



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 6th December 2022

DEVELOPMENT: Erection of 32No. residential dwellings including 35% affordable housing, 6No. commercial units and 1No. reception building. Creation of access and circulation routes, parking, hard and soft landscaping together with a sustainable drainage system.

SITE: Land at Sumners Ponds, Chapel Road, Barns Green, West Sussex

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/21/2697

APPLICANT: **Name:** Refer to Company Name **Address:** c/o ECE Planning Worthing BN12 4AP

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 Cllrs Youtan and Ritchie

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

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the erection of 32 residential dwellings including 35% affordable housing and 6 commercial units (Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and a reception building, along with the creation of access and circulation routes, parking, and hard and soft landscaping together with a sustainable drainage system. The applicant seeks a phased development approach.

1.3 The tenure of the dwellings comprise the following mix:-

Affordable Dwellings (total 12 units – 37.5%)

6 x 1 bed flats – 1.5 storeys

2 x 2 bed flats – 1.5 storeys

4 x 3 bed houses – 2 storeys

Open Market Dwellings (total 20 units – 62.5%)

2 x 2 bed semi-detached houses – 1.5 storeys

2 x 3 bed semi-detached houses – 1.5 storeys

7 x 3 bed semi-detached houses – 2 storeys

1 x 4 bed semi-detached house – 2 storeys

4 x 4 bed detached houses – 1.5 storeys

4 x 4 bed detached houses – 2 storeys

1.4 Car parking provision for the residential units includes 63 allocated spaces, 7 unallocated spaces and 12 visitor spaces. There is a further 1 communal EV charging point for the flats block, and it is confirmed that all allocated spaces will have an electric vehicle charging point in line with new legislation. This makes for a total of 83 car parking spaces for the 32 residential dwellings.

1.5 A varied palette of traditional materials is proposed for the residential dwellings including the use of red and light brown multi brick elevations with black timber boarding, clay tile hanging, ivory white render, and slate and clay tiles to the various roof forms including traditional gable ended and pitched roofs, half hipped and dropped eaves roofs. Elevations include feature chimneys, dentil brick courses and brick banding, timber porch canopies, exposed rafter feet; finials and bonnet hip tiles, white window frames and black rainwater goods.

1.6 The application includes the erection of 6 commercial units with up and over doors and a reception unit. Each commercial unit has an eaves height of 4.5m above ground with ridge heights of 6.5m and floor areas as follows:

Unit C1 1807sqft (167.87sqm) - 1 storey

Unit C2 1997sqft (185.52sqm) - 1.5 storeys

Unit C3 1997sqft (185.52sqm) - 1.5 storeys

Unit C4 1997sqft (185.52sqm) - 1.5 storeys

Unit C5 1997sqft (185.52sqm) - 1.5 storeys

Unit C6 1807sqft (167.87sqm) - 1 storey

Reception unit 1031sqft (95.78sqm) - 1 storey

1.7 There are 89 parking spaces proposed for the commercial units (including those to the front of the loading doors) along with an additional 5 disabled spaces which equates to 94 spaces in total.

1.8 The palette of materials for the commercial units includes horizontal black timber cladding on a brick plinth, a pitched clay tile roof, with timber window sleeves, black UPVC windows, standing seam roof, and wall hanging signage.

DESCRIPTION OF THE SITE

1.9 The application site forms part of the Sumners Ponds Fishery and Campsite. Sumners Ponds Fishery and Campsite is set within the countryside and is surrounded by lakes woodland and pasture. The site boundaries adjoin the south / south west boundary of the Built up Area Boundary of Barns Green to the east, which is described as a 'Medium Village'

in the HDPF settlement hierarchy. The site is within walking distance of the central amenities of Barns Green village.

