



Planning Committee (North)

Tuesday, 5th December, 2023 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

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

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	9 - 10
To approve as correct the minutes of the meeting held on (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee or the	

Chief Executive

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

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| 5. | Appeals | 11 - 12 |
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| Applications for determination by Committee: | | |
| 6. | DC/21/2180 - Woodfords, Shipley Road, Southwater
Ward: Southwater South & Shipley
Applicant: c/o Agent | 13 - 64 |
|
 | | |
| 7. | DC/22/2257 - Horsham YMCA Football Club, Gorings Mead, Horsham
Ward: Denne
Applicant: Mr T Bass | 65 - 110 |
|
 | | |
| 8. | DC/23/0460 Mill Farm, Itchingfield
Ward: Itchingfield, Slinfold and Warnham
Applicant: Mr & Mrs C Bartlett | 111 - 130 |
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| 9. | Urgent Business
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances | |

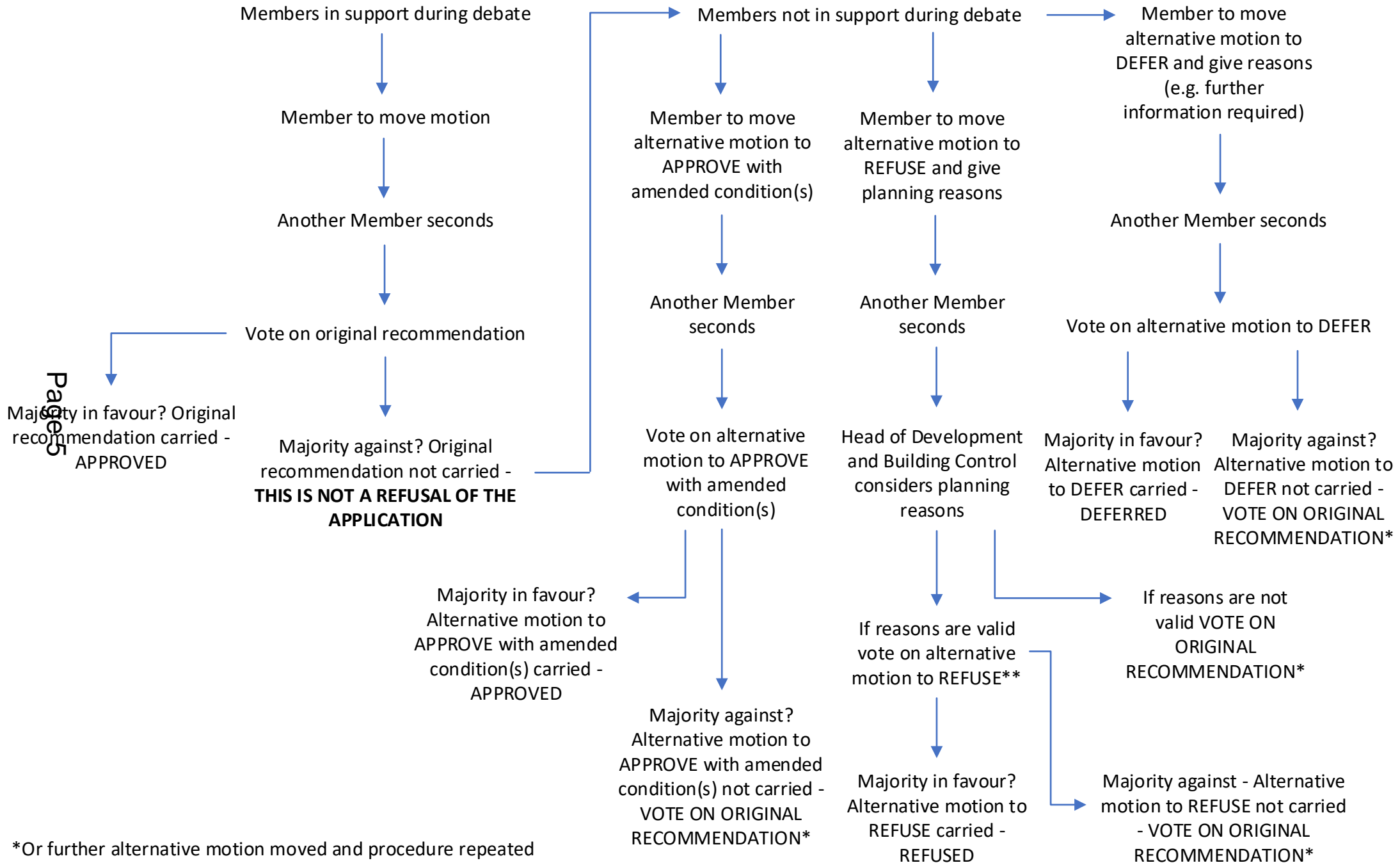
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

Original recommendation to APPROVE application

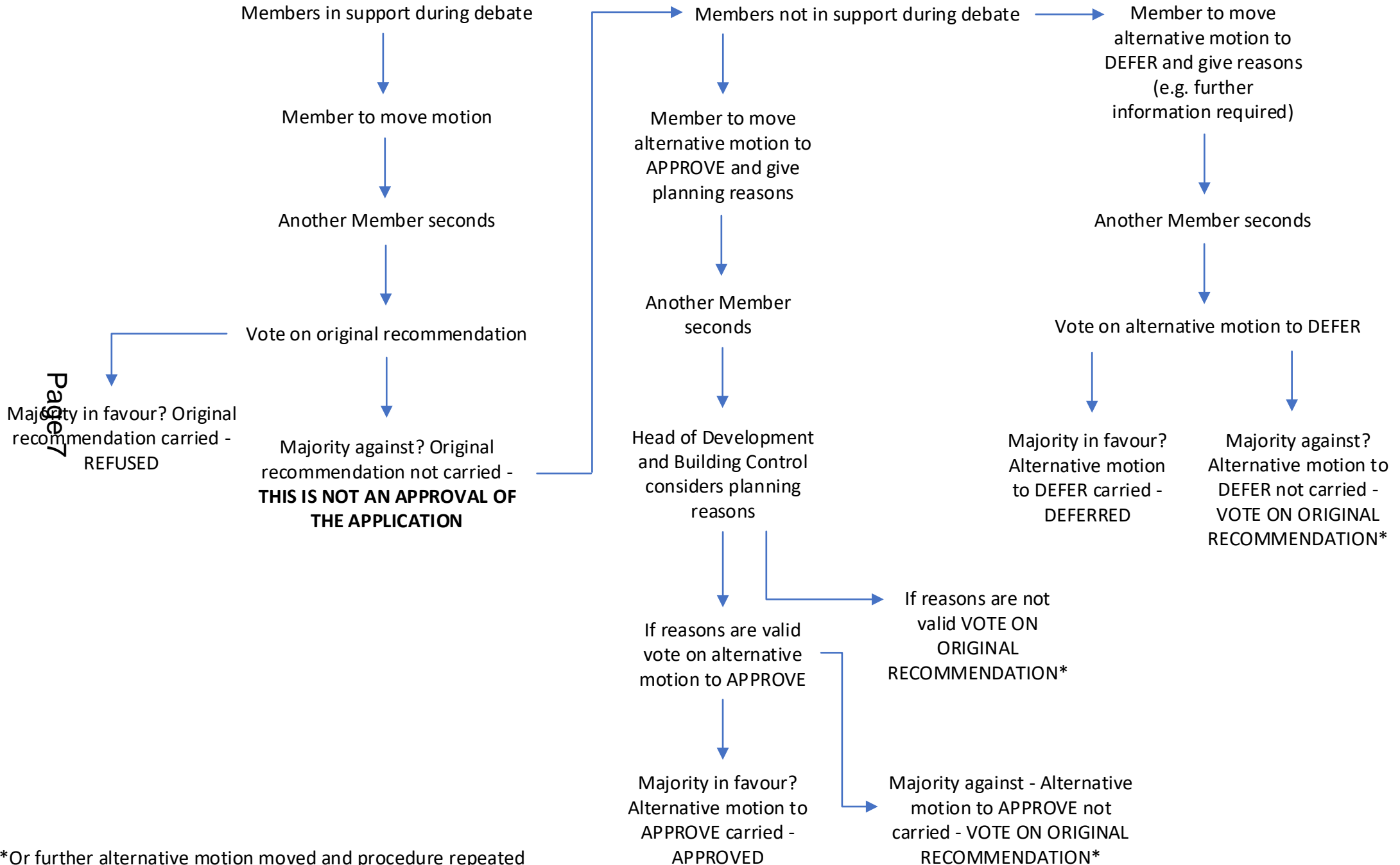


*Or further alternative motion moved and procedure repeated

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

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Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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Planning Committee (North)
7 NOVEMBER 2023

Present: Councillors: Peter van der Borgh (Chairman), Tony Bevis (Vice-Chairman), Colette Blackburn, Martin Boffey, James Brookes, Len Ellis-Brown, Nigel Emery, Ruth Fletcher, Chris Franke, Anthony Frankland, Warwick Hellawell, Tony Hogben, Alex Jeffery, Liz Kitchen, Dennis Livingstone, Jay Mercer, John Milne, Colin Minto, Sam Raby, David Skipp, Mike Wood and Tricia Youtan

Apologies: Councillors: Nick Grant, Kasia Greenwood, Richard Landeryou, Jon Olson, Jonathan Taylor and Clive Trott

PCN/46 **MINUTES**

The minutes of the meeting held on 3 October 2023 were approved as a true record and signed by the Chairman.

PCN/47 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/23/0324 – Councillor Mike Wood declared an interest on the basis that he knew one of the residents in the road behind the application site.

PCN/48 **ANNOUNCEMENTS**

There were no announcements.

PCN/49 **APPEALS**

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

PCN/50 **DC/23/0980 HOLMBUSH FARM, CRAWLEY ROAD, FAYGATE**

This application was withdrawn from the agenda prior to the meeting.

PCN/51 **DC/23/0324 13 NELSON ROAD, HORSHAM**

The Major Applications Team Leader reported that this application had been deferred at the Planning Committee meeting on 1 August in order for the applicant to submit details relating to visibility splays and vehicle tracking and for West Sussex Highways to be consulted on the likelihood of a vehicle crossover licence being granted.

Members were reminded that it was a part retrospective application that sought conversion of the integral garage into living accommodation and the provision of a single parking space in the rear garden with access from Milton Road.

Members were advised that the plans had been amended to extend the width of the rear parking area to 4.2 metres to avoid impacting on a nearby lamppost and to provide suitable visibility splays for pedestrians. Members were also advised that a swept path plan and confirmation of the visibility splays had been provided.

Members were further advised that West Sussex Highways had confirmed that they had visited the application site and had taken the view that a vehicle crossover licence would likely be granted. Notwithstanding that the vehicle tracking did not account for vehicles being parked on the opposite side of Milton Road, officers were also satisfied that vehicles could safely access to and from the site.

Two members of the public spoke in objection to the parking space element of the application, one of whom read a statement that had been signed by a number of neighbouring residents.

The Local Ward Members spoke on the application and expressed concerns including in relation to the representativeness of the vehicle tracking.

Members debated the application and a number of them expressed the view that approval of the application would result in a loss of amenity.

It was proposed and seconded that the application be refused.

RESOLVED

That application DC/23/0324 be refused contrary to officer recommendation for the following reason:

The proposed development would result in the loss of on-street parking capacity to the detriment of the amenities of local residents, contrary to Policies 33 and 41 of the HDPF.

The meeting closed at 6.13 pm having commenced at 5.30 pm

CHAIRMAN

Planning Committee (NORTH)

Date: 5th December 2023



Report on Appeals: 25/10/2023 – 22/11/2023

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/23/1406	19 Three Acres, Horsham, West Sussex, RH12 1RS	25-Oct-23	Application Refused	N/A
DC/23/1725	264A Crawley Road, Horsham, West Sussex, RH12 4HG	20-Nov-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
DC/22/0942	Slinfold Stud, Land Opposite Whitbreads Farm, Stane Street, Slinfold, RH13 0RE	Written Representation	01-Nov-23	Application Refused	N/A
DC/22/2156	The Levee, Loxwood Road, Rudgwick, West Sussex, RH12 3BP	Written Representation	22-Nov-23	Application Refused	N/A

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/22/0079	Holmbush Manor Farm, Hayes Lane, Slinfold, West Sussex, RH13 0SL	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/2575	Holmbush Manor Farm, Hayes Lane, Slinfold, West Sussex	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/1716	Arundene Orchard, Loxwood Road, Rudgwick, Horsham West Sussex RH12 3BT	Written Representation	Appeal Dismissed	Application Refused	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 5th December 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: To update the Committee on the applicant's revised Water Neutrality Strategy following the resolution to grant planning permission at 1st August 2023 Planning Committee North

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 update the Committee on the applicant's revised Water Neutrality Strategy following the resolution to grant planning permission at 1st August 2023 Planning Committee North.

BACKGROUND

- 1.2 This application was resolved to be granted subject to conditions and the completion of a Section 106 Agreement at the Planning Committee North meeting on 1st August 2023. At the time of the committee meeting the applicant's strategy to ensure that their development is water neutral was to install onsite efficiencies including rainwater harvesting systems and to offset the residual water consumption from the 73 new homes by installing water efficiencies within some 187 homes in Crawley managed by Raven Housing Trust.
- 1.3 Since the resolution to grant permission, and before the s106 agreement has been completed to enable planning permission to be granted, the applicants have sought to re-

consider how they intend to offset the water consumption from this development. The proposal is to now offset the development's residual water consumption by installing flow regulators to properties owned by Saxon Weald.

- 1.4 No other aspects of the development proposals have been amended since the resolution to grant planning permission was made.

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 The full list of all consultations received as a result of the original application are outlined in the two appended reports, including 59 letters of objection received from interested parties.

- 3.2 A further 24 letters of objection have been received. The objections are on the following grounds:

- Southwater has taken its share of housing with nothing positive in return. The amenities of Southwater are struggling to cope with the development.
- The proposal results in the loss of wildlife.
- The proposed water usage details in the revised water neutrality statement are inaccurate, unrealistic and unenforceable.
- The 100% affordable housing proposed goes against government policy.
- The proposal is socially unjust as it inflicts water saving measures on affordable housing occupants.
- There is a lack of footpaths in this area.
- The sewerage systems cannot cope with anymore dwellings.
- The proposed footway to Worthing Road will lead to access issues for the existing properties.

- 3.3 No further comments received from Southwater or Shipley Parish.

- 3.4 **Natural England:** No objection

No objection subject to the delivery, management and maintenance of the measures identified in the water Neutrality Statement to achieve water neutrality, chiefly the implementation of Cenergist HL2024 flow restrictors into existing Sussex North mains supplied dwellings which are built prior to 2010 Building Regulations water efficiency requirements and without significant existing water efficiency measures.

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

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

- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote

equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

6. PLANNING ASSESSMENTS

- 6.1 The primary consideration now relevant to this application relates to the applicant's new water mitigation strategy. There have been no material changes to the site, its surrounds, or to local or national planning policy therefore all other material planning considerations remain as set out in the two appended committee reports and as considered acceptable at the 1st August 2023 committee.

Water Neutrality

Onsite water neutrality measures

- 6.2 The applicants updated strategy continues to seek to first reduce water consumption within the new dwellings. Previously the mitigations included efficient fixtures and fittings to reduce daily per person water consumption to 92 l/p/d, with a rainwater harvesting system within each dwelling reducing consumption to 57 l/p/d. The resultant onsite water consumption was calculated to be 9,326.34 litres per day.
- 6.3 The revised strategy dispenses with the rainwater harvesting systems and revises the performance of the fixtures and fittings within each property to arrive at a daily water consumption figure of 84.45 l/p/d, which equates to a daily site water consumption of 13,817.71 litres per day. The applicant has stated that, with the revised off setting strategy, rainwater harvesting is no longer required in order to make this scheme water neutral.
- 6.4 Officers raise no concerns with the loss of the rainwater harvesting systems and the revised performance of the fixtures and fittings, noting there is no policy framework to insist that the rainwater systems be retained.

Offsite mitigation

- 6.5 The main amendment to the water neutrality strategy is to the offsite mitigation. The previous strategy, as agreed by officers, the planning committee and Natural England, was to offset the residual 9,712.58 litres of daily water consumption by retrofitting 187 homes in Crawley that are managed by the Raven Housing Trust with new toilets and basin taps, and by installing a flow regulator into the shower inlets. Based on the Part G water calculators, this was to make for a cumulative saving of 11,992.05 litres per day, at an average of 64 litres per day per property. This saving was some 2,279.47 litres per day more than was required to offset the proposed development.
- 6.6 The applicants revised strategy is to offset the revised 13,817.71 litres per day of water consumption from the development by installing Cenergist flow regulators at some 208-250 homes managed by Saxon Weald. These homes are all located within the district and therefore within the same water supply zone as the development site. The flow regulators would save on average 27 litres per person per day.
- 6.7 The proposed strategy mirrors the local authority-led water offsetting strategy being produced jointly by Horsham District Council, Crawley Borough Council, Chichester District Council, the South Downs National Park Authority and West Sussex County Council. The

local authority-led scheme is to be based on the recommendations set out in the Sussex North Water Neutrality Study: Part C- Mitigation Strategy ("Part C report"). The recommendations of the Part C report include the installation of flow regulators on registered provider housing stock within the water supply zone. Whilst the Part C models a saving of 20 litres per person per day, subsequent evidence from Cenergist flow regulators installed by Crawley Homes (the housing association operated on behalf of Crawley Borough Council) demonstrates that a saving of 30 litres per person per day water is consistently deliverable. Similar evidence from Affinity, as cited in the Part C report, shows a similar saving. In the current case a precautionary 10% reduction is modelled meaning a saving of 27 litres per person per day from each flow regulator. This figure is supported by Natural England.

- 6.8 The Part C report also confirms that only 60% of the total registered provider stock in the water supply zone is required to enable plan-led development to come forward, therefore the applicants proposals will not frustrate the local authority-led offsetting scheme or the delivery of development within the future development plans of the authorities.
- 6.9 The water neutrality statement sets out that approximately 208 dwellings would be required to off set the water demand for this development. Using the census data of 2.47 people for a three bedroom property, this results in an occupancy of 512 people. The Cenergist device will be installed on properties controlled by the Saxon Weald housing association and will deliver savings of 13,824 litres per day (512x27). This is greater than the required 13,817.71 litres per day and therefore the proposals can demonstrate water neutrality. The above is based on each Saxon Weald home being 3 bedroom which is not always going to be the case. To cover this eventuality, Saxon Weald have stated that they will release the necessary number of homes required for the fitting of the flow regulators to ensure the development is water neutral.
- 6.10 Confirmation has also been received that Saxon Weald will sign into the necessary s106 legal agreements to secure the mitigation within the necessary portion of their overall housing stock, which in total runs to some 6,000 homes in the district. Whilst the exact locations of the homes have not been identified yet, given the significant quantum of stock Saxon Weald have control over there is no risk that the necessary stock will not be available. The s106 agreement will ensure that the necessary stock is identified and fitted with the flow regulators to the Council's agreement before development on the application site commences, therefore there is no risk of water consumption not being first mitigated.
- 6.11 Given the revised proposal mirrors the recommendations set out in the Part C report which will crystallise into the local authority-led water offsetting scheme in the coming months, officers are satisfied that the proposed mitigation will work in practice and can be suitably secured to enable planning permission to be granted. Natural England have raised no objections to this revised strategy.
- 6.12 In respect of monitoring and enforcement of the mitigation, the previous committee report appended to this item sets out in detail how this would take place. As the new proposals include flow regulators normally installed close to the water meter for each property, and all the properties are now all located within Horsham district, the enforcement of the mitigation is more straightforward than with the previous Raven Housing Trust offsetting proposal.

Conclusion

- 6.13 The proposed amendments to the applicant's water neutrality strategy are considered by officers to be acceptable to ensure no adverse impacts will occur to the Arun Valley SAC, SPA and Ramsar sites with the new mitigation in place. The recommendation of officers therefore remains as per the 1st August 2023 committee report, namely to approve planning permission 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)

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

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

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 17/10/23. 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. 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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PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th 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

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 **WSCC Highways:** No objection.
- 3.10 **WSCC Fire & Rescue:** Comment. Condition recommended requiring the submission of details showing the location of proposed fire hydrants.
- 3.11 **WSCC 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 **Shipley Parish Council:** Objection:
- The Shipley NP has relevance because the proposed site is within the designated plan boundary. Policy Ship HD1 of the Shipley Neighbourhood Plan requires development to be in accordance with the spatial strategy for the District. The Shipley 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 Shipley 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 Shipley 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 approve 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 secured 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 1st October 2017. **This development constitutes CIL liable development.** In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

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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PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st 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.

