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# Planning Committee (North)

Tuesday, 1st August, 2023 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

Councillors:

Peter van der Borgh (Chairman)	Liz Kitchen
Tony Bevis (Vice-Chairman)	Richard Landeryou
Colette Blackburn	Dennis Livingstone
Martin Boffey	Jay Mercer
James Brookes	John Milne
Len Ellis-Brown	Colin Minto
Nigel Emery	Jon Olson
Ruth Fletcher	Sam Raby
Chris Franke	David Skipp
Anthony Frankland	Jonathan Taylor
Nick Grant	Clive Trott
Kasia Greenwood	Mike Wood
Warwick Hellowell	Tricia Youtan
Tony Hogben	
Alex Jeffery	

You are summoned to the meeting to transact the following business

Jane Eaton  
Chief Executive

## Agenda

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	Page No.
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	7 - 12
<i>To approve as correct the minutes of the meeting held on 4 July 2023 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
3. <b>Declarations of Members' Interests</b>	
<i>To receive any declarations of interest from Members of the Committee</i>	

4. **Announcements**

To receive any announcements from the Chairman of the Committee or the Chief Executive

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

5. **Appeals** 13 – 14
- Applications for determination by Committee:
6. **DC/22/2077 RSPCA Headquarters, Oakhurst Business Park, Wilberforce Way, Southwater** 15 - 40  
Ward: Southwater North  
Applicant: Legal and General
7. **DC/21/2180 Woodfords, Shipley Road, Southwater** 41 - 80  
Ward: Southwater South and Shipley  
Applicant: Reside Developments Ltd
8. **DC/23/0235 Land Adjacent to Oakfield, Cox Green, Rudgwick** 81 - 98  
Ward: Rudgwick  
Applicant: Mr Andrew Jackson
9. **DC/23/0578 Lower Broadbridge Farm, Billingshurst Road, Broadbridge Heath** 99 - 110  
Ward: Itchingfield, Slinfold and Warnham  
Applicant: Mr Cole
10. **DC/23/0324 13 Nelson Road, Horsham** 111 - 120  
Ward: Trafalgar  
Applicant: Mrs P Bhuvanandran
11. **DC/23/1024 21 Patchings, Horsham** 121 - 126  
Ward: Forest  
Applicant: Mr Jon Espley
12. **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

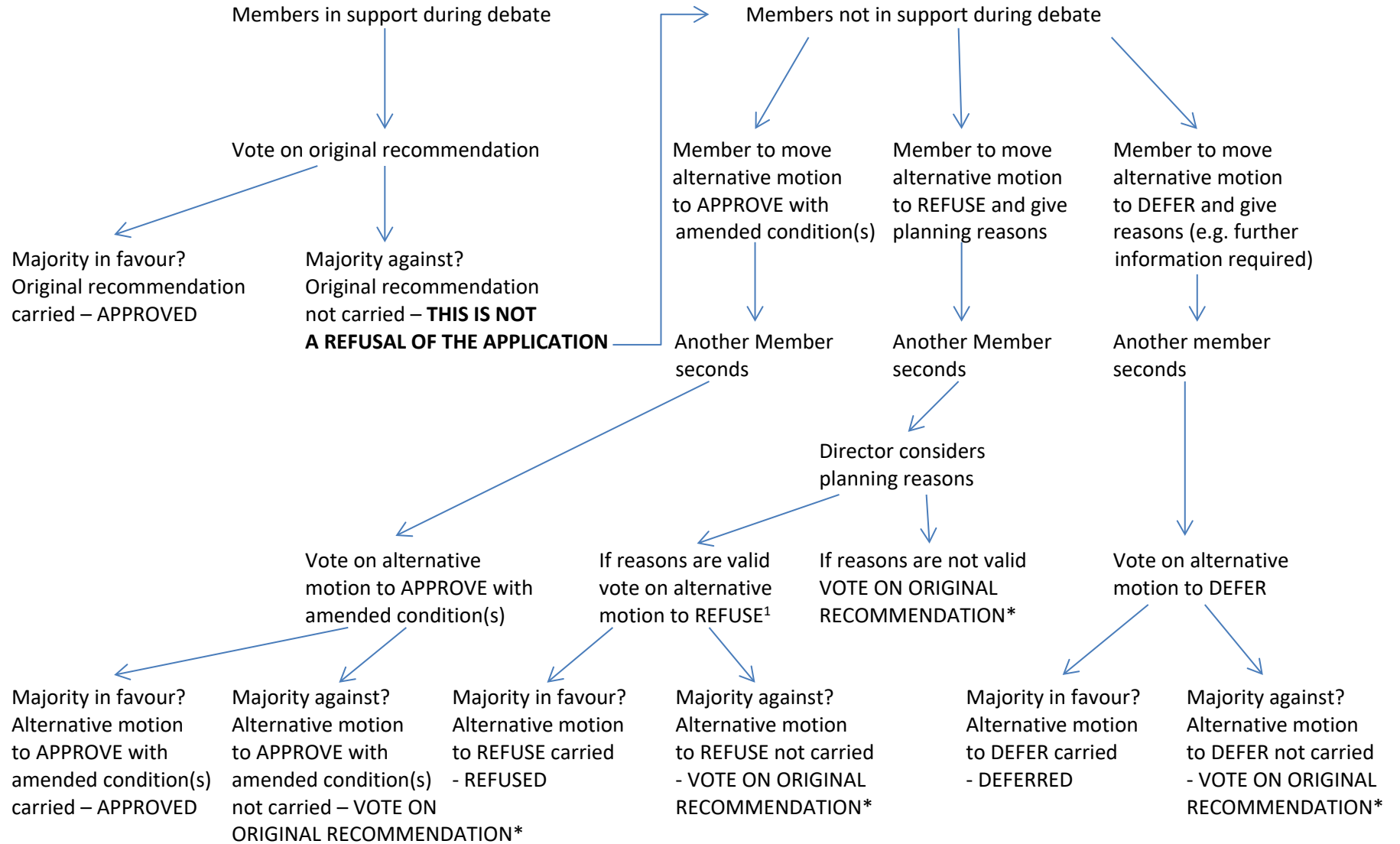
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

<b>Addressing the Committee</b>	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.
<b>Minutes</b>	Any comments or questions should be limited to the accuracy of the minutes only.
<b>Quorum</b>	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.
<b>Declarations of Interest</b>	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.
<b>Announcements</b>	These should be brief and to the point and are for information only – <b>no debate/decisions</b> .
<b>Appeals</b>	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
<b>Agenda Items</b>	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.
<b>Public Speaking on Agenda Items</b> (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 <b>5</b> minutes each to make representations; members of the public who object to the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes; applicants and members of the public who support the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes. Any time limits may be changed at the discretion of the Chairman.
<b>Rules of Debate</b>	<p><b>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</b></p> <ul style="list-style-type: none"> <li>- No speeches until a proposal has been moved (mover may explain purpose) and seconded</li> <li>- Chairman may require motion to be written down and handed to him/her before it is discussed</li> <li>- Secunder may speak immediately after mover or later in the debate</li> <li>- Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max <b>5</b> minutes or longer at the discretion of the Chairman)</li> <li>- A Member <b>may not speak again except:</b> <ul style="list-style-type: none"> <li>o On an amendment to a motion</li> <li>o To move a further amendment if the motion has been amended since he/she last spoke</li> <li>o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried)</li> <li>o In exercise of a right of reply. Mover of original motion</li> </ul> </li> </ul>

	<p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> <li>○ 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.</li> <li>○ 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.</li> </ul> <ul style="list-style-type: none"> <li>- Amendments to motions must be to: <ul style="list-style-type: none"> <li>○ Refer the matter to an appropriate body/individual for (re)consideration</li> <li>○ Leave out and/or insert words or add others (as long as this does not negate the motion)</li> </ul> </li> <li>- One amendment at a time to be moved, discussed and decided upon.</li> <li>- Any amended motion becomes the substantive motion to which further amendments may be moved.</li> <li>- 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).</li> <li>- 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).</li> <li>- The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).</li> </ul>
<b>Alternative Motion to Approve</b>	<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>
<b>Alternative Motion to Refuse</b>	<p>If a Member moves an alternative motion to refuse the application contrary to the Planning Officer’s recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Head of Development will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.</p>
<b>Voting</b>	<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"> <li>- Two Members request a recorded vote</li> <li>- A recorded vote is required by law.</li> </ul> <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>
<b>Vice-Chairman</b>	<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>

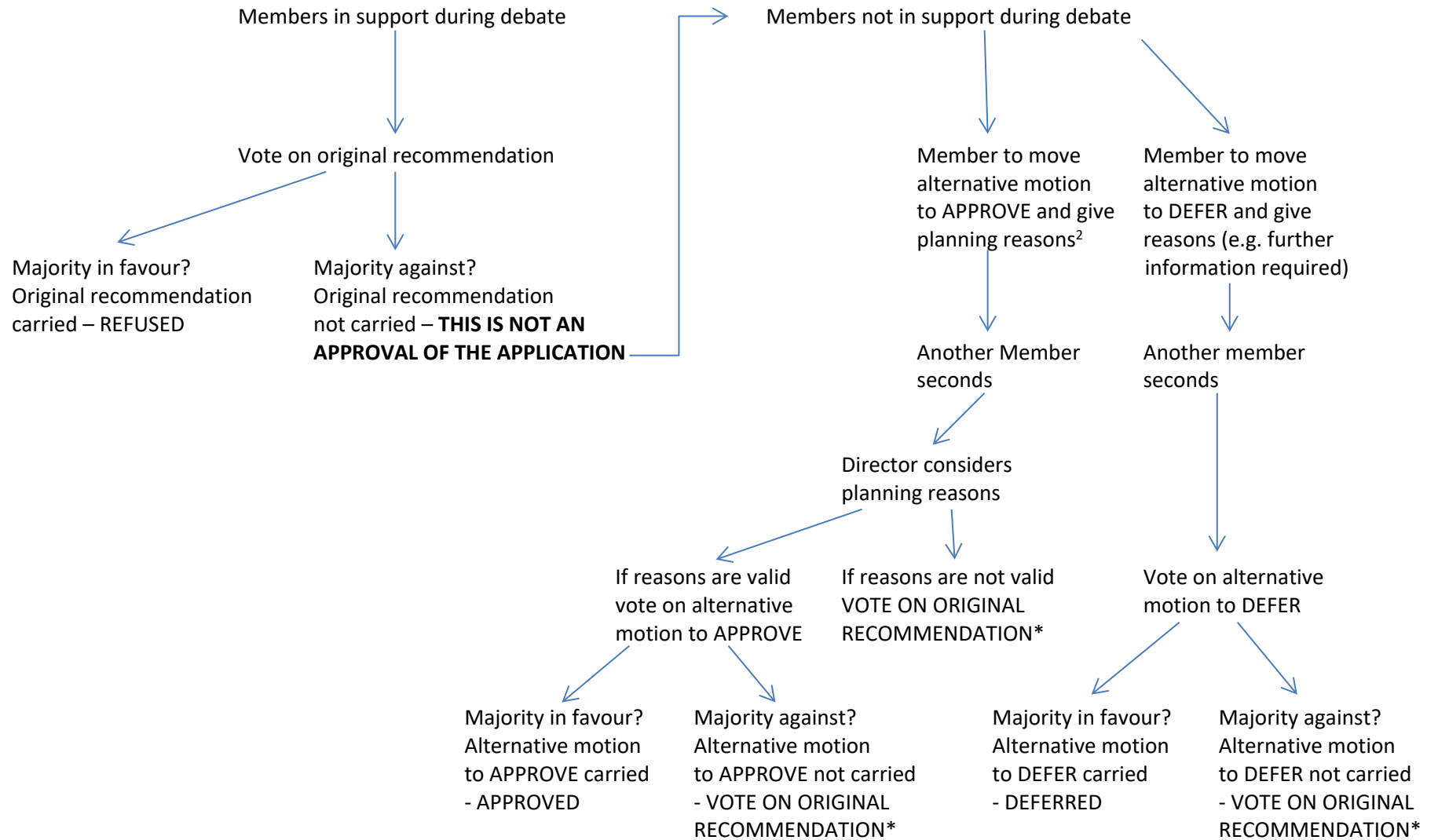
**Original recommendation to APPROVE application**



\*Or further alternative motion moved and procedure repeated

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

**Original recommendation to REFUSE application**



\*Or further alternative motion moved and procedure repeated

<sup>2</sup> Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

**Planning Committee (North)**  
**4 JULY 2023**

Present: Councillors: Peter van der Borgh (Chairman), Colette Blackburn, Martin Boffey, James Brookes, Len Ellis-Brown, Nigel Emery, Ruth Fletcher, Anthony Frankland, Nick Grant, Kasia Greenwood, Warwick Hellowell, Tony Hogben, Alex Jeffery, Liz Kitchen, Richard Landeryou, Dennis Livingstone, John Milne, Colin Minto, Jon Olson, Sam Raby, Jonathan Taylor and Mike Wood

Apologies: Councillors: Tony Bevis, Chris Franke, Jay Mercer, David Skipp, Clive Trott and Tricia Youtan

PCN/13 **MINUTES**

The minutes of the meeting held on 6 June were approved as a correct record and signed by the Chairman.

PCN/14 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/22/2229: Councillors Martin Boffey, Peter van der Borgh, Jon Olson and Nick Grant all declared a personal interest because they hold a paid membership to Leonardslee Gardens.

PCN/15 **ANNOUNCEMENTS**

There were no announcements.

PCN/16 **APPEALS**

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

PCN/17 **DC/22/1954 GREENWAY ACADEMY, GREENWAY, HORSHAM**

The Head of Development & Building Control reported that this application sought permission for the demolition of school buildings and the construction of a new part two storey, part single storey teaching block with external play areas, canopy, photovoltaic panels, and landscaping.

The application site was located within the Built-up Area Boundary of Horsham approximately one kilometre northwest of Horsham Town Centre and to the north side of the public highway 'Greenway'.

There had been 35 representations objecting to the application, from 28 households, and seven in support.

Three members of the public spoke in objection to the application, and the applicant and the applicant's agent addressed the Committee in support of the proposal. A representative of the Neighbourhood Council raised some concerns regarding the application.

Members considered the consultees' responses and the officer's planning assessment. Members discussed raised issues such as privacy due to the proximity of the proposed building with homes, as well as the addition of a second floor to the school. Other concerns raised included the use of the facilities outside of school hours being disruptive and the new external play area being very close to homes. Members also discussed the need for enhanced infrastructure to encourage walking and cycling.

Following debate amendments to the recommended conditions were proposed and seconded. The motion was carried.

#### RESOLVED

That planning application DC/22/1954 be delegated for approval to the Head of Development, in consultation with local members. Subject to the conditions set out in the report and the following:

An amendment to Condition 20, with details to be approved prior to commencement and to clarify traffic routing within CEMP. To further consider cycle parking provision and the access pathway for cyclists and pedestrians. To draft a further condition requiring the submission of a management plan, to seek to reduce any impact on neighbours.

#### PCN/18 **DC/22/2229 LEONARDSLEE GARDENS, BRIGHTON ROAD, LOWER BEEDING**

The Head of Development & Building Control reported that this application sought part-retrospective permission for the construction of enlarged and rationalised existing car park and grassed enclosure for overflow car parking, to include tree planting, installation of new children's play area and relocation of chicken enclosure. Amendments would include changes to road layout within the site, with associated enlarged and enhanced landscape buffer and reinstatement of hedge to A281 boundary.

The application site was located south of Lower Beeding and to the north of Crabtree, running parallel to the east of Long Hill Road (A281), within the High Weald Area of Outstanding Natural Beauty, and included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade I.



The Parish Council strongly objected to the application. There had been 12 letters of representation objecting to the application.

One member of the public spoke in objection to the application and the applicant addressed the Committee in support of the proposal.

Members considered the consultees' responses and the officer's planning assessment. Members discussed imposing conditions such as limiting the use of the site as car parking only, and only using the overflow car parking when the main car park was at full capacity.

In response to concerns of the local ward member, amendment to the recommendation to agree details reserved by conditions 10, 11, 15 in consultation with the local members was proposed and seconded. The motion was carried.

#### RESOLVED

That planning application DC/22/2229 be granted subject to the conditions as reported below.

To be approved in accordance with the officer recommendation subject to the following: the approval of details reserved by the conditions 10, 11 and 15 in consultation with local members.

#### PCN/19 **DC/23/0085 COOMBERS FARM, WIMLAND ROAD, FAYGATE**

The Head of Development & Building Control reported that this application sought permission for the demolition of the existing agricultural building and the erection of a detached 2-bed single storey residential dwelling.

The application site was located to the north of Faygate, broadly between Horsham and Crawley. The site is to the west of Wimland Road, outside of the designated built-up area boundary

The Parish Council raised no objection to the application, provided that the previous conditions are maintained.

Members considered the officer's planning assessment and in general supported the application.

RESOLVED

That planning application DC/23/0085 be granted in accordance with the officer recommendation.

PCN/20 **DC/23/0304 CEMETERY LODGE, GUILDFORD ROAD, HORSHAM**

The Head of Development & Building Control reported that this application sought permission for the removal of an existing shed and part demolition of an outbuilding in order to provide on-site parking. The application also proposed changes to fencing to alter the access and vehicular access from the Cemetery, together with the replacement of an existing window and the addition of a door.

The application site was located at Cemetery Lodge on Guildford Road in Horsham. The property comprises a two-storey detached dwelling, that sits at the entrance to Hills Cemetery in the northeast corner of the site. It is located within the built-up area of Horsham.

The Neighbourhood Parish Council objected to the application and raised concerns regarding refuse vehicle access to the site.

Members considered the officer's planning assessment and noted the Neighbourhood Councils concerns. Members discussed improvements to the access road to the east and north to improve accessibility to those with impaired mobility.

RESOLVED

That planning application DC/23/0304 be granted in accordance with the officer recommendation and the following:

The inclusion of an informative advising the applicant of the desirability of improving the access track to the east and north of the dwelling through the introduction of a hard surface such as to improve means of access to occupiers with impaired mobility.

PCN/21 **DC/23/0638 BEN'S FIELD, STAKERS LANE, SOUTHWATER, HORSHAM**

The Head of Development & Building Control reported that this application sought permission to install CCTV cameras at the proposed replacement Skate Park.

The application site was located at Stakers Lane, Southwater.

The Parish Council raised no objections.

Members considered the officer's planning assessment and were supportive of the proposal and raised no concerns.

RESOLVED

That planning application DC/23/0638 be approved in accordance with officer recommendation.

*The meeting closed at 8.05 pm having commenced at 5.30 pm*

CHAIRMAN

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## Planning Committee (NORTH)

Date: 1<sup>st</sup> August 2023



**Horsham  
District  
Council**

Report on Appeals: 22/06/2023 – 19/07/2023

### 1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/22/0785	Horsham Car Centre 264A Crawley Road Horsham West Sussex RH12 4HG	30-Jun-23	Application Refused	Application Refused
DC/22/2313	Sussex House North Street Horsham West Sussex RH12 1RQ	05-Jul-23	Application Permitted	Application Refused
DC/23/0652	40 Carter Drive Broadbridge Heath West Sussex RH12 3GZ	07-Jul-23	Application Refused	N/A
DC/22/2093	Lake Cottage Nuthurst Street Nuthurst Horsham West Sussex RH13 6RG	12-Jul-23	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
EN/23/0123	Beckley Stud Reeds Lane Southwater Horsham West Sussex RH13 9DQ	Written Representation	10-Jul-23	Notice served	N/A
DC/23/0470	7 Palmer Avenue Broadbridge Heath West Sussex RH12 3GQ	Fast Track	13-Jul-23	Application Refused	N/A

### 3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
EN/22/0050	24 Wellington Road Horsham West Sussex RH12 1DD	Written Representation	Appeal Dismissed	Notice served	N/A
DC/21/2683	24 Wellington Road Horsham West Sussex RH12 1DD	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/2102	Sussex Topiary Naldretts Lane Rudgwick West Sussex RH12 3BU	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/2088	26 Amberley Road Horsham West Sussex RH12 4LN	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/2469	Lutwicke Corner Cottage Stane Street Slinfold Horsham West Sussex RH13 0RE	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/2337	11 Ridgehurst Drive Horsham West Sussex RH12 1XF	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/1607	Plot C1 Oakhurst Business Park Wilberforce Way Southwater West Sussex	Written Representation	Appeal Dismissed	Application Permitted	Application Refused



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 1<sup>st</sup> August 2023

**DEVELOPMENT:** Demolition of existing building and the erection of 3no buildings to provide flexible industrial and storage and distribution floorspace (Use Class B2/B8) and ancillary office floorspace, with associated hard and soft landscaping, car and cycle parking, supporting infrastructure and retention of existing attenuation pond.

**SITE:** RSPCA Headquarters, Oakhurst Business Park, Wilberforce Way, Southwater, Horsham, West Sussex, RH13 9RS

**WARD:** Southwater North

**APPLICATION:** DC/22/2077

**APPLICANT:** **Name:** Legal and General **Address:** c/o agent

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

By request of Councillors Greening and Vickers

**RECOMMENDATION:** To approve 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 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The proposal is to demolish the existing office building and construct three separate buildings to form commercial units under Use Class B2 (general industrial) and Use Class B8 (storage and distribution). The three buildings would be split into seven units totalling 9,144sqm. The northern half of the site would comprise six units across two buildings where the car park currently exists. The southern half would comprise a third larger building, replacing the existing office building. Each building would benefit from ancillary

office space as a mezzanine, except for one unit which will not have any ancillary office space.

- 1.3 The existing access point from Wilberforce Way would be retained as the only access into the site. The site would be divided by one internal estate road that would provide access to the northern and southern parcels. The buildings would each be provided with allocated car and cycle parking, including disabled bays and electric vehicle charging points. The total number of car parking bays would be 94, including 9 disabled bays and 24 bays with active EV charge points. Passive charging would be provided to all remaining parking bays to enable future connection. Refuse storage and cycle shelters are provided for the units. The scheme proposes 24 hour usage of the units.
- 1.4 The buildings are proposed in a modern design in predominantly grey and black cladding with pitched roofs set behind parapets to a maximum height of 12.45m. The buildings would include an aluminium curtain walling system which results in large areas of fenestration. The buildings all face towards internal loading / car park areas which run through the centre of the site. Landscaping is proposed around the buildings with the remodelling of the existing pond to the southern part of the site. The scheme includes noise attenuation fencing within the site and to the southern section.

## DESCRIPTION OF THE SITE

- 1.5 The application site comprises Wilberforce House located towards the eastern side of the Oakhurst Business Park, Southwater, and includes its associated area of car parking. Wilberforce House was approved in January 2000 pursuant to planning permission ref: SQ/46/99 and is a large modern office building constructed to four storeys, with the main part of the building being three-storeys in height. The building is occupied by the RSPCA. At present, it operates at low occupancy due to the shift in working practices. The RSPCA terminated their lease earlier in 2022 and are actively searching for a smaller, town centre office.
- 1.6 The application site is located within the defined built-up area boundary for Southwater and within the Oakhurst Business Park. The commercial premises opposite the site on Wilberforce Way are designated as a Key Employment Area within the Horsham District Planning Framework (2015). This site does not fall within the same Key Employment Area, but is instead categorised as an Existing Employment Site.
- 1.7 The site is not subject of any formal ecological and/or landscape designation. A number of mature trees are located within the site, and within its well-landscaped fringes. The site is not directly subject of a heritage designation, however there is a Grade II Listed Building at Nye's Cottage located approximately 50m to the south of the site on Southwater Street with two additional listed buildings over 100m to the southwest of the site. The site is adjacent to the A24 to the east and other commercial properties within Oakhurst Business Park to the west. The site includes two trees to the southern boundary protected by Tree Preservation Orders (TPO/1425).

