1 spreadsheet (LUC, August 2023) and Ecological Appraisal Addendum (LUC, August 2023)) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the reptile method statement on p.15 of the Ecological Appraisal Addendum (LUC, August 2023) which avoids impacts on these protected species. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

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06) DC/21/2007 Map

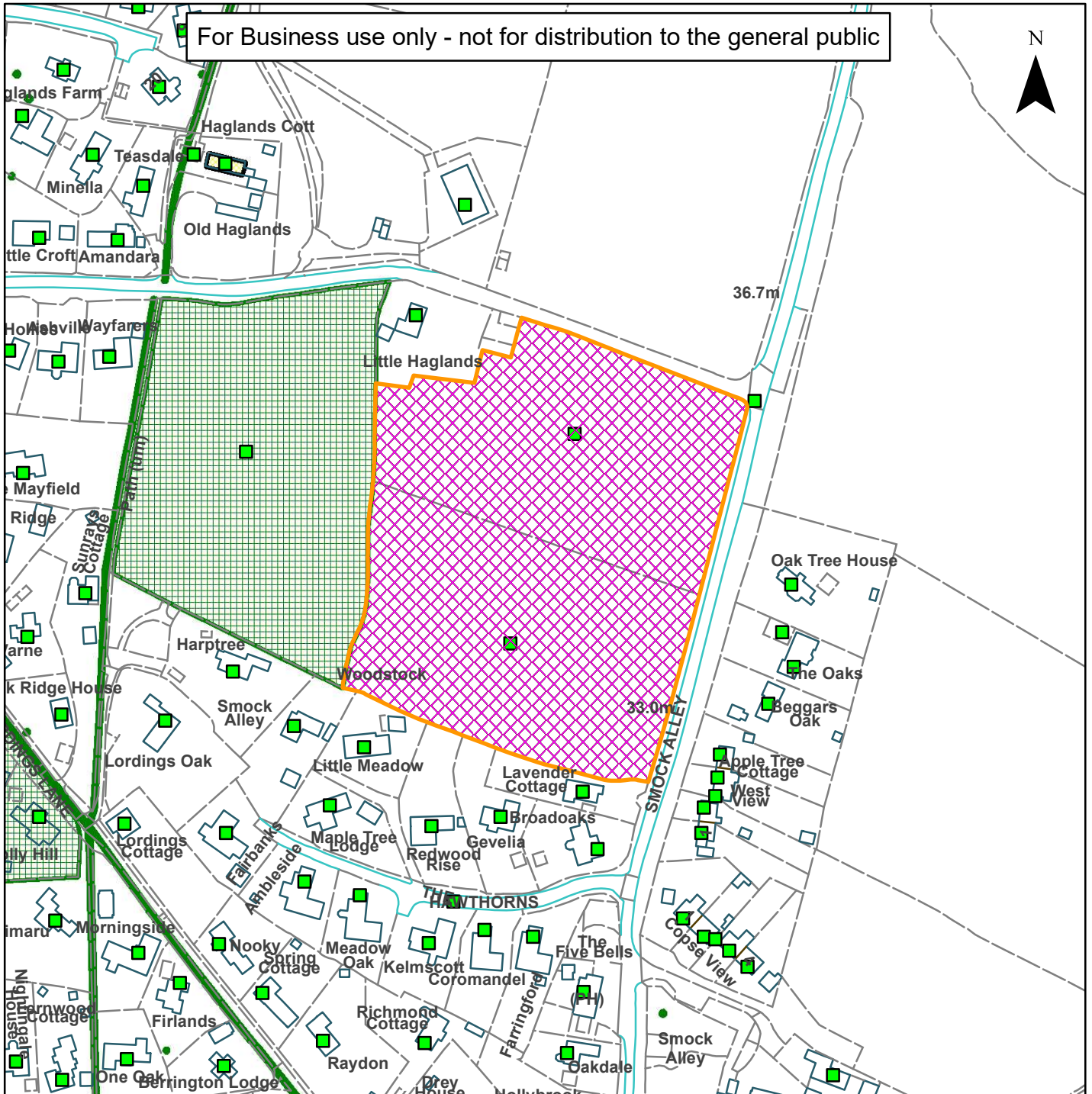


**Horsham
District
Council**

Land West of Smock Alley, South of Little Haglands, West Chilington

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	12/04/2024
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 23 April 2024

DEVELOPMENT: Change of use of barn (Stables/Equestrian) to sui generis to form new game processing workshop.

SITE: Woodmans Farm, London Road, Ashington, West Sussex, RH20 3AU

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/22/0695

APPLICANT: **Name:** Mr Anthony Skeet **Address:** Woodmans Farm London Road Ashington West Sussex RH20 3AU

REASON FOR INCLUSION ON THE AGENDA: Following resolution at Planning Committee South on 24th January 2023 and the receipt of the Appeal Decision relating to DC/21/1756 to allow further consideration

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

In the event that the legal agreement is not completed within four 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 This application was considered at the Planning Committee South on 24th January 2023 where it was resolved to approve planning permission subject to the completion of a s106 legal agreement. Since this resolution was made the s106 agreement remains outstanding therefore planning permission has yet to be formally issued. The Council are now in receipt of an Appeal Decision relating to a previous application for a game processing workshop at the site which was refused under application reference DC/21/1756. This appeal decision is a new material consideration of significant weight therefore this application needs to be reconsidered by the planning committee.

1.2 The Applicant has also submitted further information, in the form of a Statement on Appeal Conclusions, which includes a Management Plan and Sound Attenuation Measures to seek to address conditions 4 and 5 recommended at Planning Committee South on 24th January 2023. These conditions state:

- 4 **Regulatory Condition:** Within 3 months of the date of this permission, a scheme for sound attenuation against external noise from the externally located plant shall be

submitted to and approved by the Local Planning Authority. The scheme shall have regard to the recommendations set out in the submitted Noise Assessment reference J3550 Issue 1 by Acoustic Associates Sussex Ltd. The approved sound attenuation works shall be completed within 1 month of the details being approved and shall be retained thereafter.

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).

- 5 **Regulation Condition:** Within 3 months of the date of this permission, a Delivery, Collection and Service Management Plan, which includes details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries and collections shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 1.3 This report should be read alongside the 24 January 2023 Committee Report for this application which can be found at Appendix 1.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 National Planning Policy Framework

2.4 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport

Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 None relevant. Wiston Parish voluntarily withdrew the Neighbourhood Plan Area designation on 12 October 2017.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/1756 Change of Use from Agricultural Barn Application Refused on
(Stables/Equestrian) to Sus Generis to form 07.02.2022
new game processing workshop

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Environmental Health:** Comment

The acoustic report concludes that the driver for the exceedance during the night-time period has been established to be the freezer condenser. It is therefore recommended that the sound pressure level for this unit be reduced by a minimum of 3dB(A). This could be achieved by upgrading the existing enclosure & if the mitigation measures detailed in the report are introduced then there is no reason planning permission should be refused or withheld on noise grounds. Conditions suggested.

3.3 **HDC Economic Development (dated 25.10.2023):** Comment

The proposal enables a local, well-established business to relocate, grow and remain within the District. This aligns with the Council's Economic Strategy, namely Priority 2, which highlights that business growth must be facilitated to allow businesses to remain viable in the long-term, thereby contributing towards long-term economic growth. Ensuring that the needs of business in the District are met is essential.

OUTSIDE AGENCIES

3.4 **Natural England (dated 08.11.2023):** No Objection subject to appropriate mitigation being secured.

Natural England notes that while the measures set out in the proposal's water neutrality statement appear ecologically sound, they should be secured in perpetuity. As such, it is advised that appropriate management and maintenance of these measures in perpetuity be agreed with the competent authority.

3.5 **WSCC Highways (dated 24.10.2023):** No Objection

Do not consider the proposed vehicular trips would result in a material impact upon the operation of the local highway network.

3.6 **WSCC Highways (dated 19.01.2024):** No Objection

Do not consider the proposed vehicular trips would result in a material impact upon the operation of the local highway network; therefore, no objection is raised.

3.7 **WSCC Public Rights of Way:** No Objection

It is understood that access to the application site is along a private access road that serves several farms and residential properties, and carries Public Bridleway 2500. It is not unusual for public and private rights to co-exist and the proposed development does not represent a significant change in traffic size or type or traffic level from an agricultural or farming business.

It is understood that the application does not impact upon, or propose any alteration, to the Public Right of Way. Therefore, the Public Right of Way team offer no objection to the proposal. If the applicant does now, or in future, propose any alteration to the public rights of way then they must first consult directly with West Sussex County Council, Public Rights of Way team.

