



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st November 2022

DEVELOPMENT: Creation of access and field gates onto Old Guildford Road (west); excavation of lake and associated works; and importation and deposit of soil and chalk (Part retrospective)

SITE: Field Place Estate Byfleets Lane Broadbridge Heath West Sussex

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/21/1235

APPLICANT: **Name:** Mr Kenneth Prichard Jones **Address:** Field Place Estate Byfleets Lane Broadbridge Heath West Sussex

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks permission (predominantly retrospective) for the creation of an access and field gates onto Old Guildford Road (west); works to 'Lake 4'; and earthworks to 'Lake Field' including the importation and deposit of soil and chalk.

Field Access

1.3 The proposals include the retention of the gated vehicular access that had been constructed off Old Guildford Road (west), which includes a formal bell mouth and a narrow track extending into the field.

Lake 4

1.4 The proposals include:

- The removal of silt from Lake 4 and the grading of the banks of Lake 4 to allow rising waters to spread out and slow down for the purposes of flood protection downstream in Broadbridge Heath

- The formation of three islands in Lake 4 to provide safe and secure nest sites for waterfowl and to slow down the flow of water through Lake
- The formation of a silt sump and subsequent reed filter bed to filter out and retain in the silt sump clay carried by the water flowing from the Ducky Pond and to provide a filtration system in the reed filter bed to reduce or remove oil pollution and excess nitrates and phosphates from the water entering Lake 4.
- The construction of a clay dam at the western end of Lake 4 with a pipe leading directly into the culvert feeding into Lake 2 beyond.

Lake Field

- 1.5 The proposals include the raising of the land throughout the field by around two metres via the deposit of an imported mixture of topsoil and chalk on top of the heavy clay subsoil and the re-laying of the original topsoil (mixed with some chalk) over the whole of the field. This will improve fertility and increase water retention in Lake Field both to provide ample water for the plants growing there and to slow and reduce the flow from the field into Lake 4 thereby contributing to water management and flood protection. The four existing trees in Lake Field (two oaks and two maples) are to be retained.
- 1.6 The proposals also include the planting of a large number of tree seedlings from elsewhere on the Estate to provide shelter and sustenance for the cattle in future years and enhance the beauty of Lake Field and Lake 4 (English Oak, Turkey Oak, Oak hybrids, English Elm, Lime, White Poplars, Maples and other trees are all available for transplanting to Lake Field). Many of the trees are to be planted between the external faces of the raised areas and the tree screens on the east and south boundaries of Lake Field.
- 1.7 Matters no longer forming part of the application include:
Bunds: The application originally proposed the formation of 2m high bunds along the eastern and southern edges of the Lake Field. However, as part of ongoing discussion with the Council the bunds have been removed from the scheme and no longer form part of the application. Instead there is a trench around the perimeter of the field which prevents passage to the woodland area beyond. A second 7m high bund to the west of the access onto Old Guildford Road was proposed to hide the Lawson Hunt Industrial Park and its lights from the Grade 1 listed building, however absent of supporting information the Applicant has confirmed that this bund will be sought under the remit of a separate application.
- 1.8 Hardstanding: The application originally proposed the retention and continuation of the hard-standing that has been laid extending from the vehicular access off Old Guildford Road. The hardstanding has been used for the parking of agricultural vehicles and temporary parking of cars. Following ongoing discussion with the Council this hard-standing area has now been removed from the application proposals.

Works still outstanding

- 1.9 The majority of the above works are now complete. The remaining works include the formation of a silt sump and subsequent reed filter bed adjacent to Lake 4, and an area of land along the west boundary of the application site which requires soil improvement following the removal of the unauthorised bund and removal of the hardstanding area. It is advised by the applicant that no further truck movements are required to complete these works.

Supporting Information

- 1.10 The following documents and supporting statement have been submitted with the application for consideration:

- The applicant's Planning Statement and attachments (26 May 2021);
- Supplemental Planning Statement and attachments (26 May 2021) produced by Collegate Legal Limited;
- Environmental Report (Lake Field) (26 May 2021) produced by Riverbank Management Services Ltd;
- Summary Report on ecological observations at Field Place Estate over a six-year period 2015 -2021 produced by Riverbank Management Services Ltd (dated 25 October 2021).