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### 2.2 RELEVANT PLANNING POLICIES

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

- 2.3 **National Planning Policy Framework**



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

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 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

## 2.5 **Supplementary Planning Guidance:**

Planning Obligations and Affordable Housing SPD (2017)  
Community Infrastructure Levy (CIL) Charging Schedule (2017)

## 2.6 **Parish Design Statement:** Southwater Parish Design Statement

## 2.7 **Planning Advice Notes:**

Biodiversity and Green Infrastructure

## 2.8 RELEVANT NEIGHBOURHOOD PLAN

### **Southwater Neighbourhood Plan (June 2021)**

SNP1 – Core Principles  
SNP4 – Keeping Our Roads Moving  
SNP13 – Enhancing Our Non-Motorised Transport Routes  
SNP14 – Adequate Provision of Car Parking  
SNP15 – Driving in the 21st Century  
SNP16 – Design  
SNP17 – Site Levels  
SNP18 – A Treed Landscape  
SNP21 – A Growing Economy

## 2.9 PLANNING HISTORY AND RELEVANT APPLICATIONS

SQ/46/99	Erection of 8346 sq metres offices, access, roads, parking and landscaping	Application Permitted on 10.01.2000
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## 3. **OUTCOME OF CONSULTATIONS**

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

## INTERNAL CONSULTATIONS

- 3.2 **HDC Arboriculturist:** Comment.  
Condition recommended requiring the submission of an arboricultural method statement in order to protect existing trees to be retained (including the two TPOs on site).
- 3.3 **HDC Drainage Officer:** No objection  
No overall objections subject to drainage conditions.
- 3.4 **HDC Ecology:** No objection subject to conditions.
- 3.5 **HDC Economic Development:** Support.  
The proposal will introduce more good quality, modern commercial floorspace into the District, providing opportunities for new and existing businesses.
- 3.6 **HDC Environmental Health:** No objection subject to conditions:  
[summary] Due to the unknown pattern of activity associated with the development of this nature and the low background levels in our District, Environmental Health do not typically support unfettered 24-hour use for applications of this nature which introduces 24 hour commercial operations in close proximity to residential development. Given that there is a residential property located approximately 100m from the proposed delivery and dispatch yard to Unit 300, we do have some concerns on the impact on residential amenity. The imposition of suitably worded planning conditions will help to control noise levels so if officers are minded to approve this application we would recommend the below conditions:
- Submission of a noise management plan prior to any use of the units.
  - Submission of a noise mitigation scheme to protect adjacent dwellings from noise emanating from the premises prior to development commencing.
  - No plant or machinery to be operated until an assessment of the acoustic impact arising from the operation has been submitted for approval.
  - Works to cease on site if contamination, not previously identified, is found on site and a further remediation strategy is to be submitted for approval.
- 3.7 **HDC Heritage:** No objection. The Heritage Officer's initial concerns regarding the impact on the setting of the adjacent listed building were withdrawn with the submission of additional information.
- 3.8 **HDC Landscape:** Support subject to conditions.

## OUTSIDE AGENCIES

- 3.9 **Active Travel England:** No comment to make  
No comment to make on this consultation as its statutory consultee remit applies only to qualifying consultations that were made valid by the local planning authority on or after 1st June 2023.
- 3.10 **Natural England:** No objection  
No objection subject to securing the delivery, management and maintenance of the measures identified in the Water Neutrality Report.
- 3.11 **Southern Water:** Comment.  
The proposal may require the diversion of a public sewer. This must be done at the applicants expense under statutory provisions. A condition is recommended requiring full details of surface water run off and proposed means of foul sewerage to be submitted for approval to ensure the disposal can be accommodated by the existing network.

- 3.12 **WSCC Highways:** No objection.
- WSCC suggest a Traffic Regulation Order to sections of Blakes Farm Road near the site to limit HGV parking on this road. This is to be secured in a legal agreement.
  - With the additional information provided, WSCC are satisfied that the number of vehicle movements (including HGVs) will not have a significant impact on the local road network.
  - The proposed number of parking spaces is considered appropriate. The applicant has provided information to show that parking for both classes (Class B2 and B8) can be accommodated for. There should also not be a need for an overspill parking as enough parking is provided on site.
  - From a highway safety perspective, the use of the site for 24 hour is acceptable.
  - The use of the site for HGVs is acceptable. This would require the widening of the existing access.

- 3.13 **WSCC Fire & Rescue:** Comment.  
Conditions recommended requiring details of fire hydrants to be provided on site.

#### PUBLIC CONSULTATIONS

- 3.14 **Southwater Parish Council:** Strongly Object on the following grounds:
- In principle it is apparent that a change in use of this site is inevitable and given what is happening elsewhere, to small business units and large logistics units. The problem with the latter is that they generate a large amount of HGV traffic which it appears that it is not in the remit of the highway authority to comment. In general terms the basics of the site accord with industry norms in terms of loading bays/docks and vehicle turning etc. The number of bays may change as tenant's requirements are considered, but these are unlikely to change the basic layout.
  - The 24 hour use of the site would lead to unacceptable impacts in terms of noise and HGV movements. If approved, these hours would spread to other units.
  - The increased use of HGV for this proposal would result in highway safety issues.
  - The proposal is lacking in parking and loading spaces for the proposed units.
- 3.15 **10** objections have been received (from 9 addresses) to the proposal on the following grounds:
- The 24 hour working hours proposed is not acceptable. This is an area backing into a quiet residential area. There is already noise disturbance from the existing commercial uses. This would set a precedent for 24 hour uses for the other Oakhurst Business Park units. Other units have been refused 24 hour usage.
  - The proposal leads to overdevelopment and would result in more traffic. There is no pavement on Blakes Farm Road so pedestrians are at risk here.

#### **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 main considerations in the determination of this proposal are as follows:

- Principle of development
- Design and appearance
- Heritage impact
- Landscape impact
- Impact on residential amenity
- Highways impact
- Drainage
- Ecology and water neutrality
- Climate change

### **Principle of Development:**

- 6.2 Policy 7 of the HDPF sets out the overarching strategic economic growth and development policy of the development plan. This policy seeks to promote sustainable economic and employment growth by allocating sufficient land to accommodate high quality employment floorspace, retaining existing key-employment areas and by promoting the redevelopment, regeneration, intensification and smart growth of existing employment sites.
- 6.4 Policy 9 of the HDPF seeks to protect viable existing businesses in order to protect employment opportunity whilst enabling the appropriate redevelopment of sites where it can be demonstrated that the site/premises is no needed and/or viable for employment use.
- 6.5 Policy SNP21 of the Southwater Neighbourhood Plan (SNP) states that outside Key Employment Areas and Parish Employment Areas, small scale business units are supported where they are in accordance with the development plan. In the accompanying text to Policy SNP21 (paragraph 9.5), Oakhurst Business Park (inclusive of the RSCPA headquarters) is identified as one of the two business parks within the Parish. Paragraph 9.5 of the SNP comments on the quality of good connections to the Business Park including from the highway network, to south coast ports and Gatwick Airport. The site, however, is not allocated as a 'Parish Employment Area'.
- 6.6 Oakhurst Business Park is identified as a 'Key Employment Area' within the HDPF, however the RSPCA site is not included within this designation, instead being classified as an 'Existing Employment Site'.
- 6.7 HDPF Policies 7 and 9 promote the appropriate redevelopment, regeneration, intensification and smart growth of existing employment sites. Whilst the proposal would result in the loss of an office building (formerly Use Class B1a, now Use Class E), it would retain the employment use of the site as B2 and B8 floorspace. It is considered, therefore, that there is an in-principle basis upon which the redevelopment of the site for continued employment use, albeit in Class B2 and B8 use rather than Class E office use, can be supported.
- 6.8 The existing office building present within the site is modern dating to 1990. At present, it operates at low occupancy due to the shift in working practices, with out-of-centre office locations stated to be no longer appropriate for RSCPA staff compared to pre-Covid

pandemic. The RSPCA terminated their lease earlier in 2022 and are actively searching for a smaller, town centre office. It is stated that they have capacity at existing sites in the interim to accommodate their staff.

- 6.9 To address the loss of the office accommodation, the applicant has submitted a Marketing Report which sets out the marketing undertaken for the suitability of this site for continued office use. This also addresses concerns that the demolition of this relatively modern building to make way for replacement commercial buildings is an environmentally unsustainable form of development.
- 6.10 The Marketing Report states that Carter Jonas were appointed by the vendor to seek to re-let or sell the Wilberforce House site, depending on market demand. Carter Jonas reviewed office demand, and the layout/configuration of the building and concluded the building had to be relet as a whole, with subletting on a floor-by-floor basis not possible due to the building's configuration (built bespoke for the RSPCA). The office was on the market during 2021/2022 and during that time (over 12 months) no office use enquiries were received. Out of the 12 bids received in that period, none intended on retaining the existing office building.
- 6.11 The lack of interest in office use is partly attributed to the significant programme of works required to upgrade the building into a Grade A condition for offices. Given these costs, the report states that this would create a significant hurdle to overcome in matching the rental for office accommodation in this area. The report therefore concludes that it is unviable to upgrade the existing building for Grade A office use.
- 6.12 The Council's Economic Development officer has commented that, whilst there are some concerns over the loss of general office space and the drop in the number of proposed employees, this proposal is supported in providing new industrial and warehouse buildings (with ancillary office space), noting that there is currently a lack of supply of modern fit for use commercial sites in the District, both in terms of meeting the needs of smaller and larger businesses.
- 6.13 Priority 1 of the HDC Economic Strategy states the importance of ensuring businesses have the confidence to invest in Horsham District as an economic location. The championing of strategic sites and new commercial developments will be critical in achieving inward investment from companies outside of the District. Investment in such sites will support the offer the District has for businesses and this is furthered in Priority 2 (Enterprise), which seeks to ensure our businesses become more productive and resilient to support long term growth. The provision of commercial floorspace will provide businesses the opportunity to expand and further their growth.
- 6.14 Overall, the Economic Development team supports this application as the development supports multiple points on the Local Plan and Economic Strategies. It will introduce more good quality, modern commercial floorspace into the District, providing opportunities for new and existing businesses, and having the potential to build on the number of local job opportunities available.
- 6.15 As a brownfield site within an existing industrial estate, this is an appropriate site for employment uses. As such, the application accords with Policy 7 of the HDPF as the proposal supports employment development on an existing employment site. With the submission of the marketing, the proposal also accords with Policy 9 of the HDPF which requires redevelopment of employment sites and premises outside Key Employment Areas to demonstrate that the site is no longer needed and/or viable for employment use. In this instance, the marketing report addressed the continuing use of the site for office use and concludes that this is unviable. Alternative employment uses are therefore considered appropriate for this site within the business park.

- 6.16 The proposal would also accord with Southwater Neighbourhood Plan Policy SNP21 in that the proposal would provide small scale business units which would be appropriate for Oakhurst Business Park. The principle of the proposal is therefore considered appropriate.

**Design and appearance:**

- 6.17 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Southwater Neighbourhood Plan policy SNP16 seeks to ensure that all development is of a high-quality design, seeking to promote the use of locally sourced materials, a variety of complementary vernaculars and the adoption of 'secure-by-design' principles.
- 6.18 The site would be laid out with three separate flat roofed buildings all set facing inwardly into the site over car parking and loading areas. Two buildings are sited to the northern part of the site with a larger building to the south western part of the site. The buildings would all include parapet roofs and would be modern in design, completed in predominantly grey and black cladding with lighter cladding proposed to the upper parts of the units. The buildings would include an aluminium curtain walling system which results in large areas of fenestration that are attractive additions.
- 6.19 In the context of Oakhurst Business, the design of buildings is considered representative of modern industrial/logistics development and broadly consistent with existing facilities within the wider business park. The indicated use of glazed entrances with louvres together with varied material types and colours provides articulation add visual interest to the proposed buildings.
- 6.20 The site benefits from well-established landscaped boundaries, which significantly restrict the visibility of the site from surrounding roads/vantages. The three buildings and parking / loading areas are shown set within the site away from the boundaries. This allows existing trees and hedgerows to be retained around the site. New landscaping is also proposed around the perimeter of the site. Having regard to the design of the proposal, in the context of Oakhurst Business Park, the scheme is considered appropriate in terms of its appearance and is in accordance with the above policies.

**Heritage impact**

- 6.21 Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting. Policy 34 of the HDPF also states that heritage assets are an irreplaceable resource which require preserving.
- 6.22 Paragraph 202 of the NPPF state that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*'. This paragraph is key when determining whether the changes proposed within the setting of any listed building would be acceptable.
- 6.23 There are three heritage assets to the south of this site. Nye's Cottage and Wellers Farm, both Grade II Listed Buildings, are situated on the other side of Southwater Street, approximately 180m and 240m from the centre of the site respectively. Blakes Farmhouse is situated further south. A Built Heritage Statement has been submitted with the application. The statement considers that the settings of all three identified heritage assets make a low to moderate contribution to their significance and that the site makes no contribution to these settings. Therefore, any urbanising effects of this proposal would not affect these assets.

- 6.24 The Council's Senior Conservation Officer commented that he agreed that the visual impact will not be harmful based on the distance between the proposal site and the listed buildings in the vicinity. However, the officer commented that there was a concern that other factors, such as artificial light, noise, vibration and perception of activity, could have a negative impact within the setting of the listed buildings. In response, an addendum was submitted by the agents to address this concern.
- 6.25 The addendum states that the site is currently in commercial use, which does not include any controls over lighting or vehicle movements. The Built Heritage Statement and addendum demonstrate that the proposals, which include extensive embedded mitigation measures, will not harm the significance of these heritage assets, or the ability to experience and appreciate that significance. Consideration has been given to the design of the proposals, which include embedded mitigation in the form of a considered lighting strategy, movements strategy, noise mitigation and landscaping to reduce any potential impacts to the setting and significance of the heritage assets. Taking into the above, the Council's Conservation Officer has withdrawn their concerns, subject to the environmental impact of the proposals being considered appropriate by the HDC Environmental Health Team. As outlined below, the Council's Environmental Health officer has commented that they have no objections to this proposal, subject to conditions. It is therefore considered that the concerns of the Heritage Officer have been addressed.

#### **Landscape Impact:**

- 6.26 The submission includes a Landscape Design Statement to address the landscape impact of this proposal. The statement outlines that a large focus for this scheme has been on the protection and retention of the mature existing boundary vegetation and trees in order to mitigate views to and from the development site. Where required, gaps within the existing vegetation are proposed to be planted predominantly with native species to aid habitat creation, biodiversity and ecology within the site.
- 6.27 The statement outlines that a significant proportion of the planting will be native, including tree, thicket, and hedgerow and wildflower/species rich grassland to extend and integrate the surrounding landscape character and species distribution into the site. At all available & suitable locations, standard tree & heavy planting will be carried out to aid mitigation of existing trees to be removed internally within the development site. Where a higher level of amenity is required, ornamental species are included around the building envelope and within prominent locations throughout the car park and adjacent to footpaths.
- 6.28 The submitted Arboricultural Report identifies thirty seven individual trees and thirty two groups of trees on the site as existing. The accompanying tree survey states that the trees on site are typically of low quality. The northern portion of the site is occupied by a car park containing numerous trees that are located between the walkways, roads and parking spaces and are bordered by a hedgerow and multiple groups of trees. The southern portion of the site is occupied by the headquarters building with an ornamental garden containing a large pond to the south. The garden is bordered by a group of predominantly self-seeded trees which run round the boundary of the site. This garden area includes the highest quality specimens on site (4 trees) and also features some Japanese Alder trees and some cut leaved Alder trees which are uncommon specimens.
- 6.29 The Council's Arboricultural Officer has commented that the current site landscaping principally relates to the planting associated with the turn of the century planning approval for the creation of the business park. The maturity of the landscaping reflects the 20+ years growth and provides pleasant verdant buffers to the site boundaries with good tree establishment within the main parking areas. The Council's Arboricultural Officer notes that a significant portion of the internal soft landscaping and the buffer along the north-west boundary will require removal to achieve the submitted design. The Council's Arboricultural Officer also advises that the two mature oak trees south of the current balancing pond

(subject of TPO no. 1425) are the only more mature landscape features on the site, and that these are unaffected by the proposed re-configuration/re-contouring of the pond and could be safely retained with appropriate rooting area protection.

- 6.30 The proposed development would result in the loss of 23 individual trees and 19 groups of trees. The trees to be removed are predominantly within the site set away from the boundaries, although a cluster of trees close to the western site boundary are to be removed. The proposal however retains the trees around the northern, southern and eastern perimeter of the site, including the two TPOs to the southern boundary, and introduces some 58 new trees mainly around the northern and western site perimeter. The submitted landscape plan indicates that some 32 of these trees will be extra heavy standards allowing for an early impact.
- 6.31 The extent of new tree planting proposed within the interior of the site is compromised by the more industrial layout proposed with large parking and HGV turning areas. The Arboricultural Officer therefore recommends that increased internal tree planting be considered with a specially engineered hardstanding to accommodate viable rooting volumes commensurate with small/medium sized trees in maturity. This can be secured through a condition requiring further details of landscaping to be submitted for approval.
- 6.32 The Council's Landscape Consultant has commented that the proposed re-development of this site would be indistinguishable from development that exists elsewhere within the Business Park. Therefore, the proposal would not have a significant adverse impact on the character of the immediate area. It is also considered that due to the site's location, the public views would be read in context with the commercial context and its location within the built-up area of Southwater. In addition, the majority of these views would be predominantly observed by workers and visitors associated with the Business Park and its commercial uses. As such, the Landscape Consultant does not object to this application subject to recommended conditions requiring details of hard surfaces, soft planting and a Landscape Management Plan to be submitted for approval.
- 6.33 Policy SNP18 of the SNP states that '*major development must provide a minimum of one new tree (conforming to British Standard BS 3936-1 / Standard 8-10cm girth) per 40m<sup>2</sup> of floor space created. This should be provided on-site or off-site within the Plan Area if there is nowhere suitable within the site. Measures will be implemented on any permissions granted to secure these trees and their survival. If these trees cannot be provided on site, and the applicant is unable to deliver the trees at an alternative location within the Plan Area, a commuted sum may be paid in lieu of tree planting.*'
- 6.34 In calculating the requirements of the policy, the existing floorspace can be deducted from the floorspace total when working out the number of trees required under Policy SNP18. In this instance the proposal results in a net 780sqm GIA of new floorspace. This takes into account the floor area of the existing building. This results in the need for the provision of 20 additional trees to accord with the policy requirement of one new tree per 40sqm of floorspace created. The details regarding the trees to be provided off site and the contribution required would be secured through a legal agreement, in the event that permission is granted.
- 6.35 Having regard to the comments of the Council's Arboricultural Officer, the proposal is considered appropriate in terms of the loss of trees and the addition of new trees largely to the site perimeter, subject to a condition requiring details of landscaping to include additional tree planting within the interior of the site.

**Impact on Residential Amenity:**

- 6.36 Policy 24 of the HDPF requires development to minimise the emission of pollutants, including noise, odour, air and lighting pollution, ensuring that development is appropriate



to its location and with regard to anticipated impacts upon human health and the wider environment.

- 6.37 The RSPCA site is part of the Oakhurst Business Park, as such, it is appropriate for this site to be used for alternative employment uses. The site is positioned to the south east of the business park north of the Volvo Construction Equipment site. Residential properties are to the south of the business park at Southwater Street. The nearest residential property is at Nye's Cottage to the south to the opposite side of Southwater Street at a separation of approximately 37m at its nearest point. To the west of the site is the A24 and to the north are residential properties at Martindales, separated by a tree filled buffer area and a distance of approximately 112m. Two further employment units sit between the site and the properties at Martindales, as recently constructed under planning permission DC/19/0123.
- 6.38 The three proposed buildings are to be set back from the boundaries of the site, with the southernmost building separated from the southern boundary by a landscaped area with an attenuation pond. Given the distance between the proposed buildings and existing residential properties, this development would not result in an impact on the amenity of any adjacent properties in terms of overlooking, an increased sense of enclosure or loss of light.
- 6.39 The existing use of the site as offices does not result in any noise nuisance for any adjacent properties. However, this proposal would result in the use of the site for general industrial use and warehousing including parking and loading / unloading areas. The applicants have proposed no restrictions on the hours of use of the proposed units and therefore this proposal has the potential increase noise disturbance for nearby residential properties, especially in the evenings and overnight if used 24 hours a day.
- 6.40 Southwater Parish have commented that the 24 hour use proposed is unacceptable, advising that existing units within the business park operate within normal hours in the daytime. The parish state that over the years there have been many attempts to extend these hours with a minor success in the case of Charwood House (Nursing Hygiene) who have obtained permission to work inside their unit so long as all roller shutters are closed (DC/15/2871). This was until the developer of Site C, the two units at the north end of the site, appealed on this issue and won significant changes to 07.00 to 20.00 Monday to Friday plus 07.00 to 18.00 on Saturdays with no work on Sundays and Bank Holidays. It should be noted that the consent to this involves a sound-reducing barrier to the on-site vehicle route where it faces houses.
- 6.41 Two recent applications (refs: DC/21/0087 and DC/21/1607) have been made to extend/remove restrictions placed upon logistics and industrial units opposite the site to the north on Wilberforce Way approved pursuant to ref: DC/19/0123. Both applications were refused on the basis of acoustic impact to the detriment of the living conditions of nearby occupiers, and with concern raised within numerous representations regarding the extension into night-time hours in particular. It should be noted that in a recent appeal decision the inspector raised no objection to an amendment to condition 25 of DC/21/1607 to allow for a further two hours opening Monday - Friday, (07:00 – 20:00) and 5 hours on Saturday (07:00 – 18:00). The parish are nevertheless concerned that allowing this application will set a precedent for other units to also apply for 24 hour use.
- 6.42 Whilst the comments of the parish and residents are noted, each application must be assessed on its own merits. In the case of the above examples, the sites in question were both located at the northern and southern parts of the business park, in much closer proximity to residential properties. For the current proposal, the residential houses on Southwater Street are, with the exception of Nye's Cottage, set a significant distance (approximately 135m elevation to elevation) from the application site and separated both by an open space buffer and a separate employment site in between.

- 6.43 To address the potential noise impact, the agents have submitted a Noise Assessment. The assessment outlines that the dominant noise on site is from road traffic, including some on the local road but also traffic on the A24. There is also noise heard from the construction site on the other side of Wilberforce Way which included bangs and reversing alarms. The operational noise levels associated with the proposed development have been assessed using a combination of long-term noise monitoring data and modelling predictions using a noise propagation model. Both the monitoring and assessment have been undertaken in line with the relevant British Standards, guidance documents and policy. To address potential noise impact from the proposed development, noise mitigation measures are proposed which include noise attenuation barriers, mainly to the south eastern side of the site. The Assessment concludes that mitigation designed using properly placed noise barriers, which will reduce the noise rating levels to less than 5 dB above the background sound levels at all noise sensitive receptors, will be appropriate. The noise rating levels at all but one receptor will be less than the background sound levels.
- 6.44 With the benefit of additional information and discussion, the Council's Environmental Health officer has commented that the proposed 24 hour use is appropriate subject to conditions. The recommended conditions include the submission of a noise management plan. This would include details of management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries and servicing, to be reviewed annually to ensure that it takes account of current operational practices at the site. The Environmental Health officer has also recommended a condition requiring further details of a noise mitigation scheme to be submitted for approval. This scheme shall include full details of the acoustic fencing proposed, including that along the southern boundary of the site, and details on acoustic louvres over the delivery/dispatch areas.
- 6.45 Having regard to the measures proposed and the location of this site set away from nearby residential properties within an existing employment site, and the noise mitigation measures proposed, the potential noise impacts of the proposed uses operating 24 hours a day are considered appropriate and the scheme is considered in accordance with the above policy. This takes into account the potential impact on the nearest property at Nye's Cottage. The Parish Council's concerns that 24 hour operations in this location are noted and have been carefully considered in light of the extensive history of applications for extended hours of operation within the wider business park. Given the particular circumstances set out above, which do not apply to the other units within the business park, it is not considered that a precedent would be set for the 24 hour use of the other units given their closer proximity to residential property.

**Highways impact:**

- 6.46 Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. Policy 40 of the HDPF seeks to promote a modal-shift away from the use of the private vehicle, recognising that the need to develop sustainable means of travel is vital to improve development across the District. Section 7, and policy SNP13, of the Southwater Neighbourhood Plan discuss the need to improve non-motorised routes and connectivity within Southwater.
- 6.47 The office building is situated within the southern area of the site with a car park covering the northern part of the site which provides 337 spaces accessed from Wilberforce Way. The existing parking ratio is therefore 1 space per 25 sqm floorspace. The site has a priority junction access from Wilberforce Way which provides a single point of access accommodating all vehicle movements, including servicing and delivery vehicles. The access has footways on both sides leading into the site and dropped kerbs and tactile paving on Wilberforce Way. Wilberforce Way provides access to the site from Blakes Farm

Road and is a single carriageway road with a width of c. 6.5 metres, which accommodates HGV and light vehicle movements for a number of surrounding industrial units. It connects to Blakes Farm Road at its northern end.