3.8 Southern Water (dated 07.11.2023): Comment

Highlights relevant consultations and submission of Water Neutrality Statement

PUBLIC CONSULTATIONS

3.9 Wiston Parish Council (dated 07.11.2023): Objection

- Access from and to the A24 along a single track public bridleway at all times of day and night is unacceptable
- Unclear whether the site is to be used for retail sales
- Inaccuracies regarding the site of Woodmans Cottages and the location of the ponds

3.10 An additional 18 letters of objection have been received from 8 separate households since 24.01.2023. 16 of these are within the District and 2 are outside of the District. These can be summarised as follows:

- Nature and type of vehicles accessing the site are noisy and intrusive
- Impact on amenities of residential properties by noise and activity
- Traffic movements caused by staff and deliveries/waste vehicles
- Hours of operation
- Not seasonal
- Inappropriate site for the business
- No intention to comply with recommended conditions

3.11 An additional 55 letters of support have been received from 43 separate households since 24.01.2023. 6 of these are from within the District and 49 are outside of District. These can be summarised as follows:

- No more traffic than previous equestrian use
- No noise that would disturb occupiers
- Odour kept to a minimum
- Easily accessible to/from main road
- Lack of provision with the South-East
- Need to control the deer population
- Small business
- Important to the wider community
- Economic benefits
- Traffic movements associated with the Farm, not the business
- Type and nature of vehicle movements

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 This application was considered at Planning Committee South on 24th January 2023, where it was recommended for approval subject to the completion of a legal agreement. Since then, the legal agreement has not yet been completed and the formal decision has not been issued. The Council are now in receipt of an Appeal Decision relating to the previous application at the site under reference DC/21/1756. This also related to the use of the barn as a game processing workshop. As this current application is yet to be determined, subject to completion of the s106 Agreement, this appeal decision is a new material consideration of significant weight.
- 6.2 The Applicant has also submitted further information, in the form of a Statement on Appeal Conclusions, which includes a Management Plan and Sound Attenuation Measures to address conditions 4 and 5 as set out on the 24th January 2023 committee report.

Summary and Conclusions of Appeal Decision

- 6.3 The appeal related to the previous planning application DC/21/1756 for the change of use of the building to game processing workshop, with the appeal being dismissed on 15th August 2023. This appeal decision can be found at Appendix 2.
- 6.4 The Inspector recognises at paragraph 4 that the resolution to approve this current application is a material consideration but has arisen as a result of additional information submitted to address the reasons for refusal of the appeal proposal. The Inspector advised that the appeal would be determined on the basis of the evidence related to DC/21/1756 only, and not that submitted in support of this current application.
- 6.5 Paragraph 10 recognises that the processing of game birds and venison fluctuates according to the season, with more intensive activity in the winter months. The Inspector notes condenser units and an extractor unit which are not shown on the plans. One of these units started during the site visit, where the Inspector observed that the sound could be clearly heard above the traffic noise from the A24. The plucking machine extractor was seen during the visit, as well as a refrigeration unit (also not shown on the plans) together with two business delivery vehicles.
- 6.6 The Inspector advises at paragraph 11 that there is significant potential for noise disturbance to nearby residents arising from the plant and equipment necessary for the use, and that this

would be exacerbated by the relatively poorly insulated open fronted plant housings. This would be particularly the case at night-time and during evenings and early mornings when residents might reasonably expect peaceful enjoyment of their property.

- 6.7 Paragraph 12 of the Appeal Decision recognises that the access road is in close proximity to a number of dwellings, where the use is likely to generate a high frequency of movements by different sized vehicles to accommodate delivery, dispatch, and waste removal. These have the potential to cause noise and disturbance to residents, particularly at night-time and during evenings and early mornings. No overall hours of operation are specified, but it is recognised that the Design and Access Statement indicates vehicle movements at 6am; between 8am and 7pm and at about 10pm and 3am on a Tuesday from August to December which could increase in the run up to Christmas; and an artic lorry each Saturday evening between September and December.
- 6.8 Paragraph 13 summaries the waste storage and disposal measures, where bird and bone waste is stored in 240 litre bins and kept in the fridge until collection where it is moved outside for pick-up. Collection is usually on a Monday morning, and dependent on weather, the bins may be left outside from September onwards, but they are sprayed down to prevent blow flies and odour. This waste is generally picked up by lorry at approximately 6am. Fur and guts are stored in 1100 litre bins and picked up twice a week. The Inspector observed some large bins outside the appeal building and no odour at the time of the site visit, but this was acknowledged to be during the quieter season. The Inspector notes that the position of waste storage and bins are not shown on any of the plans and in the absence of details, it cannot be confidently concluded that the use would not have a harmful effect on the living conditions of nearby occupiers.
- 6.9 The Inspector concludes in paragraph 14 that in the absence of a Noise Assessment or mitigation measures; a vehicle management plan; or a detailed waste management plan, it cannot be concluded that the use would not have an unacceptable harmful effect on the living conditions of occupiers of nearby residential properties.
- 6.10 The Inspector raises concerns with regard to the effect on highway safety in paragraph 18. This is because the Design and Access Statement indicates exports by arctic lorry each Saturday evening from September to December which contradicts the Statement of Case which asserts that no HGV movements are associated with the business. When coupled with the suggestion of third parties that there is a greater volume of traffic, and the narrow width of the track, the Inspector concludes it cannot be concluded that there would be no conflict with other users of the access/bridleway even if there were no severe cumulative impacts on the operation of the highway network.
- 6.11 The Inspector considered at paragraphs 21 to 23 that insufficient information had been submitted to carry out an Appropriate Assessment with regard to the Water Neutrality Statement, and that without confirmation from Natural England that the calculations are appropriate and robust, it could not be concluded that water neutrality had been demonstrated.
- 6.12 In concluding, the Inspector determined that it could not be concluded that there would be no harmful effects on the living conditions of occupiers of nearby residential properties or that safe and suitable access has been demonstrated for all. The Inspector outlined that these matters weigh substantially against allowing the appeal. It was also not possible to conclude that the integrity of the Arun Valley Sites would not be adversely affected, where this carried significant weight. Taken together, these matters were considered to outweigh the identified benefits, where the Inspector concluded that the development failed to comply with Policies 31, 33 and 40 of the HDPF and the development plan as a whole.

Neighbour Amenity

- 6.13 The Appeal Decision outlined that there is significant potential for noise disturbance to nearby residents arising from the plant and equipment necessary for the use, and that this would be exacerbated by the relatively poorly insulated open fronted housings to the condenser, refrigerator and extractor units. The Inspector recognised that this would be particularly exacerbated at night-time and during evenings and early mornings.
- 6.14 As considered at the 24 January 2023 committee meeting, the Applicant submitted a Noise Assessment reference J3550 Issue 1 by Acoustic Associates Sussex Ltd dated 23 November 2022. The scope of this assessment was to measure residual background noise levels when the site and the refrigeration condensers are not operating; measure the various sound sources operating at the site and construct day and night time noise models to compare against residual background sound levels; consider the impact of traffic movements to and from the site; and provide mitigation advice if required.
- 6.15 The Noise Assessment outlined that the site operates within day time hours of 07:00 – 20:00, although the assessment was only undertaken up until 18:00. The main sound sources are 5 condensers which are spread around the building, where all but one benefit from an open fronted timber enclosure. The 'Plucker' (used for feathers) also has an external extraction unit which is another noise source. The Assessment outlines that the dominant noise source at the location is the A24, which passes the site to the west and is clearly audible from the application site and the entrance to the site.
- 6.16 The sound level meters measured the representative background sound levels for the day and night time period as 39dB (07:00 - 23:00) and 33dB (23:00 - 07:00) respectively. The corrected sound pressure level of the commercial sound sources was found to not exceed the measured daytime sound pressure level. However, for the night time period, the corrected sound pressure level was found to exceed the most commonly occurring background sound pressure level by 3dB(A). The Report outlines that the driver for this exceedance has been established to be the Freezer Condenser, where it is recommended that the sound pressure level be reduced by upgrading the existing enclosure. It is also suggested to construct a more robust enclosure around the 'Plucker' in order to attenuate the sound more efficiently than the current timber housing.
- 6.17 An assessment of traffic movements to the site was also undertaken. The Report outlines that traffic movements take place between 07:00 and 20:00, with the maximum traffic movements consisting of:
- Staff arriving in the morning and leaving at night (2 or 3 vehicles with maximum of 42 traffic movements a week)
 - Pigeon delivery (maximum 2 deliveries on Saturdays and Sundays with maximum 8 traffic movements)
 - Venison drop-off and collection (8 a week to a total of 16 traffic movements)
 - Grouse Birds (1no. 7.5 tonne vehicle a week between 12 August and second week of February, totally 2 traffic movements a week)
 - Mallard and Partridge (4 deliveries by van a week between 12 August and second week of February, totalling 8 traffic movements a week)
 - Pheasants (2 delivery vans a day between 12 August and second week of February, totally 14 traffic movements a week)
 - Farmers Markets (2 vans leave the site every Saturday, totalling 4 traffic movements a week)
 - Waste (fur and guts collected twice a week in peak season and general waste collected once a week, totalling 6 traffic movements a week)
 - Wastewater (1 collection every 6 weeks, totally 2 traffic movements every 6 weeks)

This equates to a maximum of 15 traffic movements a day and 102 traffic movements a week. The Assessment does however highlight that this number could be significantly lower between February and August when game birds are not in season.