- 1.10 The application site itself forms 1.9ha of the overall site area that makes up Sumners Ponds Fishery and Campsite. The application site is located adjacent to Chapel Road, and is currently used for agricultural purposes for the keeping of animals; storage uses; small light industrial units; and car parking along with the adjoining open field.
- 1.11 The wider site comprises a commercial enterprise which includes a working farm (with cattle and sheep in fields and barns), 5 fishing lakes surrounded by fields with camping and hardstanding plots for caravans, motorhomes, campervans, and tents, as well as purpose built lodges, safari tents, shepherds huts and camping pods. Other on site facilities include a fishing shop, and the 'café by the lake' with a licenced bar.
- 1.12 The application site is divided into two land parcels to the north and south of an existing PRoW (a shared surface access road) which divides the site in half. The northern parcel of land is surrounded to the north, east and west by field boundary hedges and predominantly comprises an undeveloped field with storage for farm vehicles and hay bales within the south eastern corner. The southern parcel of land comprises a collection of farm buildings historically used for commercial / light industrial or farming related activities. The café, fishing ponds and camping areas are located to the south and west of this parcel, outside of the application site boundary. Access to the site is as existing off of Chapel Road, which also serves as the main access to the campsite and farm.
- 1.13 Further south and west of the site are the wider Sumner's Ponds, including Match Lake; Bettys Lake; Ribbon Lake; Farm Pond and Sumners Lake, beyond which lies a matrix of open fields and field boundaries. There are areas of ancient woodland (Plant Ash / The Grove / Vale Wood, located to the south and south-west and Great Field Rue located to the north west. The western boundary of the Built up Area of Barns Green Village lies adjacent to the application site, on the east-side of Chapel Road.
- 1.14 Immediately north of the site boundary is the Grade II listed dwelling known as Little Slaughterford (approx. 12m from boundary) and its related grounds. Further north, approximately 161m on the east side of Chapel Road, there is a cluster of Grade II listed buildings including Herons Reach; The Queens Head & Blacksmith Cottage. There is a series of interlinked bridleways and PROWS surrounding the site including Bridleway ROW 1604 (east/west axis); Footpath ROW 1596 (north/south axis) & ROW 1598 (east/west) which also join other Rights of Way nearby.
- 1.15 The site falls within the The Mens SAC bat sustenance zone and within Flood Zone 1 where there is a low flood risk. Sites over 1 hectare require a flood risk assessment or in an area with critical drainage problems as notified by the Environment Agency. To the east approximate 404m away lies an area of land which is identified as being within Flood Zone 2 and 3 where there is greater risk of flooding.

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 Growth: Settlement Expansion
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscaper Character
Policy 26 Strategic Policy: Countryside Protection
Policy 27 - Strategic Policy: Settlement Coalescence
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 - Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategy Policy: Infrastructure Provision
Policy 40 - Sustainable Transport

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing (2017)
Revised County Parking Standards and Transport Contributions Methodology (2020)

Planning Advice Notes:

Facilitating Appropriate Development (2022)
Biodiversity and Green Infrastructure (2022)

RELEVANT NEIGHBOURHOOD PLAN

The Barns Green and Itchingfield Parish Neighbourhood Plan 2015 – 2031 (draft)

The Barns Green and Itchingfield Neighbourhood Development Plan has been assessed by an Independent Examiner (16 June 2021) and subject to a series of recommended modifications meets the basic tests for the preparation of a neighbourhood plan and on that basis it has been recommended that the plan should proceed to referendum. A date for the Referendum has not yet been agreed or published. Although not 'made' the Neighbourhood Plan is considered to hold significant weight in the decision making process as it has been through the public consultation stages and also through the Public Examination process.

Relevant Policies (with modifications) include:

Policies 9 and 9A - Sumners Ponds Development
Policy 12 - Design of Housing
Policy 13 - Sustainable Design
Policy 14 - Housing Mix
Policy 15 - Off Street parking
Policy 16 - Small Scale Businesses

PLANNING HISTORY AND RELEVANT APPLICATIONS

- I/5/02 Change of use from agricultural land to camping & caravanning site Site: Slaughterford Farm Barns Green - PER 28-08-2002
- DC/08/1834 Change of use of camping field to touring caravan site for 25 pitches and warden accommodation (and proposed re-routing of public bridleway) - REF 26-09-2008
- DC/09/0169 Use of farm buildings for commercial use for more than 10 years; Unit 2 - B1 (Business) use, Unit 3 - B8 (Storage and Distribution) use and Units 4 and 5 - B2 (General Industrial) use and land for outside storage being a contractors yard and caravan storage (Certificate of Lawful Development - Existing) - PER 07-05-2009
- DC/09/0579 Change of use of camping field to touring site for 25 pitches and warden accommodation, re-routing of public bridleways, erection of 2 log cabins for holiday use and 1 log cabin as wardens accommodation - PER 15-06-2009
- DC/09/1358 Retention of change of use of building and yard to B2 use, vehicle and coach building and repairs PER -29-09-2009
- DC/13/1696 Change of use of agricultural land, creation of a lake for recreational fishing, access and additional car parking PER - 16-01-2014
- DC/20/1809 The stationing of 34 holiday static caravans for 12 month round holiday use with no restrictions on length of stay, in accordance with Planning Permission ref: DC/05/0060. (Certificate of Lawful Development - Proposed) – REF 02-09-2021