DESCRIPTION OF THE SITE

- 1.11 The site comprises an agricultural field and adjacent lakes located in the rural area immediately to the north of Broadbridge Heath. The site forms part of the Field Place Estate. Field Place is a Grade 1 Listed Building located to the south of Byfleets Lane that falls within the Parish of Warnham. Field Place Estate contains a number of Grade II listed buildings in the South West, including Stable Field Place; Byfleets Lane; Hovel Stable, Field Place, Byfleets Lane; Hovel Field Place, Byfleets Lane; Unit 8, Field Place Estate, Byfleets Lane; Cartshed, Field Place, Byfleets Lane.
- 1.12 The agricultural land and grounds surrounding the mansion form part of the wider area known as Field Place Estate, which is situated to the north of the A281 Old Guildford Road and to the west of Broadbridge Heath Road. The site comprises 73 hectares of agricultural grassland supporting a herd of 80-125 Winter Park Beed Cattle and a flock of 20-50 ewes. The site comprises an undulating landscape, with an area of woodland positioned to the south of the site. The wider surroundings are enclosed by a mature tree line, with the built-up area of Broadbridge Heath located to the south of the site.
- 1.13 The application site lies in the south east corner of the estate and comprises a piece of land known as Lake Field, and a paddock situated close to the boundary with Old Guildford Road (West). The area in question, which measures approx. 5.5ha, is enclosed by a woodland belt or shaw on three sides and a landscaped area to the west consisting of mainly trees and two ornamental lakes. The wider area of the agricultural land on the estate is down to permanent pasture and/or grass leys.
- 1.14 Lake Field is located on the south-eastern corner of Field Place Estate on the edge of Broadbridge Heath. Lake 4 lies on its northern boundary. Lake Field now comprises around 3.5 hectares and Lake 4 comprises around 0.4 hectares. There is a gate leading from Old Guildford Road (west) into Lake Field.
- 1.15 The site lies outside the built-up area boundary of Broadbridge Heath. However, a point of access to the field has been formed in the south east corner of the paddock giving access from Old Guildford Road West (OGRW). Earth works in the Lake Field commenced in June 2020. It has been advised by the Applicant that the works are in connection with the formation of a lake to form part of flood prevention measures utilising the existing water features on the estate. The works also relate to the creation of boundary features to prevent egress by White Park cattle and the ongoing soil improvement programme on the estate.
- 1.16 The import of this soil was initially the subject of a Prior Notification approval (DC/18/1185) however further importation of chalk and horticultural grade topsoil has taken place and has been used to improve areas of grassland on the native clay soils in the southern section of Lake Field. This further importation is the reason for this current application.

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 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 43 - Community Facilities, Leisure and Recreation

Warnham Neighbourhood Plan (2019)

There are no relevant policies relating to this application within the Neighbourhood Plan.

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:

Parish Design Statement:

Warnham Parish Design Statement

Planning Advice Note

Biodiversity and Green Infrastructure Planning Advice Note (PAN) Planning Guidance Document (HDC, 2020)

2.2 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/2763	Erection of an agricultural barn (Retrospective).	Application Permitted on 08.02.2018
DC/19/1169	Prior notification for the creation of a new agricultural access track	Prior Approval Required and REFUSED on 27.08.2019
DC/19/1170	Proposed creation of a means of access (Certificate of Lawful Development - Proposed)	Application Refused on 30.07.2019

EN/19/0570 Enforcement Notice Without planning permission, the construction on the land of a vehicular means of access by removal of the boundary planting and the deposit of material to form a hard surface access track and concrete apron as a crossover onto the highway - Served 08/07/2020

(Appeal Dismissed High Court Challenge also dismissed and Notice upheld – should PP be granted the Notice will need to be withdrawn

EN/20/0304 Enforcement Notice Without planning permission, the carrying out of operational works on the Land involving the importation and deposit of hard core, soils and inert waste materials to raise the level of the Land, including the formation of earth bunds, a

track and hardstanding together with the associated re-grading and contouring of the Land within the red line area on the attached plan Unauthorised operational development comprising excavation of the land and engineering operations to raise the level of the land in connection with the creation of the lake and formation of earth bunds Served - 12/03/2021 (In Progress) Subject to an Appeal Held in abeyance awaiting outcome of this application (some of Enforcement Notice will fall away should this application be granted).