- 6.48 The site layout has been designed to accommodate HGV traffic and separate pedestrians from vehicle movements. The access road is 7.3m in width which is appropriate for accommodating all vehicle movements. The access road routes through the centre of the site dividing it into two sections. The northern section of the site contains unit 110, unit 120, unit 130, unit 140, unit 220 and unit 210. A total of 49 car parking spaces would be provided within this section. An HGV turning area is located at the northern extent of the service yard. The southern section of the site would serve proposed unit 300 and associated service yard and 42 car parking spaces. In relation to HGVs, the site is situated within an existing employment area which already accommodates HGV movements appropriately. All HGV movements to and from the site travel to and from the A24 via Blakes Farm Road and Worthing Road to the north, routing north or south on the A24 from the Hop Oast Roundabout.
- 6.49 24 active charging spaces will be provided across the site for electric vehicle charging (26% of the total number of B8 spaces). In relation to cycle parking, the proposed site layout shows 52 cycle parking spaces provided in five locations throughout the site, three of the locations can accommodate 10 cycles in secure and covered shelters (five Sheffield Stands in each).
- 6.50 West Sussex County Highways (WSCC) have raised no objection to the proposal having assessed the trip generation generated by this development and the proposed Travel Plan. The Travel Plan outlines measures to actively promote alternative means of travel other than the car.
- 6.51 As raised in the comments from the parish and residents, HGV parking on Blakes Farm Road is an existing issue. Blakes Farm Road has a minimum width of 7.3m and is straight with good forward visibility. There are no enforceable parking restrictions to stop parking in this location. WSCC have commented that to address this issue, the Council could ask for enforceable parking restrictions to keep this route free from obstruction if it is likely to cause further impacts on the existing situation. In response, the applicant has offered a contribution towards the implementation of a traffic regulation order to resolve this issue. This would legally restrict the use of certain parts of Blakes Farm Road for parking. A contribution to cover fee of £8,322 for costs of amending the TRO would be secured via the legal agreement. A separate application would have to be submitted to WSCC in order to amend the TRO.
- 6.52 Overall, the highways impact of the proposal is considered appropriate and the objectives of the above policies have been met.

**Drainage:**

- 6.53 The site is located within Flood Zone 1, meaning a less than 1 in 1000 annual probability of river or sea flooding which is the lowest classification of fluvial flood risk. The application includes a Flood Risk & Drainage Strategy Note to determine the potential flood risks associated with the site to provide a suitable strategy for the disposal of surface and foul water from the proposed development.
- 6.54 The report has found the site to be at 'low risk' from all sources of flooding; tidal, fluvial, pluvial, sewer, groundwater and artificial sources. The surface drainage strategy is to restrict the proposed flow rate to a peak 11l/s to ensure that the flood risk to the site and surrounding catchment is reduced post development. The Sustainable Drainage Systems (SuDS) hierarchy has been considered in the drainage strategy. Due to the cohesive underlying strata and high-water table, with the surface water runoff collected from the

impermeable areas and directed via the underground network to a geocellular tank located beneath the central parking and access area, plus a pond to the south of the main unit before connecting into the Southern Water surface water sewer in Wilberforce Way via an existing connection at restricted greenfield rates. The existing site is largely fully impermeable and so the proposed strategy provides a reduction in predevelopment discharge rates. Permeable paving is proposed to the parking areas. The Council's Drainage Officer has commented there are no overall objections to the surface water drainage strategy proposed subject to the imposition of suitable drainage conditions requiring further details in consultation with Southern Water Services.

### **Ecology:**

- 6.55 Policy 31 of the HDPF seeks to protect the natural environment and green infrastructure of the District. HDPF policy 31 confirms that protected habitats and species will be protected against inappropriate development while development resulting in the loss of green infrastructure will be resisted unless new opportunities to mitigate and/or compensate for loss are provided.
- 6.56 The application includes an Ecological Impact Assessment relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation. The scheme includes biodiversity enhancements including bird and bat boxes and invertebrate houses, as outlined within the Ecological Impact Assessment. A Biodiversity Net Gain Assessment concludes that would be an overall loss of 9.79% to habitat units and a gain of 51.42% of hedgerow units. The Assessment recommends that compensatory habitat is created offsite in order to achieve a net gain in biodiversity, which would be secured by s106 agreement. The applicant has commented that they are in discussion with the Parish regarding the implementation of BNG improvements to sites.
- 6.57 With the benefit of additional information which has been submitted in relation to dormice habitats and bats, the Council's Ecologist has commented that the proposal is acceptable subject to conditions. Subject to conditions the proposal will not result in harm to ecology in accordance with Policy 31 and NPPF 180.

### **Water Neutrality**

- 6.58 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.
- 6.59 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 Habitats Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habitats site. Section 63 of the Regulations sets out the process by which an HRA must take place.

- 6.60 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 6.61 The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.62 In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone that is likely to increase water consumption (such as additional housing units) must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley. Until a wider offsetting strategy is developed to address this issue, all new development must demonstrate that it can be water neutral in its own right.
- 6.63 In support of the application, a Water Neutrality Statement has been submitted setting out the existing and proposed water consumption at the site. A water bill from December 2021 to March 2022 has been provided showing water consumption of 466m<sup>3</sup> for the period, which equates to 1,864m<sup>3</sup> per year. The applicants point out that this covers the Covid period and as such is unreliable as it does not reflect the normal occupancy rate for the building.
- 6.64 A separate bill covering the pre-Covid period September 2019 to December 2019 arrives at an annualised water consumption of 3,288m<sup>3</sup>. As an alternative, and for comparative purposes, the applicants have calculated the likely water consumption of the building based on BREEAM occupancy rates for offices (350 persons in this case) and an average water consumption rate for offices of 40 litres/person/day. The usage is based on Chartered Institution of Building Services Engineers design guide of 40 litres/person/day for an office building. This arrives at a similar consumption figure of 3,542m<sup>3</sup> per year. The existing baseline water consumption of 3,288m<sup>3</sup> is therefore considered to be robustly evidenced.
- 6.65 The proposed development is being constructed to include the water saving measures to meet BREEAM excellent requirements. This includes restricted water flow taps, low flushing volume toilet cisterns, solenoid shut off valves to isolate water supplies to all toilet areas unless they are occupied, and leak detection to the incoming mains water service. These water saving measures result in a water usage of 22.69 litres/person/day for the proposed buildings.
- 6.66 The water neutrality statement calculates that the total water consumption from the proposed development would be 1,747m<sup>3</sup> per year. This is though based on BREEAM occupancy rates for B8 warehouse with associated first floor office space (circa 210 employees), and does not factor in the alternative B2 occupancy of the buildings as also applied for. When applying OffPAT B2 occupancy rates to the B8 floorspace, officers calculate that the development would employ circa 315 persons consuming circa 2,600m<sup>3</sup> per year. These calculations are based on operations 365 days per year.
- 6.67 In summary therefore, the proposed water consumption based on BREEAM occupancy rates and the proposed efficiencies to deliver 22.69 l/p/day consumption would in its worst case result in mains water consumption of some 2,600m<sup>3</sup> per year. This is some 688m<sup>3</sup> below the previous water usage from the site when occupied as offices. If occupied only as

B8 storage uses, the proposed water consumption drops to 1,747m<sup>3</sup>, 1,541m<sup>3</sup> below the existing evidenced water consumption from the site.

- 6.68 Factoring in all of the above the appellants state that the proposed development is estimated to have a water saving 1,794m<sup>3</sup> per year, or 50.7% when compared to the existing building. By officers calculation using the existing consumption of 3,288m<sup>3</sup> as the baseline, the saving is less at between 688m<sup>3</sup> and 1541m<sup>3</sup> depending on the mix of B2 and B8 uses occupying the units. Nevertheless, the various calculations demonstrate that the proposed development is water neutral.
- 6.69 As per the requirements of s63 of the Habitat Regulations, the Council has consulted Natural England as the relevant statutory body when undertaking an appropriate assessment of the proposals. Having considered the Council's appropriate assessment, Natural England concurs with the conclusion that the development would be water neutral. In accordance with the requirements of the Habitats Regulations an appropriate assessment has been completed which concludes that subject to securing the above mitigation, the development proposals would not result in an adverse impact on the integrity of the Arun Valley sites, in accordance with Policy 31 of the HDPF and paragraph 180 of the NPPF.

### **Climate Change and Sustainability**

- 6.70 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:
- Provision of low and zero carbon technologies. This includes roof mounted solar panels and air source heat pumps.
  - Placement of the proposal in sustainable location.
  - Making efficient use of available land.
  - Opportunities for biodiversity net gain.
  - Inclusion of landscaping within the site.
  - Dedicated refuse and recycling storage capacity.
  - Provision of dedicated cycle parking facilities.
  - Provision of electric vehicle charging points.
- 6.71 Subject to the implementation of these measures the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

### **Air Quality:**

- 6.72 The application site is not located within or close to either of the district's defined Air Quality Management Areas (AQMAs). An Air Quality Assessment (AQA) was submitted with the application with shows that the air quality impacts associated with the proposed development are at worst negligible on the modelled human receptors. The impacts are therefore considered to be 'not significant.' The key air quality consideration during the construction phase of development is dust emissions emanating from demolition, earthworks and construction. It is considered that mitigation in the form of a Construction Management Plan to include measures to reduce dust emissions (such as dust monitoring, dust suppression/screening etc) could reasonably be secured by condition.

6.73 The AQA outlines that a ‘damage costs’ assessment has been completed in line with Sussex Air (2021) document. Damage costs are a simple way to value changes in air pollution. Subject to the inclusion of a condition to secure mitigation measures for air quality (such as further ev charging parking bays), as well as a condition to secure a Construction Environmental Management Plan (CEMP) as set out in the Air Quality Assessment report, it is considered that the proposal would not further reduce air quality in the local area, in accordance with Policy 24 of the HDPF and Paragraph 186 of the NPPF.

**Conclusion:**

6.74 It is considered that the retention of the office building has been shown to be unviable and that the proposed development would provide appropriate alternative employment use for this existing allocated employment site within Oakhurst Business Park. The proposal is considered appropriate in relation to design and its appearance in the context of the surrounding area and subject to conditions would not result in a harmful impact on the amenities of any adjacent properties. The proposal is also considered appropriate in terms of its ecological impacts and drainage / flooding, demonstrates water neutrality, and no highway objections have been raised. The proposal overall accords with the requirements of the HDPF and Southwater Neighbourhood Plan.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

**It is considered that this development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
Commercial units	9,144sqm	8,364sqm	780sqm
		<b>Total Gain</b>	<b>780sqm</b>
		<b>Total Demolition</b>	<b>8,364sqm</b>

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

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

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

**7. RECOMMENDATIONS**

- 7.1 To approve planning permission, subject to the conditions set out below and a legal agreement to secure the following:
- Details to secure 20 trees to be provided within the parish.
  - Secure a contribution to apply a Traffic Regulation Order to regulate the parking on Blakes Farm Road.
  - Details to secure off-site improvements for biodiversity net gain

Conditions:

1. **Plans Condition.**

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

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

3. **Pre-Commencement Condition:** No development, including any works of demolition, shall commence for any phase or unit until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
  - ii. Details of how residents will be advised of site management contact details and responsibilities;
  - iii. Detailed site logistics arrangements (to include details shown on a plan), including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil);
  - iv. Details regarding parking or site operatives and visitors, deliveries, and storage (to include details shown on a plan);
  - v. The method of access to and from the construction site;
  - vi. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc;
  - vii. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;
  - viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan).
  - ix. Details of measures to reduce impacts on biodiversity features.

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

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

4. **Pre-Commencement Condition:** No development shall commence unless the Local Planning Authority has been provided with either:
- a) a licence issued by Natural England, in relation to Hazel Dormice, pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - b) a statement in writing from the Natural England, in relation to Hazel Dormice, to the effect that it does not consider that the specified activity/development will require a licence.

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

5. **Pre-Commencement Condition:** No development shall commence unless the Local Planning Authority has been provided with either:
- a) a licence issued by Natural England, in relation to bats, pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or



- c) a statement in writing from the Natural England, in relation to bats, to the effect that it does not consider that the specified activity/development will require a licence.

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

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

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

7. **Pre-Commencement Condition:** No development shall commence for any phase or unit, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

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).

8. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall commence for any phase or unit until a noise mitigation scheme for protecting nearby dwellings from noise emanating from the development hereby approved has been submitted to and approved in writing by the local planning authority. The approved scheme shall include, but not necessarily be limited to, detail on acoustic fencing along the southern boundary of the site and detail on acoustic louvres over the delivery/dispatch areas. The scheme shall be implemented prior to the first use/occupation of the site and be permanently maintained thereafter.

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

9. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Strategy has been submitted to and approved by the Local Planning Authority. The content of strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to any works above slab level and shall be retained in that manner thereafter.

Reason: 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).

10. **Pre-Occupation Condition:** The development of any phase or unit hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement. No unit 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 unit has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates. The installed measures shall be retained as such thereafter.

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

11. **Pre-Occupation Condition:** Notwithstanding the submitted plan, no unit hereby permitted shall not be 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, and additional tree planting within the central service areas
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

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

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

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

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

13. **Pre-Occupation Condition:** No unit hereby permitted shall be occupied until a scheme of air quality mitigation has been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

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

14. **Pre-Occupation Condition:** No unit hereby permitted shall be occupied until a noise management plan for that unit has been submitted and approved in writing by the local planning authority. This should include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries and servicing. The noise management plan shall be regularly reviewed to ensure that it takes account of current operational practices at the site. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority the noise management plan shall be reviewed. Any changes to the noise management plan necessary to address these concerns shall implemented to the satisfaction of the Local Planning Authority. The use hereby permitted shall thereafter be operated in accordance with the approved details.

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).

15. **Pre-Occupation Condition:** No unit 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 plan shall include details of ongoing ecological management. 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).

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

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

17. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the electrical vehicle charging points has been provided in accordance with the approved scheme shown on drawing 0203 P07. The charging points 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).

18. **Pre-Occupation Condition:** No unit hereby permitted shall be occupied shall be occupied until the Applicant has implemented the measures incorporated within the approved travel

plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

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

19. **Pre-Occupation Condition:** No unit shall be occupied until provision for the storage of refuse/recycling bins for that unit has been provided in accordance with the approved details and retained as such thereafter. Once provided the refuse/recycling bins shall be retained thereafter.

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

20. **Pre-Occupation Condition:** No unit shall be occupied until the approved cycle stores for that unit have been provided in accordance with the approved details. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with Policies 40 and 41 of the Horsham District Planning Framework.

21. **Pre-occupation Condition:** No internally and/or externally located plant, machinery equipment or building services plant 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).

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

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

Reason: To 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.

23. **Regulatory Condition:** No construction 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).

24. **Regulatory Condition:** No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

25. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or the Use Class Order 1997 (as amended) (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall not include trade counters or showroom/retail uses without express planning consent from the Local Planning Authority first being obtained.

Reason: The site is not within an area where permission for shopping purposes or town centre uses would normally be granted and to ensure the development remains in appropriate employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework (2015) and SNP21 AND SNP1 of the Southwater Neighbourhood Plan (2021).

26. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) (or any order amending or revoking and/or re-enacting these Orders), the premises hereby permitted shall only be used for uses falling with Classes B2 or B8 use only and for no other purposes whatsoever (and for no other purposes falling with Class E other than E(g)(iii) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

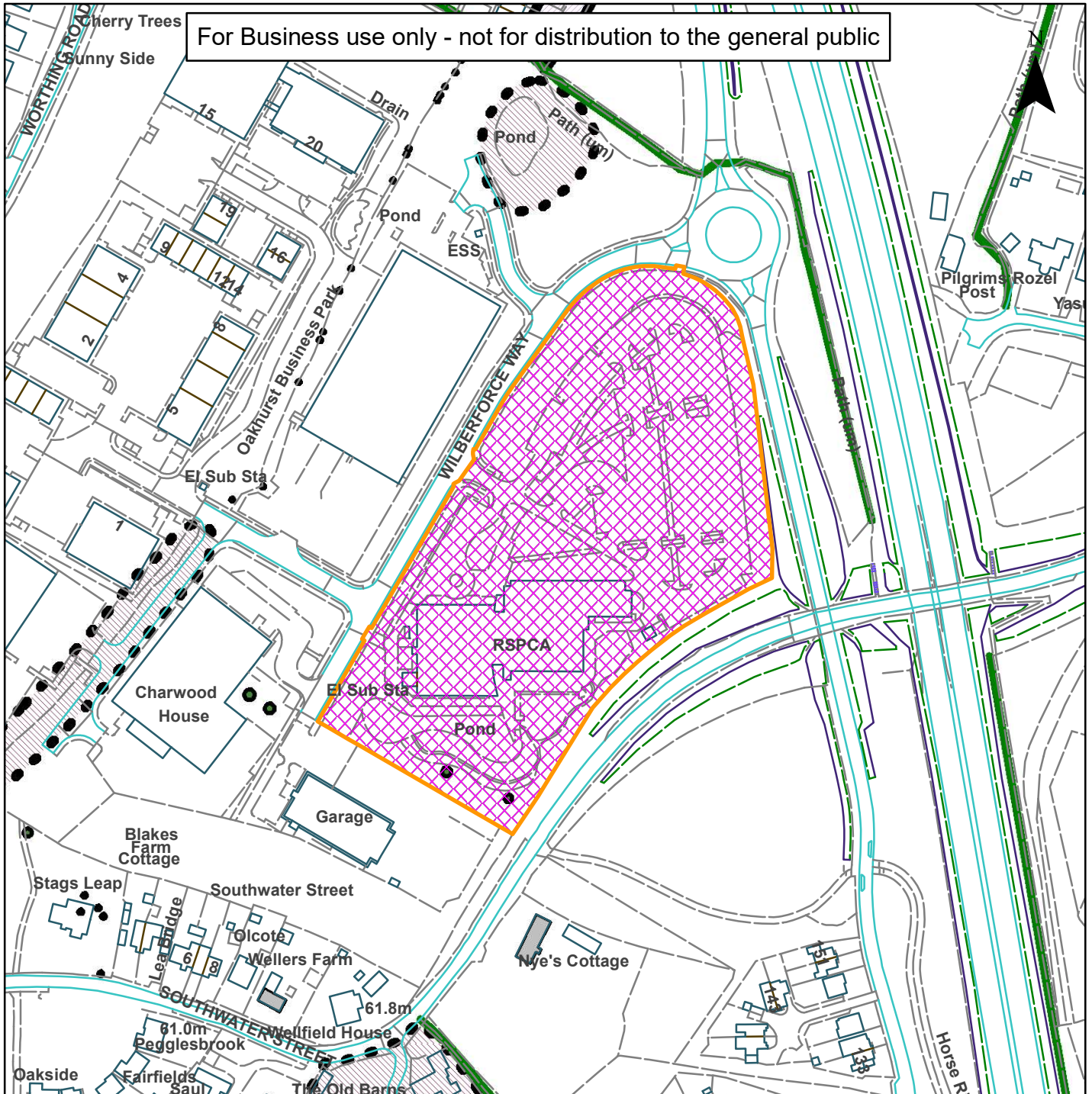
Reason: The site not within an area where permission for shopping purposes or town centre uses would normally be granted and to ensure the development remains in appropriate employment use in accordance with Policies 7, 9 and 33 of the Horsham District Planning Framework (2015).

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RSPCA Headquarters, Oakhurst Business Park, Wilberforce Way,  
Southwater, Horsham, West Sussex, RH13 9RS

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**Scale:** 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	20/07/2023
SA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 1<sup>st</sup> August 2023

**DEVELOPMENT:** Outline application for the erection of up to 73 new dwellings (up to 100% affordable housing) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highway infrastructure works, including vehicular access from Shipley Road, with all matters reserved except for access.

**SITE:** Woodfords, Shipley Road, Southwater, Horsham, West Sussex, RH13 9BQ

**WARD:** Southwater South and Shipley

**APPLICATION:** DC/21/2180

**APPLICANT:** **Name:** C/O Agent c/o Agent **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** Application deferred from April Planning Committee North for further information.

**RECOMMENDATION:** To approve outline planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within 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 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 This outline application was considered at the April Planning Committee North meeting. The April committee report is attached as an addendum It forms part of the assessment of this application, and should be read alongside this report. The application was deferred from April the meeting for the following reasons:

- To seek technical guidance on rainwater harvesting (e.g. can they be installed in the roofs of the dwellings).
- To seek legal advice regarding the monitoring and enforcement of the water neutrality off setting measures. Reassurance was required that the measures could be put in place and were enforceable in perpetuity.
- To review the speed limit on Shipley Road in light of new WSCC guidance.

- 1.3 Following the meeting, confirmation on the monitoring and enforcement of the water neutrality off setting measures has been confirmed, whilst further details on the rainwater harvesting system have been provided. WSCC Highways have also responded to the query regarding the speed limit on Shipley Road.
- 1.4 Since the April committee, the applicant has requested that there is flexibility in the application to allow for the delivery of up to 100% affordable housing units on the site. The applicants are currently in discussion with potential end developers of the site, some of whom are affordable housing providers. The applicant is seeking flexibility under the legal agreement to allow for a maximum of 73 affordable housing units (100%), with the tenure of the units to be agreed under requirements set out in a legal agreement.

**DESCRIPTION OF THE SITE**

- 1.5 The application site is located to the east of Shipley Road, directly to the south of the village of Southwater, but within the Parish of Shipley. The site is approximately 1 mile (1.6km) from the centre of Southwater (Lintott Square). The 4.1Ha site is formed of two relatively flat fields dissected roughly in the middle by a row of trees (including one large mature Oak). The existing site comprises a main dwelling known as ‘Woodfords’ which is not listed, but is thought to date back to the seventeenth century (therefore considered to be a non-designated heritage asset); and other associated but more modern buildings.
- 1.6 The site boundaries are largely defined by mature landscaping including dense hedgerows and mature trees. The trees along the northern boundary are protected under TPO/1436. An area of ancient woodland is located approximately 40m to the north east of the site (at its nearest point). The site is relatively tranquil in nature and semi-rural in character, although influences such as noise from Shipley Road to the west and the visibility of existing houses directly to the north of the site, give the site a suburban influence, particularly towards the northern end. The site has an existing vehicular access point from Shipley Road. The site within a bat sustenance zone.

**2. INTRODUCTION**

**2.1 PLANNING HISTORY AND RELEVANT APPLICATIONS**

DC/20/2564	Outline application for the erection of up to 73 new dwellings (C3 use) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highways infrastructure works, including vehicular access from Shipley Road with all matters reserved except access.	Application Refused on 29.04.2021. Appeal dismissed.
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**3. OUTCOME OF CONSULTATIONS**

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)
- 3.2 The consultation responses below are in addition to the responses outlined in the original committee report attached as an addendum.

**INTERNAL CONSULTATIONS**

- 3.3 **HDC Ecology:** No objection to updated ecology reports subject to conditions.

**PUBLIC CONSULTATIONS**

3.4 **Shingley Parish Council:** Objection  
Refer to objection registered previously

3.5 In addition to the **49** objections originally received, a further **10** objections have been received to this proposal. The grounds of objection are as follows:

- The matter of water neutrality by a process of off setting in perpetuity remains outstanding.
- The offer of 'up to 100% affordable housing' is meaningless
- The previous objections relating to inadequate infrastructure still stand.
- The constant submission of applications for this site is stressful.
- The proposal would result in an unacceptable impact on traffic in the area.
- The proposal would result in the loss of valuable green space which acts as a natural border to the village.
- Southwater is already overdeveloped.

#### **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 This outline application for 73 dwellings was considered by the Planning North Committee in April 2023. The application was deferred for consideration of the following:

- To seek technical guidance on rainwater harvesting (e.g. can they be installed in the roofs of the dwellings).
- To seek legal advice regarding the monitoring and enforcement of the water neutrality off setting measures. Reassurance required that measures are in place and enforceable in perpetuity.
- To review the speed limit on Shingley Road in light of new WSCC guidance.

#### **Water Neutrality**

6.2 As outlined in the April committee report (appended), this proposal is considered to achieve water neutrality and would not result in an adverse impact on the integrity of the Arun Valley sites. Water neutrality is achieved through the implementation of measures to the new dwellings to reduce their demand for water, and offsetting elsewhere within the Sussex North Water Supply Zone. The efficiency measures proposed within the new dwellings include the use of efficient fixtures and fittings, and a rainwater harvesting system.

### Rainwater harvesting

- 6.3 In relation to rainwater harvesting within the new dwellings, the harvesting systems are required to provide 35 days storage capacity specifically to allow for periods of drought. 35 days is considered a suitable timeframe to reflect recent drought periods in the district and is a timeframe endorsed by Natural England. Recommended condition 14 requires the submission of evidence that the water neutrality requirements for the new dwellings has been implemented in full prior to their first occupation. This includes evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. These tanks are typically installed underground.