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

- 3.2 **HDC Landscape Architect: Comment**
2nd Consultation: 10 October 2022

- Satisfied with the additional visual effect information provided
- Amended layout with retention of Tree T12 to the west of plots 21/22 welcomed
- Central green is the only Public Open space for residents within the development, therefore it is recommended that the layout is revised to ensure there is a useable space with a clear purposes.
- The flats (Plots 15-20) should have access to outdoor amenity space, provided as secured shared space. Landscaping should form part of the defensible space adjacent to the building to provide privacy to residents on the ground floor.
- Reservations regarding the space between the residential and commercial development. The landscape scheme will need to demonstrate adequate screening and separation can be achieved using the swale and planting.
- The appearance of the SuDs features, proposal of boulders and planting to soften head walls as shown on the additional planting details is welcome

- Details of root cells or similar for the proposed tree and vegetative planting within the commercial parking area will need to be provided.
- Further details for enhanced planting of the northern boundary to ensure that sufficient screening / visual separation from Grade 2 listed Little Slaughterford can be achieved necessary.
- In order to ensure retained vegetation on / adjacent to the site is protected adequately Root Protection areas and details of the retained vegetation should be shown on all future landscape drawings.
- WSCC should be consulted on changes to the existing PRow including surface treatment, boundary treatment and any deviation in route.
- The maintenance and management of public realm and boundaries should be secured by appropriate condition.

Initial comments 24 May 2022

In summary, the development is contrary to current HDC adopted policies 3 & 4 as it sits outside the Built up Area of Barns Green, however the principle of development of this site is supported by the soon to be adopted BGINP. Primary concerns regarding this application are the assessment of visual impact and landscape character, some elements of the layout and lack of landscape detail submitted. Therefore, we recommend a HOLDING OBJECTION be placed until amendments and further details, as outlined above, are submitted and approved.

3.3 **HDC Conservation:** Comment

Following the pre-application discussion the Conservation officer remains satisfied the proposed development of part of the Sumners Ponds site will result in a degree of harm to the setting of Little Slaughterford. The proposed layout shows a row of detached dwellings as a continuation of the principal build line of the listed building. Currently Little Slaughterford is experienced in much the same way as it has for over a century and possibly longer. It is perceived as an edge of settlement dwelling which helps to illustrate its history as a farmhouse, which until the early twentieth century was experienced as separate from the village. Concern remains that the new dwellings along the eastern boundary against Chapel Road will be visually prominent in oblique views of Little Slaughterford from the north and south. Little Slaughterford should remain recognisable as the principal dwelling along this part of Chapel Road. The proposed development will effectively draw the historic farmhouse into the village envelope and this will dilute the opportunities to understand and appreciate its historic interest. Although Little Slaughterford will remain perceptible as a historic dwelling and the proposed development will not substantially prevent an understanding or appreciation of its historic or architectural interest, its historic context will be diluted and its visual and historic functional relationship to the open countryside diminished. This will result in harm to its setting. The harm will be less than substantial and somewhere in the middle of this scale. The Conservation officer is also mindful of the units backing onto the southern boundary with the listed building. There is potential for domestic detritus and garden structures to further dilute the setting of the listed building.

The application should be determined as directed by paragraph 202 of the NPPF and weigh the harm against the public benefits of providing residential units on this site. If minded to permit the application conditions can be suggested to facilitate a successful and attractive build.

3.4 **HDC Environmental Health:** No Objection subject to conditions
5th Comments 03/08/2022

Contamination

Environmental Health have reviewed the Environmental Services Ltd Preliminary Contamination Risk Assessment, dated March 2021, and we have the following comments to make:

Potential sources, pathways and receptors have been identified in sections 7.0 and 8.0 of the above-mentioned report. A qualitative preliminary risk assessment, in accordance with current industry guidance, with tests for likelihood and consequence applied to each potential pollutant linkage does not however appear to have been undertaken.

Given the above we are of the view that a revised preliminary risk assessment (PRA) will need to be undertaken which, in all likelihood, will need to be followed by a site investigation and generic quantitative risk assessment (GQRA). Should this investigation detect elevated levels of contamination a remediation method statement (RMS) and remediation verification report, confirming that the measures documented in the RMS have been implemented, will also need to be submitted.

Water Neutrality (Bore Hole)

Environmental Health have reviewed the Daedalus Environmental Limited Water Neutrality Statement, dated June 2022, and we have following comments to make.

We note that the following is stated in section 3.4.2 whilst further assessment of the quality of water extracted from the chosen location, and the extent of the need for treatment prior to use within the development – in toilets, shower blocks and to service the farm's existing livestock requirements, for example – needs to be established, a borehole could be introduced.