EN/20/0304 Temporary Stop Notice Without planning permission, the carrying out of operational works on the Land involving the importation and deposit of hard core, soils and inert waste materials to raise the level of the Land, including the formation of earth bunds, a track and hardstanding together with the associated re-grading and contouring of the Land within the red line area on the attached plan Unauthorised operational development comprising excavation of the land and engineering operations to raise the level of the land in connection with the creation of the lake and formation of earth bunds Served 08/07/2021 - Notice Expired

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:** Comment

- Concerns about the height of bund to the west and no details received.
- Noted that bund to the west has been removed from application (verbal)

3.3 **HDC Conservation:** No Objection

Field Place has a well-known history but it is also a building of more ancient origin than the time of its most famous occupant. The house sits in a parkland typical of an eighteenth century style of designed landscape. There is evidence that a large amount of planting was undertaken in the mid-twentieth century to the south of the house. This is seen as a wood beyond the historic fish ponds. The proposed bunds will be glimpsed through the wood and will not be a conspicuous feature in the landscape in views from the house. The benefit will be screening of some light spill and noise coming from the Lawson Hunt industrial estate, Broadbridge Heath and the A264. This will have a benefit to the setting of the listed building. For this reason I raise no objection to the proposed bunding.

3.4 **HDC Tree Officer:** No Objection

3.5 **HDC Environmental Health:** No Objection

Confirm the soil testing results are satisfactory and show the material is suitable for placement

3.6 **HDC Drainage Engineer:** Comment

Initial Comments - August 2021

With reference to the above mentioned planning application, no drainage information has been submitted to make any relevant comments or observations. It should be noted that the site area / watercourse includes areas of 'high risk' flooding from surface water. (Ref; gov.uk – long term flood risk) Therefore any modifications / additions to local features can greatly affect / increase the chances and severity of flooding to the local area.

Verbal Comments Sept 2022

The removal of bunds and silt from lakes to improve drainage is welcomed, however concerns still exist about potential for future flood risk from surface water. However the extent or effects of this will not be evident until extreme weather conditions are experienced and may then require further mitigation.

3.7 **HDC Arboricultural Officer:** No Objection

OUTSIDE AGENCIES

3.8 **Historic England:** Comment

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

3.9 **WSCC Highways:** No Objection

3.10 **Agricultural Adviser (RAC):** Comment

On the basis of the information provided by the applicant in support of this planning application, RAC would conclude that proposal will support a sustainable agricultural regime that improves the soil structure and therefore improves the grassland with a beneficial effect of increasing biodiversity. Furthermore it is likely to reduce emissions.

3.11 **Ecology Consultant:** Objection

We note that the Environmental Report (Riverbank Management Services Limited, undated) does not provide sufficient information on the project impacts on designated sites, protected and Priority species as required by Government Standing Advice (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species>).

As noted in our earlier response (September 2021), we recommend that a Preliminary Ecological Appraisal is undertaken by a suitably qualified and experienced ecologist to assess the impacts of the development on designated sites, protected and Priority species and habitats. The project may cause impact to bats and Great Crested Newt (European Protected Species) as well as to breeding birds, Badger, Dormouse, reptiles, amphibians and Stag Beetle and their habitats. The report should also include any appropriate precautionary mitigation measures and propose reasonable enhancements for biodiversity. The report should be produced following the CIEEM guidelines for Ecological Report Writing.

3.12 **Southern Water:** No Objection

3.13 **WSCC Minerals and Waste:** Comment

On the basis that the proposals would involve an element of waste recovery WSCC would highlight the need for the application to be considered against Policy W8 of the West Sussex Waste Local Plan (WLP) as it would relate to a purported recovery operation involving the deposit of inert waste to land.

PUBLIC CONSULTATIONS

3.14 9 letters of objection have been received from 9 households which are summarised as follows:

- Works already completed or underway
- Use of access and related noise and pollution
- Use of earth moving equipment noisy and disruptive
- Access causes safety hazard as at end of cycle route
- Adverse impact on countryside
- Adverse impacts on highway surfaces

- impacts of climate change on drainage
- Noise disturbance -working hours unsociable
- Dust
- Soil importation
- Impact on Grade 1 Listed Building

Warnham Parish Council: Comment

Subsequent comments: Objection withdrawn

The Parish Council at this time is unable to comment based on the lack of information received. Therefore, the parish council withdraws any previous comments made.

Initial comments: Objection

The Parish Council strongly object to this application which appears to have been submitted retrospectively once work has been carried out illegally. There have been industrial level landfill works and land destruction on going in Field Place since 2018 backing onto Farlington School, the A281 Guildford Road, Old Guildford Road and Broadbridge Heath road. Illegal entrance ways have been installed already and are causing traffic chaos. There has been destruction of the road surface Robin Hood Lane, Broadbridge Heath Road, Warnham Road and Billingshurst road as 40 tonne earth movers access Field Place, regularly on a daily basis. This application appears to be attempting to legalise the illegal construction and destruction already taking place on the fields and countryside around Broadbridge Heath old village at Field Place. We ask that the Planning Authority acts on this illegal works and puts a stop to it.