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk
- 3.2 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 **Shipley 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 Shipley 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 1st October 2017. **This development constitutes CIL liable development.**

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

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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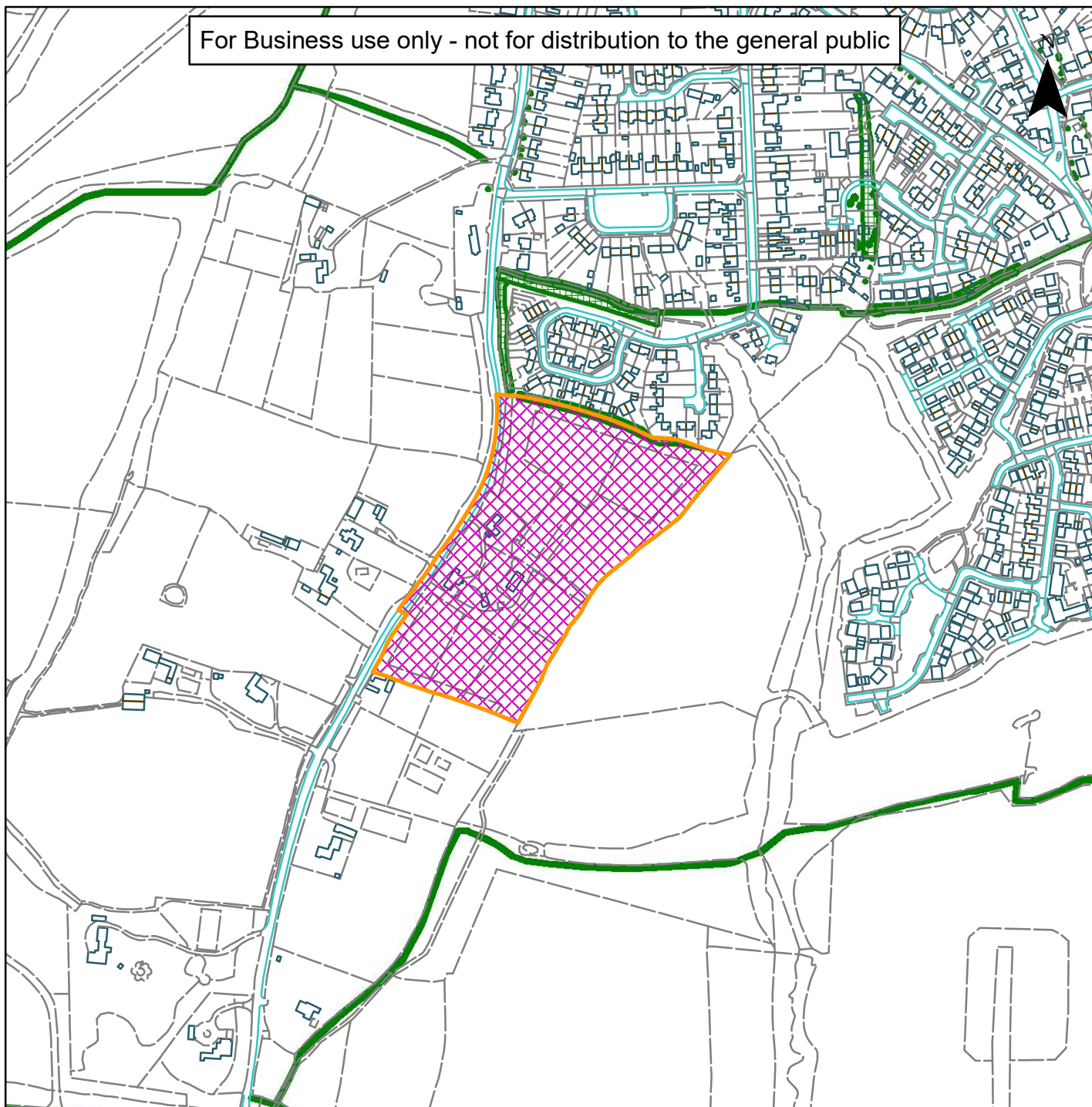
06) DC/21/2180

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



Horsham
District
Council

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Organisation	Horsham District Council
Department	
Comments	
Date	23/11/2023
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 5th December 2023

DEVELOPMENT: Conversion of stadium pitch to 3G surface with new perimeter paths, fencing, floodlighting and goal storage area.

SITE: Horsham YMCA Football Club, Gorings Mead, Horsham, West Sussex, RH13 5BP

WARD: Denne

APPLICATION: DC/22/2257

APPLICANT: **Name:** Mr Tim Bass **Address:** Reed House 47 Church Road Hove BN3 2BE

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 Forest Neighbourhood Council

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 This planning application was considered at the 3rd October Planning Committee North meeting where it was resolved to defer consideration for the following reasons:

- To consider the financial viability of the club and the future of the club with and without the provision of a 3G pitch
- To consider alternative construction methods for a less invasive means of providing the proposed retaining wall in order to preserve the veteran tree (T10)
- To allow consideration and formulation of appropriate conditions should the application be approved.

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

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

2. PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/11/69	Demolition of existing buildings and erection of new dressing room and covered accomm. for spectators. Comment: Outline. (From old Planning History)	Application 13.12.1969	Permitted	on
HU/257/84	Floodlights. (From old Planning History)	Application 01.11.1984	Permitted	on
HU/295/77	Single storey extension. (From old Planning History)	Application 20.01.1978	Permitted	on
HU/30/58	Ladies and gent's toilets. Comment: And b. regs. (From old Planning History)	Application 31.03.1958	Permitted	on
HU/322/76	Renewal of use of covered stand (From old Planning History)	Application 21.01.1977	Permitted	on
HU/334/75	Renewal: use of premises as playgroup. (From old Planning History)	Application 04.02.1976	Permitted	on
HU/376/69	Erection of building for accom for spectators, dressing and club. Comment: B. regs approved 19/08/69 (From old Planning History)	Application 28.08.1969	Refused	on
HU/396/66	Renewal of permission for use of covered stand. (From old Planning History)	Application 01.12.1966	Permitted	on
HU/471/69	Erection of building for accomm. for spectators, dressing and club. Comment: And b. regs. (From old Planning History)	Application 23.10.1969	Permitted	on
HU/5/82	Renewal hu/322/76: covered stand. (From old Planning History)	Application 12.02.1982	Permitted	on
HU/50/82	8 floodlight towers – sportsground (From old Planning History)	Application 30.06.1982	Refused	on
HU/539/71	Renewal- covered stand use. (From old Planning History)	Application 09.12.1971	Permitted	on
HU/96/69	Erection of concrete framed building for spectators shelter, dressing rooms and clubrooms Comment: Outline. (From old Planning History)	Application 20.03.1969	Permitted	on

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

HDC Arboricultural Officer: Objection

Comments (dated September 2023)

The Council's Tree Officer has advised that *'the alternative method of constructing the retaining wall, as is proposed in the attached plans, would help to partly address the issues with root severance for this aspect of the proposal. However, drawing MCA-MUK2566-30 refers to how the existing unsuitable material will be removed and then replaced within the part of the trees RPA that is sited within the pitch, so we [the Council] would need to have a clear understanding of how the works will be undertaken in this area in a way that will not harm the tree.'*

[Applicants] *'could dig a test trench with a toothless buck on a digger along the edge of the pitch within the RPA behind the goal down to the required depth to reach the virgin ground under Arboricultural supervision'.*

The Council's Tree Officer has advised that he would be happy to attend for this and oversee the excavations. The Council's Tree Officer advises that if no significant roots are found, it would be *'unlikely'* that he would have *'any serious concerns with how the drainage system is installed'* as the Applicants *'would be able to demonstrate that the impact on the tree's rooting system would be minimal'*. However, it is also made clear by the Council's Tree Officer that *'if roots are found in the test trench, then they would need to re-assess how the drainage system will be built with the new retaining wall to ensure that the roots can be retained, and the retention of the tree will remain viable'*.

OUTSIDE AGENCIES

No Further External consultations

(Refer to original report for original consultation responses)

PUBLIC CONSULTATIONS

Representations

Since the application was heard at the 5 October 2023 Planning Committee North meeting, **four (4)** additional neighbour letters have been received comprising:

2 letters of **support** on the grounds of improving access to healthy activities for young people, facilities for the football team and possibly local schools and clubs, and securing the future of the football club.

1 letter of **objection** on the grounds that neither viability or the football club's financial difficulties can be considered 'wholly exceptional reasons' to justify the deterioration/loss of this irreplaceable habitat, and the club's accounts should independently reviewed by the District Valuation Service.

1 letter of **comment** specifically relating to the route of PROW 1673; query regarding the public recording and public speakers; request for information including date of the relevant committee for consideration of this deferred application; and a request to speak.

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 As set out above, the application was deferred from the October Planning Committee North meeting for the following reasons:

- To consider the financial viability of the club and the future of the club with and without the provision of a 3G pitch
- To consider alternative construction methods for a less invasive means of providing the proposed retaining wall in order to preserve the veteran tree (T10);
- To allow consideration and formulation of appropriate conditions should the application be approved.

Financial Viability of the YMCA Football Club

- 6.2 To address the first reason for deferral the applicants have submitted more detailed financial information covering the past 5 years. This includes the management accounts for the Football Club. It is advised that this information '*forms part of an integral part of the audited YMCA Downs Link Group Annual Accounts*'.

YMCA Downslink Group Horsham YMCA FC Income and Expenditure Report	YEAR 2018-19	YEAR 2019-20	YEAR 2020-21	YEAR 2021-22	YEAR 2022-23
INCOME					
Total Income	73,179	70,473	79,900	81,787	84,190
EXPENDITURE					
Total Expenditure and Depreciation	(114,641)	(96,992)	(60,344)	(95,362)	(108,713)
Surplus / (Deficit)	(-41,461)	(-26,519)	19,556	(-13,575)	(-24,523)
Surplus or deficit (after exceptional C-19 grant income removed)	(-41,461)	(-26,519)	(-46,592)	(-31,825)	(-24,523)
Underlying prior five year average deficit					(-34,184)
Total underlying deficit (losses) last five years					(-170,920)

- 6.3 The financial accounts submitted by the applicants demonstrate that the Horsham YMCA Football Club income is around £80,000 per annum, and that it has total costs of around £100,000-£115,000, thereby resulting in a deficit of £25,000 -£40,000 which the YMCA Downs Link Group are currently funding. It is advised by the applicants that in 2020-2021 and 2021-22 that the Football Club benefited from one-off covid related grants which helped to reduce the deficit. The applicants further advise that without these one-off grants (which are unlikely to be repeated) the underlying annual losses have averaged £34,184 per annum over the last five years. Cumulative five-year losses were £170,290.

6.4 It is noted that the Downslink YMCA is a charity which is regulated by the Charities Commission. As a charity it is advised that they are expected *'to operate on a sound basis'* The applicants advise that *'without a 3G pitch the Football Club level of deficit would become unsustainable for YMCA DLG'* (Downslink Group) and the YMCA Football Club *'would not be viable and would probably have to close'*.

6.5 Forecasts have been provided by the applicants which show the future viability of the Football Club with and without the 3G Artificial Pitch as set out below:

Forecast with 3G Pitch:

With 3G Pitch	Year 1	Year 2	Year 3	Year 4
	2024-25	2025-26	2026-37	2027-2028
3G AG Pitch Hire Income (after VAT taken off)	98,550	113,333	121,266	121,266
Other income (room hire, donations, bar, advertising, gate)	115,415	137,859	137,859	137,859
Total Income	213,965	251,192	259,125	259,125
Total Expenditure	(171,626)	(201,889)	(209,672)	(209,672)
EBITDA (Including additional staffing costs)	42,339	49,303	49,453	49,453
Depreciation	(39,000)	(39,000)	(39,000)	(39,000)
Earnings (surplus / Deficit)	3,339	10,303	10,453	10,453
Cumulative Earnings	3,339	13,642	24,095	34,549

6.6 The applicants forecast demonstrates that if a 3G pitch was constructed, the additional revenue income would provide the Football Club with an annual surplus / profit of £10,000 per year from year two. The 3G pitch would bring revenue after VAT of approximately £98,000 rising to approximately £120,000 by the third year. It is advised by the applicants that income is also likely to increase from bar takings and room hire, as experienced by other football clubs who have installed 3G pitches and that associated costs have increased in parallel given the need to employ an operations manager as well as additional staff.

Forecast without 3G Pitch

6.7

Without 3G Pitch	Year 1	Year 2	Year 3	Year 4
3G AG Pitch Hire Income (after VAT taken off)	-	-	-	-
Other income (room hire, donations, bar, advertising, gate)	87,432	90,412	93,495	96,687
Total Income	87,432	90,412	93,495	96,687
Total Expenditure	(-126,067)	(-132,370)	(-138,989)	(-145,938)
EBITDA (Including additional staffing costs)	(-126,067)	(-132,370)	(-138,989)	(-145,938)
Depreciation	(-7,000)	(-7,000)	(-7,000)	(-7,000)
Earnings (surplus / Deficit)	(-45,635)	(-48,958)	(-52,493)	(-56,251)
Cumulative Earnings	(-45,635)	(-94,593)	(-147,086)	(-203,337)
Earnings difference with 3G Pitch vs without	48,973	59,261	62,947	66,705

6.8 The applicants advise that without the additional revenue that would arise from the 3G pitch revenue stream and other benefits that would arise from both bar sales and room hire the Horsham YMCA Football Club is *'forecast to see accelerating losses of around -£45,000 -*

£55,000 per annum, culminating in four-year losses of -£200,000'. The annual earning difference both with and without a 3G pitch is indicated at the bottom of the table above.

Development Costs and Funding of 3G Pitch

- 6.9 In regard to the 3G Pitch development cost and funding, it is advised by the applicants that the latest estimate of the 3G pitch cost is £1.1m as set out in the table below:

Gorings Mead Horsham Artificial Grass Pitch (AGP)

Financial Framework	£	Comments
3G Stadia AGP Cost (Tiger Turf / Mc Ardle Sport)	858,051	FF Stage 3 cost based on initial surveys and tender
Community Interest Company (CIC) start-up costs m	22,300	Business plan for Football Club CIC
Provision for cost escalation since Sept 2021	188,000	
Contingency	32,000	Contingency for unplanned costs including any planning conditions
Total Project Cost	1,100,351	
Funding		
Football Foundation	740,000	Football Foundation 3G AGP Grant, subject to grant approval
Football Foundation	88,000	Football Foundation Stadium Improvement Fund, subject to grant approval
Football Club Funds	50,000	From YMCA Horsham FC Club Funds, subject to Board approval
YMCA Downs Link	100,000	YMCA Downslink Group funds, subject to YMCADLG Board approval
Other Matching Funds	50,000	Ground Sponsorship, Local Football Clubs, Youth league etc
Sub-total	1,028,000	
Remaining Gap	-72,351	

- 6.10 The above table reflects the total project development costs of the 3G AGP which amount to £1,100,351. Funding available amounts to £1,028,000. The applicant's figures indicate that there is a remaining £72,351 funding gap in funding provision. It is not clear how this funding gap will be bridged.
- 6.11 The applicants advise that the YMCA Football Club is not therefore viable without further additional income, and that the 3G pitch would provide the necessary income revenues to help sustain the club and secure its viability going forwards. It is advised by the applicants that the provision of a 3G pitch would also provide the following:
- *'A community asset where a diverse group of people, young and old from across Horsham can benefit from sporting and other social activities.'*
 - *Provide the YMCA Downslink Group with a facility where vulnerable local young people can enjoy sport and benefit from improvements to their physical and mental health and be supported on a path to independence.*
- 6.12 The applicants state that no funding has been provided by the Council towards the development costs in providing the 3G Pitch and would welcome a contribution *'given 'the community benefits and alignment with the HDC Playing Pitch Strategy and Local Plan.'*

- 6.13 In respect of costs associated with the replacement of the 3G Pitch it is advised by the applicants that *'the carpet of a 3G pitch will eventually wear out and require replacement. The length of time depends on pitch usage but is typically around ten years. The Football Foundation advise making annual sinking fund payments of £25,000/year to cover the eventual cost (£250,000).* The Applicants confirm that they have *'made this provision within the YMCA FC business plan forecasts and that this 'is covered in the annual depreciation charge line (£39,000/pa)'.*
- 6.14 The income received for the short term let of car parking spaces to local businesses has not been specifically identified within the financial details submitted, however the applicants have confirmed that *'the parking on site is a temporary measure while [they] wait for a planning decision on the 3G pitch. We are simply utilising unused parking capacity to try and generate some income and stem the football club's financial losses. The income from car parking in the last financial year 2022-23 averaged £1,270 per month and this year it is running at ~£1,800 per calendar month. We were unaware that any additional permissions are required. If we receive planning permission for the 3G pitch we expect in future we will need to confine use of the car parking for the football club 3G pitch hire customers and the long-standing club house community activities (i.e., NHS blood donors, slimming world, dancing, snooker, and pigeon clubs)'.* Based on annualising the above car parking income, the additional income from the short term let of the car parking spaces amounts to around £15,240-£21,600 per annum, less than the average losses for the Football Club cited above of some £34,000 per annum.
- 6.15 The financial information provided has been assessed and your officers note the financial benefits arising from the provision of the 3G Pitch which would help to secure the viability of the club going forwards.

Impact on the Veteran Tree (T10)

- 6.16 The Council's Tree Officer has raised concerns regarding the impact of the proposed 3G Pitch on the root system of the Ancient Tree (T10), these concerns are reported in full in the original committee report appended to this report.
- 6.17 The application was deferred by members at the October Planning Committee to allow further consideration of alternative means of constructing the retaining wall to the 3G pitch to avoid impact on the veteran tree.
- 6.18 The base of the veteran tree (T10) is set approximately 2.5m below existing pitch level at the southwest boundary of the site. The applicants have advised in supporting information that *'since the club's arrival at Gorings Mead in 1929 the levels have been built up and retained with site waste which includes advertising boards and heras fencing. As a result of this inadequate build up parts of existing grass pitch are subsiding'.* In order to construct the 3G pitch properly, material within the area of ground within the tree root system of the veteran tree it is necessary to *'remove the unsuitable material and to construct a retaining structure install and backfilled with suitable material.'* This work requires engineering works that would result in severance and removal of some degree of the veteran tree's roots, which would then affect its health and its future viability.
- 6.19 Given the concerns raised by the Council's Tree Officer, the applicants have submitted an alternative method of construction for the retaining wall. The retaining wall system that is now proposed is a King Post type wall. Additional plans submitted (including MCA-MUK2566-32 T10 - King post retaining wall Plan, and MCA-MUK2566-30 rev B T10 King post retaining wall Cross Section) show a plan view of the location of the posts to be driven into the ground at 3m centres and a cross section of the proposed retaining wall, including details of the area of unsuitable ground which needs excavating and replacing with suitable material.

- 6.20 The Council's Tree Officer has been re-consulted and he has advised that *'the alternative method of constructing the retaining wall, as is proposed in the attached plans, would help to partly address the issues with root severance for this aspect of the proposal. However, drawing MCA-MUK2566-30 refers to how the existing unsuitable material will be removed and then replaced within the part of the trees RPA that is sited within the pitch, so we [the Council] would need to have a clear understanding of how the works will be undertaken in this area in a way that will not harm the tree.'*
- 6.21 The Council's Tree Officer has suggested that the applicants *'could dig a test trench with a toothless buck on a digger along the edge of the pitch within the RPA behind the goal down to the required depth to reach the virgin ground under Arboricultural supervision'*; The Council's Tree Officer has advised that he would be happy to attend for this and oversee the excavations. The Council's Tree Officer advises that if no significant roots are found, it would be *'unlikely'* that he would have *'any serious concerns with how the drainage system is installed'* as the Applicants *'would be able to demonstrate that the impact on the tree's rooting system would be minimal'*. However, it is also made clear by the Council's Tree Officer that *'if roots are found in the test trench, then they would need to re-assess how the drainage system will be built with the new retaining wall to ensure that the roots can be retained, and the retention of the tree will remain viable'*.
- 6.22 The applicants responded to the Tree Officer's suggested way forward and advise that *'...the suggestion of carrying out exploratory works is not suitable, the club are in the middle of their football season and cannot be without a large portion of their pitch dug up; furthermore, the exploratory holes would not alter our construction method, as we need to build the material up suitably (as detailed in our planning application)*

... There is a drainage system being installed in the formation of the pitch, and to the back of the retaining wall, however the major works will be re-building this area of the pitch properly to ensure a stable base.

Finally, we did meet with the tree officer on site in late 2021 and explained in person why this area of the pitch needs reconstructing and a retaining wall installing; the tree officer's comments have been consistent and so have ours: the club will not financially survive if they cannot get funding from the Football Foundation for a 3G pitch. The Football Foundation will not provide funding unless the contractor can provide a 22-year base warranty, the contractor cannot provide a 22-year base warranty without building the base properly, and the base cannot be built properly without excavating out the existing unsuitable ground and building a wall to retain the pitch'.

- 6.23 Given that the Tree Officer's suggestion to oversee works has been rejected by the applicants, the Tree Officer maintains his objection.

