



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st February 2022

DEVELOPMENT: Hybrid application for demolition of existing retirement scheme and the construction of 12No. flats with associated car parking and landscaping (full planning) and replacement scout hut (outline)

SITE: The Cobblers Hayes Lane Slinfold West Sussex RH13 0SA

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/20/2578

APPLICANT: **Name:** Saxon Weald **Address:** 38-42 Worthing Road Horsham West Sussex RH12 1DT

REASON FOR INCLUSION ON THE AGENDA: The application has returned to Committee due to the new material consideration of Water Neutrality.

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

In the event that the legal agreement is not completed within 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 re-consider the planning application in light of a new material planning consideration.

2. PLANNING ASSESSMENT

- 2.1 This application was presented at Planning Committee North on 3rd August 2021 where members resolved that the application be approved, subject to detailed list of planning conditions and the completion of the necessary Section 106 Legal Agreement. The 3rd August 2021 committee report and accompanying addendum are attached as Appendix A and B.
- 2.2 Following that resolution, a Position Statement from Natural England was received relating to the impacts of water abstraction on the protected habitat sites in the Arun Valley and the requirement for all developments to now demonstrate water neutrality. At the time of its receipt, the draft of the Section 106 Agreement was in circulation but had not reached engrossment and planning permission had not therefore been granted. The Position

Statement is a new material planning consideration relevant to the determination of this application

Water Neutrality

- 2.3 Horsham District is supplied with water by Southern Water from its Sussex North Water Resource Zone. This supply is sourced from abstraction points in the Arun Valley, which includes locations such as Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site.
- 2.4 On 14 September 2021, the council received the Position Statement from Natural England. The Natural England position is that it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley sites. It advises that development within this zone must not add to this impact.
- 2.5 Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 2.6 The Position Statement is a new material consideration, and if an application cannot demonstrate water neutrality is reasonably achievable, this will mean the development will not meet the requirements of section 63 of the Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations).
- 2.7 The Applicant has now submitted a Water Neutrality Statement by Marian Cameron Consultants Ltd (06 Jan 2022). This sets out the strategy for achieving water neutrality within the residential aspect of the development. Through water budget calculations based on average occupancy rates and water consumption rates, the existing residential water consumption of the site and the water consumption levels of the proposed residential development are demonstrated. The existing 17 residential flats consume circa 3,029 litres of water per day, with the proposed 12 one and two bed flats consuming some 1,988 litres of water per day (based on consumption of 110 litres per person per day as required by Policy 37). New residential water consumption would therefore be one third less or some 1,040 litres per day less, based on reduced occupancy and more efficient fixtures compared to the existing flats.
- 2.8 Evidence has been supplied to show that the scout hut consumed on average 43 litres of water per day in 2019 (and significantly less in 2020 and 2021 due to Covid). Based on this 2019 level of water consumption, the new scout hut would need to consume water some 23 times more intensively (equivalent to some 180 toilet flushes each day, every day) in order to breach the 1,040 litre daily headroom afforded by the new residential dwellings. The indicative plans show a scout hut marginally larger than the existing, however this potential increase in size will not result in a significant increase in water consumption to breach the water consumption headroom afforded by the new flats.
- 2.9 Therefore, it has been demonstrated Water Neutrality is achievable applying the standard Horsham District Planning Framework policy 37 requirement of 110 litres consumption per person per day to the new dwellings, as already secured under condition 24 in the 3rd August 2021 committee report, now condition 25 in the list of conditions below. This means the development has met the requirements of section 63 of the Habitats Regulations, and the application can be determined positively. There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SPA, SAC and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not

therefore adversely affect the integrity of these sites or otherwise conflict with Policy 31 of the Horsham District Planning Framework, National Planning Policy Framework paragraph 180, and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

- 2.10 Having considered the new evidence received by the Applicant on Water Neutrality in relation to their development proposal, your Officer's recommendation to approve planning permission remains as previous.
- 2.11 Subject to the completion of the Section 106 Agreement, the issue of water neutrality was the only outstanding matter preventing the grant of planning permission.
- 2.12 Officers therefore recommend that this application be approved, subject to the below detailed list of planning conditions and the completion of the necessary s106 legal agreement.

3. RECOMMENDATIONS

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

Conditions:

- 1 **Standard Plans Condition:** The development hereby permitted shall be undertaken in full accordance with the approved plans.

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

- 2 **Regulatory Condition:** The development shall be implemented as two separate phases, in accordance with approved drawing 020 Proposed Site Plan Phase 1 & 2 - and the development shall thereafter be implement in accordance with the approved Phasing plan to comprise:-

- Phase 1 (housing and associated land)
- Phase 2 (Scout hut and associated land)

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 **Regulatory (Time) Condition:** The development within Phase 1 hereby permitted (which for the avoidance of doubt excludes the scout hut and its associated land within Phase 2), shall be commenced before the expiration of three years from the date of this permission. The development of the scout hut and associated land within Phase 2 shall be commenced before the expiration of two years from the approval of the last reserved matters as defined in condition 4.