Broadbridge Heath Parish Council: Objection

Objection owing to:

- The likely effects of importing materials onto the site by the continued use of HGVs on local/village roads. This includes the witnessed state of the road surfaces in terms of damage and mud
- Noise and other environmental detrimental effects of the site workings to nearby domestic and commercial properties
- Unknown quality of the material being brought onto the site and its long term effects on the land
- The risks and complexities of the unknown and possibly unintended effects on surrounding land, by the creation of the new lake (Lake 4) and surrounding earthworks
- Old Guildford Road is not a suitable access point for HGVs.

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

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

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

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

6. PLANNING ASSESSMENTS

Principle of Development:

6.1 Policy 25 of the Horsham District Planning Framework (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.

- 6.2 Policy 26 continues that outside built-up area boundaries, development should protect, and/or conserve, and/or enhance the key features and characteristics of the landscape character area in which it is located, including the development pattern of the area, its historic and ecological qualities, tranquillity and sensitivity to change; the pattern of woodlands, fields, hedgerows, trees and other features; and the landform of the area.
- 6.3 Policy 32 of the HDPF states that high quality and inclusive design for all development in the district will be required based on a clear understanding of the local, physical, social, economic, environmental and policy context for development.
- 6.4 Policy 33 of the HDPF states that development should conserve and enhance the natural and built environment, and ensure that the appearance of the development is of a high standard and relates sympathetically with the built surroundings, landscape, open spaces and routes, adjoining and within the site. In addition, 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.
- 6.5 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

Earth works and re-profiling of Land

- 6.6 The re-profiling of the land in Lake Field has been completed, (shown hatched orange on the Lake Field Application Plan). The applicant advises that a process has been used to improve the structure of the soils involving hand mixing marls, a clay like substance, into the topsoil to improve the soils agricultural performance. The land levels have risen incrementally across the site to approximately 2m above the original land levels. The works that have been carried out are not considered to result in any appreciable harm and are considered to be acceptable in visual terms.
- 6.7 The remaining works to be carried out within Lake Field include the formation of a silt sump and reed filter bed. These are to filter out and retain in the silt sump clay carried by the water flowing from the Ducky Pond and to provide a filtration system in the reed filter bed to reduce or remove oil pollution and excess nitrates and phosphates from the water entering Lake 4. A Kingfisher wall is also proposed which would use the spoil from the silt sump to form a mound at the end of the earth bank with an almost vertical face towards the lake where two Kingfisher tunnels will be inserted. These are considered to be more minor formations and works around the perimeter of the lake and it is not considered that they will result in any appreciable harm. These works are also considered acceptable.
- 6.8 The applicant has advised in writing that whilst 'not all the land works have been completed, the works to the whole of Lake Field have largely been completed but the silt sump and filter bed for Lake 4 have not yet been dug. When they are created, the resulting soil will be formed into a small mound to act as a Kingfisher wall on the easternmost end of Lake 4. This will not involve deliveries of soil from elsewhere. Otherwise, the re-profiling of Lake Field has been completed'.
- 6.9 The Council's Agricultural Adviser (RAC) has been consulted. RAC advise that that the applicants previous methods of improvements to the land structure and its fertility which has included importation of chalk and topsoil placed to a sufficient depth on top of the native clay

as approved under DC/18/1185 has worked well and was part of the Prior Notification approval (DC/18/1185) and the successful experiment in Reservoir Field.

- 6.10 RAC note that the objectives of the applicant are to 'farm the land in the most economical and sustainable way. The native clay does not lend itself to intensification' they note that this application is in part concerned with similar improvements to the soil structure in Lake Field, and will provide sufficient land areas for the White Park Cattle to be out wintered rather than being housed. RAC confirm that 'this will add additional benefits to the management and production on the estate in that there will be improved grass growth, less manure to spread on the land as a result of the cattle being outside, less machinery will be used on the land and the cattle being a hardy breed are likely to suffer less health issues'.
- 6.11 It is advised by RAC that 'the improvements to the soil structure are likely to lead to less poaching of land and better resistance to drought with subsequent improvement to grazing and potential for surplus grass to be made into hay. The removal of silt from the Lakes is likely to lead to less potential flooding and less pollution and that the applicant has created a safe and secure environment for his White Park Cattle which will preserve this historic breed of cattle. The supporting documents note that existing landscape features will be retained and enhanced with additional trees, hedges and wild flowers'. Overall RAC conclude that the existing and proposed development at Field Place Estate is sustainable and complies with national and local planning policy and national environmental objectives.
- 6.12 On the basis of the advice received by RAC and the officer site visit it is considered that the land works to Lake Field and Lake 4 are appropriate and offer clear environmental benefits in compliance with policies 25, 32 and 33 of the HDPF.