List of Conditions

- 6.24 At the request of committee members at the previous committee meeting a list of suggested conditions is appended to this report at Appendix 2 for consideration in the event that the Planning Committee North resolves to grant planning permission.

Conclusion and Planning Balance

- 6.25 As set out in the October committee report appended to this item, the proposed development is considered by officers to be acceptable in respect of its principle, general design and highways impact, and subject to conditions would be acceptable in respect of its impact on neighbouring amenity. It has also demonstrated water neutrality. However, the deterioration and loss of the veteran Ash tree through managed decline is in conflict with the requirements of Policy 31 and specifically that of Paragraph 180 of the NPPF. The requirement of Paragraph 180(c) sets a high bar when considering applications which would result in the

loss or deterioration of irreplaceable habitats such as veteran trees, requiring that there are 'wholly exceptional reasons' and that a suitable compensation strategy exists.

- 6.26 The applicants have proposed a 'King Post type wall' as an alternative construction method for the retaining wall to the 3G pitch to avoid impact on the veteran tree's roots. The Council's Tree Officer considers this to be acceptable in part, provided they (or suitably qualified person) is able to oversee the foundation works to assess the impact on the veteran tree's root system. If the dig reveals that roots will be severed, then this system will not work. The appellants are unable to agree to the level of risk that this brings as certainty is needed to secure the necessary funding for the 3G pitch in the first instance. It is also not possible to undertake the dig works now as it would make the current pitch unplayable. The Council's Tree Officer therefore maintains an objection to the deterioration and loss of this tree due to its age, its protected and veteran status, and because it appears to be structurally sound and currently not infected with Ash Die Back.
- 6.27 As this solution is not workable in practice, it remains that the deterioration (through managed decline) of the veteran tree would lead to its loss, bringing the development proposals into direct conflict with Paragraph 180(c) of the NPPF.
- 6.28 In such circumstances Paragraph 180(c) allows for the loss of the veteran tree where there are 'wholly exceptional reasons'. Footnote 63 advises that such reasons include infrastructure projects (including nationally significant infrastructure projects), where the public benefit would clearly outweigh the loss or deterioration of habitat.
- 6.29 In order to evidence a 'wholly exceptional reason', the applicants have advanced a case that without the 3G pitch the financial viability of the Football Club will be at serious risk. To support their case, and as requested by the committee resolution, the applicants have submitted a summary of their financial accounts for the last five years. These financial accounts show that the Horsham YMCA Football Club operates with an annual deficit of £25,000 -£40,000 which the YMCA Downs Link Group are currently funding. These underlying annual losses have averaged £34,184 per annum over the last five years, some £170,290 cumulatively over five years. These losses are tempered to a significant degree by the short term let of car parking spaces on the site which according to the applicant's supplementary data seemingly yielded £15,240 in 2022/23 and is on course to yield approximately £21,000 in 2023/24.
- 6.30 The applicants nevertheless advise that without the additional revenue which would come forward via the 3G pitch revenue stream (including other benefits that would arise from both bar sales and room hire) the Horsham YMCA Football Club is '*forecast to see accelerating losses of around -£45,000-£55,000 per annum, culminating in four-year losses of £200,000*'. It is assumed that these figure do not include any ongoing income from the letting of the car parking spaces. Conversely, the 3G Pitch would help generate a profit of £10,000 annually from year two.
- 6.31 The Applicants advise that *without a 3G pitch the Football Club level of deficit would become unsustainable for YMCA DLG* (Downslink Group) and the YMCA Football Club '*would not be viable and would probably have to close*'. The detailed financial accounts submitted are considered sufficiently detailed to demonstrate that the implementation of the proposed 3G Pitch would stem the current losses and therefore increase the viability of the Football Club.
- 6.32 As previously advised, Officers accept that the applicants have explored all reasonable alternatives to avoid the need to manage the decline of the veteran Ash tree and agree that the proposed replacement of the existing grass pitch with a 3G pitch constitutes a public benefit by allowing for increased use of the site for activities that promote exercise, health, and overall well-being. However, this, and the fact that alternative layout options have been discounted, is not necessarily unusual or unique such as to meet the high bar 'wholly exceptional reasons' test of Paragraph 180(c). Whilst it is an aspiration of the Council to

increase the number of 3G pitches in Horsham, it is not the case that there are no existing 3G pitches, or that this site represents the only option for increasing the number of such pitches generally.

- 6.33 Fundamentally, the tree is in good health and has not been identified as having Ash Die Back. It would not be appropriate to agree to the loss of this tree on the basis that it might get Ash Die Back in future, as there is no evidence it certainly will. The tree in all other respects is a healthy specimen with strong amenity and ecological value due to its veteran status. Whilst opportunities for compensation by way of new tree planting and the veteranisation of existing trees exist, such compensation must only be considered once the principle of the loss/deterioration of the veteran tree has been accepted. The fact that compensation exists cannot form part of the justification to lose the tree in the first instance.
- 6.34 Accordingly, whether 'wholly exceptional reasons' have been demonstrated now rests on the financial/viability argument that the Football Club may cease to exist without the additional income stream from a 3G pitch. Officers do not dispute the figures provided by the applicants that show an average £34,000 per year loss, or that the installation of a 3G pitch would allow for a modest annual profit to be made for the Football Club. The aforementioned losses are though currently being tempered by the applicants ability to short-let the club's car park which they state brought an income of some £15,240 in 2022/23 and a likely £21,000 in 2023/24. This significantly reduces the annual losses mentioned above.
- 6.35 Having carefully considered the applicants submissions, officers are of the view that the degree of losses and the limited levels of profit that would result from the additional income generated by the 3G pitch are not sufficient to demonstrate the necessary 'wholly exceptional reasons' test of Paragraph 180(c), particularly as the applicants have identified an additional income stream that has seemingly helped reduce the current losses to less than that set out in the above tables.
- 6.36 The proposal therefore fails to comply with the requirements of Paragraph 180(c) of the NPPF and policies 31 and 33 of the HDPF and is recommended for refusal.

7. RECOMMENDATIONS

- 7.1 That the application be refused for the following reason(s).

Reason(s) for Refusal:

- 1 The proposals would result in the assisted decline of an otherwise healthy veteran Ash tree which is of amenity and ecological value to the locality. No 'wholly exceptional reasons' to justify the managed deterioration/loss of this irreplaceable habitat have been satisfactorily demonstrated as required by Paragraph 180(c) of the NPPF, therefore the proposals are considered as contrary to Policies 31 and 33 of the HDPF, and Paragraph 180(c) of the NPPF (2023).



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 3rd October 2023

DEVELOPMENT: Conversion of stadium pitch to 3G surface with new perimeter paths, fencing, floodlighting and goal storage area.

SITE: Horsham Y M C A Football Club, Gorings Mead, Horsham, West Sussex, RH13 5BP

WARD: Denne

APPLICATION: DC/22/2257

APPLICANT: **Name:** Mr Tim Bass **Address:** Reed House 47 Church Road Hove BN3 2BE

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 Forest Neighbourhood Council

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

- 1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the conversion of the existing grass pitch at the Horsham YMCA Football Club to an Artificial Grass Pitch (AGP) surface with a footprint of 104.5m x 70m, with new perimeter paths. The new 3G pitch would be located on top of the existing grass pitch replacing the existing 11 v 11 pitch.
- 1.3 The proposals also include 6 x 15m high floodlighting columns mounted with an LED sports lighting system to replace the existing 6 floodlight columns; and a 1.2m high twin bar sports rebound spectator fence to three sides of the pitch, with a 4.5m high fence to the western and eastern end between the perimeter path and the existing car park. A 1.5m high ball stop netting is proposed above the 4.5m fence at both ends of the pitch (6m in total) with an additional 6m high ball stop fence to protect the neighbouring property on Gorings Mead.

- 1.4 A sports equipment store with dimensions of 2.44m x 6.10m x 2.59m (height) is also proposed. The pitch would have 3m high retractable nets to facilitate the independent use of cross court pitches. A new 1.2m wide porous asphalt access path is also proposed around the pitch, along with a porous asphalt goal storage area to the north of the pitch. A retaining wall along the southwest corner of the site is proposed to support the existing ground levels which fall away.
- 1.5 The proposed facility will be for both Club and community use. The proposed opening hours of the club are:

Monday to Fri 08.00am – 22.00pm.

Saturday 08.00am – 18.00pm.

Sunday and Bank holidays 08.00am – 18.00pm.

The AGP would provide football pitches and training areas within the same enclosed playing area with the following formal pitch arrangement:

Age Grouping	Type	Pitch Size	Quantity
Over 18 and Adult Football	11 v 11	100 x 64m	1
U11 / U12	9 v 9	63.6 x 46m	2
Mini Soccer U9 / U10	7 v 7	55 x 37m	2
Mini Soccer U7 /U8	5 v 5	37 x 27m	4

- 1.6 The proposed works would be funded through the Football Association (FA) Football Foundation Framework, the conditions of which requires community use and compliance with technical guidance.

DESCRIPTION OF THE SITE

- 1.7 The application site (approx. 3.5 acres) is located within the Built-up Area Boundary of Horsham, approximately 0.5km from the town centre. The site is occupied by the YMCA Football Club, and is accessed at the southern end of Gorings Mead, a Class D residential no through road off of the A281 Brighton Road. There is a Public Right of Way (ROW 1673) from Brighton Road that runs through Gorings Mead to the countryside beyond, with connections to other Public Rights of Way through the countryside. The site is located close to bus routes (350m), a train station (1km to the north) and cycle ways and local road network.
- 1.8 The YMCA Football Club was established in 1898 and used for football since 1929. It has its own on street parking, a covered seated stand (150 people), a club house and changing facilities, set around the existing grassed pitch to the north of the main Club building. The football club has a ground capacity of 1,575 people and is within the Southern Combination Premier Division.
- 1.9 The surrounding area to the north, east and west is residential in character, with a matrix of fields and field boundaries to the south. Horsham Sports Club is located approximately 600m to the west and Chesworth House 500m to the south.
- 1.10 The site is bounded by mature trees along the south, west and partially along the northern boundaries of the site. There are 4 trees identified within the grounds of the YMCA Football Club along the southwestern boundary of the site that are subject to a Tree Preservation Order, including T3 & T4 Oak Trees and T5 & T6 Ash Trees (TPO/0366). The topography of the land falls from the east to the west.
- 1.11 A veteran tree (referred within the supporting Arboricultural Impact Assessment is listed as T10), is located close to the south west boundary corner of the application site on land

adjacent to the rear garden of properties on Queensway. The base of the veteran tree impacted by the proposed development sits below the level of the existing football pitch within a trench approximately 1.6m to 2m below the made-up ground levels of the application site.

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 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 11 - Tourism and Cultural Facilities
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure, and Recreation

The Horsham Blueprint Neighbourhood Plan (2022)

HB1 (C & D) - Location of development
HB12 - Encouraging Sustainable Development
HB13 (A) - Provision of Sport, Leisure, and Recreation Facilities
HB14 (B) - Communal and Cultural Facilities

Supplementary Planning Guidance:

The Horsham District Sport, Open Space and Recreation Assessment February 2014

Planning Advice Notes:

Biodiversity and Green Infrastructure

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/11/69	Demolition of existing buildings and erection of new dressing room and covered accomm. for spectators. Comment: Outline. (From old Planning History)	Application Permitted on 13.12.1969
HU/257/84	Floodlights. (From old Planning History)	Application Permitted on 01.11.1984
HU/295/77	Single storey extension. (From old Planning History)	Application Permitted on 20.01.1978
HU/30/58	Ladies and gent's toilets. Comment: And b. regs. (From old Planning History)	Application Permitted on 31.03.1958
HU/322/76	Renewal of use of covered stand (From old Planning History)	Application Permitted on 21.01.1977
HU/334/75	Renewal: use of premises as playgroup. (From old Planning History)	Application Permitted on 04.02.1976
HU/376/69	Erection of building for accom. for spectators, dressing and club. Comment: B. regs approved 19/08/69 (From old Planning History)	Application Refused on 28.08.1969
HU/396/66	Renewal of permission for use of covered stand. (From old Planning History)	Application Permitted on 01.12.1966
HU/471/69	Erection of building for accomm. for spectators, dressing and club. Comment: And b. regs. (From old Planning History)	Application Permitted on 23.10.1969
HU/5/82	Renewal hu/322/76: covered stand. (From old Planning History)	Application Permitted on 12.02.1982
HU/50/82	8 floodlight towers – sportsground (From old Planning History)	Application Refused on 30.06.1982
HU/539/71	Renewal- covered stand use. (From old Planning History)	Application Permitted on 09.12.1971
HU/96/69	Erection of concrete framed building for spectators shelter, dressing rooms and clubrooms Comment: Outline. (From old Planning History)	Application Permitted on 20.03.1969

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 HDC Landscape Architect: Objection (summary)

'From a landscape character and amenity point of view, there are no concerns with the proposals in principle given the site is already in use for sporting activities and the proposals are to improve the facilities for an all-weather pitch however the loss of a veteran tree is of concern and something the NPPF asks us to accept only where there are wholly exceptional circumstances (NPPF para 180). Whether these are considered wholly exceptional circumstances given the public benefits of the proposal, is something that I will leave you to consider. If you conclude that the loss of the veteran tree is justifiable, I note the arboricultural report refers to an option 2 of assisted decline rather than complete removal. I would prefer this option as this would retain some of the ecological benefits of the green corridor along this boundary. I would also request that a new native hedgerow is planted in the same location as S6 to mitigate any negative effects on the amenity of the adjacent residents at no 55'.

3.3 HDC Arboricultural Officer: Objection

3rd Comments: Dated 20/09/2023 clarifying the impact of the proposed works to the veteran Ash tree:

'The proposed assisted decline option for T10 the Veteran Ash refers to the above-ground features of the tree, where it is proposed that the tree would be heavily reduced in size with a bulk of the main stem being retained as a monolith. This assessment hasn't considered the level of root severance required to build the new pitch as proposed; due to the tree's location in regards to the existing pitch, a high percentage of the tree's key rooting area would be lost to the development.

Due to the age of the tree and the high level of root severance required to implement this development coupled with the above-ground surgery works, in my opinion, it is likely that the tree will not be able to recover from these works and will die within a few years of the development, if not sooner; ultimately the tree in its living form would be lost to the development. Whether or not the ecological benefits of retaining the tree in some form outweigh the wildlife benefits that it currently provides to the area falls outside the scope of the Arboricultural Officer to comment on, and I would recommend that an ecologist assesses this aspect.'

2nd Comments: Dated 20/03/2023

'I note the author's comments in paragraph 1.8 of the AIA regarding T10 and the situation with Ash dieback (ADB), the capacity for the tree to potentially become infected with the disease and how the proposed assisted decline would be undertaken should this application be permitted as proposed. However, as the tree is not currently showing any signs that it is infected, this application should be determined on that basis. In addition, given that this aspect of the development is essentially an application to remove a veteran tree protected by TPO, hypothetically speaking, suppose if a works to a protected tree application had been received to fell the tree because it might become infected with ADB, I can confirm that any such application would likely be refused on the grounds of insufficient justification for the felling of a protected tree and the loss of amenity value that this would bring to the locality. It should also be noted that if the tree were to become infected with ADB, given its age and veteran status, this would, in my view, not necessarily mean that the tree should be felled immediately, as it could be managed in a manner that ensures that it is maintained in a safe and reasonable condition for the long term while taking into account any surrounding targets.

As I have previously stated below, removing T10 brings the development proposals into conflict with local and national planning policies, and there would need to be a “wholly exceptional” reason to justify the removal of T10.

To summarize, I still maintain my OBJECTION to removing T10 due to the tree's age, its protected and veteran status and because it appears to be structurally sound and currently not infected with ADB, and I have no further comments to make on this application’.

1st Comments: Dated 19/01/2023

‘Several trees on and adjacent to the site benefit from formal protection under two separate Tree Preservation Orders (TPO’s). T1 and T2 of TPO/0366 are located within the site to the south of the properties in the Hornets, with the other trees covered by TPO/0366 being located in the western part of the site and the rear gardens of the properties on Queensway. The second order, TPO 0585 refers to a standalone oak to the rear of 61 Queensway. The site is not located within a Conservation Area.

The main consideration as to the suitability of this proposal concerning trees is the proposed removal of the protected veteran Ash tree listed as T10 on the supporting Arboricultural Impact Assessment (AMA). This tree is indicated for removal due to its close proximity to the proposed development, and because of the level of excavations required within its Root Protection Area (RPA) to facilitate this scheme will result in a high level of root severance that would be detrimental to the trees health and would likely result in its early mortality.

Apart from T10 and a small section of hedging no other trees are indicated for removal as part of the development proposals at the site.

T10 has been recorded as a category A3 veteran tree using the BS 5837 Trees in relation to design, demolition, and construction – Recommendations (2012) survey methodology. Category A3 trees are generally considered to be high-quality trees with significant conservation, historical, commemorative, or other value, such as veteran trees with an estimated life expectancy of at least 40 years; I do not disagree with this assessment.

Paragraph 180(c) of the NPPF (2021) states that ‘development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists’.

To compensate for the loss of the veteran tree, twelve new trees are proposed to be planted in an alternative location at the site. While it is always positive to see new trees planted as part of a new development proposal, in this instance, any replacement planting, even if of heavy-duty nursery stock, would take many decades to reach a similar stature to that of T10 and thus reinstate an equivalent level of visual amenity value which a TPO is designed to uphold, and the same level of ecological benefit that the tree currently provides to the area. For this reason, any replacement planting would, in my view, be insufficient to mitigate the loss of this veteran tree, which is irreplaceable. Current Government guidance on compensation measures states that “you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal”. Given the nature of this proposal, it is clear that this scheme would have some public benefits if permitted. However, given the conflict with Paragraph 180 of the NPPF, I do not believe this would be sufficient to qualify as a wholly exceptional reason for the loss of T10.

*From the submitted information and my previous site visits, there is nothing to suggest that the tree is currently infected with Ash dieback (ADB) (*Hymenoscyphus fraxineus*), a chronic fungal disease of ash in Europe characterised by leaf loss and crown dieback in infected trees. Most parts of England are now affected by ADB. However, the severity of the disease varies locally, and local conditions are often considered to determine how the infected trees*

are affected by the disease. Because it is estimated that the UK may lose up to 90% of the Ash trees in the country, it is essential that where healthy specimens are found that they are retained to see if they have some natural resistance to the disease, which may help to produce disease-resistant trees from their seed bank. It is acknowledged that the tree may eventually become infected with ADB; however, as the tree currently isn't, it would not be appropriate to use this potentially forthcoming issue as sufficient justification for the felling of this protected veteran tree. This issue would need to be addressed at the time if the tree were to become infected with ADB.

It should also be noted that the current advice as set out in section 9 "Infected urban or veteran trees" in the publication "Chalara manual – 2. Managing ash trees and woodland, including logs and firewood" published by the Forestry Commission advises that "There should be a presumption to leave these trees standing, if at all possible, unless public safety is an issue. Veteran trees in particular can provide many important environmental and social benefits, even when dead." Therefore, should this application be refused and then the tree becomes infected with ADB at a later date it would be prudent to consider all alternative management options taking into account any nearby targets before removing the tree.

The bulk of the retained trees' Root Protection Areas (RPA's) do not appear to be significantly impacted by the development. An existing concrete path that passes through the RPA of T6, T8 and T9; if permitted, the path is proposed to be broken up and removed by hand under Arboricultural supervision to ensure minimal incursion and limit the impact on the affected trees; this aspect of the proposal does not cause me any concern.

The proposed tree protection measures of the retained trees on the site, as set out within the Tree protection plan, are in accordance with BS 5837 and are satisfactory.

To summarize, I register an OBJECTION to the removal of T10 due to the tree's age, its protected and veteran status and because it appears to be structurally sound and currently not infected with Ash dieback. Furthermore, the loss of this tree would be contrary to the relevant parts of the NPPF, at a national level and local planning policies as set out in paragraphs 31 and 33 of the Horsham District Planning Framework (2015), that actively seek the retention of important trees on development sites.

However, If the public benefits of this proposal are considered to outweigh the loss of T10, and you are minded approving this application, then I would recommend that the tree is managed using option 2 as set out in para 6.13 of the AIA. Where it is suggested that the decline of the tree could be assisted by retaining it but heavily reducing it in size, leaving a manageable core of the tree which could potentially continue to have some ecological benefit to the locality.'

3.4 **HDC Environmental Health:** No Objection subject to conditions

3.5 **HDC Drainage Engineer:** No Objection subject to conditions

3.6 **HDC Community and Culture:** No Objection

'In strategic terms the provision of a new AGP for Horsham YMCA Football Club is supported and will help meet the shortfall of 3G pitches in the district. This project fits with the recommendation of the HDC Playing Pitch Strategy (2018 - 2031) to increase the provision of 3G pitches in the district and is specifically listed in the 2019 Horsham Local Football Facility Plan.