### Monitoring and enforcement of the offsetting measures

- 6.4 To make the scheme water neutral, some 9,712.58 litres of water is required to be offset per day (equivalent to 3.55 million litres per year). As set out in the April committee report (paragraph 6.50 onwards), the applicants are proposing to offset this volume of water by retrofitting 187 of the 227 homes in Crawley that are managed by the Raven Housing Trust. The Raven Housing Trust ("Raven") housing stock consists of 92x 1-bed, 100x 2-bed, 34x 3-bed and 1x 4-bed homes. All 187 homes to be used for offsetting this development are located within the same Sussex North Water Supply Zone and are itemised in the submitted water Neutrality Statement. The applicants have undertaken a full surveyed assessment of the fixtures and fittings within all 187 properties, and Part G water calculators have been provided for each property. The calculators evidence that the current water demand of all 187 properties is 39,992.20 litres per day.
- 6.5 The proposal seeks to replace the toilets and basin taps within all 187 properties, and install a flow regulator into the shower inlet. Based on the Part G water calculators, this makes for a cumulative saving of 11,992.05 litres per day, at an average of 64 litres per day per property. This saving is some 2,279.47 litres per day more than is required to offset the proposed development.
- 6.6 Natural England have been consulted on this mitigation strategy and have raised no objection subject to the mitigation measures being secured. In accordance with the requirements of the Habitats Regulations an appropriate assessment has been completed which concludes that subject to securing the above mitigation, the development proposals would not result in an adverse impact on the integrity of the Arun Valley sites, in accordance with Policy 31 of the HDPF and paragraph 180 of the NPPF.
- 6.7 At the April Planning Committee, concern was raised by the councillors regarding the enforceability of these water neutrality offsetting proposals. Members discussed the importance of ensuring that the Water Neutrality Statement was legally robust and deliverable, and they were concerned that proposals to offset water-use by retrofitting properties in Crawley Borough would be difficult to monitor, especially as the installed measures could be reversed.
- 6.8 Since the April committee, the applicants have provided further information setting out how the Raven Housing Trust properties can be suitably monitored and enforced against, whilst legal officers have been drafting the legal mechanism for securing the mitigation. The applicant has confirmed that the mitigation is retrofitting existing rental housing stock that is owned, controlled and managed by Raven Housing Trust (Raven). The proposed retrofitting has been specifically chosen to ensure a good flow of water whilst the products to be used are all market available systems and are already being used by the public. Raven have confirmed that any changes to the fixtures and fittings within their properties cannot be made without their permission.
- 6.9 In order to secure the mitigation a legal agreement is required which, in this case, will be pursuant to section 106 of the Town and Country Planning Act 1990 (1990 Act) and other statutory powers. The agreement will include appropriate measures to secure the

implementation, ongoing maintenance, monitoring and enforcement of the mitigation measures at the Raven properties. The measures can be summarised as follows:

#### 6.10 *Securing Implementation of Offsetting Measures*

- As the Raven properties are not within the Council's administrative area, it is not possible for the Council to directly require Raven to install the offsetting measures using section 106 of the 1990 Town and Country Planning Act as would normally be the case.
- Instead, the legal agreement will secure the initial installation of the mitigation works at the Raven properties against the developer. This means the developer will need to evidence the installation of the mitigation measures at the Raven properties before being able to undertake an agreed level of construction work at the development site.

#### 6.11 *Securing Ongoing Maintenance of the Offsetting Measures*

- To be satisfied that the development will remain water neutral, the offsetting measures on the Raven properties need to be maintained on an ongoing basis for the lifetime of the development, or as long as the development is required to be water neutral.
- Such obligations cannot be sufficiently secured against the developer of the application site because, once the development is built out and occupied, the developer may not have an interest in the site and will not necessarily be able to access the Raven properties.
- As such, the ongoing obligations need to be secured against Raven. As a section 106 agreement cannot be used given the Raven properties are not within Horsham district, the Council needs to secure the obligations using its other powers under section 111 of the Local Government Act 1972 combined with section 33 of the Local Government (Miscellaneous Provisions) 1982 Act. Under such provisions, the Council is able to execute an agreement with another person to regulate the use of, or otherwise connected with, land outside of the Council's area in which the other person has an interest.
- The final legal agreement will therefore include obligations by Raven made pursuant to section 33 of the Local Government (Miscellaneous Provisions) 1982 Act to operate, maintain and keep in good repair the installed measures and not to remove or replace them (unless with those of an equivalent or more efficient water standard). Such provisions are considered to "regulate the use of" or "otherwise be connected with the land" and are therefore enforceable against Raven under section 33 of the 1982 Act. Under section 33(2) of the 1982 Act, an agreement under section 33(1) runs with the land and is therefore enforceable against successors in title. As such, if the land were to be sold, the Council would also be able to enforce that any successor in title to the Raven properties complies with the measures.

#### 6.12 *Securing Ongoing Monitoring of the Offsetting Measures*

- Under the legal agreement the Council is afforded a right to access the Raven properties when it requires (with reasonable notice) to satisfy itself that the water neutrality measures are being complied with. As Raven own and control all the properties being retrofitted, they will be hands-on with the management of the homes and their fixtures, fittings and appliances. Raven has confirmed that changes to the newly installed fixtures, fittings and appliances cannot be made without their permission, and that this will not be given for any replacement that would be of a lower water performance than those fitted for the mitigation.

- In respect to the monitoring of the proposed mitigation, the applicant is happy to commit to submitting an annual report, for the first five years and thereafter every five years, demonstrating the mitigation is still in place and functioning. With respect to inspections, in principle, Raven have no objection to properties being inspected. Whilst an individual occupier may refuse entry, this is stated to be a rare occurrence and the applicants have advised that all 187 homes have been accessed in order to survey their fixtures and fittings demonstrating that refusal of entry will be unlikely. There are further opportunities to inspect when properties become void (with an average 8% voids per year), whilst Raven have indicated that the council are welcome to join them on their annual inspections to spot check if necessary.

#### 6.13 *Securing Enforcement of the Offsetting Measures*

- In the event officers identify that the installed mitigation within the Raven properties has been replaced with more inefficient fixtures and fittings, and reasonable negotiation between officers and Raven to resolve the matter has then failed to remedy the breach, the above covenant made under section 33 of the 1982 Act is enforceable by the Council by way of direct action. This allows the Council to go onto the land to take the required steps to remedy the breach, and thereafter to recover expenses reasonably incurred in doing so from the person who should have complied with the obligation (i.e. Raven). As enforcement against Raven cannot be secured in the normal way by way of s106 of the Town and Country Planning Act, the right for the Council to instead seek an injunction against Raven does not exist. Direct action is therefore the only means of enforcing Raven retain the mitigation measures.
- Officers advise that undertaking direct action could potentially impose a significant burden on the Council as it would have to expend resources to rectify or remove any works in breach of the covenant, and further resources thereafter seeking repayment. In this case, officers consider the risk of needing to take direct action to enforce the mitigation measures is low. This is because:
  1. In order to reach a point of needing to take direct action, negotiation with Raven would have needed to first fail.
  2. The offsetting scheme delivers a headroom of some 2,279 litres per day, meaning around 35 Raven properties would need to fail to return all of their efficient fixtures and fittings to their previous water consumption rate for the development not to be water neutral.
  3. The replacement of basin taps and shower flow regulators would be inexpensive, whilst it is highly unlikely any of the new toilets would be replaced as they are industry standard in their performance, with the financial saving on water bills a further incentive not to replace them with less efficient replacements.

#### *Conclusion*

- 6.14 In order to secure the offsetting mitigation within the Raven properties, the final legal agreement for this planning application will need to be made jointly under section 106 of the Town and Country Planning Act 1990, section 111 of the Local Government Act 1972, and section 33 of the Local Government (Miscellaneous Provisions) 1982 Act, with the landowners for the development site and Raven Property Trust signatories. The legal agreement would secure:
- The developer to evidence the implementation of the water efficient measures within the Raven properties within an agreed timescale no later than first occupation. This could be in a phased approach.
  - Raven (or any successors in title) to ensure the maintenance and retention of the installed measures thereafter at the same or better water performance.

- Raven (or any successors in title) to allow entry into any property within its itemised stock for Council officers to check that the agreed measures have been installed and have been retained.
- Horsham officers to be able to take direct action in the event breaches have been identified and negotiation to remedy the breaches with Raven (or any successors in title) has failed.

6.15 Having regard to the above, it is considered that the concerns of the members regarding the monitoring and enforcement of the water neutrality off setting measures have been addressed.

### **Shipley Road speed limit**

6.16 In response to the concern raised regarding the speed limit on Shipley Road, WSCC Highways have confirmed that the proposal has been assessed in accordance with the latest standards taken from the Design Manual for Roads and Bridges. In relation to the speed limit on Shipley Road, the scheme does not include the alteration or extension of the 30mph speed limit. WSCC Highways have commented that this is not something that is necessary to make the development acceptable in planning terms.

6.17 In their comments, the Parish identified a comment within the Stage One Road Safety Audit regarding the relocation of the 30mph speed limit as a potential means of mitigating the identified forward visibility issue. It is not correct to say that this was a requirement though and the applicant demonstrated that adequate forward visibility could be achieved based on recorded traffic speeds. Whilst the concerns of the Parish are acknowledged, the proposed access is designed to accord with existing vehicle speeds and is not reliant in any way on the extension of the 30mph speed limit. Notwithstanding the above, the applicant has offered a contribution to be secured under the legal agreement to amend the traffic regulation order (TRO) to increase the 30mph speed limit further south. This would require amending the TRO and moving the existing 30mph sign.

### **Other Matters**

#### Ecology:

6.18 Since the April committee, the applicant has submitted an Update Walkover survey. This was required as the original surveys submitted with the application were out of date, being now over three years old. The new surveys include an assessment of changes since the original surveys were undertaken in 2019 & 2020. The Council's Ecologist has commented that Updated Walkover Survey is acceptable and that there have been no material changes since the last habitat survey was undertaken. As before, no objection is raised to the proposal subject to conditions to secure the mitigation proposed. The Ecologist has also undertaken a Habitat Regulations Assessment screening report for this application, given the proximity of the site to The Mens SAC, referencing in particular any significant impact or severance for to flightlines for Barbastelle bats. As no Barbastelle species have been identified onsite, and mitigation for foraging and commuting bats has been embedded in the proposals, no Appropriate Assessment of the proposals is required.

#### Affordable Housing:

6.19 Policy 16 of the HDPF requires that residential development should provide a mix of housing sizes, types and tenures to meet the needs of the District's communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). Policy 16 requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure.

- 6.20 As originally proposed, the application includes 40% affordable housing with the required 70/30 tenure split. This was already above the required 35% required by the HDPF and would be secured through a legal agreement.
- 6.21 Since the April committee, the applicant has requested that there is flexibility in the application to deliver up to 100% affordable housing units on the site. The applicants are currently in discussion with potential end developers of the site, some of whom are affordable housing providers. Given the need for affordable housing in the District, the provision of a scheme delivering 100% affordable housing is supported. The original scheme included the provision of 5% custom build, however with the provision of up to 100% affordable housing the custom build provision has been removed from this proposal. This is considered appropriate given the overriding need for affordable housing in the district.
- 6.22 It should also be noted that a scheme providing 100% affordable housing is capable of meeting the requirements of Policy 17 (Exceptions Housing Schemes) of the HDPF, which allows the development of limited amounts of greenfield to be released for 100% affordable housing schemes. In this case the weight to be given to this policy is limited as it is not confirmed that the development will definitely comprise 100% affordable housing.
- 6.23 An important consequence of any development providing more than policy compliant levels of affordable housing is the loss of CIL receipts, which are only payable for the market housing element of a development. In this case the precise CIL receipts for the development at the initially proposed 40% affordable housing are unknown as the final floor areas would not be known until reserved matters stage. However, by estimate based on the remaining 60% housing comprising some 44 dwellings at an estimated average floor area of 75sqm, would amount to a loss in the region of £550,000 of CIL monies based on the 2023 charging rate, of which 25% (some £140,000) would have been passed direct to Shipley Parish Council.
- 6.24 It is important therefore to consider whether the benefit of the potential 100% affordable housing (some 44 additional affordable homes of unknown tenure) would outweigh the loss of these CIL receipts. Given the need for affordable housing in the district, coupled with the reduction in housing delivery as a result of the requirement for all new development to be water neutral, officers recommend that the benefit of the additional affordable housing stock would outweigh the loss of CIL receipts.

### **Conclusion**

- 6.25 As outlined above, the concerns of the April committee in relation to enforcement of the water neutrality off-setting measures, rainwater harvesting and the speed limit have all been adequately addressed. The scheme now also includes the potential for a 100% affordable housing scheme which is considered by officers to outweigh the consequential loss of CIL receipts. The application remains recommended for approval subject to the conditions set out below and the completion of a s106 agreement to secure:
- Delivery of a minimum of 40% affordable housing with an appropriate mix.
  - A contribution of £1,500 for WSCC travel plan auditing fee.
  - A contribution to amend the traffic regulation order to increase the 30mph speed limit further south.
  - Delivery of proposed off-site transport improvements.
  - Delivery of the water neutrality off-setting mitigation measures.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.26 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017. **This development constitutes CIL liable development.**



In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

## 7. RECOMMENDATIONS

7.1 To approve planning permission, subject to the conditions set out below and a s106 legal agreement to secure the following:

- Delivery of a minimum of 40% affordable housing with an appropriate mix.
- A contribution of £1,500 for WSCC travel plan auditing fee.
- A contribution to amend the traffic regulation order to increase the 30mph speed limit further south.
- Delivery of proposed off-site transport improvements.
- Delivery of the water neutrality off-setting mitigation measures.

Conditions:

1 **Standard Plans Condition:**

2 **Outline Permission:**

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

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

3 **Pre-Commencement Condition:** No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the method of access and routing of vehicles during construction
- the parking of vehicles by site operatives and visitors
- the loading and unloading of plant, materials and waste
- the storage of plant and materials used in construction of the development,

- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
- An indicative programme for carrying out of the works
- The arrangements for public consultation and liaison during the construction works
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- ecological and biodiversity mitigations (see informative)

Reason: In the interests of highway safety and the amenities of the area, ecological and biodiversity interests, and in accordance with Policies 24, 33(2) and 40 of the Horsham District Planning Framework (2015).

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

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

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

- 5 **Pre-Commencement Condition:**
- i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
  - ii) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

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

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

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

- 7 **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) An intrusive site investigation scheme, based on the Leap Environmental Ltd Phase 1 Desk Study and Site Reconnaissance Report, to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
  - (b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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

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

- 8 **Pre-Commencement Condition:** No development shall commence on site until the following has been submitted to and approved in writing by the local planning authority in relation to hazel dormice:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

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 and s17 Crime & Disorder Act 1998) and Policy 31 of the Horsham Development Framework.

- 9 **Pre-Commencement Slab Level:** No development shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;

- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: 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) in accordance with and Policy 31 of the Horsham District Planning Framework (2015).

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

Reason: To 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 District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access and associated works serving the development has been constructed in accordance with the approved planning drawings J32-4384-005 Rev H, J32-4384-011, J32-4384-012, J32-4384-015, J32-4384-016 Rev A and J32-4384-017.

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

- 12 **Pre-Occupation Condition:** No part of the development shall be first occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

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

- 13 **Pre-Occupation Condition:** No part of the development shall be first occupied until full details of the proposed new footway along the eastern side of Shipley Road have been submitted to and approved by the local planning authority. The approved details shall be provided prior to the first occupation of the development and thereafter retained.

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

- 14 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the 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 completion of the as built Part G water calculator or equivalent. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained as such thereafter.

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

- 15 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme of air quality mitigation has been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

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).

- 16 **Regulatory Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 124 metres north and 61 metres south have been provided at the proposed site vehicular access onto Shipley Road 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).

- 17 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (September 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended

and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

- 18 **Pre-Occupation Condition:** Prior to the occupation of any dwellings hereby permitted, a programme for the delivery of fire hydrants for all of the development shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented in accordance with the approved details and thereafter retained as such.

Reason: To ensure fire hydrants are provided for fire safety in accordance with Policy 32 of the Horsham District Planning Framework (2015).

- 19 **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).

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

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

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

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

- 22 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a contamination verification plan shall be submitted to and approved, in writing, by the Local Planning Authority. The verification plan shall provide details of the data collected in order to demonstrate that the works set out in Condition (7) are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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).

- 23 **Regulatory Condition:** No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing

and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority

Reason: To ensure that no contaminated material is brought on to the site in the interests of public safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

- 24 **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).

- 25 **Regulatory Condition:** Any Reserved Matters application shall include a Landscape and Ecological Management Plan. The plan shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures

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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**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 4<sup>th</sup> April 2023

**DEVELOPMENT:** Outline application for the erection of up to 73 new dwellings (C3 use) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highway infrastructure works, including vehicular access from Shipley Road, with all matters reserved except for access

**SITE:** Woodfords Shipley Road Southwater Horsham West Sussex RH13 9BQ

**WARD:** Southwater South and Shipley

**APPLICATION:** DC/21/2180

**APPLICANT:** **Name:** Reside Developments Ltd **Address:** The Dutch House Dorking RH4 1BG

**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 application represents a departure from the Local Plan.

**RECOMMENDATION:** Subject to any further representations resulting from a re-consultation of adjacent residents on the water neutrality report which may raise material planning considerations which have not already been considered.

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

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

1.2 The application is proposed in Outline for the re-development of the site to provide up to 73 dwellings, with detailed permission sought for a new vehicular access point from Shipley

Road. The submitted illustrative site plan shows the development of 73 units which comprise an indicative mix of 1, 2, 3 and 4-bed houses and flats, with 29 of the units (40%) proposed to be affordable. The proposal also includes four (5%) custom build / self build plots. The design and layout of the site is only shown indicatively, but proposes areas of public open space, water attenuation basins, a pumping station and a play area in the central section of the site.

- 1.3 A 'trim trail' is proposed around the perimeter of the site. A new pedestrian access point is shown at the north-west corner of the site, which includes the provision of a new section of pedestrian footway along the eastern side of Shipley Road. The indicative layout shows two 'character areas' within the site, with a denser and more urban character to the north, and more of a 'farmstead' character to the south. The scheme includes the retention of the existing farmhouse known as Woodfords. An internal road would lead from the new access point into the site, enabling access to the southern parcel. Most existing trees within the site are to be retained, and landscaping at the site boundaries would be enhanced.

## DESCRIPTION OF THE SITE

- 1.4 The application site is located to the east of Shipley Road, directly to the south of the village of Southwater, but within the Parish of Shipley. The site is approximately 1 mile (1.6km) from the centre of Southwater (Lintott Square). The 4.1Ha site is formed of two relatively flat fields dissected roughly in the middle by a row of trees (including one large mature Oak). The existing site comprises a main dwelling known as 'Woodfords' which is not listed, but is thought to date back to the seventeenth century (therefore considered to be a non-designated heritage asset); and other associated but more modern buildings.
- 1.5 The site boundaries are largely defined by mature landscaping including dense hedgerows and mature trees. The trees along the northern boundary are protected under TPO/1436. An area of ancient woodland is located approximately 40m to the north east of the site (at its nearest point). The site is relatively tranquil in nature and semi-rural in character, although influences such as noise from Shipley Road to the west and the visibility of existing houses directly to the north of the site, give the site a suburban influence, particularly towards the northern end. The site has an existing vehicular access point from Shipley Road. The site within a bat sustenance zone.

## 2. INTRODUCTION

### 2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

### 2.2 RELEVANT PLANNING POLICIES

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

### 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 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 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

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

Policy M9 - Safeguarding Minerals

2.6 **Supplementary Planning Guidance:**

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

2.7 **Parish Design Statement:** Shipley Parish Design Statement

2.8 **Planning Advice Notes:**

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

2.9 RELEVANT NEIGHBOURHOOD PLAN

**Shipley Neighbourhood Plan (2019-2031).**

- Policy Ship HD1: New Housing Development
- Policy Ship HD2: Housing Mix
- Policy Ship HD3: High Quality Design
- Policy Ship TT1: Active Travel
- Policy Ship C03: Broadband and Mobile Reception

2.10 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/2564

Outline application for the erection of up to 73 new dwellings (C3 use) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highways infrastructure works, including vehicular access from Shipley Road with all matters reserved except access.

Application Refused on 29.04.2021. Appeal 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](http://www.horsham.gov.uk)

INTERNAL CONSULTATIONS

3.2 **HDC Landscape:** Comment. Overall, in landscape terms the site has capacity to accept a level of development, but the urbanising influence of this proposed residential development will have some impact on the existing rural character. The retention of the existing farmhouse is welcomed. Consideration should be given to the expansion of the site perimeter green corridor.

3.3 **HDC Heritage:** Comment. The retention of the non-designated heritage asset is welcome. However, there will be some adverse impact to its setting. The public benefit of housing needs to be weighed against this harm.

- 3.4 **HDC Environmental Health:** Comment. Air quality mitigation measures for this proposal needs to be outlined in a detailed mitigation plan. Conditions are recommended in relation to the submission of a CEMP and land contamination details to be submitted for approval prior to commencement of development.
- 3.5 **HDC Ecology:** No objection subject to conditions.
- 3.6 **HDC Drainage:** No objection subject to conditions requiring the submission of a drainage strategy (foul and surface water drainage) and a SUDs verification report. The applicant is also advised that this application requires an Ordinary Water Consent for any discharge to the local watercourse.
- 3.7 **HDC Archaeology:** No objection subject to conditions.
- 3.8 **HDC Housing:** Support. The proposal is supported as it offers 45% affordable housing (above the policy requirement of 35%). [Nb the actual affordable offer is 40%]

#### OUTSIDE AGENCIES

- 3.9 **WSSC Highways:** No objection.
- 3.10 **WSSC Fire & Rescue:** Comment. Condition recommended requiring the submission of details showing the location of proposed fire hydrants.
- 3.11 **WSSC Flood Authority:** No objection.
- 3.12 **Southern Water:** No objection subject to conditions.
- 3.13 **Natural England:** No objection subject to the appropriate mitigation being secured.

#### PUBLIC CONSULTATIONS

- 3.14 **Shingley Parish Council:** Objection:
- The Shingley NP has relevance because the proposed site is within the designated plan boundary. Policy Ship HD1 of the Shingley Neighbourhood Plan requires development to be in accordance with the spatial strategy for the District. The Shingley NP resists development on greenfield land. This site falls within the countryside, therefore contrary to Policy 26 of the HDPF.
  - Due to the site's location outside the Built up Area Boundary and on a site not allocated for development within the HDPF, or an adopted Neighbourhood Plan, is unacceptable, and conflicts with Policies 2, 3, 4 and 15, 26 and 17 of the HDPF, and does not support any one of the four criteria set out at paragraph 4.5 of the Shingley Neighbourhood Plan.
  - The proposal does not meet the requirements of the SHELAA.
  - The proposal has not addressed the Water Neutrality issue.
- 3.15 **49** representations have been received objecting to the application on the following grounds:
- Highways/traffic impact on Shingley Road;
  - Noise during construction;
  - Loss of privacy, noise pollution and light;
  - Impact on wildlife/ecology;
  - Lack of local facilities (such as schools) and local infrastructure;
  - Lack of employment opportunities;
  - Overdevelopment of Southwater;
  - Visually inappropriate.
  - Pollution;

- Impact on protected trees;
- Contrary to Neighbourhood Plan;
- Contrary to HDPF development strategy;
- Woodfords is a 'non designated heritage asset'.
- Lack of legal agreement.
- Cumulative impact in association with appeal approval at the Rascals site.
- This application has not addressed the previous reasons for refusal.

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

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

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

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

#### **6. PLANNING ASSESSMENTS**

##### **Background:**

- 6.1 This application follows an identical scheme on this site for 73 dwellings, which was refused in April 2021 and then subsequently dismissed at appeal in August 2022 (ref: DC/20/2564) on the grounds of insufficient information in relation to water neutrality impacts. In considering the appeal scheme, the inspector concluded that, notwithstanding the benefits of the proposal, as the scheme was not water neutral it would result in an adverse impact on the integrity of the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. This current scheme is identical to the scheme which was dismissed at appeal, but now includes additional evidence to demonstrate that water neutrality has been achieved.
- 6.2 The previous appeal decision is a material consideration, of considerable weight, in the determination of this proposal for the same proposal. The Appeal decision is attached at Appendix A. The main issue with the current proposal is whether the reason for refusal relating to water neutrality has been sufficiently addressed. Consideration is also given to any changes in circumstances, since the appeal decision in 2022, including any new national or local planning policies.