- 6.18 The Noise Assessment outlines that the supporting documents initially proposed that an articulated lorry attend the site every Saturday to collect goods for export. This is no longer proposed. The most recent supporting information (as submitted on 11.01.2024) outlines that Sprinter or Transit Vans are used, with dispatch being between the hours of 9am and 6pm. The supporting information indicates that the busiest months are October to December, with deliveries received between 9am and 4.30pm. Waste collections take place by three different companies (Hawkins, Gibbs Waste, and HDC) with each taking place on average of once per week. Active Pumps attend the site to empty the water tank when full, and this is on average twice a month.
- 6.19 The Noise Assessment outlines that vehicle noise levels were modelled along a line source for day time and night time. This was calibrated at a sound pressure level of 46.7dB(a) for the day time period and 44.7dB(A) for the night time. The Report outlines that the worst case noise model would be 5dB(A) below the World Health Organisation guidance on external amenity spaces. Noise arising from the A24 was also modelled, where it was shown that sound pressure levels from the A24 are already significantly above the predicted sound pressure levels of the traffic movements associated with the development. The Report thereby concludes that the traffic movements arising from the development are unlikely to have a significant impact on the soundscape.
- 6.20 The Report suggests that the uncertainty relating to the frequency of traffic movements is likely causing concern to the residents, rather than the specific sound pressure level. The Report recommends that the application site implement a more regimented traffic management scheme to reduce this uncertainty, reduce the chance of any congestion, and alleviate the concern from the residential properties.
- 6.21 The findings and recommendations of the Noise Assessment are accepted by the Council's Environmental Health Officer, where it is recommended that the existing enclosure to the freezer condenser be upgraded. Conditions are recommended to this effect, requiring that the enclosure be upgraded sufficiently to achieve the 3dB noise attenuation, with the requirement to submit a subsequent verification report.
- 6.22 Since consideration at Planning Committee, the Applicant has submitted further information in respect of the sound attenuation, where it is outlined that possible solutions are being investigated, including suitable forms of physical enclosure, and changes to the condenser loading and running a defrost period overnight. It is suggested that this would result in the refrigeration unit being dormant overnight. No specific details have however been submitted, and no clear attenuation scheme has been submitted.
- 6.23 As noted above, the Environmental Health Officer considered that conditions could be imposed to overcome the matters identified within the Noise Assessment, which would provide suitable control by condition to overcome any adverse impact arising from the plant and equipment associated with the operation. This includes upgrading the enclosures to the externally located plant to achieve a defined noise attenuation, and the requirement to submit a verification report.
- 6.24 Beyond this, conditions including restrictions on hours of use and hours of deliveries could also be imposed. While it is recognised that restrictions on the hours of operation and deliveries would impact the operation of the business, which has sought permission for deliveries in the early hours of the morning (3am to 6am), it is recognised that the proposal would be located in immediate proximity to a number of residential properties. This is a material consideration of significant weight, particularly as all vehicle movements would pass in close proximity to these residential properties. Given the relationship between the

properties, coupled with the night time hours proposed, it is likely that the associated vehicle movements would be recognisable from the residential dwellings, and this has the potential to result in harm. Furthermore, the method of loading and unloading could result in some noise impact from intermittent sharp noises from roll cages etc. However, this could be controlled through a suitably worded management plan condition. For these reasons, it is considered reasonable and necessary to impose conditions to limit operations and delivery movements to more reasonable hours to reflect the constraints of the site. This would reduce the impact and would overcome concerns regarding potential noise and disturbance to the nearby residential properties.

- 6.25 Given the findings of the Noise Assessment, the conclusions of the Appeal Decision, and the constraints of the site, it is considered that conditions are reasonable and necessary to overcome the concerns raised and ensure that the development would not result in adverse harm to the amenities of neighbouring residential properties. Subject to these conditions, it is considered that the concerns as raised within the Appeal Decision have been addressed and could be overcome.
- 6.26 It is recognised that concerns have been raised by objectors with respect to the likelihood of conditions being adhered to. However, the suggested conditions are considered necessary to make the development acceptable, while also being enforceable. The conditions would serve a planning purpose and subject to the recommended conditions, the proposed development is considered to result in an acceptable impact on the amenities and sensitivities of neighbouring residential properties, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).
- 6.27 The Appeal Decision also raised concerns with respect to vehicle movements and potential conflict with users of the public right of way. Following consultation with WSCC Public Rights of Way, it is advised that it is not unusual for public and private rights to co-exist, and the development does not represent a significant change in traffic size or type or traffic level from an agricultural or farming business. No alterations are proposed to the Public Right of Way and no objections have therefore been raised.
- 6.28 It is recognised that objections have been received with respect to the safety of the Public Right of Way and the conflict with users. It is therefore considered reasonable to require the submission of a Delivery, Collection and Service Management Plan which could overcome these concerns. This would include details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries, and would provide some control to reduce adverse impact on the users of the nearby rights of way. Subject to such condition, it is not considered that the proposal would adversely impact the safety of the public right of way.
- 6.29 The submitted Noise Assessment and further information has confirmed that the operation and associated activities would not result in significant noise, particularly given the background noise experienced from the A24. Subject to conditions limiting operating hours, delivery/dispatch hours, further details with respect to loading/unloading and upgrading existing plant enclosures, it is considered that the proposal would not result in a level of harm to the amenities of neighbouring properties or users of the public right of way which would warrant a refusal of the application on planning grounds.

Water Neutrality

- 6.30 The Appeal Decision noted that insufficient information had been submitted to carry out an Appropriate Assessment with regard to the Water Neutrality Statement, and that without confirmation from Natural England that the calculations are appropriate and robust, it could not be concluded that water neutrality had been demonstrated.

- 6.31 The Applicant has submitted an updated Water Neutrality Statement received on 7 December 2022. A Statutory Declaration from the former manager of Woodmans Farm outlines that the business had over 25 racehorses and employed both a Trainer and 2no. Jockey Lads. During its operation, the site included 20 stables along with other associated equestrian paraphernalia. The racing yard was closed in 2004, at which point the stables and part of the land were let to self-livery clients. No information about the self-livery has been provided, with evidence during the initial site visit indicating that only 2 of the stables were being used for horses. On this basis, and the lack of evidence provided to demonstrate any water consumption, the existing site is considered to have a nil (0) water consumption.
- 6.32 The Water Neutrality Statement outlines that the business (Chanctonbury Game) has a water demand of 57.08 litres per person per day. This is based on the installation of a dual flush toilet, flow restrictors to kitchen tap/washbasin, and wash down resulting from the nature of the business. A figure has also been included for washing up by employees. The Water Neutrality Statement outlines that an average of 5no. full-time employees work from the premises, with the overall water demand resulting from the number of employees equating to 285.38 litres per day. The strategy proposes both on-site mitigation measures, through the fitting of flow restrictors to the kitchen tap and washbasin, and the installation of a dual flush toilet, along with off-setting measures to retrofit 5no. dwellings. This would be achieved through the installation of low flow rate taps (flow restrictors).
- 6.33 Water calculations have been provided for each of the existing 5 dwellings, supported by water bills. This indicates a total daily water use for all properties of 1511.72 litres per day. Subject to the retrofitting as outlined above, the strategy indicates that the total water consumption of all dwellings would be reduced to 1221.1 litres per day, achieving a reduction of 290.62 litres per day. A schedule of these fittings has been provided, with a photographic schedule of existing fittings provided for comparison. This provides certainty that the proposed fittings are not present within the existing buildings and would result in the reductions as stated.
- 6.34 The Council have undertaken an Appropriate Assessment, where it has been concluded that the mitigation measures and proposed offsetting through retrofitting 5no. existing properties would result in a total reduction of 290.62 litres per day, which would be greater than the demand arising from the development. It has therefore been shown that the water saving measures would address the demand arising from the development and would be water neutral.
- 6.35 It is noted that a number of objections have been received with respect to the figures presented within the Water Neutrality Statement, and specifically the implication should the business hire additional employees. Based on current operations at the site there is no evidence there would be an increase in employment at the site, particularly given any other occupant of the site would require separate planning permission given the sui generis use proposed. Natural England have been consulted on the Appropriate Assessment and concurs with the assessment conclusions, providing that the mitigation measures proposed in the water neutrality statement are appropriately secured in any planning permission given. The mitigation measures could be secured by condition, with the offsetting strategy secured through a s106 agreement. Subject to the water strategy being implemented in full and in perpetuity, it is considered that the proposal would be water neutral.

Conclusion and Planning Balance

- 6.36 It is recognised that Chanctonbury Game offers an important service for the rural community, with associated economic and public benefits. The proposed development would therefore result in social and economic benefits and would support and contribute to the wider rural economy. This is considered to be a material consideration of significant weight. The proposal would be located within an established building suitable for conversion, and would

sustain the countryside-based enterprise without resulting in adverse impact on the highway network. For these reasons, the proposed development is considered acceptable in principle.

- 6.37 When considered at Planning Committee in January 2023, the scheme was deferred for additional information. The Applicant has now submitted additional information, in the form of a Noise Assessment and updated Water Neutrality Statement, to address the concerns previously raised. The Noise Assessment has confirmed that the operation and associated activities would not result in significant noise, particularly given the background noise experienced from the A24. Subject to conditions limiting operating hours, delivery/dispatch hours, further details with respect to loading/unloading and upgrading existing plant enclosures, it is considered that the proposal would not result in a level of harm to the amenities of neighbouring properties or users of the public right of way which would warrant a refusal of the application on planning grounds.
- 6.38 The proposed water strategy, which includes offsetting to 5no. residential dwellings, is considered to address the water demand arising from the development, and this would be secured by a s106 agreement. Subject to this mitigation, the development would not therefore contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, thereby not conflicting 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 and Species).
- 6.39 There have be no other material considerations since the scheme was last considered by the Planning Committee. The additional information also addresses the concerns raised by the Inspector in dismissing the appeal under DC/21/1756.
- 6.40 For these reasons, it is considered that the development is acceptable in accordance with the relevant development plan policies, subject to conditions as listed below and a s106 agreement to secure the water strategy in perpetuity.