As the nation's most popular team sport, football has the power to contribute positively to vital social outcomes and health priorities. This proposal will substantially improve usage and diversity of use.'

OUTSIDE AGENCIES

3.7 **Sports England:** No Objections

3.8 **WSCC Highways:** No Objection

3.9 **Ecology:** Objection

4th Comments dated 20 Sept 2023 clarifying advice on the works to the veteran Ash tree:

'Further to our comments dated 18 September 2023, we have now reviewed the comments from the Council's tree officer which had not previously been seen, relating to unacceptable construction impacts on the veteran tree which will amount to its loss in the near future.

The severance of roots of T10 as indicated on the Tree Removal and Protection Plan (RPS, August 2022) and details in section 6 the AIA (RPS, Feb 2023) will be significant and unlikely to support its survival of surgery works above and below ground.

We therefore consider that the development cannot be delivered without the loss of veteran tree T10 (irreplaceable habitat) and this conflicts with NPPF 180(c) as there are no "wholly exceptional reasons". We now wish to object to this application.'

3rd Comments dated 18 Sept 2023

Further to our comments dated 28 April 2023, we have reviewed the recently supplied Bat Surveys letter report (Babec Ecological Consultants, August 2023) supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, particularly bats, and identification of proportionate mitigation.

We are satisfied that the results of bat emergence surveys recommended by the bat preliminary roost assessment of T10 veteran Ash tree (irreplaceable habitat) confirmed likely absence of a bat roost. We support the recommended bat mitigation & compensation measures needed for part removal (Bat Surveys letter report (Babec Ecological Consultants, August 2023)) and advise that these should be secured by a condition of any consent.

We welcome the clarification that only the branch of the veteran of this tree is to be removed retaining the central core in situ for ongoing ecological value. We support the planting of 12 trees within the landscaping proposals as compensation for the partial loss of the veteran tree as recommended in the Ecological Appraisal (RPS Group, September 2022). As the tree is being retained, we strongly advise that veteranisation of mature trees in suitable locations on the site is also secured to ensure the compensation is acceptable for partial loss of this irreplaceable habitat. This long term management should be secured under a condition for long term landscape management. We also support the Council's landscape officer's request for a new native hedgerow to be planted and recommend that its long term management is also secured by condition, alongside wildlife-sympathetic management of habitats along the site peripheries, such as phased mowing regimes to provide habitat variability.

We are now satisfied that there is sufficient ecological information available for determination of this application.

2nd Comments dated 28 April 2023

Further to our comments dated 30 March 2023, we have now reviewed the recently supplied Ecological Appraisal (RPS Group, September 2022) supplied by the applicant,

relating to the likely impacts of development on protected & Priority species and habitats, particularly bats, and identification of proportionate mitigation. We are not satisfied that there is sufficient ecological information available for determination of this application.

We also note that floodlighting forms part of the application and we therefore recommend that a professional ecologist should assess the impacts on foraging and commuting bats in the surrounding area and submit a report together with any necessary mitigation measures.

All bat species are designated and protected as European Protected Species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). This means that it is an offence to deliberately kill, injure, disturb, or capture bats; or to damage or destroy bat breeding sites and resting places (even when bats are not present).

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

In addition, we note from the Arboricultural Impact Assessment (RPS Group Plc., February 2023) that a small section of hedge will also be removed. We therefore recommend that the impact of the development on breeding birds is assessed and appropriate compensation for the section of hedge to be removed is provided.

We also recommend that reasonable biodiversity enhancements should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to commencement. Without the above information we are currently unable to provide full comments on this planning application.

1st Comments dated 30 March 2023

There is an absence of ecological information included with the application.

It is noted from the Arboricultural Impact Assessment (RPS Group Plc., February 2023) that the veteran ash tree T10 cannot be retained in its current form. Any trees to be removed or affected must be subject to a Preliminary Roost Assessment for bats prior to determination and the results submitted to the LPA, including any mitigation measures to support a lawful decision, according to Government Standing Advice.

We also note that floodlighting forms part of the application and we therefore recommend that a professional ecologist should assess the impacts on foraging and commuting bats in the surrounding area and submit a report together with any necessary mitigation measures.

All bat species are designated and protected as European Protected Species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). This means that it is an offence to deliberately kill, injure, disturb, or capture bats; or to damage or destroy bat breeding sites and resting places (even when bats are not present).

This information is necessary, prior to determination, as paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established

before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

In addition, we note from the Arboricultural Impact Assessment (RPS Group Plc., February 2023) that a small section of hedge will also be removed. We therefore recommend that the impact of the development on breeding birds is assessed and appropriate compensation for the section of hedge to be removed is provided.

We also recommend that reasonable biodiversity enhancements should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to commencement.

Without the above information we are currently unable to provide full comments on this planning application.

3.10 Archaeology Consultant: No Objection

‘The proposed development is located adjacent to Archaeological Notification Area DWS8533 Chesworth House Medieval Moated Site and surrounding area, Horsham. However, it is probable that the existing football pitch would have significantly impacted any archaeological remains that might have been present, and it is therefore unlikely that the proposed works will call any further damage. For this reason, no archaeological recommendations are being made with regard to this application.’

3.11 Southern Water: Comment (Summary)

‘This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.’

3.12 WSCC Flood Risk Management: Objection

In the spirit of SuDS implementation, and in line with policy within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through rain gardens, permeable paving, swales or bioretention systems. SuDS landscaping significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

This application may be subject to review by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

3.13 Local Policing Support Team: Comment (Summary)

‘Although I note that the club is currently open until 10pm the introduction of an all-weather pitch which can be used year-round has the potential to generate additional noise which could be detrimental to the amenity of the surrounding residents. This coupled with additional traffic making its way to the area particularly on match days has the potential to cause disharmony within the local community.’

I would ask moving forward that some sensitivity is shown to residents and that reasonable hours are made a condition of consent so that the local community are not unduly disturbed.

With regards to the proposed maintenance equipment storage container - from a crime prevention perspective – thought should be given to the siting of a fit for purpose intruder alarm to deter against potential theft.

In relation to the proposed cycle shelter - research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore, a design of cycle stand that enables this method of locking to be used is recommended. The minimum requirements for such equipment are as follows: • Galvanised steel bar construction (minimum thickness 3mm), filled with concrete; • Minimum foundation depth of 300mm with welded 'anchor bar'.

*Given that the proposed improvements have the potential to attract more spectators into the stadium especially on match days - I would ask that the applicant seeks advice from Sussex Police Counter Terrorism Security Advisers as soon as is practicable.
CTSASussex@thamesvalley.pnn.police.uk'*

3.14 **Natural England: No Objection**

Natural England notes that this authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposals will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessments, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposals, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permissions given.

This application proposed would result in an average saving of water demand due to the nature of the proposals and removal of the existing grass pitch. As the proposed 3G artificial pitch will not require watering the water saving will off-set the anticipated increase in water consumption. Natural England have checked the applicant's calculations and are satisfied that these would allow the new development to achieve water neutrality. Their lack of objection is based on the understanding that there will be an overall reduction and water saving of 38.6m³ / per year and that as such mitigation is not required.

PUBLIC CONSULTATIONS

- 3.15 92 neighbour representation letters including 21 letters of objection (including 2 x 2 letters of objection from 2 different households) and 71 letters of support (including 2 x 2 letters of support from 3 different households & 1 x 3 letters of support from 1 household). It is noted that 15 letters of support have been submitted from outside of the Administrative Area of Horsham District.

Representations to the proposals have been made on the following grounds:

Objections

- Traffic increase / road and pedestrian safety / road speeds / road width / road traffic accidents junction of Gorings mead / Brighton Road

- Poor visibility at junction Gorings Mead / Brighton Road
- Impacts on emergency services access
- Lighting and noise
- Increase in use of the pitch and associated club facilities – amenity impacts
- Width of road and concerns regarding ingress and egress to and from grounds
- Increase in activities and potential use and impacts on neighbours
- Lighting from facilities and floodlight impacts on neighbours
- Proximity of 59 Gorings Mead 2.9m from boundary (inaccurate in DAS states 10m)
- Hours of use and intensity at weekends and evenings
- Artificial grass and impacts on climate change
- Loss of natural grass surface and negative impacts on biodiversity / wildlife
- No reference to alternative energy sources i.e., solar panels
- Concerns regarding use of Hornbeam rather than alternatives such as Crab Apple or Wild Cherry which are both lower in height, and less prone to damage by grey squirrels, and offer colour and food for wildlife.
- Density of proposed trees (impacts on light) suggest changing planting schedule and reducing number of potentially larger trees to overcome residents concern regarding light to nearby properties.
- Concerns regarding lack of maintenance and upkeep of any bird and bat boxes
- Need for ongoing monitoring of all biodiversity / ecology improvements required.
- Impacts on sustainability of planet
- Anti-social behaviours when leaving club late at night
- Use of other alternative transport methods considered problematic and unrealistic area poorly served by buses and cycling along Brighton Road is difficult.

Support

- Public benefit outweighs disbenefits of loss of veteran tree
- Upgrade and benefit to club and no impacts on neighbours
- New 3G stadia for general use for local community and youth
- Planting of new trees (although concerns re type and impacts on light)
- Improvements for local community
- Better than more houses
- Artificial pitches needed given climate change / impact of weather on grass sports
- Would preserve and enhance a long-standing sports club in Horsham
- Offers improvements for mental and physical health benefits for all
- Need for good quality affordable sports facility
- Would overcome waterlogged pitches
- Long overdue
- Would improve long standing facilities and enhance social and sporting facilities across the district

3.16 **Forest Neighbourhood Council:** Objection

'On Highways grounds, Forest Neighbourhood Council is objecting to this application. The entrance into Gorings Mead, towards YMCA, is narrow and when there is parking, the width is around 4.5 metres. This is the main pinch point but there are other parts of the road, again where there is parking, which is only wide enough for single file traffic. The sight line from Gorings Mead into Brighton Road is poor. Any increase in traffic that comes with additional pitch use, will lead to traffic delays along both roads and this will become a significant problem.

For this proposal to proceed, Forest Neighbourhood Council ask that the applicants present an enforceable and workable traffic plan.

It is noted that the applicants are proposing to upgrade the lighting using LED floodlights and this will see a reduction from 6-4 poles. If the application is permitted, Forest Neighbourhood Council would like assurance that these LED floodlights will be fully focussed on the pitch and will not change the lighting levels for residents.'

'We note from Highways response, they refer to YMCA Traffic statement saying an Operations Manager will be employed and a Traffic Plan will be put into place on event days. If this application is approved, we think that this should be a condition.'

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 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 Paragraphs 92, 93 and 98 of the National Planning Policy Framework 2021 (NPPF) are considered relevant:

Paragraph 92 of the NPPF advises that planning policies and decisions should aim to achieve healthy, inclusive, and safe places which:

- a) promote social interaction including opportunities for meetings between people who might not otherwise come into contact with each other
- b) are safe and accessible, so that crime and disorder, and fear of crime, do not undermine the quality of life or community cohesion...for example high quality public spaces
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs ... for example through the provision of sports facilities

Paragraph 93 of the NPPF states that 'to provide the social, recreational and cultural facilities and services the community needs, planning policies should

- a) plan positively for the provision and use of shared spaces, community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 98 of the NPPF states that: '*Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate*'.

- 6.3 The Horsham District Planning Framework (HDPF), set out the local policy framework against which applications must be considered. Policy 43 of the HDPF seeks to protect existing sites used for community facilities and services as well as encouraging the provision of new or improved facilities. Policy 42 (4) Inclusive Communities is also considered broadly relevant in that the proposals would address the requirement to coordinate services to fulfil the needs of young people.
- 6.4 The Horsham Playing Pitch Strategy (PPS) dated May 2019 is considered as relevant to the determination of this planning application in support of the above HDPF policies. The document set out that '*a Playing Pitch Strategy (PPS) is a robust evidence base that identifies whether the supply and demand of play pitches within a Local Authority is sufficient to meet the current and future needs and demands for sport*.' The PPS action plan identifies the application site as a potential location for the development of a stadia 3G in the Local Football Facilities Plan prepared by the FA in partnership with the Council, to help meet a strategic need for 7 such pitches in the district. The PPS therefore supports the application proposals.
- 6.5 Within the Horsham Blueprint Neighbourhood Plan (HBBNP), policies HB1; HB13 (A) and HB14 (B) seek to ensure that the location of new development is within the most sustainable areas within the neighbourhood, and that proposals for sport, leisure and recreation and also community and cultural facilities are supported in order to meet the increased need for these facilities within the neighbourhood area;
- 6.6 The application site comprising the YMCA Football Club site lies within Built-up Area Boundary of Horsham and is an existing facility within the district. The application seeks to convert the existing grass pitch surface to a 3G surface (a third-generation synthetic surface which consists of three elements, synthetic turf, sand infill and rubber infill), to allow for improved all year-round facilities and to allow for their wider use. The proposed use of the site for playing pitch use will not therefore alter, therefore the principle of replacing the pitch type is considered acceptable .
- 6.7 Accordingly the principle of this development complies with the overall aims and objectives of Policy 43 of the HDPF, and to Policy HB1; HB13 (A) HB14 (B) of the HBBNP subject to a thorough examination against all other relevant policies and consideration of all material considerations arising.

Design and Appearance:

- 6.8 Policies 33 of the HDPF promote development that is of a high-quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the district. Development should contribute to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings.

Policy 25 of the HDPF states that the natural environment and landscape character of the district, including landscape, landform, and development pattern, together with protected landscapes, will be protected against inappropriate development. Proposals should protect, conserve, and enhance the landscape character, taking into account areas identified as being of landscape importance.

- 6.9 The existing YMCA football club site currently comprises an 11 v 11 grass pitch with boundary fencing, hard standing areas and covered spectator stands. The proposals to replace the pitch, perimeter paths and add floodlighting fencing, ball stop nets and an equipment store as set out in section 1 are all generally in keeping with this existing sports field environment.
- 6.10 The Council's Landscape Officers have reviewed the proposals and have advised that from a landscape character and amenity point of view, that there are no objections in principle to the replacement 3G pitch surface and associated works given that the site is already in use for sporting activities and the proposals seek to improve the facilities for an all-weather pitch. However, objections have been raised on landscape grounds to the loss of a veteran tree, which are discussed below.
- 6.11 Accordingly the general design and appearance of the proposed 3G pitch and associated infrastructure is not considered to conflict with Policy 33 of the HDPF 2015.

Impact on Trees, including a Veteran Tree (T10)

- 6.12 Policy 31 of the HDPF requires development to maintain or enhance the existing network of green infrastructure and states that proposals which would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained. Policy 33 of the HDPF presumes in favour of the retention of natural features including trees.
- 6.13 The application has been accompanied by an Arboricultural Impact Assessment, since revised in February 2023 (V4; RPS group dated 22 February 2023). The AIA identifies a number of trees around the site, including a veteran Ash tree (T10) on the western boundary of the site.
- 6.14 The definition of a veteran (or ancient) tree as set out in the NPPF as '*a tree which, because of its age, size, and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.*'
- 6.15 The National Planning Policy Framework (NPPF) 2023 provides guidance for the consideration of ancient and veteran trees when determining planning applications at Paragraph 180. Specifically, paragraph 180(c) states that:

“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists”.

Footnote 63 explains that this may be for example infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefits would clearly outweigh the loss or deterioration of habitat.

- 6.16 The impact of the proposals on this veteran tree are therefore a very significant material consideration in light of the requirement of Paragraph 180(c), with there being a clear presumption against the loss of such an important and irreplaceable habitat asset.
- 6.17 Natural England's Veteran Tree publication dated 01 February 2000 'A Guide to Good Management' chapter 2 states that there are three guiding principles that define a veteran tree which encompass *'trees of interest biologically; aesthetically or culturally because of their age; trees in the ancient stage of their life; trees that are old relative to others of the same species'*. It is advised that size alone is a poor characteristic for determining veteran trees status, although some rules of thumb exist such as *'trees with a diameter at breast height or more than 1.0m (girth 3.2m) are potentially interesting; trees with a diameter of more than 1.5m (girth of 4.7m) are valuable in terms of conservation; trees with a diameter of more than 2.0m (girth 6.25m) are truly ancient'*. It is also advised that *'absolute age is also a poor indicator of ancient status for trees as different trees tend to live for a different number of years and as such age can only be used when considered in comparison with other trees of the same species.'*
- 6.18 The Planning Statement submitted by the Applicants originally proposed to remove the veteran Ash Tree (T10) in order to facilitate the new 3G pitch as given *'its close proximity to the proposed development, and because of the level of excavations required within its Root Protection Area (RPA) to facilitate this scheme will result in a high level of root severance that would be detrimental to the tree's health, and would likely result in its early mortality'*. Other than a small section of hedging no other tree is indicated for removal as part of the development proposals.
- 6.19 The Council's Tree Officer has raised objection to the removal of the veteran Ash tree on the grounds that *'the loss of the veteran Ash Tree (T10) due to the tree's age, its protected and veteran status and because it appears to be structurally sound and currently not infected with Ash dieback. Furthermore, the loss of this tree would be contrary to the relevant parts of the NPPF, at a national level and local planning policies as set out in paragraphs 31 and 33 of the Horsham District Planning Framework (2015), that actively seek the retention of important trees on development sites.'*
- 6.20 Following these comments, the Applicants have subsequently changed their strategy to instead facilitate the 'assisted decline' of the veteran Ash tree, rather than its immediate removal. This is explained in the updated Arboricultural Impact Assessment (AIA) at Paragraph 1.8, where the 'assisted decline' approach is identified as 'Option 2'.
- 6.21 The updated AIA advises at paragraph 6.13 that *'this would involve the tree being heavily reduced in size, leaving a manageable core of the tree which would potentially continue to serve an ecological benefit. The managed decline will retain the tree in the landscape for an extended period and allow the construction of the AGP'*. The AIA specifically states that *'the veteran tree T10 cannot be retained in its current form if the development is to proceed. It is therefore recommended that the bulk of the stem be retained as habitat which will allow for retention of some of the habitat value of the tree. Despite the tree potentially declining due to disease in the future, extensive compensatory planting has been proposed anyway to assist the offset of the loss. While the loss of T10 would be considered problematic under usual circumstances given its age class, the situation with ash dieback disease (Hymenoscyphus fraxinea) in the UK means the tree is likely, on the balance of probabilities*

and based on current forecasts, to succumb to the disease at some point in the not distant future. 'Research from UK and Europe has found that seven or eight out of every ten ash may die.' – The Tree Council.'

- 6.22 The Council's Tree Officer has advised that *'if the public benefits of this proposal are considered to outweigh the loss of T10, and if Officers are minded to approve this application, then it would recommend that the tree is managed using option 2 as set out in para 6.13 of the AIA. Where it is suggested that the decline of the tree could be assisted by retaining it but heavily reducing it in size, leaving a manageable core of the tree which could potentially continue to have some ecological benefit to the locality.'* The Council's Landscape Officer has also advised that an assisted decline rather than complete removal of the tree would be preferred in this scenario, in order to retain some of the ecological benefits of the green corridor along the western boundary.
- 6.23 However, the Council's Tree Officer has also advised that *'there is nothing to suggest that the tree is currently infected with Ash dieback (ADB) (Hymenoscyphus fraxineus), a chronic fungal disease of ash in Europe characterised by leaf loss and crown dieback in infected trees...It is acknowledged that the tree may eventually become infected with ADB; however, as the tree currently isn't, it would not be appropriate to use this potentially forthcoming issue as sufficient justification for the felling of this protected veteran tree. This issue would need to be addressed at the time if the tree were to become infected with ADB.'*
- 6.24 It is not considered that there are any alternative measures such as no dig foundations or cell web construction over the root protection zone of the ash tree that would be appropriate in these circumstances, because as part of the design warranty considerations and the requirement to guarantee the pitch sub-base for 25 years, this would require the installation of a pre cast concrete retaining wall down to a stable base to a depth of 2.5m (through the tree roots), and therefore this would invalidate any warranty. The applicants have identified in Section 5 of their Planning Statement that there are no engineering measures that can be taken to avoid impacting the veteran tree's root system to save the tree.

Whether there are any alternative site configurations

- 6.25 The applicants have considered four alternative configurations for the pitch layout to avoid the loss of the veteran tree. The alternative options are as set out on the following site plans: Option A MCA MUK2566 -06 Rev B; Option B MCA MUK2566 -08; Option C MCA MUK2566 -08; Option D MCA MUK2566 -09. However, these site appraisals (options A-D) have been discounted by the applicants for the following reasons:

Alternative Option A - Rotating the pitch north to south and shunting to the north would result in an unacceptable solution because of the diverse impact upon tree T4; the pitch would extend outside the northern site boundary; the pavilion stand would be lost.