The fact that the quality of the underlying groundwater and the extent of treatment needed to make it suitable for use has not been established prior to determination is a concern to Environmental Health – as detailed in comments dated 30.09.22 we are not against the principle of a private water supply to serve this development. However, given the potential for poor quality groundwater, as detailed in the RPS Hydrogeological Assessment dated 22 May 2022, further information on the likely groundwater quality and proposed treatment should be submitted in support of the application.

Given the above we are of the view therefore that the application is insufficiently detailed.

If the LPA are however minded to approve the application we would recommend the inclusion of conditions.

4th Comments: 3 August 2022 - Contaminated Land

The Environmental Services Ltd Preliminary Contamination Risk Assessment, dated March 2021, has been reviewed and the following comments have been made:

We note that potential sources, pathways and receptors have been identified in sections 7.0 and 8.0 of the above-mentioned report. A qualitative preliminary risk assessment, in accordance with current industry guidance, with tests for likelihood and consequence applied to each potential pollutant linkage does not however appear to have been undertaken.

Given the above we are of the view that a revised preliminary risk assessment (PRA) will need to be undertaken which, in all likelihood, will need to be followed by a site investigation and generic quantitative risk assessment (GQRA). Should this investigation detect elevated levels of contamination a remediation method statement (RMS) and remediation verification report, confirming that the measures documented in the RMS have been implemented, will also need to be submitted.

The imposition of suitable conditions are recommended.

3rd Comments: 27 June 2022 - Air Quality (summary)

The applicant should undertake their own calculation in accordance with the methodology set out in the Air Quality and Emissions Mitigation Guidance for Sussex (2021). It is the same methodology as in Defra's guidance <https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance>.

2nd Comments: 9 May 2022 - Air Quality (summary)

Measures focussed on cleaner transport and heating (e.g. public transport promotion through financial incentives and support for publicly available ev charging points) would be supported as long as what has been proposed does not translate into duplication of what is otherwise required by other regulatory and legislative regimes including Building Regulations and Cycling Strategies.

1st Comments: 14 March 2022 (general comments)

Air Quality

We note that an air quality assessment has not been submitted in support of the application. Horsham District Council, in association with other Local Authorities in Sussex, have prepared guidance for developers to assess the air quality impact of developments and this document is titled "Air quality and emissions mitigation guidance for Sussex (2020)". This guidance should be applied to this development and an assessment of the air quality impacts and any proposed mitigation submitted in support of the application. In accordance with the above mentioned guidance, a damage cost calculation is also required from all developments classified as 'Major'. Applicants are required to submit a mitigation plan detailing proposed measures to mitigate and/or offset the impacts and providing itemised costing for each proposed measure, with the total estimated value of all the measures being equal to the total damage costs.

Contaminated Land

We have reviewed the Environmental Services Ltd Preliminary Contamination Risk Assessment, dated March 2021, and we have the following comments to make.

We note that potential sources, pathways and receptors have been identified in sections 7.0 and 8.0 of the above-mentioned report. A qualitative preliminary risk assessment, in accordance with current industry guidance, with tests for likelihood and consequence applied to each potential pollutant linkage does not however appear to have been undertaken.

3.5 **HDC Housing:** No Objection

HDC Drainage Engineer: No Objection

OUTSIDE AGENCIES

WSCC Highways: No Objection

Final comments: 22 August 2022

The LHA has reviewed the submitted stage 1 RSA report and RSA Response Report. The two problems initially identified by the Audit team. Please see separate reports for full details on the planning portal. Problem 4.1.1 has been addressed by way of an acceptable design change to the road layout.

Problem 4.3.1 required some clarification from the Design Team and the Audit Team. It related to articulated vehicles accessing the site. The Design Team have confirmed that the type of proposed units should not attract articulated vehicles, or if they do this will be to a minimal/infrequent level. Forward visibility for vehicles on the main carriageway is more than

that required for the 30mph speed limit, which will allow good visibility of an articulated vehicle manoeuvring into the site/ crossing the centreline of the carriageway and allow time for vehicles to react and come to a stop.

3rd Comments – 3 August 2022

Road Safety Audit submitted addressing issues previously raised (17 March 2022).

LHA reviewed the Stage 1 Road Safety Audit (RSA) for the access works and the RSA response.

Para 4.1.1 - The road layout issue has been addressed through a design amendment to address the problem identified in.