7. RECOMMENDATIONS

- 7.1 To approve the application subject to the following conditions and the signing of a s106 legal agreement.

Conditions:

- 1 **Approved Plans**
- 2 **Regulatory Condition:** Within 3 months of the date of this permission, a drainage strategy detailing the proposed means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed within 1 month of the date of approval of these details.

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

- 3 **Regulatory Condition:** Within 3 months of the date of this permission, a Waste Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to, the location and storage of waste prior to collection, the location of waste on day of collection, and measures to control and minimise odour from waste at the site. The Waste Management Plan shall be implemented within 1 month of approval of these details and complied with thereafter for the duration of the use.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** Within 3 months of the date of this permission, a scheme for sound attenuation against external noise from the externally located plant shall be submitted to and approved by the Local Planning Authority. The scheme shall have regard to the recommendations set out in the submitted Noise Assessment reference J3550 Issue 1 by Acoustic Associates Sussex Ltd. The approved sound attenuation works shall be completed within 1 month of the details being approved and shall be retained thereafter.

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).

- 5 **Regulation Condition:** Within 3 months of the date of this permission, a Delivery, Collection and Service Management Plan, which includes details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries and collections shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** Within 1 month of the date of this permission, the parking, turning and access facilities necessary to serve the approved use shall be constructed and completed in accordance with the approved details as shown on plan 2021-6336-000 rev A and shall be thereafter retained as such.

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

- 7 **Regulatory Condition:** Within 3 months of the date of this permission, a scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed within 1 month of the date of approval of these details and shall thereafter remain as such.

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

- 8 **Regulatory Condition:** Within 3 months of the date of this permission, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. Within 1 month of the approval of these details, the approved cycle parking facilities shall be fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

- 9 **Regulatory Condition:** Within 3 months of the works to upgrade the external plant enclosures being completed, a Noise Assessment shall be submitted and approved in writing by the Local Planning Authority which demonstrates the plant noise levels for night time

operation have been reduced by at least 3dB(A). The assessment shall be undertaken in accordance with BS 4142: 2014 (or subsequent superseding equivalent) and current best practice and shall include full spectrum analysis to confirm that there is no tonality or other acoustically distinctive features present in the noise. Any additional steps required to mitigate noise shall be detailed and implemented, as necessary in accordance with a timetable submitted with the Assessment. The details as approved shall thereafter be permanently retained

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).

- 10 **Regulatory Condition:** The premises hereby permitted shall be used for the processing, preparation and packaging of game meat (sui generis) only and for no other purpose.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the proximity of the site to the nearby residential properties under Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 07:00 hours to 19:00 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).

- 12 **Regulatory Condition:** No deliveries to or from the site in connection with the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

- 13 **Regulatory Condition:** No external storage of any materials or waste shall take place at any time.

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

- 14 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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

NOTE TO APPLICANT

The Applicant is advised that a public access right has precedence over a private access right. Where a Public Right of Way (PROW) runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury. The Applicant must consider how access is managed so the public is not endangered or inconvenienced. The Applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

The granting of planning permission does not authorise obstruction of, interference to, or moving of, any PROW; this can only be done with the prior consent of West Sussex County Council (WSSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that cannot reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

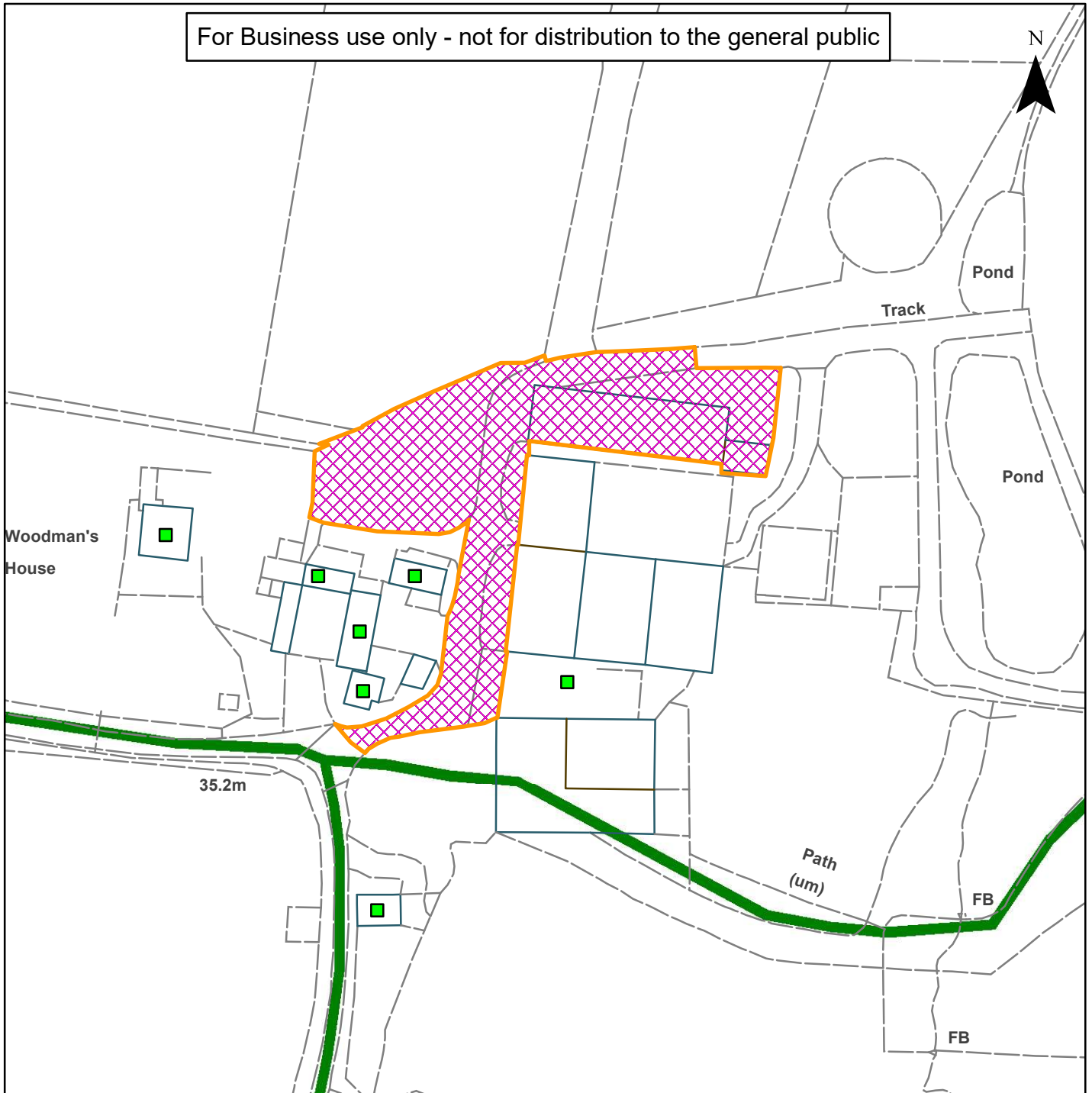
08) DC/22/0695 Map



**Horsham
District
Council**

Woodmans Farm, London Road, Ashington, West Sussex, RH20 3AU

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	12/04/2024
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**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 23 April 2024

DEVELOPMENT: Change of use, removal of dilapidated shelter and the erection of new dog kennel and associated works (part retrospective)

SITE: Ridge View, Spinney Lane, West Chiltington, West Sussex, RH20 2NX

WARD: Storrington and Washington

APPLICATION: DC/23/1371

APPLICANT: **Name:** Mr P Marchant **Address:** Ridge View, Spinney Lane, West Chiltington, West Sussex, RH20 2NX

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

RECOMMENDATION: To refuse planning permission.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

APPLICATION SITE AND DESCRIPTION:

- 1.1 This application concerns a small section of land to the south of Ridge View outside of the respective residential curtilage of this dwelling. The dwellinghouse itself as shown within the blue line boundary on drawing number 00.03 is within the Built-Up area boundary area of West Chiltington Common and the siting of the proposed kennels is outside of the built up area boundary. The dwellinghouses within the wider locality to the north are characterised by large detached dwellinghouses set within large plots. There is a public right of way running to the east of the application site. The application site is within a red zone for the Great Crested Newt.
- 1.2 Retrospective planning permission is sought for a change of use, removal of dilapidated shelter and the erection of new dog kennel and associated works. It was noted during the site visit that the new building is a large timber outbuilding with associated timber fencing of approximately 2 metres in height. The building has fenestration and internal divisions to accommodate separate dogs, and adjoining each of these separate dividers is a door to a

small run. There is a sink within the building that appears to be attached to mains. During the time of the site visit paving slabs up to the structure had been placed.