Alternative Option B - Rotating the pitch north to south and shunting to the south would avoid the tree protection zones but would push the pitch outside of the southern side boundary; it would result in the loss of the community building and changing rooms and stand which would need to be built on the remaining car park therefore drastically reducing car park provision overall; there would be insufficient land around the layout would not be sufficient for retention of the clubhouse or the car park.

Alternative Option C – Rotating the pitch (approx. 45 degrees) north to south would fit within the confines of the site boundaries however the clubhouse and stands would all need replacing; the car park would also be lost.

Alternative Option D – Flipping Option C (reflection) north to south would result in the loss of trees T1 and T2; the clubhouse and stands would need replacing; the car park would be lost.

- 6.26 Having ruled out Options A – D, the applicants consider that the scheme submitted with this application represents the most viable option, whereby the club facilities and car park would all be retained and the new 3G pitch could be accommodated. This option however results in the immediate deterioration and ultimately the likely premature loss of the veteran tree through managed decline, as explained above.

Proposed compensatory measures

- 6.27 To compensate for the managed decline and likely premature loss of the veteran tree the applicants propose to plant twelve new trees in an alternative location within the site boundaries. Whilst this is welcomed the Council's Tree Officer considers that *'any replacement planting, even if of heavy-duty nursery stock, would take many decades to reach a similar stature to that of T10 and thus reinstate an equivalent level of visual amenity value which a TPO is designed to uphold, and the same level of ecological benefit that the tree currently provides to the area. For this reason, any replacement planting would, in my view, be insufficient to mitigate the loss of this veteran tree, which is irreplaceable.'*
- 6.28 The Council's Ecology Consultant has separately advised that veteranisation of mature trees in suitable locations on the site could also be secured as compensation for the loss of the veteran tree. If there are suitable mature trees within the red line boundary of the site appropriate arboricultural techniques (see 3 Veteranisation Sept 2019_Vikki_AA Conf - Compatibility Mode (trees.org.uk)) could be included within a condition for a Tree or Landscape Management Plan.
- 6.29 Veteranisation is *'the act of intentionally causing damage to young trees that would otherwise take years to happen naturally, the process can involve creating woodpecker holes, broken branches, stripped bark, cavities caused by fungi, hollowing by rot, or even lightning strikes, this process 'accelerates the formation of decay features in the younger generation of trees to ensure there will be a continuity of old trees to support the nationally important saproxylic invertebrate assemblage'.*
- 6.30 In the event that planning permission were to be granted the Council's Ecologist has advised that this requirement can be secured within a suitable condition to plant and maintain replacement trees. There is no evidence in the submitted AIA that there are any other trees on the application site that have been subject to any veteranisation process and this has been confirmed by the Applicants. The Applicants have though advised that the club would be willing to veteranize some trees if necessary. Therefore, alongside the planting of 12 new trees, it appears there may be opportunities for suitable compensation for the loss of the veteran tree.
- 6.31 It is important to note, however, that the presence of a potentially suitable compensation strategy is not reason to justify the loss of the veteran tree. The test of Paragraph 180(c) is first to establish whether there are wholly exceptional reasons, and if so to only then consider whether a suitable compensatory strategy exists. The Council's Ecology consultant has reviewed the justification for the managed decline of the tree and after considering the advice of the Council's tree officer as set out above, has raised an objection to the deterioration/loss of the veteran tree accordingly.
- 6.32 In this case, whilst it is clear that the proposals would have public benefits if permitted, it is not considered that these public benefits, which essentially amount to intensifying the year-round use of an existing community sports pitch, would amount to the 'wholly exceptional reasons' necessary to justify the loss of this tree, either immediately or through managed decline. Conflict with Paragraph 180(c) of the NPPF therefore arises.

Conclusion

- 6.33 The deterioration (through managed decline) of the veteran tree (T10), would lead to loss in terms of its amenity value (and essentially to the veteran tree's premature loss over time), brings the development proposals into conflict with local and national planning policies, and it is concluded that there are not a 'wholly exceptional reasons' to justify the loss of this tree. The Council's Tree Officer maintains their objection to the deterioration and loss of this tree due to its age, its protected and veteran status, and because it appears to be structurally sound and currently not infected with ADB. It is therefore considered that the application does not comply with Policy 31 or 33 of the HDPF or Paragraph 180(c) of the NPPF (2021).

Amenity Impacts:

- 6.34 The HDPF at Policy 33 seek to protect the amenities of existing and future residents from adverse impacts resulting from new development.
- 6.34 Given the existing use of the site as a football ground, the type and level of activity generated by the proposed new pitches is considered comparable to the existing use of the grounds albeit that the frequency use of the facilities is likely to increase across the year as it would be able to be used at times when the grass pitch would otherwise be in a poor condition and/or be being repaired. Accordingly the application has the potential to impact neighbour amenity, including from issues arising from the physical operations arising from the construction of the new pitches, installation of floodlighting and the works to the veteran tree (T10); the potential nuisance generated by the use of the proposed facility; impacts on air quality; as well as noise, light and traffic associated with the use.
- 6.35 In respect of the physical operations of replacing the existing grass pitch with an AGP and the works to the veteran tree, it is considered that disturbance arising from these operations will be short term and can be suitably managed by the imposition of a 'Construction Environmental Management Plan,' to be submitted prior to commencement of any works.
- 6.36 A Travel Plan to address in part the Air Quality and traffic concerns that have been raised during the formal consultation process has also been requested by the Council's Environmental Health Department to as referred to in the section below and can be secured by condition.

Noise

- 6.37 The Football Club is currently opens until 10pm Mon-Fri and until 8pm Sat & Sun for outside activities with the bar and indoor entertainment, such as dance, and indoor sporting events open from 10:00-23:30 Mon-Thursday, 10:00-00:30 Friday/Saturday and 11:00-23:30 Sunday (under their Environmental Health Licence), but is unfettered in terms of the planning restrictions except for use of the floodlights (10.00pm cut off). The bar is closed half an hour before those closure times. Planned opening hours moving forward are from 08:00am to 22:00pm Monday to Friday and 08:00am to 18:00pm Saturday, Sunday and bank holidays. The applicants anticipate that during the summer the pitch would be used less as the football season is closed. In total it is advised that the proposed usage is likely to be approx. 35hours a week but this can change based on local demand. The current overall hours of use are around 9-12 hours per week due to limitations on play because of the quality of the existing grass pitch along with the effects of inclement weather conditions.
- 6.38 In regards to the impact of noise and disturbance arising from the use of the facility as an all-weather football ground, it is not considered that the new pitch would result in a significant increase in noise levels, albeit it is acknowledged that its general use will likely increase compared to existing with it being anticipated in the submission that the YMCA football teams would have up to 14 additional sessions per week and a further 4 additional sessions per week in the off peak period outside of the football season. It is advised that sessions 'are

normally booked weekly and for between 2 - 4 hours depending on the clubs needs, these tend to be booked throughout the football season (September – May), once the end of a football season ends its likely that the books will drop off by these clubs during the summer’.

- 6.39 The applicants have submitted a Noise Management Plan in respect of the application for the 3G Artificial Grass Pitch, which has been reviewed by the Council’s Environmental Health Officers. Whilst the details are considered broadly acceptable, further details have been requested by way of an appropriate condition requiring specific details of the ball stop mitigation, including details of isolating fixings, management responsibilities and maintenance schedule. The Noise Management Plan also includes details of the Noise Complaints Procedure and Complaint Reporting details. These can be secured by condition.

Floodlights

- 6.40 The application is supported by a FA Framework Football Pitch – Giga Tera document (dated 17 August 2022 from Christy Lighting Mass Ltd), which sets out the details of the proposed replacement floodlighting columns and their position on the pitch, and the associated luminaire details. The existing floodlights are restricted by condition (DC/10/1434) which states that the floodlights shall not be used after 10pm on weekdays, after 6pm on Saturdays and not at all on Sundays. An identical condition can be recommended in the event permission is to be granted.
- 6.41 The Council’s Environmental Health Department have raised no objections to the proposed floodlights or to their locations. It is advised however, that in the event that planning permission were approved suitable conditions are imposed to ensure that the proposed lighting details and are in accordance with *‘the Institute of Lighting Professional’s Guidance notes for the reduction of obtrusive light’*, and are *‘designed by a suitably qualified person in accordance with the recommendations for environmental zone E3 in the ILP document “Guidance Notes for the Reduction of Obtrusive Light GN01-21.”*, that prior to commencement of operation the *‘approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E3 in the ILP document “Guidance Notes for the Reduction of Obtrusive Light GN01-21’* to order to ensure that properties in Gorings Mead and Queensway are not adversely affected by potential light spillage or glare from the proposed floodlights.
- 6.42 Whilst some impacts on private amenity are likely to arise from the proposals in terms of the level and degree of activities on site, it is considered that the noise and disturbance that will be experienced would result in no greater degree of harm to the private amenity of nearby residential occupiers than as currently experienced. In the event that the application is recommended for planning permission, appropriate conditions can be recommended as discussed above.
- 6.43 Subject to the recommended conditions it is therefore considered that the impact on neighbouring amenity can be suitably managed such that the proposals would be compliant with Policy 33 of the HDPF.

Highways Impacts:

- 6.44 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.45 The vehicular and pedestrian access to the site (as is) is from Gorings Mead a residential cul-de-sac as accessed via Brighton Road (A281). Existing access arrangements into the Football club will remain with no changes proposed.
- 6.46 The applicants have submitted a Traffic and Transport Statement (V2; dated 28 November 2022) to support the application proposals which advises that the site is currently used for

both indoor (snooker, functions, training courses, meetings, blood donors) and outdoor events (football matches, training, tournaments, courses). It is advised that these events and functions are typically attended by 10-150 people and occasionally up to 300 people. The statement sets out that whilst the number of people attending the events would not increase greatly, the number of events and repeat visits would likely increase. As the site is currently unrestricted, these functions could increase in number in any event.

- 6.47 It is advised that the use of the facility (by a mix of age groups) is generally by the local community and that *'cycling and walking is one of the main options for many local users,'* the supporting statement also advises that cycling will be encouraged with secure cycle stands for 14 bicycles inside the grounds. It is also advised that there are various cycle routes and cycle friendly roads to access the grounds. It is advised that car sharing is promoted, and also noted that Horsham Railway and Bus Stations are a (approx.) 14 -16-minute walk to / from the football grounds. The nearest bus stop is Gorings Mead on the A281 Brighton Road close to Clarence Road. It is advised that for larger events when are larger number of visitors are expected and when parking and overflow parking at the ground could not accommodate them, an Event Management Plan including provision of parking marshals would be in place. The supporting statement also refers to the many public car parks available within Horsham that are within walking distance to the football ground.
- 6.48 The existing parking arrangements provide 65 parking spaces, including 2 disabled spaces and an area for motorcycles. There is a further 30 spaces for overflow vehicle parking to the rear of the club house (95 spaces in total). A link to web site showing parking availability in nearby public car parks is given within the Transport Statement.
- 6.49 WSCC Highways have been consulted and have raised no objection to the proposals subject to the imposition of a construction management plan and imposition of condition regarding a Travel Plan. WSCC Highways advise that the proposal would not likely result in any impact beyond the YMCA Football Clubs current highway impacts.
- 6.50 It is considered that although the traffic movements are likely to increase over the day assuming the number of events using the new pitch increases, it is not considered that they would give rise to severe highway concerns or safety concerns, and there are therefore no transport grounds to resist the proposal. Subject to conditions, the Highway Authority raises no objection to this application. The proposal is therefore in accordance with Policies 40 and 41 of the HDPF and the NPPF.

Ecology:

- 6.51 Policy 25 of the HDPF aims to conserve the natural landscape and biodiversity and aiming to enhance biodiversity where possible. Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Policy 31(2) states that development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.
- 6.52 NPPF Para 175 (c) sets out that when considering planning application and the identification of 'irreplaceable habitats' local planning authorities should apply the following principles: *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists'.*
- 6.53 The principle for establishing irreplaceable habitat is complex and incorporates four key criteria which contribute to a decision that a particular habitat is irreplaceable; the criteria relate to age; environmental context; achievability of re-creation and geographic position within the landscape. Habitat may be considered irreplaceable when any one or more of the initial three criteria or at least one of these criteria plus the fourth are considered to apply.

- 6.54 At a minimum, an extended Phase 1 habitat Survey and a desk study to obtain records for site designations, habitats and species is required. The Applicants have submitted an Ecological Appraisal (EA) (RPS Group September 2022) which comprised a Phase 1 habitat survey and a Scoping Survey for protected species and specie of conservation concern. The EA notes that the application site is within 1.5km from the designated High Weald Area of Outstanding Natural Beauty (AONB) and is also immediate adjacent to the non-designated St Marys Chesworth Farm Local Wildlife Site, adjacent to the southern boundary of the application site.
- 6.55 The submitted Ecological Appraisal addresses the impacts of the development on protected and priority species and habitats, particularly bats, and identifies proportionate mitigation. The Phase 1 habitat Survey identified habitat types and boundary features including very short amenity grassland (less than 2cm); small area of common nettle along the northern part of the site along with unmanaged grassland; scattered boundary trees which included ash, oak, silver birch and elder; carpark hardstanding (including pathways across the centre of the site) to the southern and eastern parts of the site and buildings including the YMCA building, storage buildings and spectator stands. The Scoping Survey, using species records from the Sussex Biological Records Centre (from the past 10 years) identified previous presence on the site of protected species including various birds, bats, hedgehogs and hazel dormice, however, the Ecological Scoping Survey identifies that suitable habitats for invertebrates, amphibians, reptiles, birds, bats, badgers and hazel dormice or other protected of notable species, is limited, given the mainly close mowed amenity grassland nature of the site and lack of suitable habitat or features.
- 6.56 The tree canopy to the veteran tree (T10) overhangs the amenity grassland within the application site. This and other trees along the southern and western boundaries provide suitable habitat for foraging and commuting bats however, the Applicant's Ecological Appraisal states that the suitability of the trees for roosting and foraging for bats is limited given the presence of the 6 existing floodlights around the perimeter of the site.
- We are therefore satisfied that loss of irreplaceable habitat as described in the NPPF have been avoided. We have recommended veteranisation of mature trees to provide veterans of the future and requested that this measure is secured under the landscape management plan.
- 6.57 It is advised within the Applicant's supporting Ecological Statement that amenity grassland, and a section of hawthorn hedge will be cleared to facilitate the application proposals will be affected by the proposals. It is advised within the applicants supporting ecology statement that these habitats, except for the veteran tree, are identified as being of low ecological value.
- 6.58 The Applicant's Ecological Appraisal notes that there are 4 ponds within 500m of the application site boundary, however it advises that the site is largely unsuitable for amphibians given the dominance of short, mowed amenity grassland.
- 6.59 Whilst the applicants propose the assisted decline of the veteran Ash tree (T10), the Council's Ecology Consultants are keen to understand whether the tree has been checked for bat roost features and also require clarification of the mitigation and compensation measures needed for part removal of the tree. An appropriate bat survey has been undertaken on site in order to ascertain the ecological impacts of works to the veteran tree confirming that no roosting Bats are present.
- 6.60 Mitigation and Enhancement measures identified within the Ecological Appraisal include pollution prevention measures for dust suppression and provision of spill kits within construction methods to avoid impacts on the nearby designated site along with demarcation fencing to protect trees adjacent to the site. Further mitigation includes the planting of 12

additional trees along the western and northern boundaries of the site to compensate for the loss of the veteran Ash tree.

- 6.61 Other mitigation includes the presence of a suitably qualified Ecologist on site to check trees and hedgerow for nesting birds prior to any clearance if carried out during the breeding season (typically March – August inclusive); although it has been identified that badgers are unlikely to be present on site precautionary mitigation measures are required during works if excavating using open-trench methods, mitigation measures include provision of mammal ladders; capping off of any large pipework overnight; and in respect of both badgers and bats the avoidance of nightwork, and any floodlights should also face away from site boundaries; it is also advised that chemicals and machinery to be stored in secure cupboards. Bat friendly lighting should be considered when designing an appropriate lighting scheme.
- 6.62 In accordance with the NPPF (2023) recommendations, which states that where possible development proposals should provide opportunities for 10% biodiversity net gain. Enhancement measures included within the application proposals includes additional tree planting (12 new trees proposed including six native hard wood trees (3 oak and 3 lime trees) on the site); provision of bird boxes; and wildlife sympathetic management of habitats around the perimeter of the site such as phased mowing schedules to allow for habitat variability.
- 6.63 The Council's Ecology Consultants support the recommendation for the implementation of a Biodiversity Method Statement in the Ecological Appraisal (RPS Group, September 2022), as there four ponds within 500m of the site and the hedgerow to be removed currently provides refuge and foraging habitat for amphibians and reptiles (Ecological Appraisal (RPS Group, September 2022)). It is advised that the Biodiversity Method Statement should be secured by a condition of any consent and implemented in full. The Council's Ecology Consultants also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Appraisal (RPS Group, September 2022).
- 6.64 Additionally, the Councils Ecology Consultants support the proposed biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. It is advised that these enhancements should be secured though Biodiversity Enhancement Layout and should be secured by a condition of any consent for discharge prior to beneficial use.
- 6.65 Whilst the enhancement and mitigation proposals appear to be acceptable, overall, your officers advise that the application proposals do not accord with Policy 25 of the HDPF, or the NPPF, given that the proposals would result in the deterioration and loss of veteran tree (T10).

Water Neutrality

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

2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site 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.

- 6.68 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.'
- 6.69 The application site at 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 a material planning consideration relevant to the application. 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.
- 6.70 The applicants have submitted a Water Neutrality Statement (by H20geo Ref: 20230221P1 WNS, dated 16 May 2023 version Final v1.2) this provides minor updates to the Water Neutrality Statement as originally submitted (dated 16 March 2023) (V 1.0 first issue).

Existing Water Demand

- 6.71 The original Water Neutrality Statement sets out that the total mains water consumption includes an estimated 375 l/d to water the existing grass pitch, (based on 375 litres a day x 365 litres per year) equalling 136,875 l/p/y and in respect of use of the facilities within the clubhouse and pavilion functions / changing rooms and washrooms, 586l/d equating to water demand (based on 586 litres a day x 365 litres per year) of 213,890 l/p/y. This is confirmed by the water usage bills submitted by the applicants. Overall, the existing water demand of 961 l/d results in an estimated water demand (based on 961 litres a day x 365 litres per year) of **350,765 litres per year**.

Proposed Water Demand

- 6.72 The proposed water demand (including onsite mitigation) includes the estimated savings derived from the previous need to water the pitch (as the 3G pitch does not require watering) which amounts to the aforementioned 136,875 litres per year, resulting in an immediate water saving of **136,875 litres per year**.
- 6.73 Notwithstanding this saving, the anticipated water demand at the club and pavilion would increase as a result of the increased use of the all-weather 3G artificial pitch system and associated facilities throughout the year. It is anticipated that water demand would increase by an additional 2800 litres /week (during the season) and 800 litres per week (out of season) based on the anticipated increased usage of the site by the football teams for matches and training and other visiting groups such as slimming world; blood donors and ad hoc meeting and other functions. It is anticipated that the YMCA football teams would meet up to 14 additional sessions per week and a further 4 additional sessions per week in the off peak period outside of the football season. It is advised that for each session 40 people will be on the pitch. This comprises 4x 5-a-side matches or one 11-a-side match with squads of 20 people including players and coaches. It is advised that 40 people per session is an overestimation however, it is likely to represent the average number on site during a 30-week season. Water consumption for each person on site, on average, per session has been taken at 5 litre, it is advised that this is considered conservative as some people will not use any

water whilst others will use showers, WCs, wash-hand basins and drinking water facilities. Usage is demonstrated on the FTP AGP Usage Plan submitted with the application.

- 6.74 Overall, this would result in additional water demand of **84,000 l/p/y** (based on 2,800 l/p/w x 30 weeks in season) plus **17,600 l/p/y** (based on 800/p/w x 22 weeks out of season) equalling additional water demand of **101,600 l/p/y**.
- 6.75 The additional water demand is anticipated to be less than the 136,875 l/p/yr resulting in an overall water demand saving of **35,275 l/p/y**.
- 6.76 The Natural England (Water Neutrality) were consulted on the original Water Neutrality Statement (dated 16 March 2023 v1.0) and requested further information on the applicants figures provided, specifically in regard to conservative calculations. Following this, the applicants submitted their revised Water Neutrality Statement (dated 16 May 2023 v1.2) with updated information to address this matter. The applicants have confirmed that conservatism has been built into the calculation by assuming a population of 40 for each session with a 20% safety factor to pro-rate the consumption over the whole population attending the pitch.
- 6.77 Based on the findings of this Water Neutrality Statement, Natural England have advised that no objection is raised subject to appropriate mitigation being secured in order to ensure that the proposed development does not result in any adverse effect on the integrity of Arun Valley Special Protection Area (SPA) Special Area of Conservation (SAC) and Ramsar site. It is advised therefore that a suitable condition is imposed to secure the delivery, management and maintenance of measures identified in the water Neutrality Statement to achieve Water Neutrality.