Para 4.3.1 the Applicants Design Team have confirmed that *'the types of proposed units should not attract articulated vehicles (or just to a minimal / infrequent level. They have confirmed that forward visibility for vehicles on the main carriageway is more than the required 30mph speed limit which will allow good visibility of an articulated vehicle manoeuvring into the site / crossing the centreline of the carriageway and allow time for vehicles to react and come to a stop'*.

2nd Comments: 17 March 2022 (summary)

Issues originally raised with the submitted RSA – Applicants advised to address the following:

- Tracking of the suggested vehicles mentioned by the Auditor is provided to the Audit team for further comment, along with any access amendments that maybe required, such as radi changes.
- Then an updated RSA report or follow up email from the Audit Team is provided to indicate if problem 4.3.1 has been adequately addressed.
- Then the RSA Response Report/log as requested in word format is submitted for the LHA to fill in and sign off once the above problem has been resolved to the Auditors satisfaction.

1st Comments: 29 December 2021 (summary)

- Clarification required re application status (full or outline)
- Access Arrangements: Highways modifications require technical approval through a S278 agreement to be secured via a S106 agreement. The proposals require a Stage 1 Road Safety Audit (RSA). Swept path tracking provided to show turning of larger vehicles.
- Road Network Capacity: The LHA does not anticipate a wider impact on the operational capacity of the nearby road network.
- Internal Layout: A footpath to the southern side of the site provides pedestrian route to both the commercial site and to the southern parcel residential site. The shared surface is considered suitable for the number of vehicles and their anticipated movements.
- Car Parking: Commercial car parking requires 36 spaces plus 6 loading bays (application shows an overprovision). On the basis that garages are on plots 1, 3, 6, 7 as indicated the provision of 63 allocated spaces and 20 visitor unallocated spaces is sufficient for the residential development. Bicycle parking to be conditioned.
- Sustainable Transport: Travel Plan provided promoting aims to reduce single occupancy car journeys and promote non car modes The LPA seek £1500 for monitoring and auditing of the travel plan via s106 Agreement.

3.6 **WSCC Rights of Way: No Objection**
5th (Final) Comments: 10 October 2022:

The diversion of Bridleway will need to be made by HDC – presumably under the T&CPA to enable development to take place.

4th Comment (comment): 8 August 2022

Holding objection withdrawn subject to agreement of suggested terms:

- Equestrian warning signs and SLOW markings on Chapel Road on both approaches to the bridleway. These are position at 59m based on stopping sight distance (SSD) for 37.5mph.
- Equestrian warning sign and SLOW marking on access road towards Chapel Road. These are positioned at 43m based on SSD for 30mph although we anticipate the speed to be less than this at this location.
- The diverted bridleway to be annotated.
- Suitable surfacing is to be agreed with the PROW Team - The surface of the road leading to Chapel Road and the diverted bridleway to be shaded pink identifying / Highways.
- The surface treatment for the road to be agreed at technical design stage, due to the array of options available to reduce the 'slippery' of the surface for future users.

3rd Comments (comment): 19 July 2022

The drawing states the PROW is to be rerouted to a 2.2m footway, whereas the email states that non-motorised users will be split with pedestrians utilising the footway with Bridleway 1604 remaining along the road for use by horses/cycles. I would advise the Applicant that there is no legal mechanism to deliver a proposal to split user groups in this manner; a bridleway carries a public right on foot, bicycle and horseback. I remain concerned about the proposal to mix the non-motorised users with an increased level of vehicular traffic that the proposed development can be expected to generate.

Alternatively, if the drawing is to be taken as correct, the PROW would need to be diverted under the Town & Country Planning Act 1972. The Planning Authority would need to consider an application to divert the bridleway and would consult with WSCC PROW Team. In such a case we would require a minimum width of 3m with the diverted bridleway being surfaced to a specification agreed by the PROW Team. Additionally, this would require that dropped kerbs be installed where the diverted PROW intersects with the roads.

2nd Comments (object): 3 March 2022

The PROW Team does not agree that the characteristic of a Quiet Lane is synonymous with that of a Bridleway and does not accept with the conclusion that bridleway users' needs can be met without providing infrastructure that segregates non-motorised users from the impact of motorised traffic accessing the proposed development.

1st Comments (object): 22 December 2021

The Applicant has not proposed to divert the PROW to provide a traffic-free alternative route for non-motorised users. The Concept Design (Design, Access and Planning Statement, section 2.07) states that "the main access road should follow the route of the existing bridleway with potential for this to be framed by public space and create a tree-lined entrance route."

The application makes no accommodation of the needs of public users of the bridleway and the proposal for the bridleway to be subsumed within the spine road of this scale of development is not considered to be compatible with its existing use by non-motorised users.