APPLICATION HISTORY

- 1.3 Whilst there is recent planning history with regards to Ridge View, there is no relevant planning history within the location of the proposed kennels.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 40 - Sustainable Transport
Policy 41 - Parking

Storrington Sullington and Washington Neighbourhood plan 2018-2031

Policy 2 – Site allocations for development
Policy 8 – Countryside protection
Policy 9 – Green Gap

3. OUTCOME OF CONSULTATIONS

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

- 3.2 It should be noted that only comments received subsequent to the previous referral to planning committee have been summarised within this section.

- 3.3 **Nature Space:** Comment

As this is a retrospective application it is not considered that a District Licensing scheme is required in this case. No comments to make.

3.4 **Natural England:** Objection

Further information is required to determine the significance of impacts on designated sites and the scope for mitigation, chiefly:

- Information pertaining to the existing baseline water use or the use of a zero baseline.
- Evidence to support the average water use given for each dog.
- Mitigation to render the proposal water neutral, presuming a zero baseline figure is being used.

3.5 **Ecology:** Temporary Holding Objection

Have reviewed the Biodiversity Net Gain Statement (RDV a Design, undated), Biodiversity Statement (RDV a Design, undated) and the External Lighting Assessment (RDV a Design, undated), supplied by the applicant, but unfortunately there is an absence of ecological information included with the application to help assess the potential impact on irreplaceable habitat (ancient woodland), bats, Hazel Dormouse, Great Crested Newt, Otter and other protected species (Water Vole).

This is considered a reasonable request as the site lies north and west of ancient woodland (Furze Field/Perrets Copse). Understand from the Arboricultural Statement (RDV a Design, undated) that no trees or hedgerows will be affected. However, according to Government Standing Advice, a 15m buffer must be maintained between any development and ancient woodland and therefore evidence of this must be provided.

As the dilapidated shelter is being demolished, it is reasonable for a suitably qualified ecologist to check for any potential roost features (PRFs) in the shelter and assess if any features used by bats will be impacted so a Preliminary Roost Assessment needs to be provided. This can be undertaken at any time of the year and the results need to be submitted to the LPA together with full details of any mitigation and compensation required to avoid an offence.

In addition, Hazel Dormouse may be present and affected by the development as there is a record for a Hazel Dormouse European Protected Species Mitigation Licence approximately 900m to the north west of the site and given that the site is close to ancient woodland.

Also note there is a pond 65m to the west of the site. According to Government Standing Advice on Great Crested Newt (GCN), "you should survey if distribution and historical records suggest GCN may be present or there's a suitable water body such as a pond or ditch up to 500 metres of the development, even if it only holds water for some of the year".

Understand from the Biodiversity Statement (RDV a Design, undated) that there is a watercourse to the north of the kennel. Any impacts to the watercourse and protected and Priority species, including Otter and Water Vole, should be assessed by a suitably qualified ecologist and the results submitted to the LPA together with full details of any mitigation and compensation required to avoid an offence.

The results of the above surveys for protected species are required prior to determination because paragraph 99 of ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

3.6 **Storrington and Sullington Parish Council:** Strong Objection

- Development outside of the built up area boundary

- Located within 15m buffer zone of ancient forest
- Within the Green Gap identified within Storrington, Sullington, and Washington Neighbourhood Plan.
- Precedent for future development from agricultural land to residential
- Overall request to go to Planning committee if the officer minded to approve.

3.7 **Arboriculture Officer:** Comment

The mature trees along the laneside adjacent to the new building mainly consist of ash in various states of decline due to infection with ash dieback disease. These trees would not be considered a significant constraint on site development due to their condition.

There is a mature oak off the SE corner of the build in the hedgerow line. This tree may have suffered some root disturbance from construction and associated process. The submissions state that the building sits on ski's with no foundation or excavation of the underlying soil.

A lightweight structure supported on the existing ground levels in the current build position would not have been a reason for refusal on arboricultural impact grounds, subject to control of the development process.

3.8 **Landscape Architect:** Comment

Views of the new building are available from the junction of spinney lane and the public footpath, and at its worst, this time of the year when leave cover is less effective. These views are very localised and due to intervening vegetation and topography, no views or only few short glimpses are available from where the land rise assists and leave cover is thinner. In both cases however, these views are experienced either from within the settlement or with the settlement in the background and therefore not an unfamiliar feature within the view.

Note HDC arboriculturist's comments that the likelihood is that the existing trees along the site's eastern boundary are in decline and likely to need removal within the next 10 years due to ash dieback. This is expected to expose development further on these close proximity views.

The new building is wood clad and in time, anticipated to go grey and better integrate into the receiving landscape.

The proposed change of use could have a slight adverse effect to the tranquillity of the area but at the time of visit (05/01/2024) no noise was experienced. It is unknown if dogs were on the premises or not.

Overall, and subject to recommended mitigation planting being secured, satisfied that the level of adverse effect on the landscape character and amenity of the area experienced as result of the replacement building, is acceptable on landscape grounds.

3.9 **Environmental Health:** Comment

- A condition should be imposed restricting the new dog kennel to no more than 6 dogs.
- A condition should be imposed restricting the keeping of dogs to domestic use only i.e. no use as a commercial kennels, dog day care, dog agility etc

3.10 **PUBLIC CONSULTATIONS**

3.11 Letters of representation were received from 42 in conjunction with the proposal. 2 appeared neutral, 12 in support, 25 in objection. 1 letter was from the parish council and 5 addresses had duplicate comments. 2 of the letters were pictures associated with the addresses.

3.12 The main material grounds for support can be summarised as:-

- Improvement over replacement shelter.

- Animal welfare
- Disagreement to letters of objection

3.13 The main material grounds for objection received subsequent to the previous referral to Planning Committee can be summarised as:-

- Encroachment into the countryside
- Contrary to Neighbourhood plans
- Contrary to development plan
- Precedent for future development
- Harm to trees and landscaping
- Overdevelopment
- Loss of general amenity
- Highways and Parking
- Retrospective nature of application
- Request for site notice to be put up

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

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

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

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

6. PLANNING ASSESSMENTS

Principle of the Development

6.1 Whilst the dwellinghouse shown within the blue line boundary is within the Built up area boundary in policy terms, part of the site and the location of the kennels is located outside of the built-up area and is not allocated within Horsham's adopted development plan (comprising the HDPF and a 'Made' Neighbourhood Development Plan). The proposal would be for personal use, with the dogs being owned by the applicant themselves.

6.2 Policy 26, Countryside Protection, of the HDPF states that all proposals (in the Countryside) must be essential to its countryside location and meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

In addition, proposals must be of a scale appropriate to its countryside character and location. The policy also notes that development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and / or enhances, the key features and characteristics of the landscape character area in which it is located.

- 6.3 The application site is located within an area designated as Green Gap under Policy 9 of the Storrington Sullington and Washington Neighbourhood plan 2018-2031. This seeks to resist development between Storrington and West Chiltington for the prevention of coalescence of rural settlements. Whilst the proposal would be sited within the Green Gap under Policy 9, given the scale of the proposal which is limited to what can be considered a residential outbuilding, it would not represent a degree of harm to conflict with this policy.
- 6.4 The current application seeks retrospective permission for the change of use of the land from agricultural to residential with the built form representing an ancillary outbuilding to 'Ridge View'. This application concerns a small section of land to the south of Ridge View outside of the respective residential curtilage of this dwelling. Confirmation from the applicant has indicated that the development would be for personal use and not commercial.
- 6.5 It is noted that Ridge View benefits from a reasonably sized curtilage which extends to the north and west of the dwelling. There appear to be no existing detached buildings within the curtilage, albeit that a detached garage is located to the north-east of the dwelling. No justification has been provided to demonstrate that the kennel building could not be located within the existing curtilage of the dwelling, where a building for incidental purposes would be considered more appropriate.
- 6.6 It has not been demonstrated that the development subject of the application could not be appropriately accommodated within the existing residential curtilage of Ridge View. It is not considered that there is justification for the extension of the private garden, where the proposal would result in the loss of agricultural land. The development would not meet any of the criteria listed in Policy 26 of the HDPF and the development would therefore be unacceptable in principle.

Design and Appearance

- 6.6 Policy 25 of the HDPF states that the natural environment and landscape character of the District, including landscape, landform and development pattern, together with protected landscapes, will be protected against inappropriate development. Proposals should protect, conserve and enhance the landscape character, taking into account areas identified as being of landscape importance. In addition, policies 32 and 33 of the HDPF promote development that is of a high quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the District. Development should contribute to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit. Development should ensure that the scale, massing and appearance of the development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site.
- 6.7 Paragraph 135 of the NPPF states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.8 The character of the area to the north of the site within the built up area boundary is large detached dwellinghouses set back within their plots. To the south of the site, the area is rural with some sporadic development. The plans submitted do not include the amount of fencing erected on site. The discrepancy between the built form on site and the submitted plans are noted. Whilst the height of the proposal would not be visually obtrusive from the footpath of Spinney Lane, the siting in close proximity and when in conjunction with the kennel access, pen areas and overall level of residential paraphernalia within an otherwise rural field, would be considered to harm the character and appearance of the site. It is noted that the

Landscape Architect has been consulted during the course of the application and would not object to the proposals subject to the inclusion of relevant conditions.