Climate change:

- 6.78 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity, and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- A Water saving of 35,275 l/p/y would be saved as a result of the proposals.
 - Opportunities for biodiversity gain (12 new trees proposed along with bird and bat boxes)
 - Cycle parking facilities
 - Pedestrian and cycle links
 - LED Floodlights
- 6.79 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Other Matters:

Viability and Need for Development

- 6.80 It is advised that the YMCA Football Club has been on the current site since 1929 and now forms part of the YMCA Downlink Group (YMCA DLG), and is one of the biggest youth charities in the South East of England supporting 10,000 children less than 18 years of age and young people aged 18-25 years each year. The supporting statement advised that the provision of the AGP would allow the YMCA Downlink Group to provide greater opportunities for sport and additional funding for youth and support services that they require as well as supporting a Youth Pathway for young players in the Horsham Area to enable them to develop football skills and to meet their individual expectations at the highest levels.

The YMCA Downslink have advised that due to the level of demand at the club *'they are unable to cater for the football clubs needs as well as the needs of the charity due to the quality of the grass pitch and limitations on hours of play each week on the existing grass pitch. It is advised that there is a significant local need and lack of provision of fully sized 3G AGPs which are available for community use and that this has an impact on the health and wellbeing of local residents, including vulnerable children that are supported by the YMCA Downslink Group. Although the Football Club is well run by a Management Committee and is staffed entirely by volunteers over the past five years, the cost of running the club has exceeded the club's income'*.

- 6.81 Financial information detailing the level of income per annum and the underlying losses per year greater than any financial income received by the club (as set out in Para 3.15 of the Planning Addendum Statement). It is advised that existing revenues from the club are not sufficient to sustain the operation of the club in its current form despite 400 hrs of volunteer hours that support the club. The Addendum goes on to say that 'a "do nothing" scenario is unsustainable in the medium term'. Finally, the Addendum states at paragraph 3.17 that without the significant investment of the 3G pitch the club 'may not be sustainable and could cease to exist'.
- 6.82 Whilst headline figures of the club's underlying losses of £34,200/year and required annual income of £120,000 are provided within the Addendum, no further detailed viability case has been presented by the applicants. It is not therefore possible to independently assess the viability of the club. Accordingly, limited weight can be given to the applicant's case that that the club might cease to exist in the future if the 3G pitch is not provided.

Sports England

- 6.83 Sports England have been consulted and have raised no objections to the proposals, advising that *'the proposal will help to meet the club's and FAs sport development priorities, the facility would comply with Sport England and FA design guidelines'* and have requested that suitable conditions be imposed requiring certification that the AGP permitted meets with FIFA Quality Concept for Football Turf FIFA Quality or equivalent International Artificial Turf Standard (IMS) and confirmation that the facility has been registered in writing by the Local Planning Authority. A 'Community Use Agreement' to include ancillary including parking; changing and toilets etc, details of pricing policy; hours of use; access by non-members; management responsibilities and details of the mechanisms of review, as well as a condition requiring details of the Management and Maintenance Schedule to be submitted prior to the use of the AGP.

Flood Risk and Drainage

- 6.84 NPPF paragraph 163 states – 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'
- 6.85 Current surface water risk shows that the proposed site is at low risk from surface water flooding and is located in Flood Zone 1. The site is less than 1 hectare and as such a flood risk assessment is not required to be submitted with this application.
- 6.86 A Ground Investigation Report prepared by Soiltechnics (dated May 2021 Ref STT5929 -G) has been submitted as supporting information with the application. It is advised that the surface and subbase for the 3G pitch and hardstanding areas are porous with surface water from the pitch being stored in the base and collected via new drains which discharge into the existing storm drainage to the southwest of the pitch. The Council's Drainage Officer has been consulted and has requested that standard drainage conditions are imposed.
- 6.87 The West Sussex Lead Local Flood Authority (WSLLFA) has been consulted and have advised that the area of the proposed development is at low risk from groundwater flooding

based on current mapping and modelling, site specific monitoring and historic data. It is also advised that there are no records of any surface water flooding within the site. The WSLFA object to the proposals and advise that clarification of the existing site drainage needs to be carried out and further information is required in respect of effective drainage of the playing area in order to demonstrate that this application would not increase flood risk elsewhere and that betterment for surface water systems should be sought in line with WSLFA policy for the Management of Surface Water. Notwithstanding this, the Council's Drainage Officer has confirmed that the proposed drainage system would drain into the existing soakaway by the Inspection Chamber as shown on the submitted plan, and that subject to conditions to demonstrate that the existing drainage system is fit for purpose the drainage strategy is considered to be acceptable.

- 6.88 In the event that the application is recommended for approval suitable surface water drainage conditions are therefore required.

Conclusions:

- 6.89 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be in accordance with the development plan unless other material considerations indicate otherwise. The application requires consideration of the planning balance to assess the benefits of the development weighed against any adverse impacts that are associated with it.
- 6.90 The development is acceptable in respect of its principle, general design and highways impact, and subject to conditions would be acceptable in respect of its impact on neighbouring amenity. It has also demonstrated water neutrality. However, the deterioration and loss of the veteran Ash tree through managed decline is in conflict with the requirements of Policy 31 and specifically that of Paragraph 180 of the NPPF. The requirement of Paragraph 180(c) sets a high bar when considering applications which would result in the loss or deterioration of irreplaceable habitats such as veteran trees, requiring that there are 'wholly exceptional reasons' and that a suitable compensation strategy exists.
- 6.91 In this case, the Applicants maintain that the managed decline of the veteran Ash tree is, in their opinion, justified as the proposals bring with it substantial public benefits and alternative sites are not an option for development of the 3G Pitch, as well as the fact that the proposals cannot be redesigned without significantly affecting the viability of the scheme. Particular mention is made of the financial benefits of the 3G pitch in addressing current annual losses for the club.
- 6.92 The Applicants have considered alternative football pitch configurations to avoid impacting the veteran Ash tree however given the other constraints of the site (including other trees, the location of residential dwellings along and adjacent to the site boundaries, and the location of the existing club house and pavilion). The Applicants advise though that the current scheme before the Council provides the best of the four possible options considered given the need for the pitch size (160m x 70m) to meet grading requirements set by the Football Association and to ensure the viability of the project and the operational requirements of Horsham YMCA FC.
- 6.93 The Applicants have also looked to see whether alternative sites could (subject to planning permission) meet the required need for the AGP. A total of 16 alternative sites were considered including The Bridge Leisure Centre; Broadbridge Heath Football Club; Tanbridge House School; Dereham Way; Horsham Trinity Cricket Club; Horsham Sports Club; Horsham Park; Holbrook Primary School; Dutchells Copse Football Pitches; Roffey Football Club; Holbrook Club; Horsham Crusaders Football Club; Leechpool Primary School; Millais School; The Forest School and Horsham Rugby Football Club. Related constraints and insufficient space for a full size pitch rendered many of these options unviable; others already meet the existing demand or not having links to the potential pitches and therefore

not being able to meet operational requirements; loss of existing sports provision in conflict with Sport England's policies and an overall conclusion that there were no options that were either practicable or viable alternative sites to meet the Horsham area's needs. It is advised that there are no other alternative sites that could accommodate the new 3G football pitch as proposed, however, this is not considered a reason in itself to justify the application proposals on the existing YMCA site as proposed.

- 6.94 Officers accept that the Applicants have explored all reasonable alternatives to avoid the need to manage the decline of the veteran Ash tree, and agree that the proposed replacement of the existing grass pitch with a 3G pitch constitutes a public benefit by allowing for increased use of the site for activities that promote exercise, health and overall well-being. However this, and the fact that alternative options have been discounted, is not necessarily unusual or unique such as to meet the high bar 'wholly exceptional reasons' test of Paragraph 180(c). Whilst it is an aspiration of the Council to increase the number of 3G pitches in Horsham, it is not the case that there are no existing 3G pitches, or that this site represents the only option for increasing the number of such pitches generally.
- 6.95 Fundamentally, the tree is in good health and has not been identified as having Ash Die Back. It would not be appropriate to agree to the loss of this tree on the basis that it might get Ash Die Back in future, as there is no evidence it certainly will. The tree in all other respects is a healthy specimen with strong amenity and ecological value due to its veteran status.
- 6.96 Accordingly, the recommendation of officers is that 'wholly exceptional reasons' have not been demonstrated to justify the deterioration and likely premature loss by way of managed decline of this important and irreplaceable veteran tree. Whilst opportunities for compensation by way of new tree planting and the veteranisation of existing trees exist, such compensation must only be considered once the principle of the loss/deterioration of the veteran tree has been accepted. The fact that compensation exists cannot form part of the justification to lose the tree in the first instance.
- 6.97 The proposal therefore fails to comply with the requirements of Paragraph 180(c) of the NPPF and policies 31 and 33 of the HDPF, and is recommended for refusal.

7. RECOMMENDATIONS

- 7.1 That the application be refused on the following grounds.

Reason(s) for Refusal:

- 1 The proposals would result in the assisted decline of an otherwise healthy veteran Ash tree which is of amenity and ecological value to the locality. No 'wholly exceptional reasons' to justify the managed deterioration/loss of this irreplaceable habitat have been satisfactorily demonstrated as required by Paragraph 180(c) of the NPPF, therefore the proposals are considered as contrary to Policies 31 and 33 of the HDPF, and Paragraph 180(c) of the NPPF (2023).

Appendix 2

Suggested Conditions List

DC/22/2257 Horsham YMCA Football Club, Gorings Mead, Horsham

1. **Plans Condition:** The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below [table to be added].

Reason: For the avoidance of doubt and in the interest of proper planning.

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

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

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

- i. Details of site management contact details and responsibilities;
- ii. A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
 - a. location of site compound,
 - b. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
 - c. site offices (including location, height, size and appearance),
 - d. location of site access points for construction vehicles,
 - e. location of on-site parking,
 - f. locations and details for the provision of wheel washing facilities and dust suppression facilities
- iii. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
- iv. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

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

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 until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the approved landscaping scheme and Arboricultural Impact Assessment, and provide for the retention of the veteran Ash tree T10 including its root system as far as practical. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory development in the

interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

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

6. **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:
- All trees on the site shown for retention on approved drawing number 710 Rev B (which for the avoidance of doubt shall also include the retention of the veteran Ash tree T10), as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
 - Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
 - Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

7. **Pre-Commencement Condition:** Use of the development shall not commence until:
- (a) certification that the 3G Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS); and
 - (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. **Pre-Occupation Condition:** Prior to first use of the 3G Artificial Grass Pitch, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England that shall include measures to ensure the replacement of the Artificial Grass

Pitch within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3g Artificial Grass Pitch.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Policy 33 of the Horsham District Planning Framework (2015).

9. **Regulatory Condition:** All fencing, balls stop netting and infill boards as detailed on drawing MCA-MUK2566-01 Rev K received on 18/07/2023 shall be fully installed prior to first use of the 3G Artificial Grass Pitch. The fencing, balls stop netting and infill boards shall thereafter be retained and fully maintained at all times.

Reason: To protect the amenities of adjacent occupiers to accord with Policy 33 of the Horsham District Planning Framework (2015).

10. **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).

11. **Pre-Occupation Condition:** Prior to the first use of the 3G Artificial Grass Pitch hereby permitted a “lighting design strategy for biodiversity” for the site in accordance with GN:08/23 shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

12. **Pre-Occupation Condition:** No use of the 3G Artificial grass Pitch hereby permitted shall take place until details of secure and covered cycle parking facilities for staff, visitors, spectators and users of the 3G Artificial grass Pitch have been submitted to and approved in writing by the Local Planning Authority. No use of the 3G Artificial grass

Pitch hereby permitted shall be commenced until the approved cycle parking facilities have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

13. **Pre-Occupation Condition:** Prior to the first use of the 3G Artificial Grass Pitch hereby permitted, full details of the hard and soft landscaping works (including a new native hedgerow planted in same location as S6 as detailed on drawing 710 rev B, and details of the biodiversity enhancements as recommended in the Ecological Appraisal (RPS Group, September 2022)) shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape 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. Any plants, which within a period of 5 years, die, are removed, or become 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).

14. **Pre-Occupation Condition:** No Public Address system shall be operated except in accordance with the Public Address System and Usage Policy document received on 12/01/2023, or any variation to that document as may be agreed in writing by the Local Planning Authority. No playing of live or recorded amplified music shall take place at any time except for the player's run out onto the pitch during formal competitive matches.

Reason: To reduce the noise impact of the proposal in the interests of the amenity of adjacent properties in the immediate vicinity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

15. **Pre-Occupation Condition:** Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the 3G Artificial Grass Pitch and ancillary facilities including parking, changing and toilets etc and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy 43 of the Horsham District Planning Framework (2015).

16. **Regulatory Condition:** The development hereby permitted shall be carried out in accordance with plan no. MCA MUK2566 01 K (General Layout Plan) showing the finished levels of the development shown in relation to nearby datum. The development shall be completed in accordance with the approved details.

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

17. **Regulatory Condition:** Development shall be carried out in full accordance with the mitigation and compensation measures and/or works contained in the Ecological Appraisal (RPS Group, September 2022) and Bat Surveys letter report (Babec Ecological Consultants, August 2023). This must include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during any agreed works to the veteran Ash tree T10. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

18. **Regulatory Condition:** The 3G Artificial Grass Pitch shall be installed in accordance with the King Post Retaining Wall methodology set out on drawing MCA-MUK2566-30 rev B. All excavation works within the Root Protection Area of the veteran Ash tree T10 shall be carried out under supervision of the Council's Arboricultural Officer in accordance with a methodology that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the preservation of the veteran Ash tree T10 in accordance with Policy 31 of the Horsham District Planning Framework and paragraph 180 of the NPPF.

19. **Regulatory Condition:** No part of the development hereby permitted 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).

20. **Regulatory Condition:** The 3G Artificial Grass Pitch shall not be open for public use except between the hours of 08:00 to 22:00 Monday to Friday and 08:00 to 18.00 Saturday, Sunday and bank holidays.

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

21. **Regulatory Condition:** The floodlights shall not be operated except between dusk and 9.30pm on weekdays, between dusk and 6pm on Saturdays and not at all on Sundays with the exception of weekday match nights played by the home teams of Horsham YMCA and Horsham Football Club, on which occasions the floodlights shall not be operated except between dusk and 10pm.

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

22. **Regulatory condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (H2)geo Ref: 20230221P1 WNS FINAL V1.2, received 16 /05/2023).

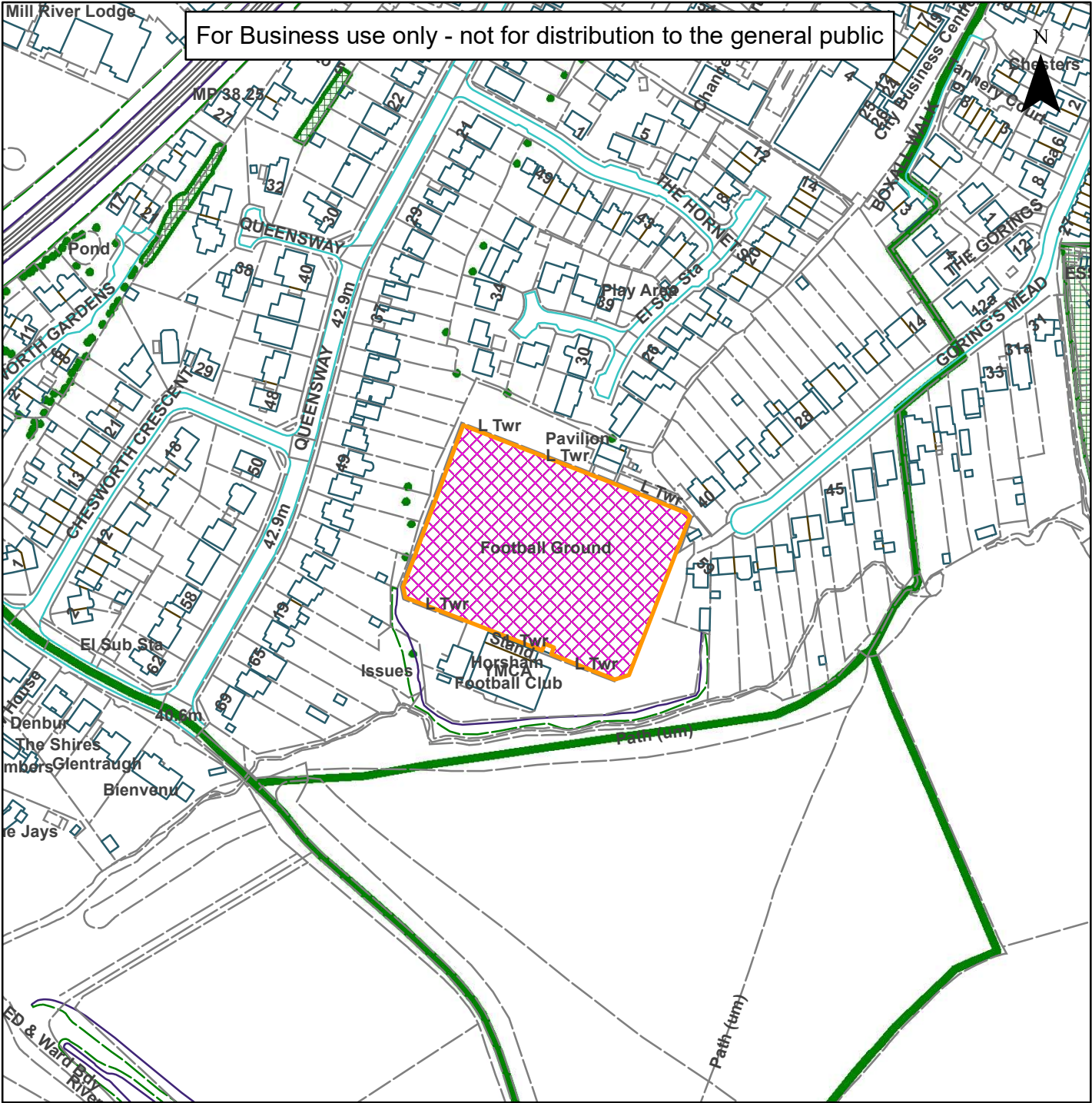
Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation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

Informative:

The applicant is advised that the methodology for excavations within the Root protection Area of the veteran Ash tree T10 shall include hand-held tools or appropriate machinery such as a digger with a toothless bucket, working backwards over the area, so that the machine is not moving over the exposed ground. If encountered roots smaller than 25 mm diameter may be pruned back, making a clean cut with a suitable sharp tool (e.g. bypass secateurs or handsaw), except where they occur in clumps, or of 25 mm diameter and over should be severed only following consultation with an arboriculturist. Whilst exposed, any roots should immediately be wrapped or covered to prevent desiccation and to protect them from rapid temperature changes. Any wrapping should be removed prior to backfilling, which should take place as soon as possible. Prior to backfilling, retained roots should be surrounded with topsoil or uncompacted sharp sand (builders' sand should not be used because of its high salt content, which is toxic to tree roots), or other loose inert granular fill, before soil or other suitable material is replaced. This material should be free of contaminants and other foreign objects potentially injurious to tree roots.



Horsham Y M C A Football Club, Gorings Mead, Horsham, West
Sussex, RH13 5BP



Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	23/11/2023
MA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development and Building Control

DATE: 5th December 2023

DEVELOPMENT: Demolition of an agricultural building and the erection of a two-storey dwelling (as an alternative to prior approval reference DC/21/2075).

SITE: Mill Farm Mill Lane Itchingfield West Sussex RH13 0NP

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/23/0460

APPLICANT: **Name:** Mr and Mrs Clare Bartlett **Address:** Mill Farm, Mill Lane C/O Batcheller Monkhouse 3-5 Swan Court, Station Road Pulborough West Sussex RH20 1RL United Kingdom

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

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

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

APPLICATION DESCRIPTION:

- 1.1 Planning permission is sought for the demolition of an existing agricultural barn and the erection of a single two-storey dwelling for open market occupancy. The existing barn benefits from prior-approval (ref: DC/21/2075) for conversion to form an existing dwelling, with the proposal advanced as an alternative to the existing prior-approval consent.
- 1.2 The proposed dwelling is designed to incorporate a 'mansard' dual-pitched roof, constructed to a total ridge height of ~7.1m and eave height of ~3.2m. First storey accommodation would be contained within the proposed roof form, with the dwelling otherwise constructed to occupy the same physical footprint as the existing barn.

- 1.3 The submitted plans indicate the external use of vertical timber cladding to the main elevations of the proposed dwelling, the use of a metal roof-surface together with dark grey framed fenestrations and rainwater goods.
- 1.4 The proposed dwelling would feature a small incidental curtilage, largely contained to the rear (north) of the proposed dwelling and shown to project ~15m beyond the northernmost extent of the proposed dwelling. The curtilage would, additionally, incorporate vehicular parking to its front together with covered refuse and cycle stores.
- 1.5 The proposed dwelling would be accessed to the west via an existing private driveway shared with 'Mill Farm', connecting to 'Mill Lane', a single-track lane serving as Public Right of Way No. 1630, before joining with the publicly maintained highway at Fulfords Road, approximately 690m south-west of the site.