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

- 4 **Outline Permission:**

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development within Phase 2 (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, the appearance of each building, access to and within the site and the landscaping of the development within Phase 2, 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 pursuant to Phase 2 shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.
- (d) The development hereby permitted within Phase 2 shall be begun either before the expiration of 5 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

5 **Pre-Commencement Condition:** No development within each Phase shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority for that Phase. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a. An indicative programme for carrying out of the works
- b. The arrangements for public consultation and liaison during the construction works
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations if required, the careful selection of plant and machinery and use of noise mitigation barrier(s) if required for specific tasks.
- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- e. the anticipated number, frequency and types of vehicles used during construction,
- f. the method of access and routing of vehicles during construction,
- g. the parking of vehicles of site operatives and visitors
- h. loading and unloading of plant and materials
- i. storage of plant and materials used in constructing the development
- j. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- k. wheel washing facilities
- l. measures to control the emission of dust and dirt during construction
- m. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- n. Embedded water efficiencies

A licensed waste removal contractor shall remove all site clearance debris, demolition and construction waste from site including all asbestos waste (if any).

Reason: In the interests of highway safety and the amenities of the area, ecological and biodiversity interests, and in accordance with Policies 24, 33 and 40 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

6 **Pre-Commencement Condition:** No development within a Phase 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 for that Phase. 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 within a Phase 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 for that Phase. 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).

- 8 **Pre-Commencement Condition:** Prior to the commencement of development within a Phase approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of that Phase and extant structures shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

- 9 **Pre-Commencement Condition:** No development within a Phase other than works of demolition and site clearance and ecology works shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 5 of the Slinfold Neighbourhood Plan.

- 10 **Pre-Commencement Condition:** No development within a Phase other than works of demolition and site clearance and ecology works shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and

required ground excavations for that Phase, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and the Arboricultural Development Statement by The Complete Arboricultural Consultancy Dec 2020 CBA11286 v1. The development shall thereafter be carried out in accordance with the approved details.

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

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

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 5 of the Slinfold Neighbourhood Plan.

- 12 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level within Phase 1 of the development hereby permitted shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species shall be 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 conserve and enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

- 13 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development within each Phase hereby permitted, full details of all hard and soft landscaping works for that Phase 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 in the approved Arboricultural Development Statement by The Complete Arboricultural Consultancy
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

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

be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policies 3 and 5 of the Slinfold Neighbourhood Plan.

- 14 **Pre-Occupation Condition:** Prior to occupation of the development within Phase 1, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP 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.

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

Reason: 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) and Policy 4 of the Slinfold Neighbourhood Plan.

- 15 **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 megabytes per second through full fibre broadband connection shall be provided to the premises.

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

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

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

- 17 **Pre-Occupation Condition:** No dwelling shall be first occupied until means for the charging of electric vehicles by way of fast charging points have been installed in accordance with details that have been submitted to and been approved in writing by the Local Planning

Authority. The details shall have regard to the latest WSCC Parking Standards and the Council's latest Air Quality & Emissions Reduction Guidance document and include a plan of all charging points, their specification, means of allocation, and means for their long term maintenance. The means for charging electric vehicles shall be retained as such thereafter.

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).

- 18 **Pre-Occupation Condition:** Prior to the first occupation of any building within Phase 1 hereby permitted, the parking, turning and access facilities necessary to serve that building shall be implemented in accordance with the approved drawings and shall be thereafter retained as such for their designated use.

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).

- 19 **Pre-Occupation Condition:** Prior to the first occupation of any building within Phase 2 hereby permitted, the parking, turning and access facilities necessary to serve that building shall be implemented in accordance with a strategy plan and drawings to be submitted to and approved in writing by the Local Planning Authority and shall be thereafter retained as such for their designated use. The strategy plan shall include measures to enable the scouts to have access to the two visitor spaces of the residential scheme and permits for use on a first come first served basis.

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).

- 20 **Pre-Occupation Condition:** No building within Phase 1 hereby permitted shall be occupied until the cycle parking facilities serving those buildings within Phase 1 have been provided within the side or rear garden or purpose built communal facility for that building. No building within Phase 2 hereby permitted shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle parking facilities shall thereafter be retained as such for their designated use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles as an alternative travel option to the use of the car in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 21 **Pre-Occupation Condition:** No building within a Phase hereby permitted shall be first occupied unless and until provision for the storage of refuse/recycling has been made for that building in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

- 22 **Regulatory Condition:** Prior to the installation of any external lighting within each phase, 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.

The scheme must also be designed by a suitably qualified person in accordance with the recommendations for environmental zone E2 in the Institute of Lighting Professional's Guidance document "Guidance Notes for the Reduction of Obtrusive Light GN01:2020.

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 Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

- 23 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Phase I Ecological Survey (Ecosupport Ltd, October 2019), as already submitted 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 District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

- 24 **Regulatory Condition:** All works shall be executed in full accordance with the Arboricultural Development Statement by The Complete Arboricultural Consultancy Dec 2020 Ref: CBA11286 v1.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015) and Policy 3 of the Slinfold Neighbourhood Plan.

- 25 **Regulatory Condition:** The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and 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).

- 26 **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).