- 6.9 The description of the proposal does not include the separate footpath access created to link the proposed kennels with the dwellinghouse and public footpath, this is also considered to have an impact on the character of the existing field. It was noted at the time of the site visit that the footpath leading from the house to the kennels was stone paving slabs and the footpath access was decking.

Amenity impacts

- 6.10 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.11 Environmental Health have been consulted during the course of the application and have no objection to the development subject to relevant conditions. In some instances, the construction of a kennels would have potential to result in harm to neighbouring properties through noise or other forms of pollution. There is a sufficient distance from the siting of the proposal and the nearest neighbour such that it is not considered that the development would reduce daylight/sunlight, result in a loss of privacy, or an obtrusive appearance.
- 6.12 Furthermore, given the proximity of the proposal and the nearest PROW, it is relevant to consider the impact of the proposal on the PROW.
- 6.13 Given the design of the proposal, and site boundary treatment, it is considered that the proposal would not give rise to any unacceptable impact from the Public Right of Way. Overall, there are no objection to the proposal in regard to Policy 32 or 33 of the HDPF.

Highways and Parking

- 6.12 Policy 40 of the HDPF state that development should provide safe and adequate access suitable for all users. Policy 41 of the HDPF provides that development should provide adequate parking facilities to meet the needs of anticipated users, including appropriate provision to support electric vehicles and to meet the needs of cyclists and motorcyclists.
- 6.13 No additional parking has been included within the proposal, however there are alterations to the site access which links the proposal with the rest of the site. The access to the site is from a path to the main dwellinghouse and also in connection with the Public Right of Way. Had this proposal been otherwise acceptable, the parking and access would have been dealt with by way of a suitably worded condition.

Water Neutrality

- 6.14 In September 2021 the Local Planning Authority received a 'Position Statement' from Natural England pertaining to the use of groundwater within the Sussex North Water Supply Zone and the effects of groundwater supply on the Arun Valley Ramsar, Special Area of Conservation and Special Protection Area habitat sites. The 'Position Statement' advises that groundwater abstraction supplying the public mains-network may be adversely affecting the integrity of Arun Valley habitat sites.
- 6.15 The advice issued by Natural England, within the Position Statement, is that Planning Authorities within the Supply Zone pause decisions until a strategy is devised, in partnership with Natural England, to offset increased water-use associated with new development within the Supply Zone. Where it is critical that individual applications proceed Natural England

advise that any application needs to demonstrate 'water-neutrality', such to provide certainty that new development will not further contribute to the existing adverse effect known from public groundwater abstraction.

- 6.16 The application site falls within the Sussex North Water Supply Zone, where increased demand for mains-water would exacerbate demand for the continued use/scale of public groundwater abstractions at Hardham Water Works contributing to associated adverse effect upon the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.17 The applicant has provided Water Neutrality calculations in support of this application which advances that each of the dogs on site would drink an average of 0.5 litres of water per day, which given the number of dogs suggested to be within the kennels would result in a total figure of 2 litres per day. No mitigation has been proposed to suggest how the water would be offset such that there are no mitigation measures included. Given that there is no baseline water consumption submitted for the existing use of the land and no rationale for the proposed figure of 0.5 litres per day per dog, the suggested water consumption cannot be concluded with a reasonable degree of certainty.
- 6.18 On the basis of the evidence currently available it cannot currently be demonstrated that the proposed development would avoid contribution to the possibility of adverse effect upon the integrity of the Arun Valley sites by way of demonstrating net-neutrality in respect of the use of mains-water resources. Natural England have been consulted on the matter and agree with the Council's conclusions.

Ecology

- 6.19 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.
- 6.20 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.
- 6.21 Ecology have objected to the proposal, concluding that there has not been sufficient ecological information submitted to be able to make an assessment of the impact of the proposal on protected species. There has been no information submitted in regard to the demolition of the dilapidated shelter such that no assessment of bar roost features was made within the shelter. Hazel Dormouse may have also been present given the proximity to ancient woodland. A Biodiversity Net Gain statement has been supplied by the applicant The Biodiversity Statement noted the watercourse to the north which gives potential habitat for the Otter and Water Vole. The proposed works have already been undertaken such that any harm to protected species has already been undertaken. As a result of the insufficient evidence available, it is not possible to make an assessment of whether any mitigation would have been required.
- 6.22 Given that there is insufficient information submitted to ensure that the development would not the proposal would conflict with Policy 31 of the HDPF, and would be inconsistent with the expectations set out under para 174 of the NPPF.

Conclusion

- 6.23 The application seeks retrospective permission for the change of use of land from agricultural to residential with the construction of the kennels.
- 6.24 No justification has been provided with respect to the siting of the kennel building outside of the existing residential curtilage, and it has not been satisfactorily demonstrated that the development could not be appropriately located within this area. The proposal would not meet any of the criteria listed under Policy 26 of the HDPF, and there is considered to be no benefits that would outweigh the identified harm. As such, the development is considered unacceptable in principle.
- 6.25 Subsequent to the receipt of the Natural England position statement, and in the absence of the applicant demonstrating water neutrality (as above), the proposal would result in an increase in water abstraction from the Pulborough borehole, in which its cumulative impact would adversely affect the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar site.
- 6.26 Furthermore, insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

- 7.1 To refuse the planning application for the following reason:

Reasons for refusal:

1. The proposed development represent inappropriate development within a countryside location, and on a site allocated as a Green Gap within the Storrington Sullington and Washington Neighbourhood Plan 2018-2031, where it has not been demonstrated that the development would meet any of the criteria listed within Policy 26 of the Horsham District Planning Framework (2015). It is considered that there are no material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3 and 26 of the Horsham District Planning Framework (2015).
2. Notwithstanding the information submitted, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 180 of the National Planning Policy Framework (2021), thus the Council is unable 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).
3. Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).

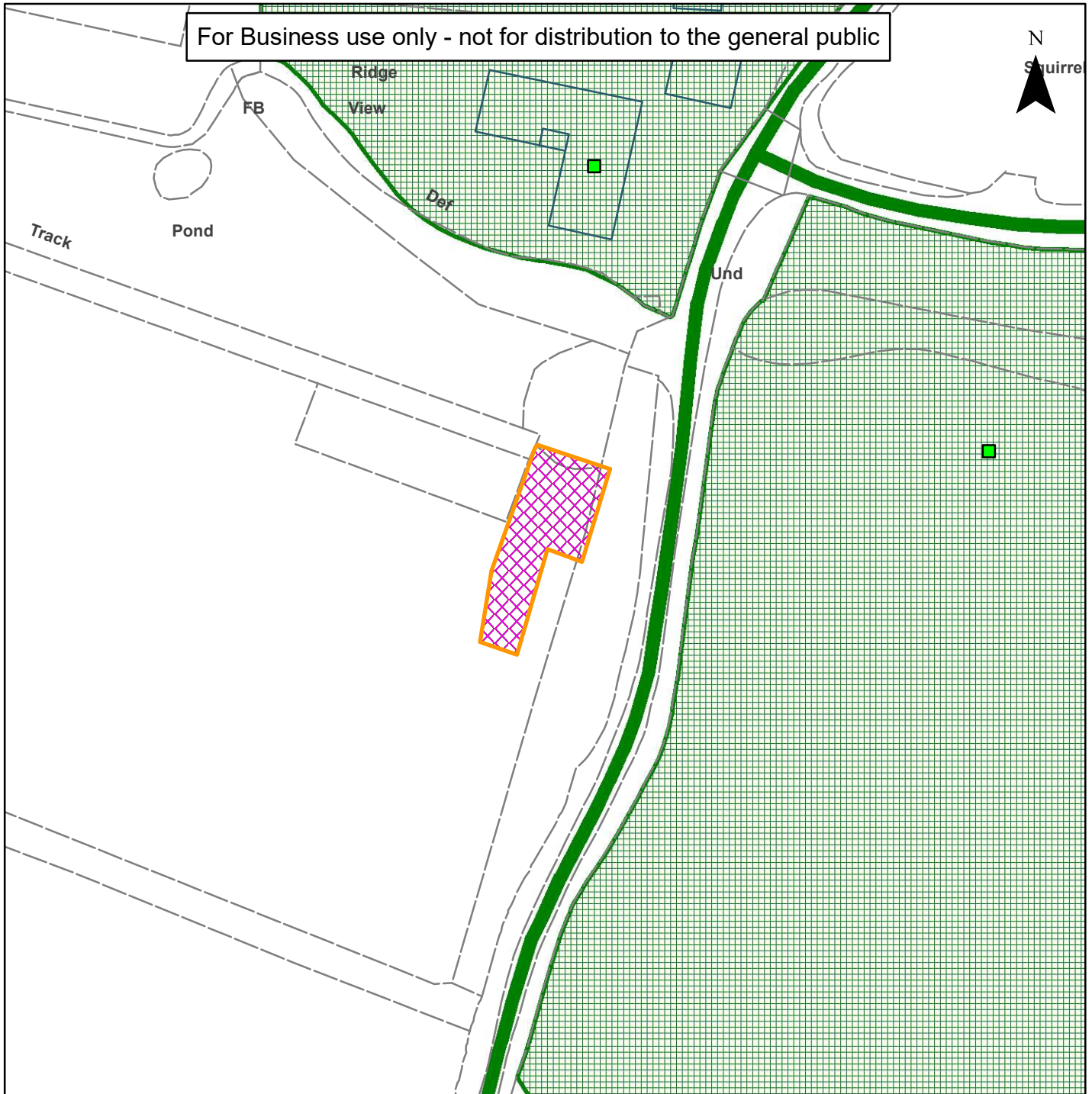
09) DC/23/1371 Map



**Horsham
District
Council**

Ridge View, Spinney Lane, West Chiltington, West Sussex, RH20 2NX

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Scale: 1:750

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Department	
Comments	
Date	12/04/2024
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 23rd April 2024

DEVELOPMENT: Modification of legal agreement under planning permission DC/19/1707 to remove the obligations relating to the over-55s housing and vary the trigger for the provision of workshops to the occupation of the 60th residential unit.