3.7 **WSSC Flood Risk Management:** No Objection subject to condition

3.8 **WSSC Fire Officer:** No Objection subject to condition

3.9 **Archaeology Consultant:** No Objection subject to condition

3.10 **Ecology Consultant:** No Objection subject to condition

3rd (Final) Comments: 31 October 2022 (summary)

Sufficient ecological information is available for determination.

The (BatScan Ltd., October 2022) letter confirms that no further bat surveys are required for the mature oak tree (T11), which is due to be removed, provided that suitable precautions are taken and secured through the imposition of a pre commencement condition of any consent.

The mitigation measures identified in the Great Crested Newt, Dormice and Reptile Surveys (Matthes, November 2021) are acceptable and should be secured by a condition. This is necessary to conserve and enhance protected and Priority species. A Construction and Environmental Management Plan (CEMP) - Biodiversity should be secured as a pre-commencement condition of any consent.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

2nd Comments: 19 October 2022 (summary)

The BatScan,Report (June 2021)has been reviewed and contents noted. *The surveys did not cover the trees to be removed. It is noted that tree T12 is now to be retained and the Proposed Site Plan Drawing 6991 001 (Rev P) (ECE Architecture, June 2022) indicates that the small prunus tree in G31 has already been removed. The Proposed Site Plan Drawing 6991 001 (Rev P) (ECE Architecture, June 2022) indicates that tree T11, which is a mature oak tree, is still due to be removed.*

Clarification is sought that appropriate bat surveys have been undertaken on Tree T11. This is necessary for the LPA to have certainty of likely impacts on protected species prior to determination to support a lawful decision.

1st Comments: 17 October 2022 (summary)

Holding objection raised - The Great Crested Newt, Dormice and Reptile Surveys (Matthes, November 2021) and the Tree Survey and Arboricultural Impact Assessment (Environmental Assessment Services Ltd., October 2021) have been reviewed as to the likely impacts of development on protected & Priority habitats and species, and identification of proportionate mitigation. There is insufficient ecological information available for determination.

3.11 **Southern Water:** No Objection

Investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

3.12 **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 two options for mitigation. Firstly, standard offsetting measures to be applied to the adjacent caravan / campsite also in the applicant's ownership. Secondly, a new borehole as a backup option. Natural England have checked the applicant's calculations for the first option and are satisfied that these would allow the new development to achieve water neutrality. Their lack of objection is based on the understanding that it is this, primary, mitigation option which will be progressed. The advice of Natural England is that there is currently insufficient certainty around the viability of the backup borehole option to allow the application to be permitted using this as mitigation.

PUBLIC CONSULTATIONS

3.13 **Itchingfield Parish Council:** No Objection in principle

2nd Comments: 12 March 2022

The amendment doesn't change the road layout and ignores the issues that were a concern. Therefore, the Parish Council reiterates its comments below which still stand in spite of the submitted amended plans.

Itchingfield Parish Council has no objection per se to the development of this site – as it has been designated as one of the developable sites in our Itchingfield Neighbourhood Plan, following Public Consultation. The concerns regarding the road layout remain and are restated below. (We are now awaiting a Referendum date which has been postponed several times by HDC.)

The Parish Council however has reservations about the following on this planning application:

The proposed traffic system, access and road safety. Currently the proposed road layout through the middle of the proposed site means that commercial traffic will need to circulate past and around both the housing and the commercial areas. Also, the campsite traffic will, at the same time, be using much of this system to access the camp site and car parking facilities. The Reception and Parking should have its own entrance and not be included in the designated site within the Neighbourhood Plan. This access is also used by pedestrians.

Grade II Listed Building – due to the close proximity of a Grade II Listed Building, Little Slaughterford, provision must be made for adequate screening to be put in place to protect its amenity and status.

Concerns have been expressed by some nearby residents, including possible Light Pollution and the effect on Parsons Brook which is nearby and runs through much of the Parish. These Householders have been encouraged to contact HDC direct with their concerns.

Additionally, Itchingfield Parish Council would not want to see any damage done to the new footpath that has been recently installed by WSCC in Chapel Road and would want assurance from the Developer that any damage to the footpath would be reinstated.

1st Comments: 29 December 2021

Itchingfield Parish Council has no objection to the development of this site – as it has been designated as one of the developable sites in our Itchingfield Neighbourhood Plan, following Public Consultation. We are now awaiting a Referendum date which has been postponed several times by HDC.

The Parish Council however has reservations about the following on this planning application relating to the proposed traffic system, access and road safety.