The access

- 6.13 Details have been provided for the Old Guildford Road (West) access which has been formed and has been in use for some time. The access comprises a formalised bellmouth with kerbstones that is set towards the end of the truncated Old Guildford Road (West) opposite the entrance to the industrial estate to the south, and next to an area of informal parking at the point the road terminates. In this context the bellmouth does not appear out of place and has not resulted in harm to the appearance of the area.
- 6.14 A narrow pedestrian / vehicular tract remains as hatched in brown extending north across the field from the point of the access onto Old Guildford Road (West). This is a modest extent of chalk and topsoil track that does not dominate or otherwise harm the appearance of the field or wider countryside. The use of chalk on a narrow track would not be un-typical of farm accesses in a countryside location.

The Hardstanding

- 6.15 The hard standing area initially proposed to the southeast part of the site subject has been deleted from the plans and does not form a part of this application. The removal of the hardstanding is welcomed and will need to be removed in order to comply with the requirements of the Enforcement Notice EN/20/0304. Details of the removal of the hardstanding are subject to the imposition of a condition to ensure that this is done within 3 months of any permission granted, and that a suitable landscape scheme is agreed to restore the land.

The Bunds

- 6.16 The concerns of the Council's Landscape Architect primarily related to the proposed bunds to the perimeter of Lake Field 4 (as hatched in green on the superseded Lake Field Application Plan F210520-1) and as proposed to the west of the access to Old Guildford Road (West). These bunds no longer form part of the application proposals and have been removed from the most recent plan (as shown on the most recent Lake Field Application Plan F210520-1 rev B), and instead the land levels across the area have been raised and a trench created between the edge of Lake Field 4 and the adjacent woodland. This trench will

prevent the crossing by cattle into the woodlands adjacent to the field. The bund to the west of the southern part of the site has also been removed from this application and will be considered separately.

Other Matters:

Trees:

- 6.17 Policy 25 of the states that the Natural Environment and landscape character of the district, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development.
- 6.18 It is advised within the Environmental Report (by Dr Rosylyn Case) that there are two grass filled depressions in the field area itself one of which has two maple trees and the other oak. The remaining trees are confined to the Estate boundary forming a tree screen as well as along the north bank of the ditch. All trees have been retained and protected by leaving a canopy wide area of untouched soil around them. Willow will be added to the island created in Lake 4. Single mature trees have been retained on the two other islands within the lake. Scrub will be retained under the existing tree line as this is part of the natural process where fallow or unmanaged ground progresses to weeds and shrubs and then later to trees. It is valuable for wildlife and the natural regeneration of trees and the numerous small oak saplings found in this area (and elsewhere on the Estate) support this.
- 6.19 The applicant advises that they intend to plant a large number of tree seedlings from elsewhere on the Estate to provide shelter and sustenance for the cattle in future years and enhance the beauty of Lake Field and Lake 4 (English Oak, Turkey Oak, Oak hybrids, English Elm, Lime, White Poplars, Maples and other trees are all available for transplanting to Lake Field). Many trees will be planted between the external faces of the raised areas and the tree screens on the east and south boundaries of Lake Field.
- 6.20 The Council's Tree Officer, and Landscape Architect have been consulted. There are no objections to the physical re-profiling of the land across the application site as set out in the supporting documents.
- 6.21 The concerns of the Council's Tree Officer primarily related to the creation of the craters around the mature trees within the field to be retained. However following a site visit, it was confirmed that the trees were not considered to be at risk, and that relocating them would likely result in more harm to them than leaving them in situ. It is advised that the tree officer has no tree related concerns with this application and as such the proposals comply with Policy 33 of the HDPF.