SITE DESCRIPTION:

- 1.6 The application site is found within a cluster of buildings forming 'Mill Farm', comprising the existing dwelling of Mill Farm and various buildings currently in equestrian use or former agricultural use. The existing barn proposed for demolition is presently utilised for the storage of hay, with a heavily dilapidated pigsty found to the adjacent west. From the officers observations on-site, it does not appear that the pigsty has been actively utilised for quite some time, evidenced by the dilapidation of the structure and the significant degree of overgrowth.
- 1.7 The application site is found beyond a defined built-up area boundary (BUAB), located ~420m south of the defined BUAB of Broadbridge Heath. The designated Ancient Woodland of Baystone Copse is located 15m to the west of the site, which is also located within the 12km wider conservation area of The Mens and Ebernoe Common Special Area of Conservation. The site is, additionally, located within the Sussex North Water Supply Zone, as subject of the Natural England 'Position Statement' of September 2021.

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 15 - Strategic Policy: Housing Provision
 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 40 - Sustainable Transport
Policy 41 - Parking

Barns Green & Itchingfield (Submission) Neighbourhood Plan (2021)

- 2.2 Barns Green & Itchingfield Neighbourhood Plan (2021) has undergone independent examination and was recommended to proceed to public referendum, subject to a series of minor modifications.
- 2.3 Subsequent to receipt of the examiners recommendation, and before a public referendum could take place, the Council received the Natural England Position Statement of September 2021 concerning the effects of public groundwater abstraction within the Arun Valley. The Submission Neighbourhood Plan did not consider effects upon the Arun Valley site and did not seek to achieve 'water neutrality' for the allocations contained within. The Submission Neighbourhood Plan, therefore, cannot proceed to referendum or adoption until a strategic solution to water neutrality is implemented.
- 2.4 Paragraph 48 to the NPPF (2023) provides that Planning Authorities may assign weight to relevant policies in emerging plans according to the stage of preparedness of the emerging plan, the extent to which unresolved objections to relevant policies remain and the degree of consistency of relevant policies to the provisions of the NPPF.
- 2.5 The relevant policies of the Barns Green & Itchingfield Neighbourhood Plan to this determination are considered to be:-
- Policy 1 – Green Infrastructure Conservation
Policy 2 – Biodiversity Conservation
Policy 5 – Protection of Green Infrastructure
Policy 11 – Windfall Development
Policy 12 – Design of Housing
Policy 13 – Sustainable Design Requirements
Policy 15 – Off-Street Parking
- 2.6 Recognising that the Neighbourhood Plan is currently unable to proceed to referendum the Council has published a Planning Advice Note (June 2023) which considers the individual policies of the Submission Neighbourhood Plan and advises as to the degree of compliance with the provisions of the NPPF. All policies identified above as relevant to this determination are considered as consistent with the provisions of the NPPF. In the additional context of a successful examination, representing an advanced level of preparedness, and the absence of unresolved objections against individual policies, the relevant policies of the emerging Neighbourhood Plan can be considered to attract significant weight pursuant to NPPF paragraph 48.

Planning Advice Notes:

Facilitating Appropriate Development
Biodiversity and Green Infrastructure
Itchingfield Neighbourhood Plan and Water Neutrality

PLANNING HISTORY AND RELEVANT APPLICATIONS

DISC/23/0034	Approval of details reserved by condition 1 to approve application DC/21/2075.	Application Permitted on 30.03.2023
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HRA/22/0020	Regulation 77 of the conservation of habitats and species Regulations 2017 in respect of Prior Notification Approval DC/21/2075	Pending Determination
HRA/22/0004	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/21/2075.	Application Refused on 31.05.2022
DC/21/2236	Change of use of land to form enlarged residential curtilage and installation of an open air swimming pool.	Application Permitted on 20.05.2022
DC/21/2075	Prior Notification for the change of use of an agricultural building to a single dwellinghouse (C3).	Prior Approval Required and PERMITTED on 12.11.2021

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

INTERNAL CONSULTATIONS

WSCC – Highways: Advice:-

- 3.2 The Local Highways Authority (LHA) responded to advise that the proposed development would not be considered to result in an unacceptable impact upon highway safety or severe cumulative impact upon highway operation, such that there are no transport grounds to resist the proposal pursuant to NPPF paragraph 111.
- 3.3 In coming to that conclusion, the LHA officer recognised that prior-approval for the conversion of an agricultural barn to form a single dwelling was previously granted pursuant to ref: DC/21/2075 within the application site, and that no highway safety concerns were previously raised in conjunction with that proposal.
- 3.4 The LHA officer recognised that the site would be accessed via a single-lane private track leading onto Mill Road subject of a 60mph speed-limit. The LHA officer identified that the junction between Mill Lane onto Fulfords Road and Westons Hill appears substandard and does not meet expected stopping sight distances as specified within the Design Manual for Roads and Bridges for a road of the posted speed-limit. It was not, however, considered that vehicles would be travelling at the posted speed-limit as a consequence of road geometry and the presence of street signage advising a maximum speed of 15mph. The LHA officer noted the absence of any recorded injury accidents at the junction between Fulfords Road and Westons Hill.
- 3.5 The LHA officer, further, considered the proposed provision of two-parking spaces as sufficient for a dwelling of this size and location, and with sufficient space on site for vehicles to turn and exit onto the publicly maintained highway in a forward gear.
- 3.6 The proposed provision of covered and secure cycle parking was deemed to encourage sustainable transport methods and to reduce reliance upon the use of the private car.
- 3.7 Conditions were recommended to secure the provision of proposed vehicular and cycle parking in advance of the first occupation of the development.

WSCC – Fire and Rescue: Advice:-

- 3.8 The Fire and Rescue Service responded to advise that the proposed dwelling is 295m beyond the minimum distance to a fire hydrant required to serve a domestic premises. If an

alternative supply of water for firefighting purposes is to be provided, this will need to conform with details contained within the approved document B (AD-B) Volume 1 – 2019 edition: B5 section 14.

- 3.9 The Fire and Rescue Service, further, requested evidence to show suitable access and turning for a fire appliance in accordance with AD-B Volume 1 B5: Section 13.

Forestry Commission: Standing Advice:-

- 3.10 The Forestry Commission did not provide specific comments on the development proposals, though, did provide standing advice. The Forestry Commission's standing advice highlights NPPF Paragraph 180(c), and that development resulting in the loss or deterioration of irreplaceable habitats (including ancient woodland) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists, and that the Council should consider both direct and indirect impacts resulting from construction and operational phases of development.
- 3.11 The Forestry Commission advised that if development is likely to result in development within ancient woodland, or within its buffer, the loss of veteran or ancient trees or direct/indirect impacts upon ancient woodland, veteran or ancient trees, then specific comments from the Forestry Commission should be sought.
- 3.12 The Commission, further, invited that specific comments were sought if development were to result in the large-scale loss of non-protected trees and/or woodland, development on recently felled woodland or significant opportunities for the expansion, re-establishment and/or enhancement of woodland.
- 3.13 The Commission, lastly, included general advice highlighting NPPF paragraphs 174(d) and 180(d) which collectively encourage approaches to minimise impacts upon biodiversity and provide opportunities for biodiversity net-gain, shortly expected to become a mandatory requirement.

HDC – Environmental Health: Further Information Requested:-

- 3.14 The Council's Environmental Health team noted the proposed incorporation of a rainwater harvesting system to supply all water for the development, including drinking water. In order to ensure that rainwater was suitable for use and could be maintained and managed for the lifetime of development, as considered potentially highly contaminated, a detailed private water design and maintenance plan were requested. These details should be prepared by a suitably qualified consultant and include details on the expected contaminants likely to enter the system, detail on treatments types/methods and justifications, detail of proposed sampling and testing in accordance with private water supply regulations and remedial actions if a sample fails testing, details of the future maintenance, servicing and cleaning of tanks and equipment, details of the locations and specifications of tanks and treatment measures, details of measures to provide continuity of supply in the event of a drought lasting beyond 35 days and arrangements for the keeping and retention of records.
- 3.15 In respect of land contamination the Council's Environmental Health team sought clarification that the footprint of the proposed development was the same as that approved previously under ref: DC/21/2075.
- 3.16 Officers note that the Water Neutrality Strategy only seeks to incorporate a rainwater capture system to serve horses stabled on the holding, not within the proposed dwelling or for human consumption. As such, the details as recommended by the Environmental Health team are considered disproportionate for a rainwater system only servicing horses/livestock.

HDC – Arboriculture: Objection:-

- 3.17 The Council's arboricultural officer responded to object to the proposed development, by reason of the introduction of a domestic curtilage within the minimum recommended buffer to designated ancient woodland. The officer did note that permission granted pursuant to ref: DC/19/1984 allowed the creation of an expanded curtilage associated with an existing dwelling right up to the woodland edge, the splitting of the curtilage was considered to place additional future pressure on the woodland as a result of an intensified use and potential for recreational activity at close proximity.
- 3.18 The Officer, additionally, considered that existing land uses have denuded the woodland to some extent over the preceding 50 years and that further activity increasing the risk of further deterioration should be avoided. A reason for refusal resulting from conflict with local and national policy related to the protection of ancient woodland was recommended.
- 6.19 It is advised that the extent/positioning of the proposed domestic curtilage has been altered subsequent to the above comments to avoid any new domestic land within 15m of the designation.

Place Services – Ecology: No objection:-

- 3.20 The Council's consultant ecologists responded to raise no objection to the proposals, subject to Natural England's comments on appropriate assessments conducted pursuant to the Protection of Species and Habitats Regulations (2017) as amended and in respect of likely potential effects upon the Arun Valley SAC, SPA and Ramsar and The Mens and Ebernoe Common SAC.
- 3.21 The consultant ecologist confirmed that the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment had been reviewed and provide sufficient ecological information for determination. It was agreed that the building to be demolished has negligible suitability to support roosting or hibernating bats and that no further surveys were required in this respect.
- 3.22 The site was noted to fall within the 12km conservation area of The Mens Special Area of Conservation (SAC), and that one of the qualifying features of the SAC was its significance for Barbastelle Bats. Ancient woodland of the type in the vicinity of the site are suitable for supporting roosting, foraging and commuting bats, including Barbastelle bats from the SAC.
- 3.23 The habitats on site offer negligible suitability for bats, with nearby ancient woodland and existing vegetation to be retained and protected by the proposals. The consultant noted that a sensitive lighting strategy is to be implemented to prevent excess light spill onto adjacent habitats, in particular towards adjacent woodland the hedgerows. Subject to these measures it was considered that no severance of flight lines for foraging/commuting bats would arise, such as to adversely effect the integrity of the SAC. A condition requiring the submission and approval of a sensitive lighting design scheme for bats was recommended accordingly.
- 3.24 The consultant was satisfied that there was no suitable habitat for Great Crested Newts, and that no specific surveys were required to establish the presence/absence of Great Crested Newt.
- 3.25 The consultant considered that the site would require a 15m buffer between any works and the adjacent ancient woodland in accordance with published guidance. The proposed reasonable biodiversity enhancements were supported, with a condition recommended to secure detail and implementation of various enhancement measures.
- 3.26 The Council's consultant ecologists, separately, completed a formal appropriate assessment pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended) in respect of likely effects upon The Mens SAC and with regard to the

mitigations recommended with the Preliminary Ecological Appraisal and Preliminary Roost Assessment.

Natural England: No objection.

- 3.27 Two responses from the Nature Conservation Body were received in conjunction with this application.

Response to 'The Mens' appropriate assessment: Standing Advice

- 3.28 In response to the appropriate assessment conducted in respect of The Mens SAC, Natural England indicated that it would not be able to provide specific advice on this application and has no comment to make on its detail. Natural England explained that they have not been able to assess the potential impacts on statutory nature conservation sites, though, provided standing advice referencing published guidance for the conduct of an appropriate assessment and principles of habitats regulations assessment.
- 3.29 Natural England did indicate that the provision of non-detailed advice did not imply that there are no impacts on the natural environment, but that it is for the Local Planning Authority to determine whether or not the proposal is consistent with national and local environmental policies.

Response to the Arun Valley appropriate assessment: No objection

- 2.30 In respect of water-neutrality matters Natural England responded to advise that they concur with the conclusions of the Council's appropriate assessment subject to the delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

Southern Water: Advice:-

- 2.31 Southern Water responded to advise of the absence of recorded public water sewers which could service the proposed development, necessitating an alternative method of foul-water disposal. Southern Water advised that the Council seek the advice of the Environment Agency and Building Control in respect of the adequacy of foul and surface water drainage proposals.
- 2.32 Southern Water, further, advised of the possibility of an unrecorded sewer crossing the site, which if identified during construction works, would necessitate further investigation to ascertain ownership before any further works commence on site.

Southern Water declined to comment on the submitted Water Neutrality report, consistent with their standard practice.

Itchingfield Parish Council: Support

- 2.33 Itchingfield Parish Council responded to indicate their support for the proposal, though, raised no material remarks.

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 2 to the Horsham District Planning Framework (HDPF) (2015), outlines the strategic objectives and approach of the development plan in seeking to maintain the unique rural character of the District whilst ensuring that assessed needs are met through sustainable growth and suitable access to services and employment. Policy 2 to the HDPF confirms that the development plan will seek to focus development in and around the key settlement of Horsham, and in other parts of the District in accordance with the defined settlement hierarchy. Policy 2, additionally, confirms that the development plan will bring forward specified strategic housing sites, seek to manage development around the edges of existing settlements to prevent settlement coalescence and protect rural landscape characters, encourage the effective use of previously developed land and safeguard existing employment sites. Additional objectives are set to ensure residential developments are responsive to community needs, in terms of affordability and tenure, and that development retains and enhances natural environmental resources in addition to the built-heritage of the District.
- 6.2 Policy 3 to the HDPF defines the settlement hierarchy of the District, and individual BUABs, within which, the principle of development is established. Broadbridge Heath is defined as a small town or larger village, characterised as a settlement benefiting from a good range of services and facilities, strong community networks and reasonable public transport services, below only the main settlement of Horsham in the settlement hierarchy.
- 6.3 Policy 4 to the HDPF sets the approach of the development plan to settlement expansion, recognising this as necessary to meet identified housing, employment and/or community needs, and that such expansion will be permitted where allocated in a Local or Neighbourhood Plan, appropriate in scale and function to the settlement type, responsive to local housing and/or employment needs, does not compromise strategic long-term development, contained within an existing defensible boundary and where landscape and townscape character features are maintained and enhanced.
- 6.4 Policy 26 of the HDPF provides the mechanism by which the local plan seeks to control development outside of defined BUABs. Policy 26 provides that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Development must be essential to its countryside location, and in addition, meet one or more additional criteria, including that development supports the needs of agriculture or forestry, enables the extraction of minerals or disposal of waste, provides for quiet informal recreational use or enables the sustainable development of rural areas. Policy 26 of the HDPF, in addition, requires development to be of a scale appropriate to its countryside character and location, and to avoid a significant increase in overall activity in the countryside on an individual or cumulative basis.

- 6.5 Collectively, outside of defined BUABs, the strategic policies of the HDPF provide for a planned approach to growth through strategic allocations and presume against inappropriate development within the countryside. As explained within HDPF Policy 2, and the accompanying text to Policies 2-4, the intention of this approach is both to protect the rural characteristics of the District's environment and to ensure that growth occurs in a sustainable manner which affords suitable access to, and supports, existing services, amenities and infrastructure.
- 6.6 The application site is located outside of, and does not adjoin, a defined BUAB. The proposal, therefore, is incapable of complying with the requirements of HDPF Policy 3 and 4 and the scope of these policies in managing settlement expansion.
- 6.7 The site is located within reasonable distance of the defined BUAB of Broadbridge Heath, with Mill Lane (PROW 1630) providing a direct means of access to the site from the north. Though Mill Lane, to the north of the site, is not accessible to vehicles, the track is wide and gravelled, connecting to a number of facilities within a 1.2km radius of the site, including a superstore, leisure centre, secondary school and convenience store. Notwithstanding that the Lane is unlit, this is considered a relatively convenient means of access to pedestrians and cyclists. The proximity of the site to Christs Hospital railway station, at ~870m south of the site, via Mill Lane and the Downs Link path, similarly, is reasonable and would afford a means of connection to other settlements within and beyond the District. With regard to these circumstances, though a high-degree of reliance on the private car may be expected in a rural context, the harm considered to arise from conflict with HDPF Policy 2 on sustainability grounds is deemed limited in this instance.
- 6.8 Notwithstanding the above, in respect of HPDF Policy 26, the creation of open market housing beyond a defined BUAB could not be considered as 'essential' to a countryside location, or to meet any of the additional criteria defined within HPDF Policy 26 in respect of the range of acceptable uses within a countryside context. Though the creation of a single dwelling is not considered to amount to a 'significant' increase in activity on an individual or cumulative basis, the proposal remains contrary to the requirements of HDPF Policy 26.
- 6.9 The weight to be assigned to HDPF Policy 2 and 26 will be considered within the 'planning balance' section of this report.
- 6.10 There are no policies contained within the draft Barns Green and Itchingfield Neighbourhood Plan (BIGNP) (2021) which promote an alternative spatial approach to the HDPF in respect of the management of development beyond defined settlement boundaries.

Character, Appearance and Visual Impact:

- 6.11 Policies 25 and 26 of the HDPF seek to protect the natural environment and landscape character of the District, including the landform, development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.
- 6.12 Policies 32 and 33 of the HDPF stipulate that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of its scale, density, massing, siting, orientation, views, character, materials and space between buildings.
- 6.13 Policy 12 to the draft BIGNP provides that development proposals should, wherever possible, incorporate specified designed measures. Policy 12 to the draft BIGNP, *inter alia*, requires that development be of a high quality of design and layout, incorporating appropriate local materials and vernaculars and be of a scale which respects the character and scale of surrounding buildings. Draft policy 12, in addition, requires that development protects existing

landscape features, contributes to the Parish's Green Infrastructure Network and the wider private and public realm.

- 6.14 Mill Farm is a small former farm complex comprising of a small number of utilitarian structures (inclusive of the barn proposed for demolition), and the existing dwelling of Mill Farm. The Farm layout is nucleated, being further contained within treed hedgerows to the east and south in addition to the larger woodland parcel of Baystone Copse to the west. Land falls away from the site towards the River Arun to the north, affording the potential for some distant views of the site from PROW 1628 at ~220m where this crosses an adjacent field, though, the site is otherwise well contained within the receiving landscape with limited opportunities for a public appreciation of the proposed development.
- 6.15 The proposed dwelling, by reason of its two-storey height, would exceed the scale of the existing barn which it would replace. This is, however, largely a consequence of the near flat-roofed composition of the existing barn, with the height of the proposed building considered reasonable at ~7m. As the entirety of the proposed first-floor layer is contained within the proposed pitched-roof, the bulk and massing of the proposed building is not excessive and is considered proportionate to the existing dwelling of Mill Farm and remaining former agricultural buildings within the Farm complex.
- 6.16 The proposed use of materials, in particular the use of external vertical timber cladding and profiled metal roofing, are reflective of the use of materials in an agricultural context and mirror those utilised in the construction of the existing dwelling of Mill Farm. The form of the proposed dwelling, further, does resemble an agricultural hay-barn such that the resulting impression is of a converted building, despite being a new-construction. It is considered that in this instance the proposed design would prove sympathetic to the farmyard setting of Mill Farm and to the wider countryside setting within which the site is located.
- 6.17 Parking and access facilities are contained to the south of the building within the context of existing access/turning facilities serving the Farm and where there would be minimal visual impact, particularly recognising the likely absence of any public views of such facilities.
- 6.18 The proposed incidental garden space would project ~15m north of the proposed dwelling into currently undeveloped paddock. The result would be an urbanising effect, though, the extent of projection is not significant at landscape level, with the extent of proposed garden spaces deemed proportionate to a dwelling of the scale proposed. A greater projection into undeveloped paddock to the south of the existing Mill House was approved pursuant to ref: DC/21/2236, and as observed during the officer site-visit, the absence of any significant boundary features assist in maintaining a sense of openness inherent to the undeveloped character of the countryside. Subject to the use of appropriately worded conditions, it is considered that the introduction of unsympathetic forms of boundary-treatment, such as closeboard fencing, can be prevented, ensuring an acceptable relationship between domestic garden land and the rural character of surrounding agricultural land.
- 6.19 Overall, subject to the incorporation of appropriately worded conditions, it is considered that the proposed dwelling would successfully and sympathetically integrate with the character and appearance of surrounding land in compliance with the requirements of HDPF Policies 25, 26, 32 and 33 in addition to Policy 12 of the draft BIGNP.