Currently the proposed road layout through the middle of the proposed site means that commercial traffic will need to circulate past and around both the housing and the commercial areas. Also, the campsite traffic will, at the same time, be using much of this system to access the camp site and car parking facilities. The Reception and Parking should have its own entrance and not be included in the designated site within the Neighbourhood Plan. This access is also used by pedestrians.

Grade II Listed Building – due to the close proximity of a Grade II Listed Building, Little Slaughterford, provision must be made for adequate screening to be put in place to protect its amenity and status.

Concerns have been expressed by some nearby residents, including possible Light Pollution and the effect on Parsons Brook which is nearby and runs through much of the Parish. These Householders have been encouraged to contact HDC direct with their concerns.

Representations

38 neighbour representation letter (from 14 different households and the Sussex ramblers association) have been received objecting to the proposals on the following grounds:

- Design & Layout
- Roof heights restrict enjoyment of views of countryside
- Access to commercial area
- Concerns regarding Water Neutrality and information submitted by Applicants
- Road and Pedestrian safety and traffic generation along Chapel Road
- Parking – insufficient
- Potential effects on Parsons Brook & Little Slaughterford (WN impacts)
- Overdevelopment – prefer smaller development
- Overdevelopment of district cumulative impact / erosion of village and countryside
- Soft Landscaping / Screening
- Drainage and land gradients
- Poor Public Transport
- Light, noise and air pollution
- Loss of habitat
- Flooding / Loss of permeable surfaces
- Character and quality of new development
- Strain on broadband and power
- Loss of Greenfield and agricultural land
- Impact on public services / Schools / GP Surgeries

- Biodiversity / Ecology
- Neighbourhood Plan (HDC Housing Numbers)

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

- 6.1 The main issues to consider in the determination of this application are the principle of the proposed development in land use terms; the impact on the character and visual amenity of the landscape and locality; the impact of the development on the amenity of prospective and neighbouring occupiers; whether safe vehicular and pedestrian access can be provided to the site and the impact of the development on highway and pedestrian safety; whether appropriate provision can be made for car and cycle parking, refuse storage/collection, drainage/flooding and; whether the development can be delivered without harming the biodiversity and ecology interests of the site, flooding and land contamination.

Principle of development

- 6.2 Paragraph 2 of the National Planning Policy Framework (NPPF) states that the starting point for decision making should be the development plan and that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of planning applications.
- 6.3 The site is located outside any of the district's defined built-up area boundaries (BUAB's) and does not form part of Horsham's adopted development plan comprising the Horsham District Planning Framework (HDPF), or a 'made' Neighbourhood Development Plan. As a result, residential development here would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Policy 4 'Settlement Expansion', and as such, in strict policy terms is not acceptable. In addition, as the site is not formally allocated, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location.
- 6.4 As the proposal includes commercial development, HDPF Policy 10 Rural Economic Development also applies. This policy states that in the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside; and either
- Be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or*
 - Result in substantial environmental improvement and reduce the impact on the countryside particularly if there are exceptional cases where new or replacement buildings are involved. New buildings or development in the rural area will be acceptable provided*

that it supports sustainable economic growth towards balanced living and working communities and criteria a) has been considered first.'

- 6.5 The site lies immediately adjacent to Barns Green BUAB. Barns Green is described as a Medium Village in the local plan settlement hierarchy which is described as having 'a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but relies on small market towns and larger settlements to meet a number of its requirements.
- 6.6 The site is allocated for housing and commercial purposes within the draft Barns Green and Itchingfield Neighbourhood Development Plan (2015-2031) (Policies 9 and 9A Sumners Ponds Site) which seeks to achieve around 32 residential units and 6 light industrial /commercial units and a reception unit. The Barns Green and Itchingfield Neighbourhood Development Plan (BGINP) has been subject to independent examination and has now reached referendum stage, although it has yet to be formally 'made'. As such, the draft policies are considered to be of significant weight in the application process and sets the direction of travel in decision making.
- 6.7 Policy 9 (Sumners Pond Site) states that:
'The Plan allocates land at Sumners Ponds, Barns Green for residential and commercial purposes. Proposals for the development of the site will be supported subject to the following criteria:
- 1 Proposals provide for around 32 dwellings incorporating a mix of dwelling type and size to meet the needs of current and future households.*
 - 2 The design positively responds to the prevailing character of the surrounding area.*
 - 3 Proposals for the residential component of the site incorporate affordable housing to development plan standards.*
 - 4 Proposals should avoid the loss or damage of existing mature trees and hedgerows, and if demonstrated as unavoidable, appropriate replacement or compensation should be incorporated into their designs and layouts.*
 - 5 Proposals should demonstrate special regard for Little Slaughterford (on the northern boundary of the site) and its setting and/or any features or special architectural or historic interest which it possesses through sensitive design and boundary treatment.*
 - 6 Proposals should incorporate measures to ensure that there is no contamination from the commercial element of the new development on neighbouring properties.*
 - 7 Proposals ensure safe vehicle access and egress to and from Chapel Road, including adequate sightlines for emerging vehicles.*
 - 8 The layout is planned to ensure proper and adequate access to existing sewerage infrastructure for maintenance and upsizing purposes.*
 - 9 Proposals provide car parking within the site to West Sussex County Council standards.*
 - 10 The light industrial /commercial units shall not exceed 2000 square metres of ground space. The units shall not exceed eaves height of 4.5m and ridge heights of 6.5m. The units shall be clad in natural materials and shall have a pitched roof. The design and appearance of the unit's shall be in sympathy with the rural surroundings of the village. The units shall be no less than 25 metres from Chapel Road and 20 metres from any house.'*