### **Principle of Development:**

- 6.3 The site is adjacent to but outside of the defined built-up area boundary of Southwater, and is therefore within the countryside in planning policy terms. It is not allocated for development in the Local Plan or the Shipley Neighbourhood Plan and is not essential to its countryside location. In these circumstances, the location of the development within the countryside is contrary to the spatial strategy, and would conflict with Policies 2, 3, 4 and 26 of the HDPF.
- 6.4 Under the appeal decision for DC/20/2564, the inspector assessed the principle of development and concluded that, while the proposal would be contrary to Policies 2, 3, 4 and 26 of the HDPF, having regard to its position within the countryside and the spatial strategy for the District, there are material considerations which mean that the development would provide a suitable location for housing. This took into account the lack of identified harm in respect of matters including landscape, highways, neighbouring living conditions, air quality, trees, flood risk, or heritage assets, and the policies within the Shipley Neighbourhood Plan. The Inspector commented that this site would allow future occupiers to have access to a range of local services, facilities and employment in Southwater, as well as a nearby public transport links.
- 6.5 Moreover, the Inspector noted at the appeal stage that the Council was not able to demonstrate a five year housing supply of deliverable housing sites, which at that time was a supply position of around 4 years. The supply position has since diminished to a position of 3 years. In accordance with footnote 8 of the NPPF, the policies that are most important for determining the application are therefore deemed out of date, and the presumption in favour of sustainable development outlined at paragraph 11(d) of the Framework is engaged. This provides that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 6.6 In the case of the appeal, the lack of a sufficient water neutrality solution for the 73 dwellings provided for a clear reason to refuse permission under limb i) above of paragraph 11d, and consequently resulted in the dismissal of the appeal. This ecological impact on protected areas was considered to carry significant weight and the proposal was precluded from proceeding, in accordance with regulation 63(5) of the Habitat and Species Regulations 2017.
- 6.7 The recently published HDC Facilitating Appropriate Development document lists criteria for development proposals outside the BUAB to be considered positively against, and this proposal is considered to accord with all the main criteria listed. Overall, since the appeal decision, there have been no material changes in national or local planning policy regarding the principle of development of this site. The Inspector concluded that the principle of development of this site for housing was appropriate, and officers advise that there are no reasons to justify an alternative conclusion in this regard.

### **Landscape Impact and Site Layout:**

- 6.8 In landscape terms, the site is not located within a protected or designated landscape. The site comprises a main residential dwelling (Woodfords) which is surrounded by private equestrian uses (including stables, a riding arena, and paddocks etc), and other associated buildings clustered in the central part of the site. The site enjoys a sense of enclosure due to the existing boundary vegetation which includes strong tree lined hedgerows and dense woodland shaws along all boundaries. Several mature Oak trees are present along the northern boundary which are protected by TPO's. A fragmented band of trees (including one very large Oak tree) runs through the centre of the site, which is likely to be remnant of a historic field boundary. These trees have the effect of separating the site in two, creating a

slightly larger 'northern' section, and a smaller 'southern' section. The site is relatively flat, but falls slightly from north to south by around 10m. The site is predominantly rural in character albeit subject to some urban influence from glimpses of houses visible along the northern boundary (Rascals Close), as well as the influence of traffic noise from Shipley Road to the west. The southern parcel is more closely associated with the rural countryside beyond.

- 6.9 As with the previous scheme, the application has been supported by a Landscape and Visual Assessment with Impact Overview (LVAIO) which considers the likely physical and visual impacts arising as a result of the proposed residential development on this site. The LVAIO has been reviewed by the Council's Consultant Landscape Architect who agrees that the assessment has been carried out appropriately and includes viewpoints previously agreed prior to the assessment being undertaken.
- 6.10 In terms of landscape impact, the LVAIO states that the development will have an adverse effect upon the landscape character, but "primarily where semi improved grassland is replaced by new homes and associated public realm". However, there will also be positive impacts "notably through species enrichment to some areas of grassland and the retention and enhancement of the wooded frameworks". On review, the Landscape Architect agrees that a landscape-led approach to development on this site has been applied, with the illustrative scheme layout and design being led by the existing landscape character including the majority of existing trees on site which are shown for retention.
- 6.11 As a whole, the enclosed and relatively flat nature of the site affords it a good level of screening which would help to soften the development from most viewpoints. The site, once developed, is unlikely to be seen in long-distance views, but would still be partially visible in shorter views (i.e. from Rascals Close and from Shipley Road). However, when seen from these closer views, it is likely to be seen (and associated with) the more urban context of Southwater to the north, and its presence would not therefore be wholly uncharacteristic or unexpected.
- 6.12 The proposed layout of the site shows the development parcels set back slightly from Shipley Road to the west, allowing space for the retention and enhancement of dense boundary vegetation, and a pedestrian walkway. Notwithstanding the new access point, and the development within the site (which is accepted will be noticeable), the retention of the existing dwellinghouse (Woodfords) on the eastern edge of the site will help to maintain an elements of the existing character when viewed from Shipley Road. The urbanising influence of the development when viewed from Shipley Road would still be notable when passing, but the setting-back and retention/enhancement of the existing house and existing tree screening along this boundary will help to minimise this impact.
- 6.13 Internal access roads are shown along the northern, eastern and southern boundaries which is welcomed. The positioning of these access roads further help to set the development parcels back from the sensitive peripheries of the site, as well as helping to ensure that the existing mature trees are able to thrive, and are not put under undue pressure from felling or pruning from future occupants. Notwithstanding this, the Consultant Landscape Architect has advised that if Officers are minded to approval the Outline proposal, they have recommendations to improve its visual impact. Officers are of the view that if the Outline application were to be approved, these recommendations could be secured at Reserved Matters stage, either upfront, or by condition.
- 6.14 It is considered that by virtue of its urbanising influence, the proposed residential development of this site is likely to result in adverse harm to the landscape character of the area when compared to its existing open rural character. Despite this, the relatively enclosed, flat and well screened nature of the site, coupled with existing residential development to its immediate north and road to its west, is also acknowledged, and has led to the conclusion that the site has some capacity for sensitively designed development. Officers are of the view

therefore, that the development as shown on the illustrative layout would not result in a wholly uncharacteristic change to the receiving landscape, and the harm would not be considered significant.

- 6.15 The detailed design and layout of the site is a matter that would be reserved for subsequent approval should the application be successful at Outline stage. It is considered that the indicative masterplan demonstrates that a detailed design proposal can be generated that would avoid unacceptable harm to the wider landscape and character and local amenity, whilst still allowing flexibility in determining the detailed design of a scheme at Reserved Matters. It should be noted the illustrative masterplan is the exact same as that considered under the previous application and appeal for this site, which was considered appropriate by both officers and the appeal inspector. The design of this development would need to be appropriate for this area taking into account the guidance set out in the Shipley Parish Design Statement. This would be secured in any Reserved Matters application.

**Trees:**

- 6.16 In support of the application, an Arboricultural Implications Assessment has been submitted (with tree protection plan, tree schedule, and Arboricultural method statement enclosed). An 'area' Tree Preservation Order (TPO/1436) is in place for the belt of trees that run along the site's northern boundary. None of the trees protected by TPO are proposed to be removed as part of this application. The indicative site layout shows an internal access road along the northern boundary of the site which has been placed in order to avoid private gardens being located close to the trees, thereby helping to safeguard the trees from further surgery which could be damaging to their growth and survival.
- 6.17 The mature trees that are located within the site are also proposed to be retained (and incorporated into an area of open space) which is welcomed. Of the 49 trees, hedges and groups surveyed on site; 17 are proposed to be removed wholly or in part in order to facilitate the development. The main removal is to facilitate the access and pedestrian footway on the western boundary. The proposal also includes new trees and planting to the proposal, to be secured through Reserved Matters.
- 6.18 Given the majority of the site's existing boundary vegetation is to be retained (and enhanced), the removal of a section of trees and vegetation along the western boundary is not considered to be significantly detrimental to the overall amenity of the wider area and is therefore accepted.

**Highways Impact:**

- 6.19 The application is supported by a Transport Assessment, as well as a Stage 1 Road Safety Audit, Speed Surveys for Shipley Road, and various details plans showing visibility splays, swept paths, and pedestrian refuge/footway designs. It is considered that subject to conditions (including the re-submission of a Travel Plan), the Highway Authority is satisfied that the proposal would not result in any severe highway impact in terms of capacity, and would not result in highway safety concerns. The Highways Authority do not identify any issues with the proposed access to the site or visibility splays. As such, it is considered that the access arrangements and impact on the surrounding highway network are in accordance with Policy 40 of the HDPF and paragraph 109 of the NPPF, and are acceptable.
- 6.20 WSCC as the Highway Authority has commented that the submitted Transport Assessment has been updated to reflect the 73 homes proposed through DC/20/2564 and also now identifies DC/20/0695 (100 units dwellings at Rascals Farm granted on appeal) as a committed development.
- 6.21 This application includes a number of pedestrian enhancements that are duplicated within the current application. These enhancements mainly comprise dropped kerbs and widening



existing refuge islands in the nearby surrounding area. WSCC recommend that these continue to form part of the current application. The proposal also indicates WSCC policy compliant parking standards for the development to be outlined in the Reserved Matters stage. Overall, as in the previous scheme, subject to conditions, no highway objections are raised to this proposal. Officers concur that no highway safety or capacity impacts would arise from these proposals, the same conclusion previously reached by officers and by the appeal inspector.

#### **Affordable Housing and Housing Mix:**

- 6.22 Policy 16 of the HDPF requires that residential development should provide a mix of housing sizes, types and tenures to meet the needs of the District's communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). Policy 16 requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure.
- 6.23 Policy Ship HD2 of the Shipley Neighbourhood Plan states that applications for new housing in Shipley Parish should respond to the most up to date local housing need wherever possible, including two and three-bedroom homes as well as new affordable housing, contributing to a balanced mix of housing in the Plan area.
- 6.24 The application proposes 40% affordable housing with the required 70/30 tenure split. This is above the required 35% and would be secured through a legal agreement.
- 6.25 This scheme includes 4 self / custom build units. This equates to just over 5% of the housing provision. As this proposal is for outline permission, the exact location and design of the units will be assessed under a reserved matters application. The provision of these units is welcomed and would also be secured through a legal agreement.
- 6.26 In terms of market housing mix, the application proposes a range of market housing sizes including 1, 2, 3, 4 and 5 bedroom houses. The exact mix of market housing would be secured under a Reserved Matters application in accordance with the latest Strategic Housing Market Assessment. The proposal is therefore in accordance with Policy 16 of the HDPF.

#### **Heritage Impact:**

- 6.27 Whilst it is not subject to a statutory or local listing, the existing farmhouse located within the site ('Woodfords') appears on the 1st edition O.S. as 'The Vagers' and then on the 2nd edition. The Council's Senior Conservation Officer is of the view that parts of it date back to the early seventeenth century, with additional sections added throughout the eighteenth and nineteenth centuries. As such, this building has a local heritage interest. The Conservation Officer is satisfied that the interest of the house would not likely meet the criteria for statutory listing, but is of the view that it has sufficient local interest and should therefore be considered a non-designated heritage asset.
- 6.28 The applicant's Heritage Statement also acknowledges that this building is considered to be a non-designated heritage asset (albeit it is not included in a local list). As proposed in the previous scheme, this building is to be retained as part of the current proposal. The Council's Conservation Officer advises that the level of harm resulting from the proposed surrounding development will be minor to the historic setting of the house. As such, the effect on the significance of this non-designated heritage asset has been taken into account, with a balanced judgement reached on the scale of any harm as required by paragraph 197 of the NPPF. Having regard to this impact, and taking into account the public benefits of additional housing, the impact on the setting of Woodfords is considered appropriate and the proposal is considered to accord with the requirements of HDPF Policy 34 and NPPF paragraph 197.

### **Amenity Impact:**

- 6.29 Given the site's location, the main impact on privacy that could arise is likely to be upon existing residents in Rascals Close to the north of the site and upon residents of the existing farmhouse (Woodfords) which is proposed to be retained as part of the development. Whilst several dwellings in Rascals Close back onto the northern boundary of the application site, it is not considered that the privacy of these dwellings would be directly impacted due to the presence of the existing dense tree-lined boundary (all protected under TPO), and the separation distance (of around 30m) between the rear of the nearest dwellings and the front of the proposed dwellings (as shown on the indicative Site Plan).
- 6.30 The internal access road that runs alongside the northern boundary of the site assists with this separation, and will help to prevent actual or perceived overlooking. Despite this, one element that may be at a heightened risk of privacy impact is the block of flats shown indicatively to the north-east corner of the site (units 19-24) as this block sits closer to the northern boundary. Given this application is Outline, it is not clear how many storeys this building would be (although it is presumed it would be 2-storey), and no details of elevations have been submitted. As such, if the application was to be successful at Outline stage, a detailed assessment of the layout, orientation and appearance of this block (particularly the positioning of windows etc) would need to be considered before detailed approval is granted.
- 6.31 The outlook currently experienced by Woodfords will change as a result of the development, but subject to the retention of a good-sized curtilage and appropriate boundary treatments (which the illustrative site plan suggests would include a walled garden) it is considered that the privacy and general amenity of residents in this dwelling can be satisfactorily protected from significant harm. The private access road to this house will help to maintain a sense of separation from the rest of the development, which is welcomed.
- 6.32 Other existing residential dwellings in proximity to the application site include three properties located on the opposite side of Shipley Road. Given the set-back position of these dwellings, and the presence of the road, it is not considered that the amenity of these dwellings would be adversely harmed by the proposed development on this site. Due to ground levels, the drainage strategy explains that the site is not expected to be able to be drained by gravity, therefore a foul water pumping station is proposed to be located in the north-east corner of the site, opposite units 25/26. It is understood that the pumping station would be set underground, with perimeter fencing surrounding it. It is noted that the pumping station is over 15m from any dwellinghouse, which is welcomed.
- 6.33 It is also noted that all dwellings within the site are proposed to be heated by air source heat pumps. Whilst the use of this energy source is also welcomed, if the application was to be approved, an assessment of the acoustic impact arising from the operation of the proposed air source heat pumps would be secured by condition to ensure there would be no adverse noise impact upon future occupants.
- 6.34 The central location of the proposed play area and open space (as shown on the indicative layout plan) is appropriate, however it is close to other dwellings within the site. If the application was to be considered acceptable at Outline stage, the proximity of this facility to dwellings would need to be assessed in more detail at Reserved Matters stage to demonstrate that they will not have a detrimental impact on the amenity of future occupants of the nearest units.
- 6.35 Overall, the scheme is considered to be acceptable in relation to its impact on the amenity of adjacent properties in accordance with Policies 32 and 33 of the HDPF.

### **Flooding:**

- 6.36 The application site falls within Flood Zone 1 as defined in the Environment Agency flood maps. This means the site has a 'less than 1 in 1,000 annual probability of river or sea flooding'. The site has been assessed as being low (or very low) risk of flooding from all sources, except for surface water flooding where it is considered to be at 'medium' risk. The submitted Flood Risk Assessment notes that the existing site is mainly greenfield, and currently drains into existing ordinary watercourses located along the northern, eastern and southern boundaries.
- 6.37 It is proposed that surface water within the development will be attenuated and discharged into the existing ordinary watercourses at restricted rates. Permeable paving is proposed to be laid for all roads and parking areas within the site to allow drainage into the watercourses. Additional attenuation in the form of swales and basins are also proposed in the north east and south east corners of the site.
- 6.38 A pumping station is proposed to be included at the north-east of the site to deal with foul water generated from the development. The Council's Drainage Engineer has reviewed the submitted FRA and (subject to conditions and an informative to advise the applicant that Ordinary Watercourse Consent will be required) has not raised an objection to the drainage strategy proposed. As such, subject to the submission of a detailed drainage strategy for foul and surface water, and SuDS verification report the proposal is considered appropriate.

#### **Ecology:**

- 6.39 The site is located approximately 12.3km from the Mens Special Area of Conservation (SAC), therefore a Habitats Regulations Assessment (HRA) screening report was required to be undertaken by the Council in order to ensure that the development would not affect protected habitats. The HRA was undertaken, and concluded that as no Annex II species were identified onsite, and mitigation for foraging and commuting bats has been included, there was no requirement to proceed to Appropriate Assessment.
- 6.40 In support of the application a suite of ecology documents have been submitted, including: a Preliminary Ecological Appraisal (PEA), an Ecological Impact Assessment (EIA), a Great Crested Newt eDNA Report, a Bat Activity Survey Report, a Bat Roost Assessment, a Dormouse Survey Report, and a Biodiversity Net Gain Calculation Assessment. The Biodiversity Metric Calculator results show a 32.41% gain in habitat units and a 33.27% gain in hedgerow units. The submitted ecology information has been reviewed by the Council's consultant Ecologist, who has confirmed that enough information is available for the application to be determined and that the details submitted are appropriate, subject to conditions.
- 6.41 The mitigation measures specified in the ecology reports include: retaining 99% of existing mature treelines and underlying scrub, layouts to avoid gardens backing onto edge habitats, recommended good-practice working, works on bat or dormouse habitats to be undertaken under Natural England licence, planting of new scrub and native trees etc, provision of bird bat and dormouse boxes, provision of reptile habitats, provision of hedgehog access through garden fences, provision of ponds, use of a sensitive lighting strategy, and landscape strategy. These measures are welcomed and are to be secure by appropriate conditions.

#### **Water Neutrality:**

- 6.42 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.

- 6.43 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habitats site. Section 63 of the Regulations sets out the process by which an HRA must take place.
- 6.44 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 6.45 The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.46 In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone that is likely to increase water consumption (such as additional housing units) must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley. Until a wider offsetting strategy is developed to address this issue (which is not expected to be in place until next year and is likely to only apply to sites allocated in the new local plan), all new development must demonstrate that it can be water neutral in its own right.
- 6.47 Using a precautionary principle any existing use has not been carried forward in the calculations for water usage and the baseline water consumption on this site has therefore been taken as zero.
- 6.48 Using the census data, the population of the proposed development is estimated to be 163.62. 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 92 litres per person per day through efficient fixtures and fittings, which includes an allowance of 5 litres per person per day for external water usage. Using the Part G water consumption figure of 92 litres per person per day and a population size of 163.62, it is estimated that the total water usage per day for the proposed development would be some 15,053.04 litres per day (163.62x92).
- 6.49 To further mitigate the increase in water demand it is proposed to incorporate rainwater harvesting into the proposed development. A rainwater harvesting tank will be included on each house and a shared tank will be used for the blocks of flats saving some 5,726.7 litres per day from use serving toilets and washing machines. Once rainwater harvesting has been incorporated into the proposals there will be a deficit of 9,326.34 litres per day (15,053.04 per day minus 5,726.7 litres per day), which will require further offsetting to ensure that the development proposals are water neutral.

- 6.50 The applicants are proposing to offset their development by retrofitting 227 homes that are managed by the Raven Housing Trust located within Crawley and within the Sussex North Water Supply Zone. The Raven Housing Trust housing stock consists of 92 1-bed, 100 2-bed, 34 3-bed and one 4-bed homes. Based on the housing mix and the occupancy rates set out in the submitted statement, this equates to 396.28 people across Raven Housing Trust's available housing stock. The applicants have undertaken a full surveyed assessment of the fixtures and fittings within these properties, of which 187 were fully within Raven's control. This demonstrates that the current water demand of all 187 properties is 39,992.20 litres per day. The existing water demand of the Raven Housing Trust housing stock is therefore 39,992.20 litres per day.
- 6.51 It is proposed to reduce the water consumption of each home by retrofitting the properties with water efficient fixtures and fittings. A copy of the proposed fixtures and fittings to deliver has been submitted. In all, the 187 homes can achieve water savings of 11,992.05 litres per day.
- 6.52 As only 9,712.58 litres per day needs to be mitigated, there is more than sufficient capacity for this development through the proposed off-setting of these Raven Housing Trust properties. Therefore, the Water Neutrality Statement demonstrates that the scheme at Woodfords can be fully mitigated by the proposed offsetting scheme within the stock held by Raven Housing Trust. Water neutrality has been demonstrated. The off-setting measures would be secured through appropriately worded conditions and provisions set out in a legal agreement, with appropriate agreements with Crawley Borough Council to ensure the mitigations are enforced. Natural England have commented that they concur with the assessment conclusions and, subject to the provision of the mitigation measures, have no objection to the proposal. In accordance with the requirements of the Habitats Regulations an appropriate assessment has been completed which concludes that subject to securing the above mitigation, the development proposals would not result in an adverse impact on the integrity of the Arun Valley sites, in accordance with Policy 31 of the HDPF and paragraph 180 of the NPPF.

**Other Matters:**

**Air Quality:**

- 6.53 The application site is not located within or close to any of the District's defined Air Quality Management Areas (AQMAs). However, in support of the application, and as required by the Council for any development classed as 'major', an Air Quality Assessment (supported by an Air Quality Emissions Mitigation Plan) has been submitted. The assessment notes that the development will generate additional traffic on the local road network, but concludes that that future residents of the proposed development will experience acceptable air quality, with the effects judged to be 'not significant'. As is required for all major developments, the air quality damage costs resulting from the development have been calculated, and requires a damage cost of £20,308 (as outlined in the Emissions Mitigation Plan).
- 6.54 Appropriate mitigation will be required to offset these costs in accordance with Sussex Air Quality Partnership's 'Air quality and emissions mitigation guidance for Sussex' (2020). The mitigation measures proposed in the submitted Emissions Mitigation Plan, bus ticket provision, provision of E-bike/E-scooter shelter, use of air source heat pumps, and other provisions to encourage sustainable transport to be presented in a Travel Plan.
- 6.55 As such appropriate (and costed) air quality mitigation measures would be required to be included within the development, the details of which can be secured by condition. Provided these measures are implemented, it is considered that the development would accord with the requirements of Policy 24 of the HDPF, and Paragraphs 170, 180 and 181 of the NPPF.

### **Minerals Safeguarding:**

- 6.56 The proposal is within the Weald Brick Clay Mineral Safeguarding Area (as defined in the WSCC Joint Minerals Local Plan (JMLP), 2018). The applicant has not provided an assessment of how the residential development of the site would impact access to this identified safeguarded resource. Despite this, given the limited extractable size of the site, it's locality on the edge of the built-up-area, and the relative abundance of the safeguarded brick clay resource throughout the county; the safeguarding of the resource in this particular instance is considered a low priority. It is considered that it would be unreasonable to prevent development in this location for the purpose of safeguarding an abundant resource with a low priority to safeguard.

### **Energy/Climate Change:**

- 6.57 Policies 35, 36 and 37 of the HDPF require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.58 Whilst the application is only submitted in Outline, several measures are proposed within the proposal, which seek to build resilience to climate change and reduce carbon emissions, including:
- Orientation of buildings to maximise solar gain;
  - Energy efficient building envelopes (including thermal glazing, air tight building fabric);
  - Use of appropriate glazing to control overheating risk;
  - Use of energy efficient lighting and A+/A++ rated appliances;
  - Install high efficiency Air Source Heat Pumps for heating and hot water;
  - Install Waste Water Heat Recovery units where feasible;
  - Water saving - low/dual flush WCs, low capacity baths, taps with low/aerated flows;
  - Provision of rain water butts;
  - Integration of SUDS and green infrastructure to manage flood risk;
  - EV charging points on at least 50% of units (and ducting on remaining for future connection);
  - Cycle storage for every property;
  - Provision of secure storage for E-Scooters and E-Bicycles;
  - Provision of dedicated home working area for all 2-4 bed houses;
  - Submission of Travel Plan, and implementation of recommendations;
  - Minimising construction and demolition waste (use local suppliers where possible, re-use of materials);
  - Consider opportunities for on-site re-use of materials where feasible;
  - Provision of accessible bin storage to facilitate recycling;
  - Homes to be M4(2) compliant and 5% for M4(3) (to facilitate future adaptation); and
  - Enhancements to biodiversity as recommended in the Ecological Appraisal and Protected Species Reports.
- 6.59 Officers welcome the proposed measures, and the inclusion of these measures within the final details of the scheme is to be secured by condition in order to suitably reduce the impact of the development on climate change in accordance with local and national policy.

### **Conclusion:**

- 6.60 As addressed in the previous scheme and appeal, the scheme does not result in any identified harm in respect of matters including landscape, highways, neighbouring living conditions, air quality, trees, flood risk, or heritage assets. In addition, the principle of development is considered appropriate in this location, having regard to the appeal

inspector's conclusions in the recent appeal decision for the identical development of this site and taking into account the current lack of a five year housing supply and an up-to date local plan.

- 6.61 Under the previous appeal scheme, the Inspector dismissed the proposal due to the lack of an appropriate water neutrality statement. The current scheme has addressed this impact with a revised water neutrality statement. The water demand of the 73 proposed units is addressed through on site mitigation measures (including rain harvesting) and retrofitting 227 homes at Crawley with water reduction measures such as WC dual flush toilets, water restrictors to taps and shower regulators. These measures would result in a water neutral development and have the support of Natural England subject to being suitably secured.
- 6.62 As such, the reason for the dismissal of the former appeal on this site (for exactly the same application) has been addressed and there are no other planning grounds with which to resist this proposal.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.63 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017. **This development constitutes CIL liable development.** In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

### 7. RECOMMENDATIONS

- 7.1 To approve planning permission, subject to the conditions set out below and a legal agreement to secure the following:
- Delivery of 40% affordable housing with an appropriate mix.
  - Delivery of 5% custom / self build units.
  - A contribution of £1,500 for WSCC travel plan auditing fee.
  - Delivery of proposed off-site transport improvements.
  - Delivery of the water neutrality off-setting mitigation measures.