Heritage Impacts:

- 6.22 The Council's Conservation officer and Historic England were consulted. Historic England had no specific comments to make and referred the matter to the attention of the Council's own Specialist Officers'. The Council's Conservation Officer has raised no objections.
- 6.23 Field Place is set well away from Lake Field where the re profiling works have taken place. Given the distance of Lake Feld from Field Place and the intervening tree screening, no concerns were raise about the impact of the previously proposed bunds on its setting. Notwithstanding this the bunds no longer form part of the application proposals. The bunds would have been more visually dominant than any other land re profiling works on the site to which no objections were raised.
- 6.24 It is considered that the works carried out and remaining works will not harm the setting of the heritage setting in compliance with Policy 34 of the HDPF.

Amenity Impacts:

- 6.25 It is not considered that there are any appreciable visual impacts arising from the re profiling of the land within the application site.
- 6.26 The application was submitted by the applicant following complaints received by the Council regarding noise nuisance arising from movements associated with heavy goods vehicles which occurred while soil materials were being imported onto the site for the purpose of land levelling and re profiling of the Lake Field. The application was submitted to address unauthorised works that were taking place on site during this process. The applicant has confirmed that there will be no further deliveries of soils onto the site.
- 6.27 It is considered however that a suitable condition be imposed to ensure that no further soil importation is permitted to complete the development. A further condition is also recommended to ensure that working hours are restricted on site for the purposes of any land re profiling within the site.
- 6.28 Accordingly the proposals are not considered to result in any appreciable harm to amenities in accordance with Policy 33.

Highways Impacts:

- 6.29 WSCC Highways have been consulted as part of the application process. No objections have been raised to the access onto Old Guildford Road (West) which they accept has been in use for some time, albeit unlawfully. The current application seeks to regularise this position.
- 6.30 WSCC advised that a CEMP condition be imposed given that there was still importation of materials at the time of the consultation. The applicant has since advised that no further soils are to be imported onto the site. Notwithstanding this, a condition to prevent the importation of any soil onto the site for the completion of the development has been imposed along with a hours of works condition to restrict the hours of work on the site in connection with any further works within the site itself.
- 6.31 A condition has also been imposed to ensure that the hardstanding area within the site which has been used for parking is removed and that the access track is restored as per the grant of any planning permission that may be forthcoming.
- 6.32 It is considered that the works carried comply with Policy 40 and 41 of the HDPF.

Drainage

- 6.33 The application site is identified on the Environment Agency's records as being located in an area considered to be of low surface water risk and very low risk of flooding by rivers and sea. The Council's Drainage Officer has been consulted and verbal discussions had since the original bunds were replaced with ditches around the perimeter of the site to prevent cattle from crossing over to woodland areas.
- 6.34 The Council's Drainage officer has advised (verbally) that the removal of bunds and silt from the lakes to improve the field drainage is welcomed, as this will help to reduce water capture within the area which was originally enclosed by the proposed bunded area, the soil improvements and removal of the earth bunds around the fields along with the creation of the banked ditches would be better for drainage, however the overall extent or effects of surface water drainage will not be evident until extreme weather conditions are experienced.

Ecology:

- 6.35 Policy 31 of the HDPF seek net gains in biodiversity, through creation/expansion, restoration, enhancement and management of habitats and features to improve the status of priority habitats and species.