SITE: Land at Phase 3 Abingworth Nurseries, Storrington Road, Thakeham, West Sussex

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: S106/23/0017

APPLICANT: **Name:** Bellway Homes Limited (South London) **Address:** Redhill Surrey RH1 1QT

REASON FOR INCLUSION ON THE AGENDA: By request of Councillor Manton

RECOMMENDATION: To approve the variation of the S106 legal agreement.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Permission is sought to vary the S106 legal agreement secured under planning permission DC/19/1707 as granted on 25th February 2021. This planning permission was for the development of Phase 3 of the Abingworth Meadows site for 75 dwellings, allotments and workshops. This development included affordable housing and 8 dwellings strictly for those over the age of 55. The S106 legal agreement secured the affordable housing, over-55s housing, and the workshops.

1.3 The proposal seeks the following amendments to the S106 legal agreement:

- Amend the trigger for the delivery of the workshops. The legal agreement currently requires the delivery of the workshops by the 38th unit. The proposal is to amend this to the occupation of the 60th residential unit. (Nb as submitted the application originally sought an amendment to the 70th residential unit)
- Remove the requirement to provide the 8 dwellings as over-55's only housing.

DESCRIPTION OF THE SITE

1.4 The application relates to Phase 3 of the Abingworth Development Site (known as Abingworth Meadows). Phase 3 is to south of the site's central greenspace and attenuation feature. The Abingworth Development site initially was granted approval for the development of 146 dwellings, including five workshop units, a village hall, and a shop under permission

DC/10/1314. The approval also included a football pitch with changing rooms, a cricket pitch, cricket pavilion, a LEAP, 10 affordable housing units, 20 local worker units, a nursery and an attenuation pond surrounded by open space in the centre of the site. The approval also included allotments to the south of the site, traffic calming measures for the main road through the village and rights of way improvements. Enabling works for the existing mushroom factory in Thakeham was also part of this application.

- 1.5 Over the years, there have been many amendments to the original approval. The site now has extant planning permission for the development of 209 dwellings (including Phase 3). Phases 1 & 2 of the development are now complete and occupied, whilst the football pitch, changing rooms, cricket pitch, cricket pavilion, Village Hall, LEAP, attenuation pond, shop/cafe, nursery and vets have all been completed and are in use.
- 1.6 Phase 3 to the southern section of the site is the last remaining residential part of the site to be constructed. Works are well underway to Phase 3 with many houses now constructed.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 National Planning Policy Framework (Dec 2023)

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 18 - Retirement Housing and Specialist Care
Policy 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

2.4 Horsham District Local Plan (2023-40) (Regulation 19)

Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 3: Settlement Expansion
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 12: Air Quality
Policy 14: Countryside Protection
Policy 19: Development Quality
Policy 20: Development Principles

Policy 23: Infrastructure Provision
 Policy 24: Sustainable Transport
 Policy 25: Parking
 Policy 27: Inclusive Communities, Health and Wellbeing
 Policy 37: Housing Provision
 Policy 38: Meeting Local Housing Needs
 Policy 39: Affordable Housing
 Policy 40: Improving Housing Standards in the District

2.5 **Thakeham Neighbourhood Plan** (January 2017).
 Thakeham 4: Abingworth Nursery

2.6 Parish Design Statement: Thakeham Parish Design Statement.

2.7 Supplementary Planning Guidance:
 Planning Obligations and Affordable Housing SPD (September 2017)

2.8 **PLANNING HISTORY AND RELEVANT APPLICATIONS**

DC/19/1707	Revised layout for Phase 3 of the Abingworth Meadows development (Original application ref: DC/10/1314) to provide for 75 dwellings including 26 affordable dwellings and community studio workshops.	Application Permitted on 25.02.2021
DC/22/0293	Non Material Amendment to previously approved application DC/19/1707 (Revised layout for Phase 3 of the Abingworth Meadows development (Original application ref: DC/10/1314) to provide for 75 dwellings including 26 affordable dwellings and community studio workshops) Amendments to Plots 1-41.	Application Permitted on 14.03.2022
DC/22/0773	Variation of Condition 1 of previously approved application DC/19/1707 (Revised layout for Phase 3 of the Abingworth Meadows development (Original application ref: DC/10/1314) to provide for 75 dwellings including 26 affordable dwellings and community studio workshops). Amendment to design and layout of houses at plots 42-75.	Application Permitted on 20.10.2022

2.9 The original consent for the Abingworth site dates back to 2013 (ref: DC/10/1314). Since then, there have been numerous applications to amend the approval.

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

CONSULTATIONS

3.2 **HDC Economic Development**: Comment (summarised).
 It is good to see workshops listed on sites such as Right Move, On the Market etc. but we have been unable to see this listing on Fowlers own site.

Economic Development would like to see more information supporting this proposal as the marketing report refers to 10 enquiries but only 2 are listed. We would like to understand why the units are not being considered for let on an individual basis and as interest has been low to date, what will be done differently in the coming months.

More effort is needed marketing this site and perhaps talking to the Parish Council could help as they will have local knowledge of demand.

Whilst we may be open to changing the trigger, we would not support moving it to the 70th.

PUBLIC CONSULTATIONS

3.3 **Thakeham Parish:** Comment.

- While Members feel that the over-55s housing could have been marketed better, they appreciate the need for affordable housing for everyone. Therefore, while they do consider there to be a need for over 55s housing, they have NO OBJECTION to the removal of this obligation, on the condition that the dwellings are marketed only to local residents for a minimum of six months; that they are advertised as 'starter homes'; and as such that they are offered at a genuinely affordable price. The term 'local' may be considered as within the 'Storrington hub' or within a set radius, for example ten miles of central Thakeham.
- When considering whether to change the trigger for the provision of workshops from the occupation of the 38th residential unit to the 70th residential unit, Members agreed a comment of STRONG OBJECTION. This was based on the perception that the workshops have been very poorly marketed, and that had marketing been more appropriate this delay would not be required. Members also noted that the deadline for the workshops has already been previously delayed.

NB: The above comments were based on the original proposal to amend the trigger to the 70th unit. This has now been amended to a trigger of the 60th unit.

Representations

3.4 One letter of representation has been received objecting to the proposal on the following grounds:

- Homes for over 55s is very much needed in this area. There are good amenities within easy walking distance including a well stocked local shop and as such, the area provides an excellent position for such housing. Such provision for the over 55s housing should therefore remain within this application as originally required.

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 Under DC/19/1707, planning permission was granted for the construction of 75 dwellings to Phase 3 of the Abingworth Meadows development site. This is the final phase of the site and includes affordable housing, 5 commercial units, 8 units for older persons accommodation (aged over 55) and allotments. This application was granted in February 2021 and included a S106 legal agreement that secured, amongst things, the provision of the affordable housing, allotments, the commercial units and the over-55 units. Subsequent minor amendments have been made to the original permission however the requirements of the legal agreement has remained. The applicants, Bellway Homes, are now well into the construction of Phase 3.