Ecological Impacts and Biodiversity Net-Gain:

- 6.20 Policy 25 of the HDPF *inter alia*, requires that development safeguards protected species, ensuring no net loss of biodiversity. Policy 31 of the HDPF provides that development which makes a positive contribution to existing biodiversity, including the creation and management of new habitats where appropriate, will be supported. Policy 31, further, provides that development resulting in the loss of protected trees should provide replacement planting of a suitable species.

- 6.21 Policy 5 to the draft BIGNP requires that development, wherever possible, incorporate measures which protect and enhance the green infrastructure of the Parish, inclusive of hedgerows, woodland, ancient woodland, veteran trees and existing river corridors.
- 6.22 The proposed development is supported by a professionally conducted Preliminary Ecological Appraisal and Bat Roost Assessment. The submitted Assessment considers the site to hold no to negligible potential for individual protected and priority species, with no unacceptable effects upon such species subject to reasonable avoidance measures and sensitive external lighting design to maintain the suitability of surrounding land for bat foraging and commuting. The submitted Assessment has been reviewed by the Council's consultant ecologists, who have confirmed their agreement with its methods, scope and conclusions, providing confidence to the Authority as to the absence of unacceptable impacts upon individual species subject to conditions requiring adherence to the recommended mitigations.
- 6.23 The response of the Council's arborist (dated: 15.06.2023) raises concern with the proximity of the proposed development to the ancient woodland of Baystone Copse, and the original failure to incorporate a 15m buffer to the ancient woodland, which is recognised as an 'irreplaceable habitat' within national planning policy. Guidance published by the Forestry Commission, and referenced within their individual response to this application, recommends the incorporation of a 15m buffer such as to ensure the integrity of woodland, root systems and habitats are not detrimentally affected by development within the vicinity. The submitted plans were updated to incorporate a 15m buffer between proposed garden spaces and the designated ancient woodland on 21.06.2023, in accordance with published guidance. This buffer is sufficient to ensure that the integrity of woodland is not diminished by the development proposals.
- 6.24 The application site is located within the 12km 'wider conservation area' of The Mens and Ebernoe Common Special Area of Conservation (SAC), the qualifying features of which include its value and significance to Barbastelle and Bechstein Bat. The conservation objectives of The Mens and Ebernoe Common SAC include the need to maintain the structure and function of habitats together with supporting features and habitats associated with the SAC. Development within the wider conservation area of the SAC may impact upon bat commuting and foraging as components of wider habitat connectivity, such as to give rise to the possibility of significant effect upon the SAC. The Council's consultant ecologists, therefore, have undertaken an 'appropriate assessment' pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended), which determines that the development would not adversely impact upon the integrity of the SAC on an individual or cumulative basis, subject to the mitigation measures outlined within the Preliminary Ecological Appraisal and Bat Roost Assessment. These measures are to be secured by way of appropriately worded condition.
- 6.25 Details of the proposal together with the Council's appropriate assessment and submitted Preliminary Ecological Appraisal were made available to Natural England for comment in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended). Within their response it is clear that Natural England did not consider details contained within these submissions, with Natural England advising that it is a matter for the competent authority (Horsham District Council) to come to a conclusion as to performance against national and local environment policies. Performance against such policies were considered within the Authority's appropriate assessment, which provides confidence that the proposal would satisfy the requirements of the Habitats Regulations in respect of impacts upon the Mens and Ebernoe Common SAC.
- 6.26 The submitted plans do not indicate any specific biodiversity enhancements, though, the submitted Preliminary Ecological Appraisal recommends a variety of measures to deliver a proportionate biodiversity net-gain, inclusive of additional wildlife friendly planting and/or the

formation of artificial habitats, including bat and bird boxes of various types. These types of ecological enhancements are capable of being secured by way of appropriately worded condition, and would deliver a proportionate biodiversity net-gain.

- 6.27 Overall, therefore, the impacts of the proposed development upon local habitats, protected and priority species are considered acceptable, with no potential for adverse impact upon the integrity of European sites considered to arise, subject to the various mitigations recommended in support of the proposals. A proportionate biodiversity net-gain is capable of being secured by way of details to be secured at conditions stage, with the proposal, therefore, overall in compliance with the requirements of HDPF Policies 25 and 31, Policy 5 to the draft BIGNP and the Authority's duties pursuant to the Conservation of Habitats and Species Regulations (England) 2017 (as amended).

Water Neutrality

- 6.28 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.29 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.30 As outlined within a submitted water neutrality statement (WNS) the applicant proposes to incorporate on-site measures in the form of efficient installations and appliances in combination with off-site measures, in introducing rainwater capture systems to service water troughs located in the wider farm holding utilised by horses, which are currently serviced by mains-water.
- 6.31 The Council has considered the submitted strategy in detail in undertaking a formal appropriate assessment, which concludes that the proposed measures, in combination, would achieve water-neutrality such that no adverse impacts upon the integrity of the Arun Valley sites would arise. Natural England have confirmed their agreement with the Council's assessment in this regard, and as to the absence of adverse effects upon integrity.
- 6.32 The comments of the Council's Environmental Health team, in requesting additional detail as to treatment measures to be incorporated within a rainwater capture system, are acknowledged, though, are not considered necessary in this instance. Contrary to the Environmental Health response, the proposed rainwater system would not service the proposed dwelling. Where not proposed for human consumption, the proposed system does not need to achieve adherence with standards specified by the Drinking Water Inspectorate or within the Private Water Supplies (England) Regulations 2016. The request for further information from Environmental Health to establish compliance with such standards, therefore, is considered unnecessary and unreasonable such that a condition to this effect would fail tests specified at Paragraph 56 to the NPPF.
- 6.33 The proposed on-site measures are capable of being secured by way of appropriately worded condition. The proposed off-site measures fall beyond the extent of the defined application site and necessitate the completion a legal agreement pursuant to S.106 of the Town and Country Planning Act 1990 in order to secure the implementation and subsequent retention of those measures for the lifetime of development.

Impacts upon Neighbouring Occupiers/Users of Land:

- 6.34 Policy 33 of the HDPF and Policy 12 to the draft BIGNP, *inter alia*, require that development is designed, scaled and located such as to avoid unacceptable harm to the amenities of neighbouring occupiers/users of land.
- 6.35 The application site is distant from any existing residential development, with the exception of the existing dwelling of Mill Farm. This dwelling, however, would remain some distance removed from the proposed development, being in-excess of 20m to the south-east across the existing farmyard of Mill Farm. With regard to this context, it is not considered that the proposed development would result in any unacceptable degree of overshadowing, loss of privacy and/or other disturbance to occupiers of Mill Farm, or any other dwelling. The proposal, therefore, is compliant with the requirements of HDPF Policy 33 and BIGNP draft Policy 12 in this regard.

Parking, Highway Safety and Operation:

- 6.36 Policy 40 of the HDPF, seeks to ensure that development is appropriately supported by transport infrastructure and encourages a strategic re-balancing away from reliance on the use of the private vehicle as a means of access to jobs, homes, services and facilities. Policy 40, *inter alia*, seeks to ensure that development maintains the existing transport network, is located in areas where a choice of transport modes are available and minimises the distances which people need to travel. Development, in addition, must provide a safe and suitable means of access to vehicles, pedestrians and other highways users.
- 6.37 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.
- 6.38 Policy 15 to the draft BIGNP provides that development should include provision for off-road parking in compliance with West Sussex County Council requirements.
- 6.39 The sustainability of the proposed development, in respect of anticipated reliance on the use of the private-vehicle and access to amenities, facilities and public transport services is addressed under the heading of 'principle of development' within this report.
- 6.40 The proposed development would be accessed by way of shared private driveway, connecting to the publicly maintained highway at Fulfords Road, some distance away from the application site. The response of the Local Highways Authority indicates that the existing junction between Fulfords Lane and Mill Lane does not satisfy manual for streets visibility standards for a 60mph road, though, is nonetheless unobjectionable. The LHA consider that vehicles are unlikely to be travelling at the posted speed limit in the vicinity of the junction. This is consistent with the case officers own observations, with forward visibility and road geometry on Fulfords Lane leading to the junction substandard for 60mph speeds. As noted by the LHA, no injury accidents have been recorded at the existing junction within the preceding 5-year period. The addition of a single dwelling represents a marginal intensification of traffic movements at the existing junction, and is not considered to amount to an unacceptable effect upon highway safety or severe effect upon highway operation such as to warrant objection pursuant to NPPF paragraph 111.
- 6.41 The LHA do not consider highway safety/operation effects on Mill Lane itself, and the potential for increased conflict between pedestrians/cyclists as a consequence of proposed development. The existing point of access to Mill Farm, however, provides good visibility to

vehicles emerging/entering the site such that the potential for conflict at the point of entrance to the site is deemed limited.

- 6.42 The proposed development would likely result in increased traffic movements on Mill Lane, though, as noted previously, any increase is likely marginal accounting for the minor scale of proposed development. Mill Lane is a single-track lane and laid to gravel, such that vehicle speeds would be limited. Though the potential for increased interaction between vehicular and pedestrian/cyclist traffic cannot be discounted, this is not deemed to amount to unacceptable risk to the safety of highways users of severe impact upon the operation of Mill Lane as a public right of way such as to warrant objection.
- 6.43 The submitted plans indicate the provision of two vehicular parking spaces, in addition to a covered and secure cycle store. The response of the LHA indicates this provision to be acceptable and in accordance with LHA guidance for a dwelling of this scale and location.
- 6.44 Overall, therefore, it is considered that the proposed development would be supported by a safe and suitable means of access in addition to adequate parking facilities in accordance with HDPF Policies 40 and 41 and Policy 15 to the draft BIGNP.

Climate Change:

- 6.45 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.
- 6.46 The submitted Design and Access Statement includes an 'Energy Statement' indicating an intention to reduce the use of energy resources through the incorporation of good thermal insulation, glazing design to maximise possible solar gain and the incorporation of ground/air source heat pumps. In principle these measures are welcomed, though, the submitted energy statement does not prescribe any particular standards of targeted efficiency such as to be considered detailed. It is, however, of significance that HDPF Policies 35-37 do not require adherence to any particular standard of thermal/energy efficiency beyond current Building Regulation requirements, and that the range of promoted sustainability measures additionally reference measures to limit water use and promote sustainable transport.
- 6.47 The proposed dwelling would significantly limit demand for mains-water resources through the implementation of the water-neutrality strategy, with provision of covered and secure cycle stores additionally indicated. The provision of electric-vehicle charging points will be required by current Building Regulation requirements.
- 6.48 Furthermore, it is of relevance that the proposal is advanced as an alternative to development benefiting from prior-approval pursuant to ref: DC/21/2075 for the conversion of the existing barn. While no specific standard of energy/thermal efficiency has been prescribed in this instance, it is reasonable to presume that any standard of efficiency would exceed that reasonably expected to result from the conversion of the existing barn. This is considered a minor benefit which can be attributed to the proposed development.
- 6.49 Overall, on the information currently available, it is considered that the proposed development would avoid conflict with the provisions of HDPF policies 35-37.

Planning Balance, Policy Weighting and Conclusion:

- 6.50 The proposed development is located beyond a defined BUAB, where the development of open-market housing would result in conflict with the strategic spatial strategy of the

development plan as outlined within HDPF Policy 2 and the provisions of HDPF Policy 26 in seeking to prevent development unessential to a countryside location.

- 6.51 As considered earlier within this report, however, it is considered that the site is found within a context where future occupiers would not be solely dependent upon the use of the private car, with existing services, amenities and public transport infrastructure found within reasonable walking/cycling distance of the site. The degree of conflict with HDPF Policy 2 in this regard, therefore, is considered limited in this instance.
- 6.52 The Local Planning Authority is presently unable to demonstrate a 5-year supply of deliverable housing sites, with the latest published Authority Monitoring Report (December 2022) confirming a 3.0-year supply against the objectively assessed target.
- 6.53 Paragraph 11(d) to the NPPF establishes that where development plan policies are absent or the most important policies to determination are out-of-date, including where an Authority cannot demonstrate a 5-year supply of deliverable housing sites, then planning permission should be granted unless there is a clear reason to refuse planning permission, through the exercise of policies in the Framework which protect areas/assets of particular importance, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits where assessed against the provisions of the Framework as a whole.
- 6.54 Policies 2 and 26 to the HDPF, in respect of the control of development beyond defined BUABs, do act to constrain the availability of land for housing delivery, as such, are the most important policies for the purposes of NPPF paragraph 11(d). In the context of the Authority's housing land supply position the weight which can be assigned to conflict with HDPF Policies 2 and 26 is significantly reduced.
- 6.55 Furthermore, it is significant that the proposed development is made in the context of, and as an alternative to, an existing prior-approval granted pursuant to ref: DC/21/2075. The existing prior-approval remains extant, with a S.106 agreement recently completed pursuant to HRA/22/0020 in conjunction with an application made pursuant to Regulation 77 of the Conservation of Habitats and Species (England) Regulations 2017. It is, therefore, anticipated that approval pursuant to Regulation 77 will be granted shortly, and in advance of the completion of a S.106 agreement necessary in conjunction with this application.
- 6.55 Permission granted pursuant to ref: DC/21/2075, therefore, will be capable of implementation and represents a very real prospect if planning permission were not granted in this instance. As the implementation of ref: DC/21/2075 would result in an equal conflict with HDPF Policies 2 and 26, significant weight can be assigned to this 'fall-back' position.
- 6.56 The proposed development is not considered to result in conflict with the provisions of HDPF Policies 25, 26, 32 and 33, in addition to policy 12 of the draft BIGNP, insofar as these policies seek to ensure that development is sympathetic to the character of its respective setting, of a suitable standard of design and avoids unacceptable harm to the amenities of nearby occupiers/users of land.
- 6.57 The proposed development, further, is considered acceptable with regard to its anticipated effects upon protected and priority species, local and European habitats, and capable of delivering a proportionate biodiversity net-gain subject to appropriate mitigations and conditions in compliance with HDPF Policies 25 and 31, in addition to Policies 1, 2 and 5 of the draft BIGNP.
- 6.58 The proposed development would not unacceptably impact upon highway safety or operation, and would likely deliver minor improvements in energy efficiency relative to the alternative extant development granted pursuant to ref: DC/21/2075. No conflict is considered in respect of HDPF Policies 35-37, therefore.

- 6.59 Overall, in the context of reduced degree of weight to be assigned to conflict with HDPF Policies 2 and 26 as a consequence of the Council's housing land supply position, and the significant weight to be assigned to the existence of a realistic fall-back position, it is considered that a departure from the provisions of the development plan is justified in this instance in the absence of any other material harm.
- 6.60 It is, therefore, recommended that planning permission be granted, subject to the completion of a legal agreement pursuant to S.106 of the Town and Country Planning Act 1990, and the conditions specified below.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
Residential – District Wide Zone 1	170	0	74.3
	Total Gain		74.3
	Total Demolition		95.7

- 6.62 Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.
- 6.63 Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.64 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 full planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

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 (Slab Level) Condition:** No part of the development hereby permitted shall be commenced above ground floor slab level 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 boundary treatments
- Ecological enhancement measures set out at Section 9 to the Preliminary Ecological Appraisal and Preliminary Roost Assessment (aLyne Ecology Ltd, Version 001, dated 30.06.2023)

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, in the interests of visual amenity and to ensure a proportionate biodiversity net-gain in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

- 4.) **Pre-Commencement (Slab Level) Condition:** Prior to the commencement of development above ground floor-slab level, a lighting design scheme for biodiversity shall be 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, subsequently, be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under no circumstances should any other external lighting be installed without the express prior consent of the Local Planning Authority.

Reason: In accordance with the requirements of Policy 31 of the Horsham District Planning Framework (2015), and to enable the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended

- 5.) **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan D920/02G and shall be thereafter retained as such.

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

- 6.) **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number D920/02G. 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).

- 7.) **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality statement (Batchelor Monkhouse, dated June 2023). The dwelling hereby permitted shall not be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the installations, appliances and fittings detailed at Appendices A and B to the water neutrality statement have been installed to the indicated standard of efficiency. 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).

- 8.) **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no fence, wall or other means of enclosure, other than as approved pursuant to the landscaping strategy subject of condition 3, shall be formed to the north of the approved dwelling without the express written approval of the Local Planning Authority.

Reason: To ensure that the creation of domestic garden space to the north of the approved dwelling is appropriate to the undeveloped and rural character of land to the north of the application site, and to ensure that the approved development remains appropriate to its respective setting in accordance with Policies 25 and 33 of the Horsham District Planning Framework (2015).

- 9.) **Regulatory Condition:** All works hereby approved shall be carried out strict accordance with the recommended mitigation and avoidance measures contained within the Preliminary Ecological Appraisal and Preliminary Roost Assessment (ALyne Ecology Ltd, Version 001, dated 30.06.2023)

Reason: In accordance with the requirements of Policy 31 of the Horsham District Planning Framework (2015), to protect 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

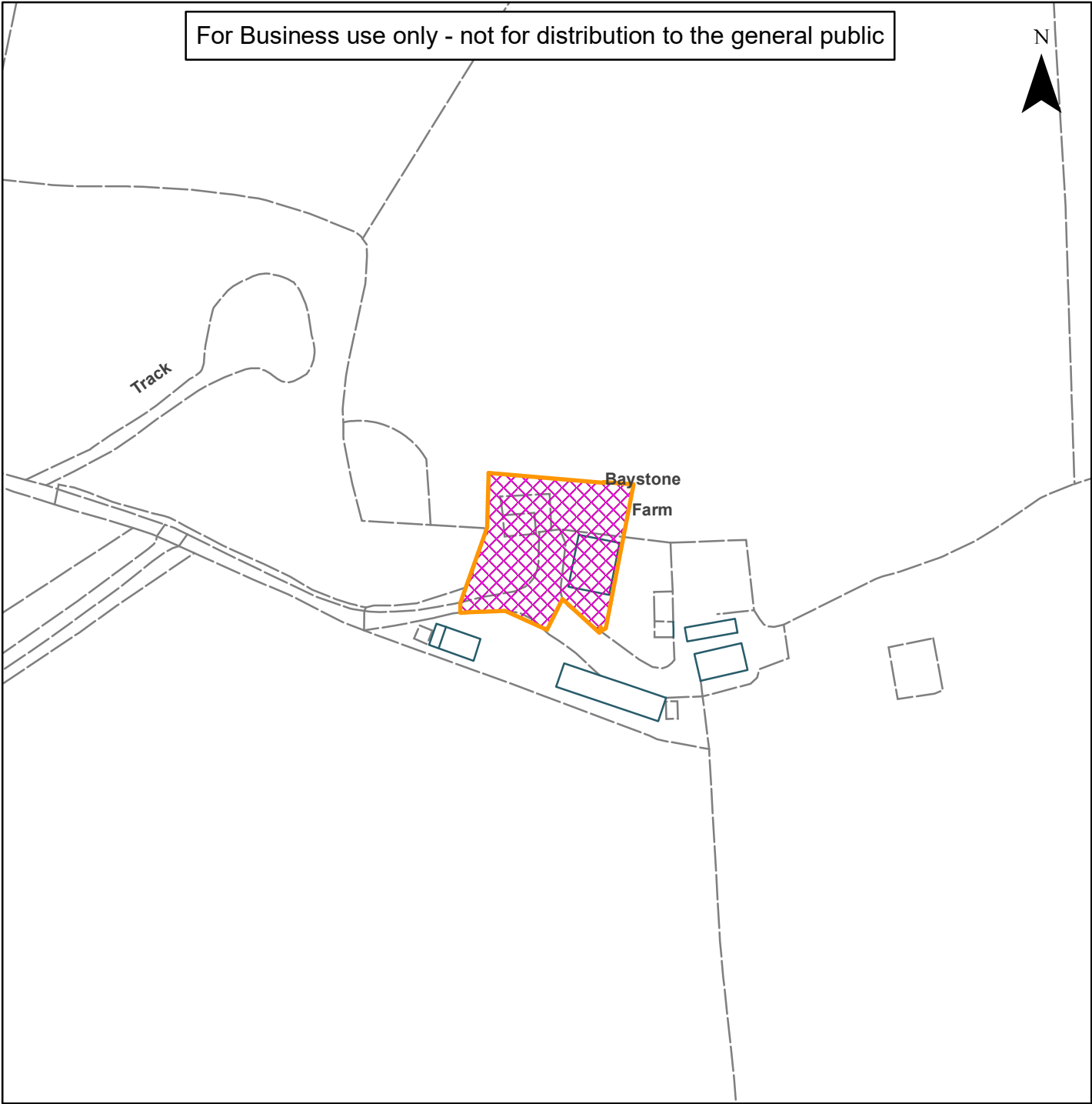
- 10.) **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved elevation plans (refs: D920/13B and D920/14B).

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/23/0460



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Scale: 1:1,250

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Department	
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