- 6.36 An Ecological Appraisal and an Environmental Report (prepared by Dr Roselyn Case PhD Environmental Biology) has been submitted with the application. The details are specific to Lake Field and Lake 4 of Field Place Estate. The information sets out the description of the site and the proposed improvements.
- 6.37 Lake Field is described within the report as having 'very poor agricultural land being classified as Grade 3c by the Ministry of Agriculture before the current owners bought the Estate. Grass growing on it developed in tussocks and despite frequent manuring, rolling, and harrowing, the hay crop was meagre. Cattle grazing on it in wet weather seriously poached the ground'.
- 6.38 The report advises (Survey Methods Part 4) that 'over the long-term field notes and photography have formed the basis of records of flora and fauna but where appropriate additional notes have been made on weather conditions, season and so forth. Habitats were examined and features of ecological interest noted. Particular attention was paid to indications of the presence of protected species.
- 6.39 Assessment of the presence of protected species was carried out prior to the commencement of any works on the Estate. The pasture in Lake Field was regularly subjected to impact from farm animals and farm vehicles. There was, as elsewhere on the Estate an annual hay cut although it was of poor quality and quantity compared to elsewhere on the estate'.
- 6.40 The information within the submitted reports is advised as being based upon an overview of observations made over a 10 year period along with additional and further supporting information contained within the Riverbank Managements Services Report dated the 25th October 2021, which is part of an annual review of the ecology of Field Place Estate.
- 6.41 The Riverbank Management Services Report also advises that:
- Agricultural use for pasture and the absence of significant clean water in the shallow ditch suggested the site would be unfavourable for sensitive species. Surveys were carried out to support this view.
 - Recommendations are made to avoid or mitigate negative effects of any works carried out but in fact surveys showed the area to be of poor-quality grassland and a highly compromised water source.
 - Enhancement of existing poor-quality grassland to improve grazing for White Park Cattle, wildflower populations and production of improved quality and quantity of hay
 - No overall effect on protected species due to improvement of habitat (licences may be needed for work handling bats, dormouse, or great crested newt)
 - Reduction in the vulnerability to floods and drought by the enhancement of water retention for flood control (flood storage reservoirs) following periods of high rainfall and the expected unfavourable impact of climate change on existing water systems
 - Improvements in the biodiversity associated with a Lakeland habitat including Lake Field
- 6.42 The annual Environmental Report submitted concludes that there is '*evidence already of an increase in biodiversity associated with the improvements carried out so far on the Estate. General walkovers have been regularly carried out although it should be noted that the areas covered are slightly restricted when the cattle are grazing out in fields. These walkovers have allowed the identification of species not found on the Estate in previous years but have proved that in general, grazed pasture does not provide a species rich habitat*'.
- 6.43 The potential effects of the Lake Field Improvements are set out in Part 9 of the submitted report and include impacts on habitats and in Part 10 mitigation measures that were advised as minimising any negative effects of improvements to Lake Field. Mitigation measures include:
- Restoration of pasture for use of cattle grazing and for annual hay cut.
 - Hand sown wildflowers in the pasture and on the banks of the lake

- Marling the field with chalk and topsoil to increase water retention to benefit vegetative growth.
- Exotic or problematic weed control to allow native species to establish without competition Fallen timber and unstable trees left for natural process of decomposition (provided no safety issues or danger)
- Manage Grassland that is not pasture to enhance ecological value by encouraging wildflowers, controlling damaging weeds and mowing when appropriate as a traditional meadow.
- Kingfisher wall built with tunnels to provide a new habitat in Lake 4
- Reptiles and Amphibians to positively benefit by the work carried out especially in regards to native planting and establishment of an unpolluted water system.
- Long term ecological effects of the work to Lake Field and Lake 4
- Improvements in the pasture by marling the soil prior to sowing a mix of grasses and wildflowers
- Improvements of the water retention of the field through marling providing a stable structure that rain can penetrate and be held rather than a previous run off on solid clay.
- Water storage in Lake 4 for periods of drought and retaining water and slowing throughput at times of heavy rainfall preventing flooding downstream.
- Water health monitoring and the control; of incoming pollution by silt trap and reed bed
- Planting vegetation and or installing equipment to encourage wildlife such as grasses herbs for water voles, fishing perches for Kingfishers, lake island for wildfowl.

6.44 The Council's Ecology Consultants advises that the Environmental Report (Riverbank Management Services Limited, undated) does not provide sufficient information on the project impacts on designated sites, protected and priority species as required by Government Standing Advice, and that a Preliminary Ecological Appraisal (PEA) should be undertaken. The PEA report was required as it was considered that the project may cause impact to bats and Great Crested Newt (European Protected Species) as well as to breeding birds, Badger, Dormouse, reptiles, amphibians and Stag Beetle and their habitats.

6.45 The applicant was advised that further information was required, however the land re-profiling and re-levelling subject to this application has already taken place and was largely completed prior to the consultation comments of the Council's Specialist Ecology Consultant being received. Therefore the works for which further assessment was required were largely completed, and any impacts would have already taken place. The remaining outstanding works are minor in nature and as such it is considered that they would not result in any ecological harm. Notwithstanding this, a significant part of purpose of the works was to improve the overall drainage and ecological value of the site as detailed above. Mitigation measures formed part of the proposals as set out in the above ecology documents, and it is considered that these should be secured by way of a suitable condition. Overall, whilst it is regrettable that the works were carried out before the necessary PEA was carried out, it is clear that the works have resulted in considerable ecological improvement to the site, thereby according with Policy 31 of the HDPF, the accompanying Planning Advice Note on Biodiversity, and Paragraph 180 of the NPPF.

Climate change:

6.46 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:

- Opportunities for biodiversity gain as set out above

It is considered that the works carried out comply with Policies 35, 36 and 37.