Delivery of the Workshops:

- 6.2 The planning permission under DC/19/1707 includes the provision of 5 workshop units (Class B1 business use) to the western side of the site. These units formed part of the original permission granted back in 2013 and were retained in the amended application DC/19/1707. The S106 legal agreement obligates their delivery by the occupation of the 38th dwelling within Phase 3, with a marketing strategy to have been approved by the Council prior to development of Phase 3 commencing.
- 6.3 An initial marketing strategy was submitted in October 2022 under application S106/22/0017, however this strategy, including subsequent amendments, has not yet been approved owing to questions and concerns raised by the Council's Economic Development team that have not been satisfactorily addressed. This includes a key concern that the workshops are only being marketed as a whole site for a purchaser to build on, rather than the units being let or sold on an individual basis. Development of the housing in Phase 3 is ongoing. No works to construct the workshops has commenced.
- 6.4 As originally submitted, the applicant proposed to amend the trigger to state that the workshop units had to be delivered by the occupation of the 70th unit, however this has since been revised to the 60th unit. The applicant has submitted a marketing report in support of this application which outlines the marketing undertaken and the difficulties they have had in finding potential occupiers for the units. Bellway have marketed the units through lead agent Fowlers Estates and Mike Jones which has involved both agents' wide contact lists and online marketing through a number of websites starting in November 2022.
- 6.5 The marketing report (dated May 2023) sets out that there were 10 enquiries up to the point Fowlers Estates were instructed to cease marketing and seek best and final offers in April 2023. One local business offered but subsequently withdrew. A second interested party was interested in one of the units once constructed but was not prepared to meet the requirement to offer for the entire land for the five units. The site remains advertised on the Fowlers Estates and Rightmove websites, albeit it no longer appears to be on the OntheMarket website.
- 6.6 The Council's Economic Development Team have commented that more information is required regarding the marketing, including more detail as to why the units are not being considered for let on an individual basis and as interest has been low to date, what will be done differently in the coming months. In order to allow for further improved marketing to take place officers agree that a relaxation of the trigger for the delivery of the units is appropriate in this instance.
- 6.7 However, both the Council Economic Development Team and the Parish have commented that they object to the proposal to amend the trigger to the 70th unit, and officers agree that this is not appropriate, especially as Phase 3 is for 75 homes only. The original trigger of the 38th units was considered appropriate as this was half the permitted housing. A trigger of the 70th unit is considered too near the end of the development of the site for 75 dwellings

(and Abingworth Meadows as a whole) and creates a risk (albeit small) that if the final 5 dwellings within Phase 3 are not completed, then there would be no requirement to deliver these workshop units.

- 6.8 As such, the applicant has agreed to amend their current proposal to the trigger of the 60th unit. Officers consider this to be a more appropriate trigger. It is important to note that the current proposal does not remove the requirement to deliver the workshop units. The applicant is still committed to their provision and has been in talks with the Parish over the use of workshops and potential other uses. It should also be noted that the workshops are an historical provision taken over from the original 2013 permission for the development for the whole of the Abingworth Meadows site and thus have been a commitment in the development for some ten years.
- 6.9 Overall, whilst it is disappointing that the marketing that has been undertaken has not been agreed by the Council as required by the S106 legal agreement, and that the marketing that has been undertaken appears to be very narrow requiring only the purchase of the entire site for development rather than on any other basis, in order to facilitate the continued delivery of the Phase 3 housing it is considered by officers to be acceptable in this instance to allow for a relaxation to the completion of the 60th dwelling for the workshops to be delivered.

Removal of Requirement for Over 55 Units:

- 6.10 The S106 legal agreement requires the developer to provide the 8 specified dwellings for occupation by the over-55s only in perpetuity. The over-55s units were included in the agreement as a requirement to provide accommodation for older households in compliance with the Thakeham Neighbourhood Plan policy for this site (Thakeham4: Abingworth Nursery).
- 6.11 The applicant has stated within a 'Statement of Truth' that following 6 months of standard Bellway marketing, which included Bellway's own online website, Rightmove and New Homes for Sale on The Market, Bellway took further steps to try and reach the right audience. This included using a local agent, Fowlers, whilst also advertising in the West Sussex County Times and Sussex Life.
- 6.12 Despite the above, Bellway have only been able to sell one of the over-55 units since site sales commenced in September 2022. The applicant has stated that this is down to the challenging housing market, driven by increased interest rates, which has had a significant impact on the housing market. The over 55 units are perfect for downsizers but are also ideal for first time buyers. Bellway have stated that they have received interest in these units for people under the age of 55. The 'Statement of Truth' states that one possible over-55s purchaser had funding refused due to this restrictive covenant which would run with the land/property.
- 6.13 Officers consider that sufficient evidence has been presented in the form of marketing over an appropriate period and that very limited interest has come forward for these units. Removing the obligation would free up these smaller units to other potential buyers, such as first time buyers which would be a benefit. Also, it should be noted that removing the obligation would not result in any financial gain to Bellway as the price would remain the same with or without the obligation.
- 6.14 The Parish Council have suggested that these units are instead marketed only to local residents for a minimum of six months, that they are advertised as 'starter homes', and/or are offered at a genuinely affordable price. Policy Thakeham4 only refers to the provision of dwelling suited to older households therefore it is not possible in policy terms to require that they be re-provided as starter/first homes (which come with discounted price) or for local persons only. Consequently the provision of the alternative forms of housing as suggested

by the Parish Council is not considered necessary to make the application acceptable from a planning perspective.

- 6.15 Taken into account the genuine attempts to market the dwellings for over-55s occupation only, and the evidential lack of interest in the over-55 units, the removal of the obligation is considered appropriate in this instance. The removal of the obligation would also allow these units to go back on the general market which would still allow for their purchase by downsizers or first time buyers.

Water Neutrality:

- 6.16 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.
- 6.17 For this proposal, this scheme does not increase the number of units (commercial or residential) already approved on this part of the site, therefore water consumption will not increase as a result of these amendments. As such, the grant of planning permission would not adversely affect the integrity of the Arun Valley sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

7. RECOMMENDATIONS

- 7.1 To approve the variation of the S106 legal agreement to planning permission DC/19/1707 to:
- Amend the trigger for the delivery of the workshop units to the occupation of the 60th residential unit.
 - Remove the requirement to provide the specified eight dwellings for occupation by over-55's only.

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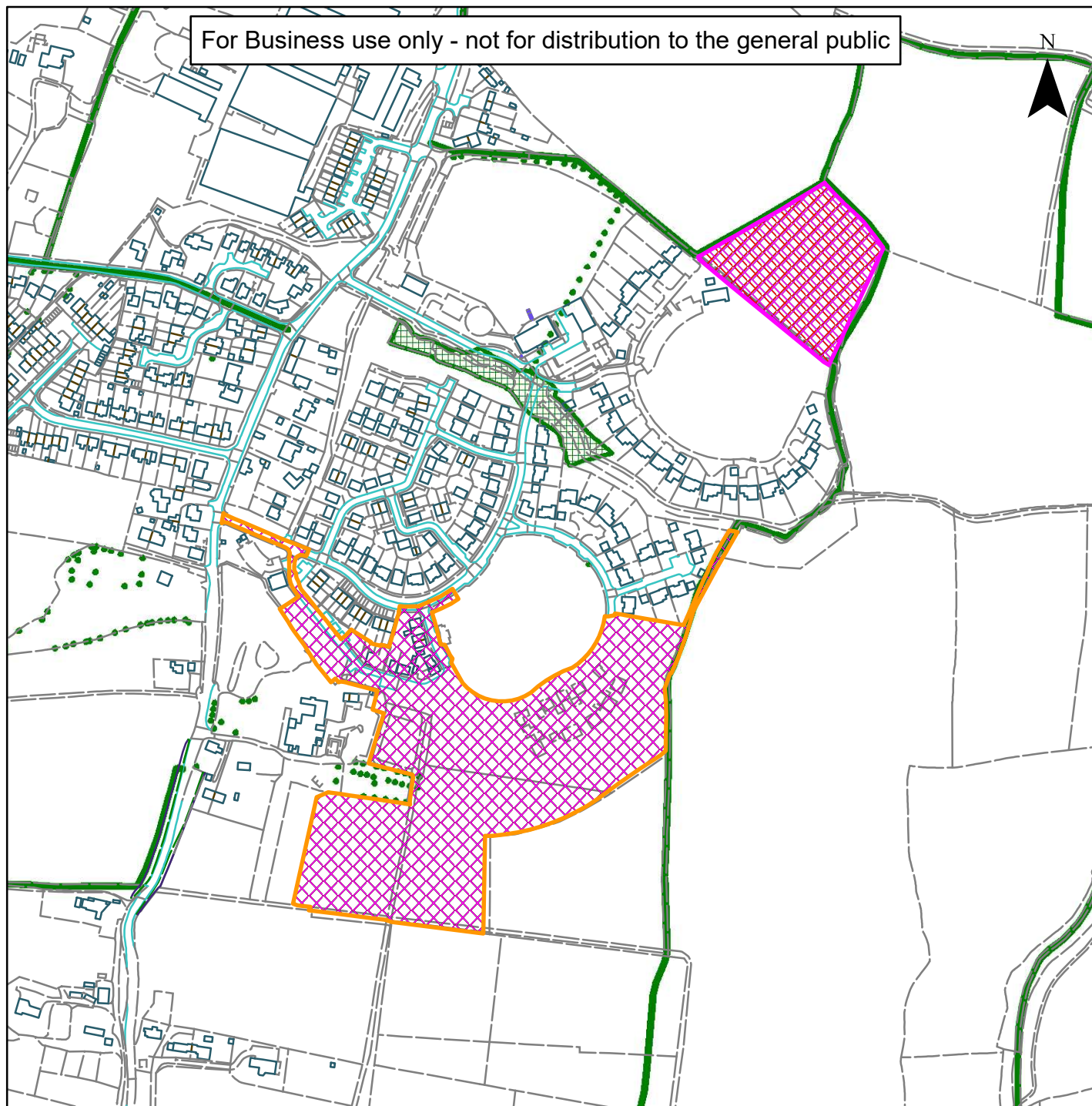
07) S106/23/0017 Map



**Horsham
District
Council**

Land at Phase 3, Abingworth Nurseries, Storrington Road,
Thakeham, West Sussex

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Scale: 1:5,000

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Comments	
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