#### Conditions:

1 **Standard Plans Condition:**

2 **Outline Permission:**

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

from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

- 3 **Pre-Commencement Condition:** No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- the method of access and routing of vehicles during construction
  - the parking of vehicles by site operatives and visitors
  - the loading and unloading of plant, materials and waste
  - the storage of plant and materials used in construction of the development,
  - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
  - An indicative programme for carrying out of the works
  - The arrangements for public consultation and liaison during the construction works
  - Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
  - measures to control the emission of dust and dirt during construction
  - a scheme for recycling/disposing of waste resulting from demolition and construction works
  - ecological and biodiversity mitigations (see informative)

Reason: In the interests of highway safety and the amenities of the area, ecological and biodiversity interests, and in accordance with Policies 24, 33(2) and 40 of the Horsham District Planning Framework (2015).

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

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as



amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

**5 Pre-Commencement Condition:**

i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

ii) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

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

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

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

**7 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) An intrusive site investigation scheme, based on the Leap Environmental Ltd Phase 1 Desk Study and Site Reconnaissance Report, to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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

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

**8 Pre-Commencement Condition:** No development shall commence on site until the following has been submitted to and approved in writing by the local planning authority in relation to hazel dormice:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

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 and s17 Crime & Disorder Act 1998) and Policy 31 of the Horsham Development Framework.

- 9 **Pre-Commencement Slab Level:** No development shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) persons responsible for implementing the enhancement measures;
  - e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: 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) in accordance with and Policy 31 of the Horsham District Planning Framework (2015).

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

Reason: To 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 District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access and associated works serving the development has been constructed in accordance with the approved planning drawings J32-4384-005 Rev H, J32-4384-011, J32-4384-012, J32-4384-015, J32-4384-016 Rev A and J32-4384-017.

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

- 12 **Pre-Occupation Condition:** No part of the development shall be first occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be

completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

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

- 13 **Pre-Occupation Condition:** No part of the development shall be first occupied until full details of the proposed new footway along the eastern side of Shipley Road have been submitted to and approved by the local planning authority. The approved details shall be provided prior to the first occupation of the development and thereafter retained.

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

- 14 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the 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 completion of the as built Part G water calculator or equivalent. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained as such thereafter.

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

- 15 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme of air quality mitigation has been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

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).

- 16 **Regulatory Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 124 metres north and 61 metres south have been provided at the proposed site vehicular access onto Shipley Road 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).

- 17 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (September 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

- 18 **Pre-Occupation Condition:** Prior to the occupation of any dwellings hereby permitted, a programme for the delivery of fire hydrants for all of the development shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented in accordance with the approved details and thereafter retained as such.

Reason: To ensure fire hydrants are provided for fire safety in accordance with Policy 32 of the Horsham District Planning Framework (2015).

- 19 **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).

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

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

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

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

- 22 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a contamination verification plan shall be submitted

to and approved, in writing, by the Local Planning Authority. The verification plan shall provide details of the data collected in order to demonstrate that the works set out in Condition (7) are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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).

- 23 **Regulatory Condition:** No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority

Reason: To ensure that no contaminated material is brought on to the site in the interests of public safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

- 24 **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).

- 25 **Regulatory Condition:** Any Reserved Matters application shall include a Landscape and Ecological Management Plan. The plan shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures

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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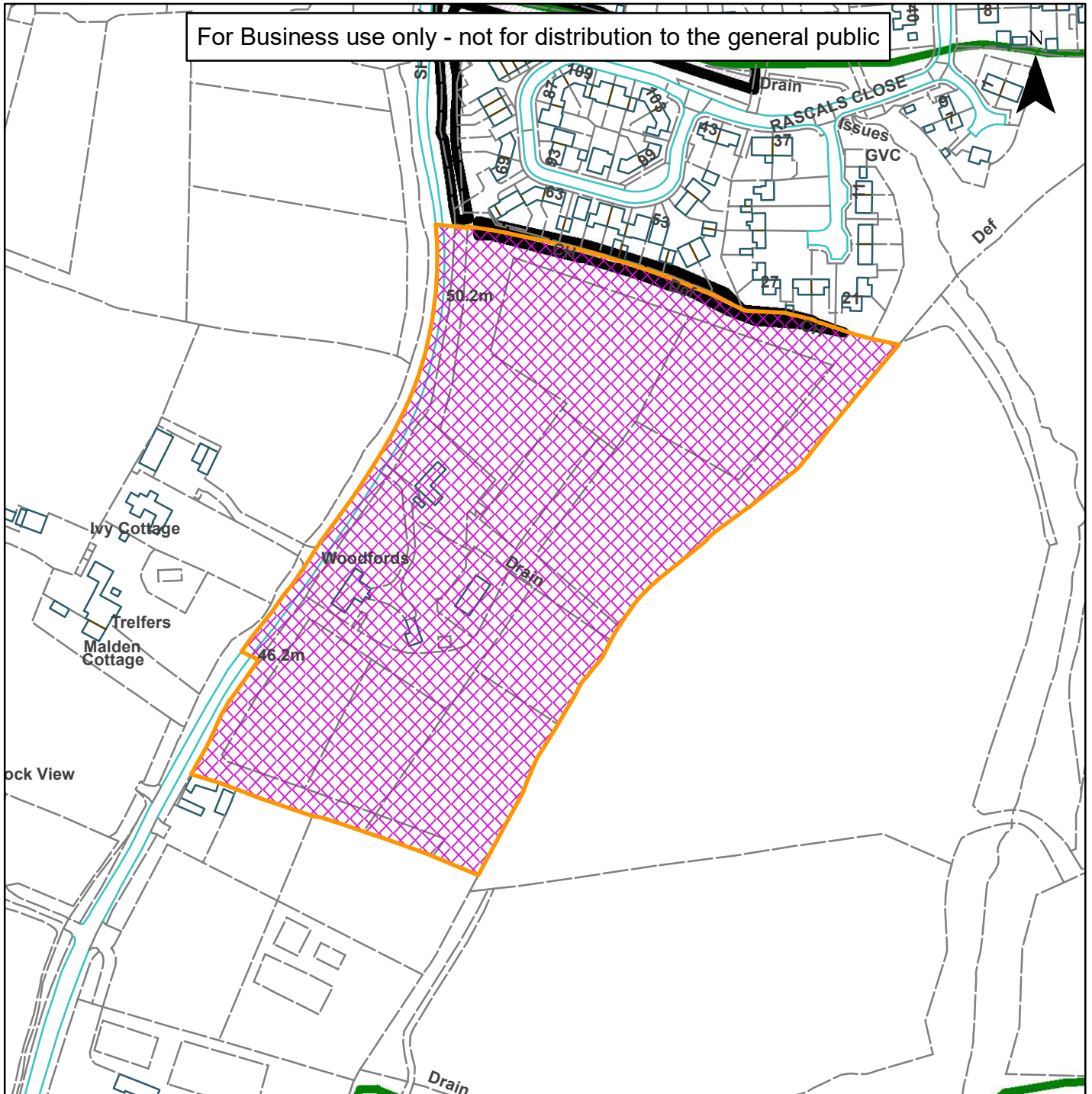
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## Horsham District Council

Woodfords, Shipley Road, Southwater, Horsham, West Sussex, RH13 9BQ

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Organisation	Horsham District Council
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Comments	
Date	20/07/2023
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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 4<sup>th</sup> July 2023

**DEVELOPMENT:** Erection of 1no detached two-storey dwelling with integral garage and associated access and erection of a detached garden room to the rear.

**SITE:** Land Adjacent To Oakfield, Cox Green, Rudgwick, West Sussex, RH12 3DD

**WARD:** Rudgwick

**APPLICATION:** DC/23/0235

**APPLICANT:** **Name:** Mr Andrew Jackson **Address:** Oakfield, Cox Green, Rudgwick, West Sussex RH12 3DD

**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 application represents a departure from the Development Plan

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for erection of a detached two-storey four-bedroom dwelling. The dwelling would comprise an overall width of 13.5m to the ground floor (incorporating a 4.1m attached garage), and a total depth of 13.7m (incorporating a 4.8m rear ground floor projection), hosting a crowned hipped roof with an eaves height of 5.5m and overall ridge height of 7.6m. The dwelling is proposed to be constructed of a stock brick facing, and a clay tiles roof, and would featuring a two-storey front projection with a bay window, a rear ground floor kitchen addition, and an attached garage with a sedum roof. Access to the site would be via a new shared access to the existing property at Oakfield, which is to be redeveloped under planning permission DC/21/2211. Off-street parking would be provided in addition to the garage. The application also proposes the erection of a detached garden room building to the northern corner of the rear garden, which would be composed of a

timber frame and cladding, with extensive glazing, measuring 8m by 4.5m and would host a hipped roof with an overall height of 4.7m.

## DESCRIPTION OF THE SITE

- 1.2 The application site comprises the substantial side garden serving Oakfield, between the property and its neighbour to the north, Bankside. The site is currently laid to grass with established boundary planting to the south-east facing the street which includes a specimen TPO Oak Tree (TPO/1534). The site is located outside of, though immediately adjoining, the built-up area boundary of Rudgwick, which includes the host property Oakfield, but not its side garden. The area is characterised by ribbon development large detached residential properties on both sides of the road, which extend more sporadically further north outside of the defined built-up area boundary. Travelling north, the character of the area becomes more rural.
- 1.3 Rudgwick is categorised as a Medium Village under the HDPF Policy 3 hierarchy, defined as having a 'moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements.'
- 1.4 The site falls outside of the Sussex North Water Supply 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:

#### **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 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

#### **Rudgwick Neighbourhood Plan (June 2021):**

- RNP1 – Spatial Strategy
- RNP2 – Housing Mix

RNP6 – Materials  
RNP7 – Architectural Style  
RNP8 – Development Height  
RNP9 – Street Scene

Planning Advice Notes:  
Facilitating Appropriate Development  
Biodiversity and Green Infrastructure

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/2209	Demolition of existing detached garage and outbuilding. Erection of two-storey detached dwelling and detached garage on existing garden land.	Application Permitted on 29.04.2022
DC/20/1689	Demolition of existing detached garage and outbuilding. Erection of double storey detached dwelling and 2No. detached garages on existing garden land. Creation of new vehicular access.	Application Permitted on 20.11.2020
DC/21/2211	Demolition of existing dwelling and garage and erection of a replacement detached dwelling with new vehicular access, attached garage and associated car parking.	Application Permitted on 18.03.2022

### 3. OUTCOME OF CONSULTATIONS

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

#### INTERNAL CONSULTATIONS

**HDC Drainage Engineer:** No Objection

**HDC Arboricultural Officer:** No Objection, subject to condition

#### OUTSIDE AGENCIES

**WSCC Highways:** No Objection, subject to conditions

**Ecology Consultant:** No Objection, subject to conditions and successful HRA assessments

**Southern Water:** No Objection

#### PUBLIC CONSULTATIONS

##### Parish Comments:

**Rudgwick Parish** objects to the proposal on the following grounds:

- The proposed development sits outside of the BUAB and is not essential to its location, thereby breaching HDPF Policy 26 and Rudgwick Neighbourhood Plan (RNP) policy 1.1
- The application disregards other policies and documents contained within RNP, a statutory document, RNP policies 2.1 and 2.2a in particular. The overall Oakfield site is in the sole ownership of the landowner, with permission granted for 2 large homes already, and this proposal is for a third large house of 296.4 sqm. It would

seem to be development by stealth, ignoring the Housing Needs Analysis in the Neighbourhood plan process. This identifies (RNP 2.2a) the need for smaller (1, 2 or 3 bedroom) properties, and requiring proposals for 4- bedroom houses on development sites of under 10 houses to demonstrate how they would complement the development of smaller homes on the site.

- The amenity of the property Bankside, situated to the north east of the site, may be affected if permission is granted for this proposal. A single storey bungalow design would have had less impact on the neighbouring property in this location, and would have been more in line with the Housing Needs Analysis contained within the RNP, than a large two storey 3rd house on the site. It would also accord with RNP policy 4 relating to the identified need for homes for older people within the parish. The size and siting of the substantial garden room proposed is also a particular consideration in relation to Bankside.
- The addition of a 3rd dwelling on this site, will increase the traffic movements at this position, an area of concern in regards to safety identified in objections to the previous application DC/21/2211.
- There are several references made by the applicants to potential changes to the BUAB (RW1) and the 'direction of travel of policy' in Reg 19 version of the new Local Plan. This plan process has been paused recently to allow for the consideration of alterations that may need to be made owing to new national planning legislation coming forward. The process will not be resumed until after the local elections in May 2023. However, the outcome of these elections may have a bearing on both the timing and the content of the next stage of the Local Plan. Therefore, this application must be judged on the current status quo and hypothetical assumptions about the direction of travel of the policies of the next district council should not be accorded any weight in regards to this proposal.

#### Representations:

11 letters of representation received from 9 separate addresses, *objecting* to the proposal on the following grounds:

- the site is located outside of the built-up area
- the site is not allocated for development
- increased traffic within area
- amenity impact to neighbours
- overdevelopment
- uncharacteristic proposals
- dangerous access into / out of site
- loss of rural character
- contrary to local and neighbourhood plans
- adverse impact on TPO tree
- unsustainable development

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

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

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

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

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

## **6. PLANNING ASSESSMENTS**

### Principle of Development

- 6.1 Policy RNP1.1 of the Rudgwick Neighbourhood Plan (RNP) states that outside of defined built up areas, new residential development will only be supported on allocated sites or where they would accord with the residential exception policies in the development plan.
- 6.2 The site is located outside of the built-up area and is not allocated within Horsham's adopted development plan (comprising in this case the HDPF and the Rudgwick Neighbourhood Development Plan). As a result, residential development in this location would conflict with the requirements of Policies 2 and 4 (Settlement Expansion) of the HDPF, as well as Policy RNP1.1 of the RNP. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the built-up area where the proposed residential development is not considered to be essential to this countryside location and would not meet one of the defined criteria. The site is also not in an isolated location therefore the opportunities afforded by Paragraph 80 of the NPPF do not apply in this instance.
- 6.3 The Council is though currently unable to demonstrate a five-year housing land supply and the weight given to the above policies is therefore limited. The site immediately adjoins a settlement boundary and therefore benefits from access to the related services and facilities, and does not represent an unsustainable location. These factors together with the policy conflict identified above and its relationship with the NPPF are considered further in the Conclusions and Planning Balance section of the report.

### Design and Appearance:

- 6.4 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.5 The Rudgwick Neighbourhood Plan places a great emphasis on the design, scale, and appearance of all new development. Policy RNP1.2 states that all development should avoid the diminution of a settlement's individual identity and should actively respond to its built pattern. Policy RNP2 states that proposals for new housing development should deliver homes which address local housing needs in the parish as set out in the Housing Matters Paper and the Housing Needs Analysis. RNP2.3 states that irrespective of the number and the mix of houses, proposals for new development should respond positively to the established character and density of its immediate locality. Proposals for the development of 1, 2 or 3-bedroom houses which comply with the spatial strategy of the Plan (Policy RNP1.1) will be particularly supported.

- 6.6 Policy RNP5.1 states that all proposals incorporating new residential units should demonstrate how the scheme reflects the surrounding built density of the immediate locality of the development site. RNP5.2 states that densities which exceed the existing situation may be permitted where:
- a) The development is within Rudgwick Village Centre, as defined on the Policies Map; or
  - b) The housing mix provided is in accordance with RNP2.
- 6.7 Policy RNP6.1 states that development should utilise materials that reflect the common building styles across the Parish. This means that:
- a) Brick should be the main building material complemented by tile hanging on the upper floor where appropriate. Barn style cladding or clapboard is an acceptable alternative to tile hanging in Rudgwick.
  - b) New or reclaimed brickwork should match existing frontages.
  - c) Tiles should be used as roofing material whether traditional handmade or modern.
- 6.8 Policy RNP7.1 states that new development proposals should be designed with reference to the surrounding architecture, paying particular attention to features of the local vernacular and locally characteristic details which may include:
- a) Rooflines with hipped, half hipped with gablets and catslides.
  - b) Chimneys as centrally located ridge stacks and end of gable stacks.
  - c) Sash windows
  - d) Timber fielded panel or more simple plank doors
- 6.9 Policy RNP8.1 states that new developments should reflect the local tradition and be of two storeys in height. Development proposals of more than two storeys in height will be supported where they:
- a) provide an appropriate relationship with existing built development in the local area; or
  - b) are informed by the character and topography of the site and respond positively to their relationship with the site and with other buildings on the site; or
  - c) bring a distinct character to the development by providing variation in form and establishing focal points; or
  - d) are located within Rudgwick Village Centre.
- 6.10 Policy RNP8.2 continues, stating that irrespective of their location, the scale and massing of new developments should respect the character and appearance of the surrounding built and natural environment.
- 6.11 Policy RNP9.1 states that new buildings should be placed to form consistent building lines along streets. RNP9.3 continues, stating as appropriate to their scale, nature and location, proposals for residential, employment and commercial development, of one or more units or which involve a change of use to such uses should establish traditional boundary features as appropriate to the site.
- 6.12 The proposed dwelling would be sited within the side garden to the north of the existing dwelling- the plans illustrate the dwelling in relation to the replacement dwelling on Oakfield as granted under (DC/21/2211), some 5m away. The dwelling would be set some 20m back from the boundary to the highway, approximately 18m behind the existing building line to the existing dwelling, and some 8m behind the replacement dwelling, but would largely continue the staggered building line to the street in an acceptable manner. The proposal would effectively represent infill development between an existing dwelling within the built-up area (Oakfield as existing and as redeveloped), and the neighbour outside at Bankside. As such, visually, the proposed dwelling would appear contiguous within this setting.
- 6.13 With regards to the scale of the proposed dwelling, the Parish and neighbours' concerns on the matter are noted. As existing, Oakfield currently benefits from a generous curtilage- it is

acknowledged that previous proposals have been granted on the site to create a new dwelling to the southwest (DC/21/2209) and also to replace the existing dwelling (DC/21/2211). The further subdivision of the plot would result in the creation of three smaller plots by comparison to the existing arrangement. However, these plots would remain comparable to existing neighbours, and thus would not lead to a cramped appearance out of character with the area.

- 6.14 Whilst policy RNP2 does place an emphasis on the provision of 1-3 bedroom housing, the siting of a single 4-bedroom dwelling in this location is not considered uncharacteristic given the similar scale and character of nearby existing development. It is noted that policy RNP2 does not refer to 4-bedroom dwellings being unacceptable on single sites, rather it seeks to ensure that dwellings of such size complement the development of smaller dwellings on a site. In this case the limited size of the site is such that it cannot cater for more than a single dwelling without appearing significantly out of character with its surrounds, therefore a 4-bedroom dwelling is considered acceptable in this case compliant with policy RNP2 as a whole.
- 6.15 The proposed dwelling would comprise a similar material make up and appearance to the two approved dwellings to the south-west of the site, comprising brick elevations and clay tile roof consistent with the requirements of policy RNP6, and detailed consistent with the requirements of policy RNP7. The overall height would be consistent with the approved neighbouring dwellings and the requirements of policy RNP8. Although the dwelling would be approximately 3.5m taller than the neighbouring chalet bungalow to the north (Bankside), there is a sufficient gap between the two dwellings (16.1m at ground floor; 19m at second floor level) to ensure the visual relationship is appropriate.
- 6.16 The garden room to the rear of the site would be sited within the north-western corner of the garden. The overall scale of the building would be modest, and though it would be set away from the rear-most elevation of the dwelling, it would retain an ancillary relationship to the use of the main dwelling.
- 6.17 The proposal is therefore considered a satisfactory and sympathetic form of development in keeping with the prevailing character of development within the street scene and surrounding area and appropriately sited within the plot, compliant to Policies, 25, 32 and 33 of the HDPF, and policies RNP2, 5, 6, 7, 8 & 9 of the Rudgwick Neighbourhood Plan.

#### Amenity Impacts:

- 6.18 Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.19 As above, the proposed dwelling would be sited some 16m from the nearest dwelling to the north (Bankside) at ground floor level, and 19m from the second floor. The first-floor northern elevation of the dwelling hosts two windows, which serve as secondary windows to bedroom 2 and 3. The elevational detail states that these windows would be fitted with obscure glazing with bottom-hung openings as to avoid any potential increased opportunity of overlooking. Given the separation distance between the two dwellings, especially at first floor level, it is not anticipated that the proposed dwelling would result in any adverse harm to neighbouring amenity by way of overbearing or overshadowing.
- 6.20 It is noted that an Air Source Heat Pump would be located to the northern boundary facing Bankside. The location of the pump to this elevation adjacent to a neighbour may result in adverse amenity impacts by way of noise disturbances, depending on the proposed model to be installed, its maintenance, and shrouding (if needed). Officers are satisfied that this detail can be requested and suitable addressed by way of condition.

- 6.21 With regards to the garden room: the neighbour's concerns are noted. However, as above, the building would be modest, comprising a single storey, set approximately 14m from the rear boundary of Bankside. The use of the building would be ancillary to the main dwelling, with infrequent use that would not be unexpected within a street formed of residential uses, the scale of which in this location and orientation in relation to the neighbour would not result in any adverse harm by way of overlooking, overshadowing or overlooking.
- 6.22 The approved replacement dwelling at Oakfield would be set some 5m from the side elevation of the proposed dwelling. The windows to the proposed dwelling's elevation facing the replacement dwelling would host three windows, which serve as secondary windows to bedroom 1 and 4. The elevational detail states that these windows would be fitted with obscure glazing with bottom-hung openings as to avoid any potential increased opportunity of overlooking. The neighbouring replacement dwelling would host a single window facing the proposed dwelling at this level, which would serve a bathroom- again, this would be fitted with similar glazing as above. Therefore, it is not anticipated that the siting of the dwelling in this location would result in any direct overlooking between the two dwellings, or result in any other harmful amenity impacts.
- 6.23 It is appreciated that creating a dwelling in this location would create a perceived increase in activity, in addition to potential overlooking from the rear elevation into neighbouring gardens, however this arrangement is not unusual in a residential environment such as this.
- 6.24 The dwelling would be set some 40m+ from the neighbours on the adjacent side of the street, a distance which coupled with the use of the highway is not expected to result in adverse harm by way of overlooking, overshadowing or overlooking. The dwelling would not directly neighbour any residential uses to the north-west.
- 6.25 With the above in mind, the proposed development would not result in adverse harm to neighbouring amenity, in accordance with Policy 33 of the HDPF.

Highways Impacts:

- 6.26 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.
- 6.27 The dwelling would be accessed via a proposed access to the replacement dwelling as approved under (DC/21/2211)- the two dwellings would thus share the access with separated gates into each unit. The proposed drive would comprise three off-street parking spaces in addition to a space for a car in the garage, and turning area. WSCC have commented on the proposal, stating that the development would be suitably accessed from the highway, and that it includes an appropriate level of parking and turning areas.
- 6.28 Electric Vehicle Charging and cycle parking provision would be provided as part of the proposal, and could be adequately controlled by way of condition in the event permission were to be granted.
- 6.29 With the above in mind, the Local Planning Authority, in consultation with WSCC Highways, do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are



no transport grounds to resist the proposal, in accordance with Policies 40 and 41 of the HDPF.

- 6.30 It is noted that suitable access to the site is contingent on the implementation of the neighbouring replacement dwelling proposal (DC/21/2211). Therefore, it would not be possible for the applicant to proceed with this proposal without implementing the replacement dwelling proposal.

Other Matters:

*Trees:*

- 6.31 The new proposed access for the site is to be sited close to the edge of the root protection area of a mature Oak tree at the front of the property which is protected by TPO/1554. Whilst the proposed driveway largely avoids this root protection area, a minor crown lift is required to provide clearance beneath. The Council's Arboricultural Officer has commented on the proposal and has stated that this distance falls within the maximum recommended allowance. The submitted Arboricultural Impact Assessment details sufficient tree protection measures in addition to construction methods for the proposed turning area which falls within the root protection area of the TPO specimen tree. In the event that permission were to be granted, Officers are satisfied that any arboricultural impacts and protection methods can be adequately controlled by way of condition.
- 6.32 A category C Laurel tree is to be removed at the site entrance, alongside the removal of a category U Ash tree in the rear garden for safety reasons due to Ash dieback. The plans also refer to the removal of the category C Holly and Hazel hedge which fronts the site, noting that the removal of this hedge, as well as the Laurel tree, have previously been accepted under application DC/21/2211 for the replacement dwelling at Oakfield. The submitted Arboricultural Impact Assessment also refers to the selective removal of parts of hedge G1 which borders the front/side garden of the adjacent property at Bankside, and states that an Oak tree in the rear garden also requires pruning to allow for the garden room (which will be constructed with a no dig foundation to avoid impacting on the tree's roots). Again these works are acceptable to the Council's Arboricultural Officer.
- 6.33 Whilst the removal of the hedge fronting the site is regrettable, it is necessary to deliver sight lines for the access point and has been previously approved. The site layout indicates a new hedge will be planted along the site frontage and final details of this hedge are required by condition as part of a wider landscape plan. This plan will also require further detail on the works to the hedge G1 alongside Bankside. Subject to the re-planting of the frontage hedge to ensure the rural character of the area is maintained, the impacts on trees and hedges within the site is considered acceptable.