Minerals and Waste

- 6.47 The WSCC Minerals and Waste Team were consulted as part of the application. As the proposals involve the importation of material onto the site they fall to be considered under Policy W8 of the West Sussex Waste Local Plan. Policy W8 'Recovery Operations involving the Depositing of Inert Waste to Land' states that:

'Proposals for recovery operations involving the depositing of inert waste to land (including for the continuation in duration, or the physical extension of, existing operations) will be permitted provided that:

- (a) the proposal results in clear benefits for the site and, where possible, the wider area;*
- (b) the material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated;*
- (c) there is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used;*
- (d) the material to be reused is suitable for its intended use;*
- (e) the amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a);*
- (f) there would be no unacceptable impact on natural resources and other environmental constraints;*
- (g) the proposal accords with Policy W13 (Protected Landscapes);*
- (h) any important mineral reserves would not be sterilised; and*
- (i) restoration of the site to a high quality standard would take place in accordance with Policy W20.'*

- 6.48 It is considered that the works comply with point [a] above in that there are clear benefits for the site including soil improvement, bio diversity improvements and flood management. It is also considered that the proposals meet with point [d] in that the materials are considered suitable for the use. The applicant has advised in their supporting statement that the imported topsoil and chalk are both growing mediums which have been transferred to Lake Field by the original owners of that soil as a growing medium in the knowledge that they will be used at Lake Field for their original purpose as a growing medium. They further advise that this is in accordance with DEFRA guidance, and state that the imported topsoil and chalk are not waste.
- 6.49 Soil test certificates have been provided with the application supporting information and the Council's Environmental Health Department have advised, having considered the test certificates that there are no concerns arising. Environmental Health have confirmed that the soil testing results are satisfactory and show the material is suitable for placement. In respect of the hardcore laid on the track and in the hard-standing area is a processed product and, therefore, not waste. Notwithstanding this, the hardstanding is to be removed from the proposals and will not benefit from any planning permission that may be granted.
- 6.50 It is therefore considered that the works carried out comply with Policy W8 of the West Sussex Waste Local Plan.

Conclusions:

- 6.51 This application (for which land works have already been carried out and is partially retrospective) has been submitted for the land engineering works and associated drainage measures, as well as the widening of the access and a new access gate. It is noted that the works identified in the application have caused concerns regarding noise disturbance during the course of the works. Complaints received from local residents resulted in the submission of the application currently under consideration. The vast majority of works subject to this application have been completed, although there are some limited works outstanding including the formation of a silt sump and subsequent reed filter bed as set out above. The applicant has advised that there will be no further deliveries of soil into the site in respect of

this and that any soil movement in respect of the project that remain outstanding will reuse soils already within the site.

- 6.52 The works are not considered to result in any adverse or appreciable harm to the visual amenities of nearby residents or the setting and appearance of the Grade I Listed Building or the wider countryside area. The increased height of land by approximately 2m is considered to be acceptable and complies with HDPF policies 25, 32 and 33.
- 6.53 The proposal is therefore considered acceptable and it is considered that the rural character and the informal landscape character would be conserved. The proposal is therefore considered to be in accordance with Policies 25, 26, and 30 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

7.1 To approve planning permission subject to the following conditions:

1 Plans list

- 2 **Regulatory Condition:** Within 3 months of the date of this permission all hardstanding areas other than the retained access track detailed on drawings F210520-1 Rev B shall have been demolished and all materials arising from the demolition of the hardstanding areas shall have been removed from site. Within one month thereafter the land shall have been restored in accordance with details of a landscaping scheme which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: The retention of the existing hardstanding area detracts from the character of the area and is contrary to Policy 22 of the Horsham District Planning framework (2015).

- 3 **Regulatory Condition:** Within 3 months of the date of this permission the access track (as approved by this permission) shall have been restored in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: The retention of the existing hardstanding area detracts from the character of the area and is contrary to Policy 22 of the Horsham District Planning framework (2015).

- 4 **Regulatory Condition:** All works of demolition, construction and ancillary activities, including deliveries and dispatch, shall be restricted to 08:00-18:00 hours on Monday to Friday, from 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

- 5 **Regulatory Condition:** No further soil importation shall take place to complete the development unless otherwise agreed in writing to the Local Planning Authority.

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

- 6 **Regulatory Condition:** All works shall be carried out and remain in full accordance with the mitigation measures set out in Section of the Environmental Report (Riverbank Management Services Limited (undated) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the successful and satisfactory retention of important trees, shrubs and hedges on the site in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).