*Drainage:*

- 6.34 The dwelling will seek to utilise the existing mains sewer that currently runs through the property. Surface water will be dealt with through soakaways to the front and rear areas of the property. A permeable driveway and parking area will be provided to the proposed new entrance to the property, in accordance with the drainage engineer's specification submitted and is to form part of the overall surface water drainage design.

*Water Neutrality:*

- 6.35 The site is not located within the Sussex Water Supply Zone- therefore, the proposal is not required to demonstrate water neutrality.

Conclusions and Planning Balance:

- 6.36 As the site is not allocated for development with the HDPF or a made neighbourhood plan the development is contrary to Policies 1, 2, 4 and 26 of the HDPF and Policy RNP1.1 of the RNP.
- 6.37 The Council is currently unable to demonstrate a five year housing land supply, with the latest Authority Monitoring Report (December 2022) detailing a supply of 3.0 years. In such instances the Paragraph 11(d)(ii) of the NPPF states that where there are no relevant development plan policies in place, or the policies that are considered most important for the determination of applications are out of date (such as when a five year housing land supply cannot be demonstrated), planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.38 In this case the most important policies include policies 2, 4 and 26 of the HDPF and Policy RNP1.1 of the RNP which, given they seek to constrain the location of housing development, must now be afforded reduced weight given the engagement of the 'tilted balance' within Paragraph 11d.
- 6.39 The proposal would provide for one market dwelling. As the Council cannot currently demonstrate a five-year housing land supply the provision of an additional dwelling towards this supply is afforded significant weight, however this benefit would be fairly limited given its negligible overall contribution to the supply shortfall. The dwelling would bestow associated socio-economic benefits in the form of short term construction employment and increased local spend, however the limited scale of development is such that these can only be afforded moderate weight.
- 6.40 The addition of a dwelling in this location would not result in harm to the character of the area, to the wider landscape character of this part of Rudgwick, or to neighbouring amenity, and would appear contiguous with the pattern of surrounding development within safe and convenient walking and cycling distance from local services and facilities. Water neutrality is not required to be demonstrated whilst there is no other harm identified with the proposals. This carries weight in favour of the proposals.
- 6.41 Whilst it is acknowledged that the site falls outside of the defined built-up area boundary of Rudgwick, this boundary effectively splits the application site in two, with the dwelling of Oakfield within the built-up area but a section of the related garden outside this boundary. In this case the application site forms a gap between existing development and does not mark any sort of transition from built-up area to countryside. The proposals are contiguous with the character of surrounding residential development north and south of the site both within and outside the built up area boundary, and are sustainably located in transport terms. Further, no harm to the wider landscape character of the area is identified.
- 6.42 As the site directly adjoins a settlement boundary and therefore benefits from access to the related services and facilities, and would not as a matter of course create undue reliance on private vehicles for day to day needs. The site is not therefore in an unsustainable location and its location is not considered a reason to refuse planning permission.
- 6.43 Considering the application as a whole in the context of the Paragraph 11d 'tilted balance' and given the particular circumstances specific to this site, it is not considered that the harm afforded by the conflict with policies 2, 4, 26 of the HDPF and RNP1.1 of the RNP

(which must be afforded reduced weight applying Paragraph 11d of the NPPF) significantly and demonstrably outweighs the benefit of a new dwelling in this location.

6.44 It is therefore recommended that planning permission be granted

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

6.44 **It is considered that this development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
District Wide (Zone 1)		263m <sup>2</sup>	0m <sup>2</sup>
		<b>Total Gain</b>	<b>263m<sup>2</sup></b>
		<b>Total Demolition</b>	<b>0m<sup>2</sup></b>

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

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

## 7. RECOMMENDATIONS

7.1 Officers therefore recommend to members that the application is approved on balance, subject to the below list of planning conditions.

### 1 **A List of the Approved Plans**

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

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

3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

- i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
- ii. the provision of wheel washing facilities and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement Condition:** Prior to the commencement of the development, a Non-Licensed Hazel Dormouse Method Statement shall be submitted to and approved in writing by the local planning authority. This should contain precautionary mitigation measures and/or works to reduce potential impacts to Hazel Dormouse during the construction phase. The measures and/works shall be

carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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

- 5 **Pre-Commencement (Slab Level) Condition:** Prior to the commencement of the development above slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (The Ecology Co-op, November 2022) and the Reptile Survey Report (November 2022) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

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

- 7 **Pre-Commencement (Slab Level) Condition:** Prior to the commencement of any development above slab level, details of the proposed Air Source Heat Pump shall be submitted to and approved in writing by the Local Planning Authority. The details shall include (but shall not be limited to):

- The manufacturer's specification of the unit (including make and model)
- Details of maintenance and upkeep
- Expected noise levels
- Details of any noise mitigations, including design of any shrouding (if required)

The equipment shall thereafter be installed and maintained in accordance with the approved detail unless otherwise agreed to and approved in writing by the Local Planning Authority

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

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

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

- 9 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be first occupied until a fast charge electric vehicle charging point for the dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

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).

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling (or use) in accordance with drawing number D1828.4L. These facilities shall thereafter be retained for use at all times.

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

- 11 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with approved drawing number D1828.4L (received by the Council on 06.03.2023). 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).

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

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

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

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

- 14 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment (prepared by Treeline, received by the Council on 20.02.2023).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 15 **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).

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

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

- 17 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (The Ecology Co-op, November 2022) and the Reptile Survey Report (November 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the 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.

- 18 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes

A, AA, B and C of Part 1 or Class AD of Part 20 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to protect the amenities of the adjoining neighbours in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 19 **Regulatory Condition:** The proposed garden building (as shown on plan D1828.4L and D1828.28C) hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the new dwelling and shall not be used as a separate unit of accommodation.

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

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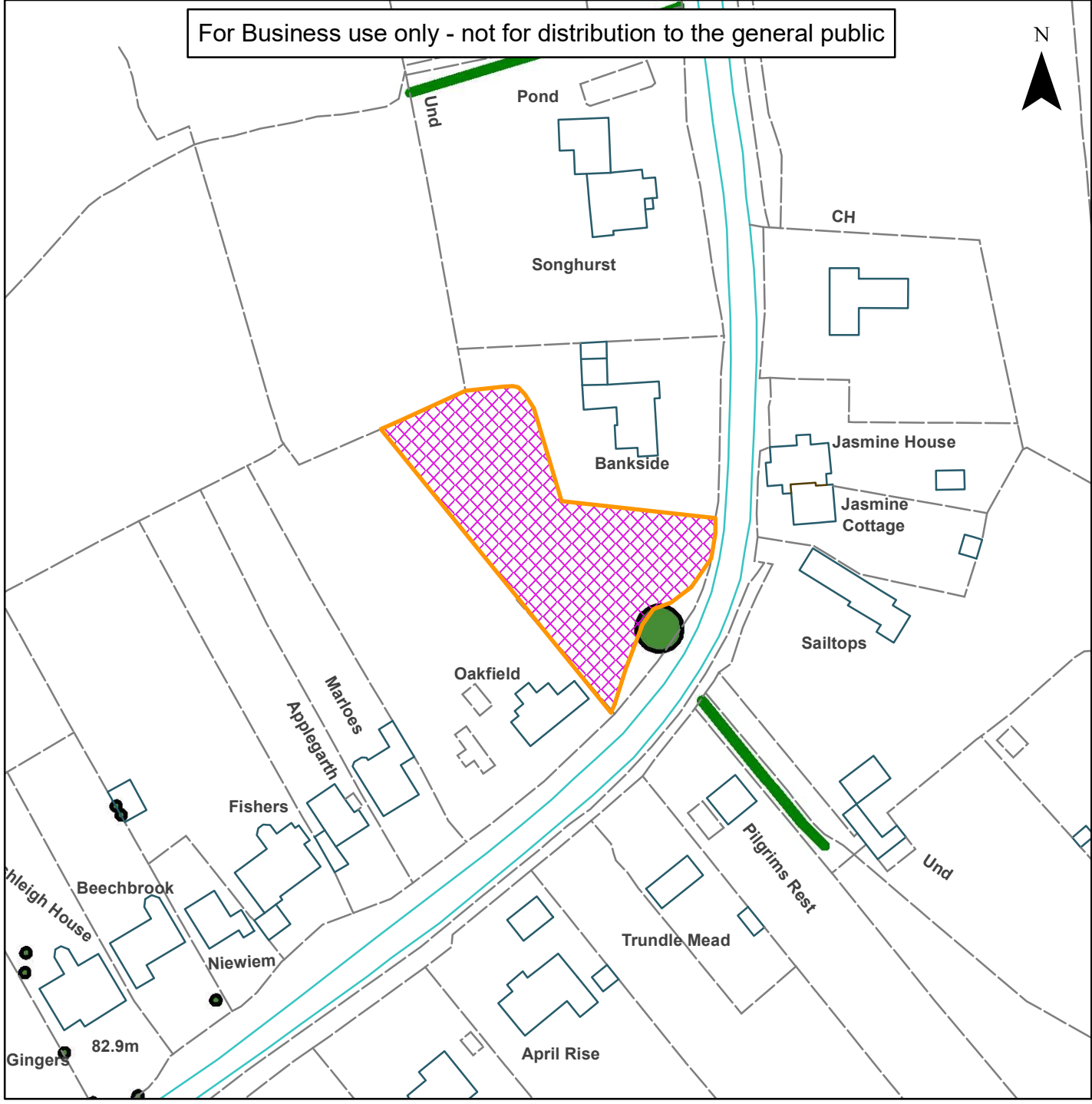
08) DC/23/0235



Horsham District Council

Land Adjacent To Oakfield, Cox Green, Rudgwick, West Sussex, RH12 3DD

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Department	
Comments	
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SA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 4<sup>th</sup> July 2023

**DEVELOPMENT:** Variation of conditions 5 and 6 of previously approved application DC/20/2126 (Change of use of the land and buildings for the blending, screening, storage and distribution of landscape materials (Class Sui Generis). Extension of an earth bund along the northern boundary and erection of 2.2m high wall to the western boundary) to allow for the removal of the hopper and in relation to the noise levels on site.

**SITE:** Lower Broadbridge Farm, Billingshurst Road, Broadbridge Heath, West Sussex, RH12 3LR

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/23/0578

**APPLICANT:** **Name:** Mr Cole **Address:** Lower Broadbridge Farm, Billingshurst Road, Broadbridge Heath, West Sussex, RH12 3LR

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

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

### **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The application seeks to vary conditions 5 and 6 of planning permission DC/20/2126. These conditions are as follows:

5 **Regulatory Condition:** Within 3 months of the date of the permission hereby granted, the hopper used in association with the bagging operation, as identified and recommended in the Technical Note prepared by WBM Acoustic Consultants reference 5057 and dated 28 July 2020, shall be replaced by an alternative bagging system, details of which shall have been submitted to the Local Planning Authority for its approval in writing. These details shall be implemented within 1 month of the scheme being approved, and shall be implemented and complied with thereafter for the duration of the use.

Reason: To safeguard the amenities of the nearby residential properties and users of land and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** Within 3 months of the date of the permission hereby granted, a noise management plan shall be submitted to the Local Planning Authority for its approval in writing. The noise management plan shall include the installation and operation of all fixed mechanical equipment and building services plant as detailed within the recommendations of the Technical Note prepared by WBM Acoustic Consultants reference 5057 and dated 28 July 2020. The noise management plan, and mitigation measures where appropriate, shall ensure that the maximum noise level at a location south of the buildings on the application site (at the point shown in Appendix 11 of the WBM Acoustic Technical Note) shall not exceed 60 dB LAFmax for the bagging and other activities that take place inside the bagging shed. These details shall be implemented within 1 month of the plan being approved, and shall be permanently retained and maintained in working order for the duration of the use and their operation.

Reason: To safeguard the amenities of the nearby residential properties and users of land and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

1.3 The Applicant suggests a variation to the conditions as follows:

- 5 **Regulatory Condition:** The motor attached to the existing hopper used in association with the bagging operation, as identified and recommended in the Technical Note prepared by WBM Acoustic Consultants reference 5057 and dated 28th July 9 2020, shall not be used forthwith and removed from the site within one month of the date of the decision. Details of any replacement technology shall be submitted to the Local Planning Authority for its approval in writing prior to installation and shall be implemented and complied with thereafter for the duration of the use.

Reason: To safeguard the amenities of the nearby residential properties and users of land and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** Noise levels from all operations at the site at the site boundary with the A281 shall not exceed a maximum noise limit of 55 dB LAeq, 1 hour (freefield).

Reason: To safeguard the amenities of the nearby residential properties and users of land and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

#### DESCRIPTION OF THE SITE

- 1.4 The application site is located to the west of Billingshurst Road, immediately adjacent to, but outside of the built-up area boundary of Broadbridge Heath. The site comprises a number of former agricultural buildings which have most recently been used for light industrial and storage purposes.
- 1.5 The site is located to the north of the dwelling known as Lower Broadbridge Farm and to the west of the dwelling known as The Bungalow. The buildings benefit from areas of hardstanding to the north and south, with the southern extent currently used for parking and some outside storage.

- 1.6 The larger of the subject buildings has been subdivided internally, with a number of the bays occupied by the neighbouring enterprise of Horsham Stone, which benefits from a yard area and second unit to the west of the application site. This operates independently from the application site, with access provided to the west of the buildings.
- 1.7 The wider surroundings are characterised by open countryside to the north and west, with the dense residential development of Charrington Way located to the east, and separated by mature vegetation and the A281.

## **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 The National Planning Policy Framework (NPPF)**

#### **2.4 Horsham District Planning Framework (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 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 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities

#### **2.5 Slinfold Neighbourhood Plan (Sept 2018)**

- Policy 3: Green Infrastructure
- Policy 5: Development Principles
- Policy 11: Existing Employment Centres
- Policy 12: Economy and Enterprise

#### **2.6 Planning Advice Notes**

- Facilitating Appropriate Development
- Biodiversity and Green Infrastructure

## PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/2126

Change of use of the land and buildings for the blending, screening, storage and distribution of landscape materials (Class Sui Generis). Extension of an earth bund along the northern boundary and erection of 2.2m high wall to the western boundary.

Application Permitted on 21.05.2021

### 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](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** Comment

Condition 5 was originally worded to reflect the proposal from the applicant to replace the bagging hopper. The operation of the bagging hopper had been identified as the main cause of complaints about noise from the site. Accordingly the condition was considered to be reasonable and proportionate. If applicant felt the condition was unreasonable they did not express that view before the original permission was issued.

For condition 6 the original wording took account of the recommendations provided by the applicants consultant with regard to noise level emitted from the site. Again the condition was worded to incorporate these recommendations.

As commented previously, EH are satisfied that the proposed variations to the conditions are acceptable. Condition 5 will ensure the bagging hopper will be taken out of use. Condition 6 will provide an appropriate noise limit for site operations having regard to the character of the locality.

- 3.3 **HDC Environmental Health (Subsequent Response):** Comment

There have been no recent statutory noise complaints that the Department have investigation at the site.

60dB max level is an absolute level and 55dB Leq is a time averaged value. The World Health Organisation threshold for serious annoyance in an outdoor amenity space is 55dB LEQ so this figure tends to be used when considering amenity. This does depend on how quiet the area is. The main issue for the application site is the A281, which is also very noisy. Would not want the business activity to be noisier than the existing noise climate which is dominated by the road noise during the day. In this circumstance, either noise target would be effective.

#### OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** Comment

Both conditions are unrelated to any highway matter, and refer to noise and the removal of a hopper.

## PUBLIC CONSULTATIONS

### 3.5 **Slinfold Parish Council:** Objection

- Removing the motor will not change anything. It appears to be the hopper that causes the noise.
- See no reason why a Noise Management Plan should not be submitted for approval given the noise impact on residents.
- Wording in condition 5 needs to be clarified as there is no specific date
- Noise levels and working times need to be further investigated.

### 3.6 7 letters of objection were received from 6 separate households, and these can be summarised as follows:

- Excessive noise generated by the Lower Broadbridge Farm Stone Works
- Earth bund makes no difference to the noise and dust levels
- Noise disturbance
- Disregard working hours
- Pollution
- Have not adhered to conditions
- Dust

## 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 principle of development was established under planning approval reference DC/20/2126. This approved the use of the site and buildings for the blending, screening, storage and distribution of landscape materials (Use Class Sui Generis).

6.2 The application seeks a variation to condition 5 and 6 of the planning approval, which both relate to controls to reduce noise and limit the impact on the amenities of neighbouring properties. Specifically, this relates to removing the motor associated with the hopper used in the bagging operation and identifying specific noise levels that all operations must adhere to. These matters are discussed in detail below.

### Amenity Impacts:

- 6.3 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.4 Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 185 continues that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions, and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life. Paragraph 188 outlines that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. Planning decisions should assume that these regimes will operate effectively.
- 6.5 The application site is located to the north of the residential dwelling of Lower Broadbridge Farm, and to the west of the residential dwellings located along Charrington Way. A dense line of vegetation separates the site from the nearby residential properties to the east, with the wider area predominantly comprising flat and open countryside. It is recognised that the operations have the potential to impact upon the occupiers and users of nearby property and land, with the relevant conditions imposed to address this.
- 6.6 When considering the initial application, it was noted that a number of statutory noise complaints had been received regarding the operations taking place. It was understood that these had arisen following the use of the hopper which blended materials on site. The noise emanating from this was also confirmed through the Noise Impact Assessment conducted on behalf of the Applicant. At the time, the Applicant confirmed that the use of the hopper had ceased, and alternative equipment had been sourced. Along with suggesting an alternative bagging system within the Noise Assessment, the application sought to control noise impacts through the provision of a 3m high bund that would extend around the existing and extended yard area to the north of the subject buildings. This was considered to mitigate noise intrusion to the nearby residential properties, and when coupled with the existing mature vegetation along the eastern boundary, was considered to act as an acoustic barrier, further limiting noise intrusion. The provision of the bund was not however considered to be the only appropriate mitigation measure, with the alternative bagging system as suggested within the Noise Assessment, also considered necessary. Condition 5 requiring details of this alternative bagging system was therefore recommended to further address potential noise impact and amenity issues. This was considered reasonable and necessary given the nature and activity associated with the proposed operations.
- 6.7 A previous variation of the stated conditions was considered under planning reference DC/22/1636. At this time, it was recognised that there had been no material changes in the spatial nor planning policy context of the site since the planning decision. While it was noted that a bund has been partially installed at the site, no further information, in the form of an updated Noise Assessment, has been provided to demonstrate that the bund has addressed noise impact on the nearest residential properties. A number of objection letters were received stating that adverse amenity impact was being experienced by the residential properties along Charrington Way, with noise and dust pollution noted in particular. This was considered to provide evidence that an adverse noise impact was being experienced by



nearby residential properties, with the original condition still considered to be reasonable and necessary to address the amenity harm arising from the development.

- 6.8 The Council's Environmental Health Officer considered that there was insufficient information to support the suggested rewording of condition 6, with evidence through a Noise Assessment necessary to demonstrate that the suggested cumulative rating noise level would be achievable. Furthermore, the cessation of use of the bagging plant was not required by the condition and there was doubt whether the hopper would be permanently ceased and not brought back into use at any time. For these reasons, the proposed variation of conditions 5 and 6 were refused.
- 6.9 The Applicant has now provided an updated Noise Technical Note from WBM Acoustic Consultants dated 09 November 2022. This Assessment outlines that previous noise investigation indicated a frequent increase in noise levels for prolonged periods due to the use of the motor for the hopper. This was clearly a potential noise issue at the nearest dwellings to the site and was highlighted as such in the previous work. The use of the motor has since stopped, and the Assessment considers that the main noise issue has been addressed. The site noise conditions relate to the bagging shed activity, and as the main noise source in the shed has been silenced the noise emitted from the shed has been significantly reduced. Based on direct observations and noise measurements at the application site, the Noise Assessment considers that it has been demonstrated that the site noise limit can be complied with at the suggested noise monitoring location without the need for an alternative bagging operation. Now that the use of the motor has ceased, it is considered that the purchase and operation of an alternative bagging method would not result in any appreciable change in site noise levels. The Assessment recommends that a site noise limit for the entire operation (not solely the bagging shed) would best address potential noise amenity to the nearby residential properties. The suggested condition advises that this be 55 dB LAeq, 1 hour (freefield).
- 6.10 Following consultation with the Council's Environmental Health Officer, it is outlined that condition 5 was originally worded to reflect the proposal from the Applicant to replace the bagging hopper, where the operation of this bagging hopper had been identified as the main cause of complaints about noise from the site. Accordingly, the original condition was considered to be reasonable and proportionate. In respect of condition 6, the original wording took account of the recommendations provided by the Applicant's consultant with regard to noise levels emitted from the site.
- 6.11 Having considered the suggested variations, and taking account of the additional information submitted, the proposed variations are considered acceptable by the Council's Environmental Health Officer. As confirmed by the Environmental Health Officer, the World Health Organisation threshold for serious annoyance in an outdoor amenity space is 55dB Leq and this is considered to be an appropriate measure when considering amenity. The use of this figure does however depend on how quiet the area is. In this case the application site is bound by the A281, which is very noisy with the noise survey submitted in respect of the original application DC/20/2126 detailing an average noise level of around 60db Leq at the closest houses opposite the site on the A281.
- 6.12 In order to suitably protect the amenity of neighbouring residential properties, the business activity should be no noisier than the existing noise climate which is dominated by the road noise during the day. Environmental Health officers have advised that the suggested 55dB Leq measurement is considered to be an appropriate noise limit for site operations in this instance, instead of the 60dB Lmax previously set out in condition 6, given the site context abutting the noisy A281 and its relationship with nearby residential properties.
- 6.13 Condition 5 will ensure the bagging hopper will be taken out of use, with condition 6 providing an appropriate noise limit for site operations, having regard to the character of the locality. The proposed variation to conditions 5 and 6 are therefore considered to offer an appropriate

degree of protection to the amenity of the nearby residential properties, in accordance with the above policies.

### Other Matters

- 6.14 It is recognised that concerns have been raised regarding noise, dust and pollution arising from the operation of the site (and the adjacent commercial enterprise), with concerns also raised regarding to the adherence of conditions. While potential cumulative impacts on the nearby residential properties are noted, it is considered that the conditions as recommended would appropriately reduce potential amenity conflict. On this basis, it is not considered that the proposal would result in significant cumulative impact to justify a reason for refusal on amenity grounds. The proposed variations to conditions 5 and 6 would not result in an increase in water consumption on the site, therefore no impacts would result on the Arun Valley habitat sites.

### Conclusion

- 6.15 It has been demonstrated that the proposed variation to conditions 5 and 6 would sufficiently secure adequate amenity protection and would not result in adverse harm to the amenities of the nearby residential properties. As this application forms a new planning permission for the site, the remaining conditions are repeated, with conditions 5 and 6 now appearing as conditions 4 and 5 with the applicant's suggested wording of condition 4 updated to refer to a period of one month for the removal of the motor, and for any replacement to meet the noise criteria set out in condition 5.
- 6.16 Condition 7 of planning approval is no longer recommended. This condition required the submission of a post-installation noise assessment detailing compliance with the noise criteria outlined within previous condition 5 (and specifically relating to the alternative bagging system). Condition 4 as recommended requires the removal of the existing hopper, with any alternative technology requiring the submission of a full planning application. As such, condition 7 as previously imposed is no longer necessary.

## **7. RECOMMENDATIONS**

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

1 **Approved Plans**

- 2 **Regulatory Condition:** The vehicle wheel-cleaning facilities installed at the site entrance shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.

Reason: As this matter is fundamental in the interests of road safety and visual amenity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 3 **Regulatory Condition:** Within 3 months of the date of the permission hereby granted, details of secure and covered cycle parking facilities for the development shall have been submitted to the Local Planning Authority for its approval in writing. The cycle parking shall be fully implemented and made available within 1 month of such approval being given. The cycle parking shall thereafter be retained for use at all times in accordance with the approved details.

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).

- 4 **Regulatory Condition:** The motor attached to the existing hopper used in association with the bagging operation, as identified and recommended in the Technical Note prepared by WBM Acoustic Consultants reference 5057 and dated 28<sup>th</sup> July 9 2020, shall not be used forthwith and shall be removed from the site within one month of the date of this decision. Details of any replacement technology shall be submitted to the Local Planning Authority for its approval in writing prior to installation, and this shall demonstrate compliance with the noise criteria contained within condition 5 and detail any necessary noise attenuation measures necessary to comply with the noise levels. The approved details shall be implemented and complied with thereafter for the duration of the use.

Reason: To safeguard the amenities of the nearby residential properties and users of land and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** Noise levels from all operations at the site, when measured from the site boundary with the A281, shall not exceed a maximum noise limit of 55 dB LAeq, 1 hour (freefield).

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

- 6 **Regulatory Condition:** Within 3 months of the date of the permission hereby granted, a scheme to control dust shall be submitted to the Local Planning Authority for its approval in writing. The approved scheme, and associated dust control measures, shall be implemented within 1 month of the scheme being approved, and shall be implemented 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 Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 7 **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).

- 8 **Regulatory Condition:** The landscaping scheme as outlined within the Landscape and Visual Appraisal dated March 2121 by DB Landscape Consultancy shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 9 **Regulatory Condition:** The buildings shaded in grey and labelled as "Existing Bagging Plant Operation" on plan drawing BLS/2020/MK1 rev B shall be used for the purposes of blending, screening, and storage of landscape materials only. At no times shall the operations hereby permitted take place outside of the buildings.

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

- 10 **Regulatory Condition:** The extended yard area to the north, as referenced on plan drawing BLS/2020/MK2 shall be used for the storage of pallets and parked unladen vehicles only, and shall not be used for the storage of any finished or unfinished product or material. Any pallets stored/stacked in this area shall not exceed a total height of 3m.

Reason: To safeguard the amenities of the nearby neighbouring properties and in accordance with 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 8:00 and 18:00 Monday to Friday and 09:00 and 13:00 on Saturdays, and at no times on Sundays or Public and Bank Holidays.

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

- 12 **Regulatory Condition:** No deliveries associated with the development hereby approved shall take place except between the hours of 08:00 and 18:00 Monday to Friday and 09:00 and 13:00 on Saturdays, and at no times on Sundays or Public and Bank Holidays.

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

- 13 **Regulatory Condition:** No externally located plant or equipment shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

Reason: To safeguard the amenities of the nearby residential properties and users of land and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

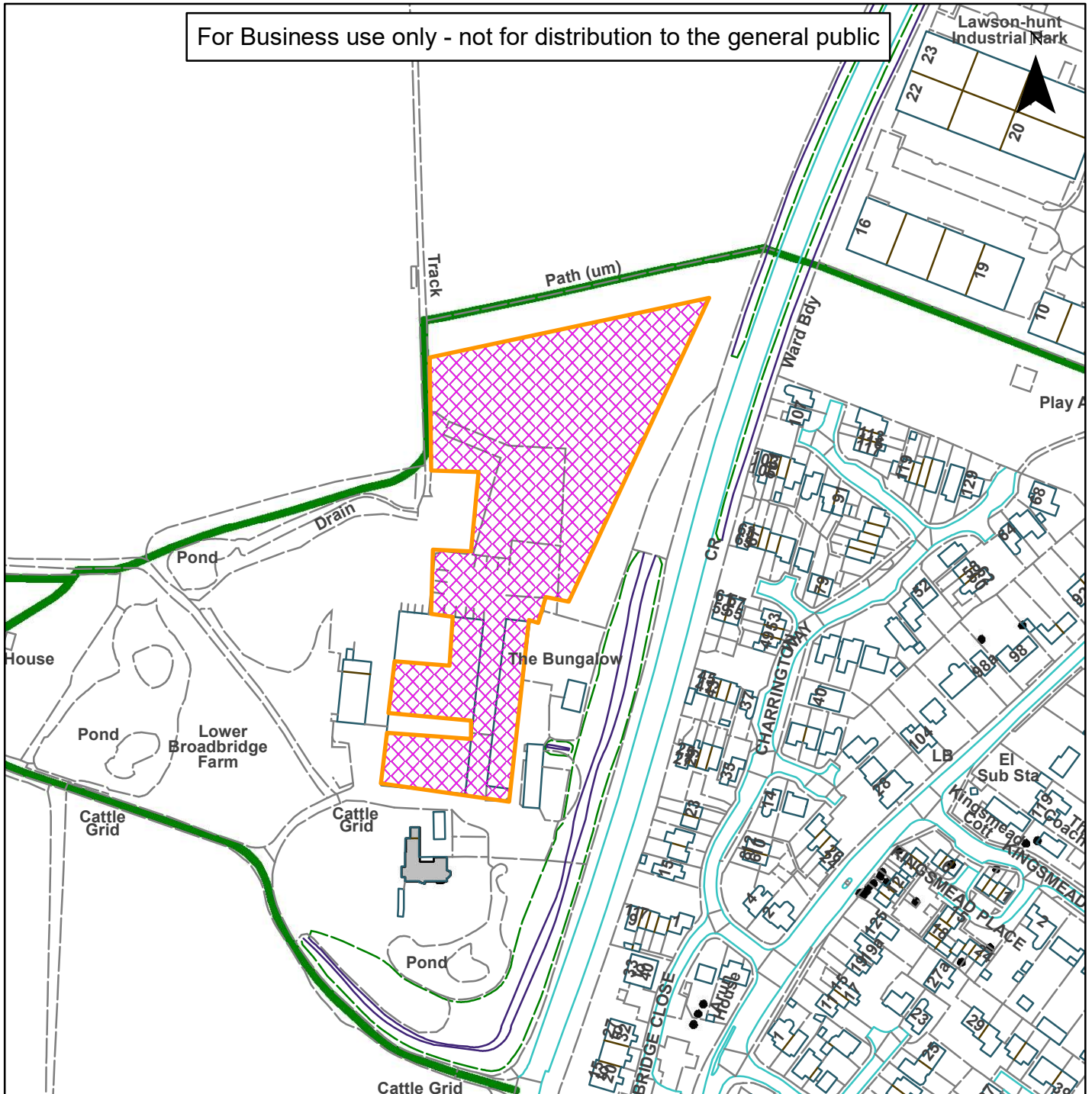
- 14 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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



Lower Broadbridge Farm, Billingshurst Road, Broadbridge Heath,  
West Sussex, RH12 3LR

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**Scale:** 1:2,500

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee

**BY:** Head of Development and Building Control

**DATE:** 01 August 2023

**DEVELOPMENT:** Conversion of existing garage into habitable space and removal of fence along part of West boundary (Part-Retrospective).

**SITE:** 13 Nelson Road Horsham West Sussex RH12 2JE

**WARD:** Trafalgar

**APPLICATION:** DC/23/0324

**APPLICANT:** **Name:** Mrs P Bhuvanandran **Address:** 13 Nelson Road Horsham West Sussex RH12 2JE

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

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.2 The application is for the part-retrospective conversion of the integral garage into habitable space, and the removal of the fence along part of the west boundary. The application is part-retrospective, as the garage was converted in January 2023.

### **DESCRIPTION OF THE SITE**

- 1.3 13 Nelson Road comprises a two-storey end of terrace dwelling located within the north part of Horsham and situated on the corner of Nelson Road and Milton Road. The dwelling is located within the built-up area of Horsham.

## **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 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

#### RELEVANT NEIGHBOURHOOD PLAN

2.5 **Horsham Blueprint Business Neighbourhood Plan (2019-2036):**

Policy HB3: Character of Development

Policy HB3: Design of Development

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

2.6 None relevant.

### 3. OUTCOME OF CONSULTATIONS

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

#### INTERNAL CONSULTATIONS

3.2 **HDC Arboriculture (Initial Response dated 03.05.2023):** Comment

The car parking proposal requires the removal of two small ornamental trees and associated shrubs that are planted in a row, immediately inside the existing close board fence boundary with Milton Road. The vegetation provides a buffer that is currently of positive benefit to both the home owners and the surrounding landscape.

The trees are visible above the fencing providing good public amenity value due to their visual significance within a comparatively harsh, hard urban environment that has no planned space for soft landscaping in the road itself. The loss of the trees will have a negative impact on the visual amenity of the street-scene.

The trees have historically been pruned to maintain a reduced crown form appropriate to the relatively limited space between built form and associated infrastructure that they occupy. Due to their species, size and form they are of domestic scale only with a relatively short, safe useful life expectancy. Regrettably, the trees are not of a species, form or condition that warrants their longer-term statutory protection.

3.3 **HDC Arboriculture (Subsequent Response dated 17.05.2023):** No further comments

#### OUTSIDE AGENCIES



3.4 **WSCC Highways (Initial Response dated 30.03.2023):** Comment

The site is accessed from Milton Road, an unclassified road subject to speed restriction of 30mph. This application is retrospective, with the works having commenced on 10.01.2023.

The applicant proposes to convert an existing garage to home office. The proposed works are not anticipated to give rise to a material intensification of movements to or from the site.

Replacement parking provision is proposed to the rear of the site, accessed via an existing dropped kerb. From inspection of WSCC mapping, there are no apparent visibility issues with the proposed point of access on to Milton Road. The applicant proposes one car parking space, which from inspection of the plans appears suitably sized

On-site turning does not appear achievable, so a car may have to exit the site in a reverse gear. However, this is not anticipated to lead to an adverse highway safety impact in this location. Nearby property on Milton Road operates similar across arrangements with no known highway safety concerns.

In summary, the Local Highways Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

3.5 **WSCC Highways (Subsequent Response dated 19.05.2023):** Comment

Following an inspection of the amended plans, the changes appear very minor and as such, the Local Highway Authority's previous comments remain valid. The LPA are advised to refer to the LHAs previous consultation response, dated 30/03/2023, for relevant comments.

3.6 **Natural England: (Standing Advice)**

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

3.7 **Trafalgar Neighbourhood Council:** No response received

**PUBLIC CONSULTATIONS**

3.8 A total of 24 letters of objection were received from 14 separate householders during two separate consultations periods. These representations can be summarised as follows:

- Impact on access and parking on Milton Road
- Loss of roadside parking spaces on Milton Road
- Cause hazards to other vehicle road users and pedestrians
- Unpleasant for the residents whose back gardens border the proposed car space
- Negative impact on the environment with the loss of trees
- Difficult parking arrangement that would be worsened
- Should have retained original garage
- Difficult turning and manoeuvring

- Loss of general amenity and impact on pleasantness and attractiveness
- Insufficient parking and turning space down Milton Lane

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

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

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

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

#### **6. PLANNING ASSESSMENTS**

- 6.1 The application relates to the conversion of the garage into habitable space and the removal of a fence to the rear of the property to accommodate an off-street parking space. The works to convert the garage were undertaken in January 2023 and the development is therefore part-retrospective.

- 6.2 The application dwelling is subject of condition 4 of planning approval reference HU/223/81 which states the following:

*"Notwithstanding the provisions of the Town and Country Planning General Development Orders 1977-81 the garages and car spaces shown on the submitted plan shall be reserved solely for parking purposes and no work shall be undertaken for their conversion to habitable accommodation."*

- 6.3 The conversion of the garage to habitable space therefore requires the benefit of planning permission, which this part-retrospective application seeks.

##### **Design and Appearance**

- 6.4 Policies 32 and 33 of the Horsham District Planning Framework Policy (HDPF) relates to improving the quality of new development. It states that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design which relates well to the host building and adjoining neighbouring properties.

- 6.5 Policy HB3, Character of Development of the Horsham Blueprint Business Neighbourhood plan states that – *"Development is expected to preserve and enhance the Character Area in which it is located. The design of new development should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the Plan area."*

*Innovation in design will be supported, however, where this demonstrably enhances the quality of the built form in a character area”.*

- 6.6 The existing garage was not a key element of the buildings character or appearance with the proposed materials and proportions of new brickwork, window, and door, designed to integrate and reflect the existing building. It is considered that this approach ensures an appropriate appearance in keeping with the existing building and wider surrounds. The conversion creates habitable space for use as an office. There is evidence of other garage conversions within the immediate surroundings and so the visual impact of the proposal is considered acceptable and would accord with the above policies.
- 6.7 The proposal also seeks to remove a fence panel (approximately 2.8m in length) on the west boundary in order to accommodate access to a proposed off-street parking space. The fence is not considered to be of great visual amenity and so its removal is not considered harmful. It is proposed to erect fencing around the perimeter of the proposed off-street parking space, where this would match the existing.
- 6.8 Overall, the proposed garage conversion is appropriately designed in relation to the main dwellinghouse and surroundings, with evidence of similar conversions within the immediate vicinity. The proposed removal of the fence would not have a harmful impact on the appearance of the street scene. It is therefore considered that the works would not have a detrimental impact on the appearance of the house or wider area. With the above in mind, the proposal is considered to accord with Policies 32 and 33 of the HDPF in terms of its design, layout, and appearance.

#### **Impact on Neighbouring Amenity**

- 6.9 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.10 There are a number of examples of garage conversions within the locality, with the conversion to habitable space and the installation of a window and door not considered to result in harm through overlooking, loss of privacy or loss of natural light.
- 6.11 It is recognised that concerns have been raised within the objections to the impact the parking space would have on the neighbouring properties to the rear, specifically regarding noise and disturbance generated by vehicle movements. The proposed arrangement of the site, with the incorporation of parking to the rear, would not be unusual within a residential context, with the associated movements and activity anticipated to be no greater than what would be expected within a residential area. It is not therefore considered that the resulting off-street parking space would result in harm to justify a reason for refusal.
- 6.12 The conversion of the garage, would have little impact on amenity, as there are many examples of similar conversions in Nelson Road. Furthermore, the removal of the fence panel and resulting provision of an off-street parking space would not have a detrimental impact on the amenities of neighbouring properties. The proposal is therefore considered to accord with Policy 33 of the HDPF.

#### **Impact on Parking Provision**

- 6.13 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. The proposed development would be served by a new access point.
- 6.14 Nelson Road is a 'D' classified road which is subject of no parking restrictions. It is recognised that on-street parking takes place on both sides of the road and this is the case

for a number of nearby streets within the locality. The properties within the locality rely upon on-street parking, where the area suffers from parking pressure.

- 6.15 Condition 4 of planning approval HU/223/81 sought to retain the integral garage for parking purposes only, where the conversion of the garage has resulted in a loss of this single parking space. It is however noted that this parking space is insufficiently sized to accommodate a modern sized car.
- 6.15 The proposal seeks to overcome the loss of the parking space through the provision of an off-street parking space to the rear. This would be adequately sized to accommodate a vehicle, where no concerns have been raised by WSCC Highways. While recognised that on-site turning would not be achievable, the Local Highways Authority does not anticipate that this would lead to an adverse highway safety impact. It is noted that nearby properties on Milton Road operate with similar access arrangements with no known highway safety concerns.
- 6.16 It is recognised that a number of objections have been received concerning the loss of on-street parking resulting from the provision of an off-street parking space at the property. Concerns have also been raised regarding potential highway safety impacts and hazards to road users and pedestrians. However, the Local Planning Authority do not consider that the proposal would give rise to a material intensification of movements to or from the site, nor consider that the proposal would adversely impact highway safety. It is not therefore considered that a reason for refusal on highway safety grounds could be substantiated.
- 6.17 The application site benefits from an existing dropped kerb to the rear of the site, with permitted development rights remaining intact for the provision of hardstanding within the curtilage of the dwelling. The creation of the off-road parking space itself does not therefore require planning permission. The provision of the off-street parking space would however offset the loss of the parking space resulting from the conversion of the garage, and the proposed development would not therefore further exacerbate parking pressure within the locality. For these reasons, it is not considered that a refusal on the grounds of loss of parking could be substantiated.
- 6.16 The proposed development is not anticipated to lead to an adverse highway safety impact in the location. The development would therefore accord with Policies 40 and 41 of the HDPF.

### **Impact on Trees and Landscaping**

- 6.17 The HDC Arboriculture Officer noted that the proposal would require the removal of two small ornamental trees which sit close to the boundary fence with Milton Road and have positive benefit to the surrounding landscape. While it is noted that the removal of these trees may have a negative impact on the visual amenities of the street scene, they are of a domestic scale with only a relatively short, safe useful life expectancy and therefore are not of a species, form or condition that would warrant their longer-term statutory protection.
- 6.18 While the loss of these trees is unfortunate, these trees are not protected and could be removed without the need for formal consent. The benefit of providing an off-street parking space considered to result in benefits that would outweigh the loss of the trees. It is therefore considered on balance that the loss of the trees would be acceptable in this circumstance.

### **Water Neutrality**

- 6.19 There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would result in a significant impact on the Arun Valley

SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

## **Conclusion**

- 6.20 Overall, the conversion of the integral garage and removal of fence panel on west boundary, given the nature of the development and limited impact on the existing dwelling and wider surroundings, is not anticipated to result in a level of harm that is considered unacceptable. The application is therefore considered to be in accordance with Policy 32, 33 and 41 of the Horsham District Planning Framework (2015).

## **7. RECOMMENDATIONS**

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

### Conditions:

1 **Approved Plans**

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

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

- 3 **Regulatory Condition:** The materials and finishes of fencing hereby permitted shall match in type, colour and texture that of the existing fencing.

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

Background Papers:  
DC/23/0324

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee

**BY:** Head of Development and Building Control

**DATE:** 01 August 2023

**DEVELOPMENT:** Removal of front porch and pitched roof, conversion of side car-port into a garage, erection of pitched roof to rear extension and associated alterations.

**SITE:** 21 Patchings Horsham West Sussex RH13 5HJ

**WARD:** Forest

**APPLICATION:** DC/23/1024

**APPLICANT:** **Name:** Mr Jon Espley **Address:** 21 Patchings Horsham West Sussex RH13 5HJ

**REASON FOR INCLUSION ON THE AGENDA:** The application has been made by a Council Member or an officer or a member of their immediate family.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks the removal of the front porch and pitched roof, conversion of side carport into a garage, the erection of a pitched roof to the rear extension and associated alterations. Planning permission is required due to the height of the car-port (to be converted to a garage) which forms a later addition to the original dwelling.

### DESCRIPTION OF THE SITE

- 1.3 21 Patchings is a two-storey dwelling located within the built-up area of Horsham. The dwelling is set back from Patchings and has a driveway accessed off Patchings and has a driveway capable of accommodating multiple parked cars.

## **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 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

## RELEVANT NEIGHBOURHOOD PLAN

### 2.5 **Horsham Blueprint Business Neighbourhood Plan (2019-2036)**

Policy HB3 – Character of Development

## PLANNING HISTORY AND RELEVANT APPLICATIONS

2.6

HU/47/01	Single-storey side extension to garage Site: 21 Patchings Horsham	Application Permitted on 22.03.2001
HU/396/68	Erection of porch/conservatory. Comment: And b. regs. (From old Planning History)	Application Permitted on 30.08.1968

## 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](http://www.horsham.gov.uk)

### INTERNAL CONSULTATIONS

3.2 None received.

### OUTSIDE AGENCIES

3.2 **Forest Neighbourhood Council:** No Objection.

### PUBLIC CONSULTATIONS

3.3 None received.

## 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 Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.
- 6.2 Policy HB3 of the Horsham Blueprint Business Neighbourhood Plan - *“Development is expected to preserve and enhance the Character Area in which it is located. The design of new development should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials, to avoid building design that is inappropriate to the Plan area. Innovation in design will be supported, however, where this demonstrably enhances the quality of the built form in a character area”*.
- 6.3 Planning permission is sought for the removal of the front porch and pitched roof, the conversion of the side carport (a later addition to the original dwelling) into a garage, erection of pitched roof to rear extension and associated alterations.
- 6.4 The erection of the pitched roof to the rear extension would improve the appearance of the existing extension, with an addition that would reflect the built character and features of the existing dwelling. The proposal to convert the car port to a garage would include the infill of the elevations with brickwork and a garage door. This would reflect the existing garage and would relate sympathetically to the existing dwelling. No concerns are raised regarding the removal of the overhang porch to the front elevation, with the resulting front elevation considered to reflect the design of the neighbouring dwellings. The proposal would utilise facing brick to match the existing, as well as slate tiles, which are considered in-keeping with the surrounding street.
- 6.4 The proposed development is considered to be of a design, form and scale which is appropriate to the character and appearance of the existing dwelling, and which would not harm the character or appearance of the wider area. It is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

### **Impact on Amenity**

- 6.5 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.6 The siting and scale of the alterations and additions, as well as the detached nature of the property and the retained separation from shared boundaries, would be sufficient to

prevent any unacceptable harm to neighbouring amenity. It is noted that no representation letters have been received.

### **Water Neutrality**

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

### **Conclusion**

- 6.7 Overall, the proposed extensions and alterations are appropriately designed and scaled, with the changes considered in-keeping with the existing dwelling and surrounding area. The application is considered acceptable on amenity grounds and is in accordance with Policy 32 and 33 of the Horsham District Planning Framework (2015).

## **7. RECOMMENDATIONS**

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

### Conditions:

- 1 **Approved Plans.**
- 2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form.  
  
Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers:  
DC/23/1024

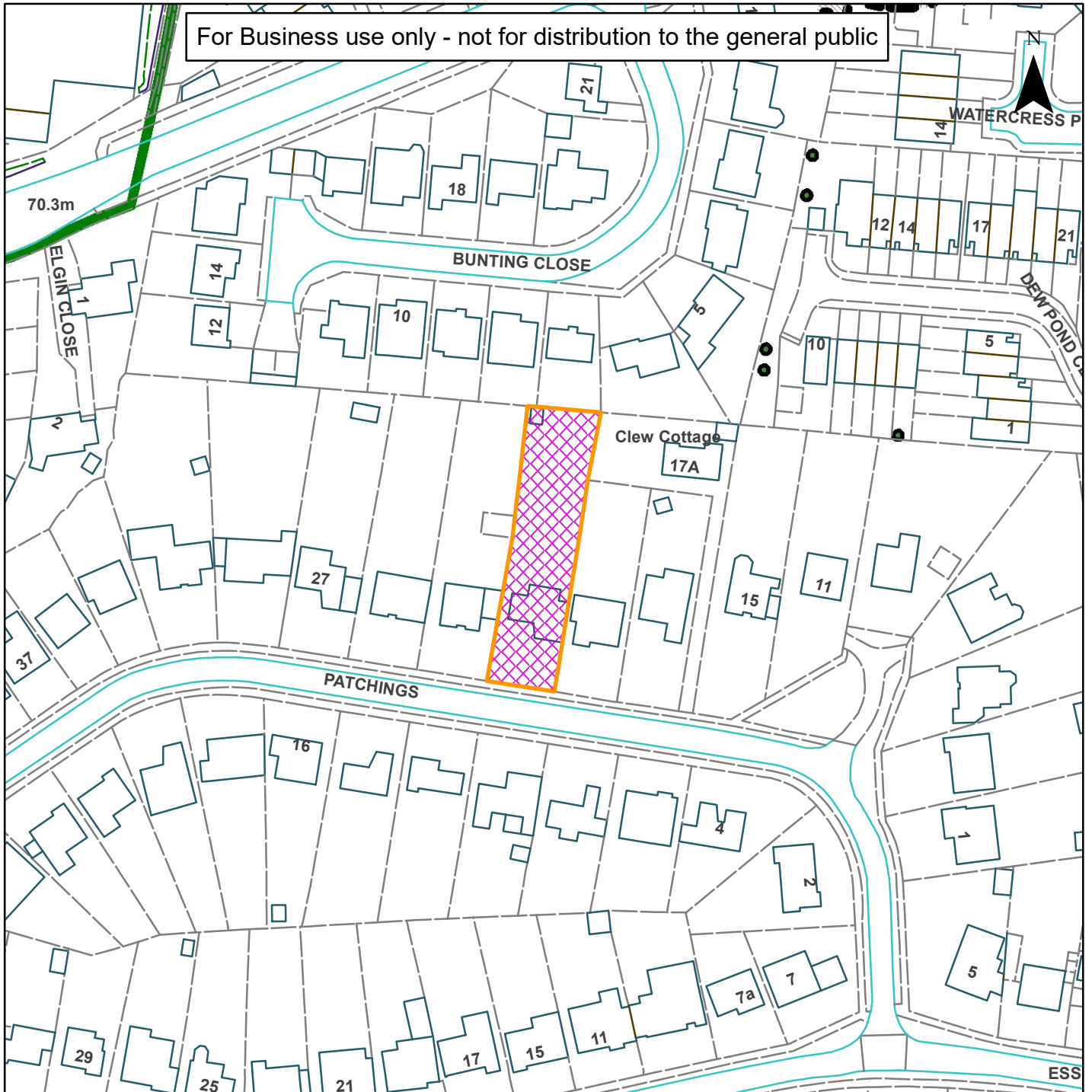
# 11) DC/23/1024



**Horsham  
District  
Council**

21 Patchings, Horsham, West Sussex, RH13 5HJ

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**Scale:** 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	20/07/2023
Application Number	100023865

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