The supporting text advises that the word 'around' is intended to have the same meaning as in the Horsham District Planning Framework, namely as a guide figure that is plus or minus 10% of the figure quoted.

6.8 Policy 9A states that to conform with the overarching Horsham District Planning Framework and help reduce atmospheric pollution within the District, Itchingfield Parish Council will support development that facilitates the use of sustainable transport modes, including walking, cycling, public transport and the use of electric vehicles. Development could achieve this by improving connectivity with wider Public Rights of Ways, enhancing accessibility of local green and blue infrastructure and providing electric vehicle charging points. Any emerging air quality mitigation approaches provided in the Horsham Local Plan will be supported.

6.9 Also relevant to this application are Policies 14 and 16 of the BGINP. Policy 14 Housing Mix states that:

'Development proposals should provide a mix of predominantly one, two, three, bedroom houses, subject to any particular development needs of the site concerned.'

6.10 Policy 16 relates to small scale business development and provides a context within which appropriate business development can come forward in the Parish, and states that:

'Development proposals which enable the development of, or expansion of, small-scale businesses will be supported where:

- a) they are located within the Built-Up Area Boundary; OR*
- b) contained within existing buildings; OR*
- c) are on previously-developed land.*

Such business development must be shown to be viable, sustainable and likely to benefit the local economy. The provision of viable small business premises or retail properties within new developments will also be supported where economically sustainable and in accordance with this policy.

In addition, development proposals will be supported where development:

- a) does not involve the loss of dwellings unless the benefit outweighs the loss;*
- b) proposals are in keeping with the character and vitality of the local area;*
- c) proposals respect local residential amenity; and*
- d) proposals would not have an unacceptable impact on the local road network.*

In this Policy, "small-scale" means a business operated by, or employing, less than 5 persons and which business can operate from a space up to 1000sqm.'

Whilst the principle of development currently conflicts with Policies 2, 4 and 26 of the HDPF proposal currently, the proposals are expressly supported under policies 9, 9a, 14 and 16 of the draft Barns Green and Itchingfield Neighbourhood Plan. Given the advanced stage of the BGINP, this carries significant weight in the determination of this application.

Character and Appearance

6.11 Paragraph 134 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

- 6.12 Policies 32 and 33 of the HDPF promote development that is of a high quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the District. Development should ensure that the scale, massing and appearance of the development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site.
- 6.13 Policy 12 – Design Parameters of the BGINP (referendum version) states that:
‘As appropriate to their scale, nature and location development proposals will be supported where their character and design meets the following criteria:
1. *Are of high-quality design and layout;*
 2. *Contribute positively to the private and public realm to create a sense of place;*
 3. *Respect the character and scale of the surrounding buildings and landscape;*
 4. *Protect open spaces and gardens that contribute to the character of the area;*
 5. *Protect the identity and character of Barns Green and Itchingfield;*
 6. *Do not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
 7. *Create safe, accessible and well connected environments*
 8. *Protect existing landscape features and contribute to the parish’s Green Infrastructure network;*
 9. *Incorporate the use of local materials which are appropriate to the existing housing stock; and*
 10. *Positively respond to the local vernacular character of the parish.’*
- 6.14 Policy 13 – Sustainable Design states that:
‘Development proposals should seek to improve the sustainability of development. Development proposals should, where practicable and subject to other policies in this Plan, incorporate the following measures:
- (a) *Electric car charging points*
 - (b) *Solar panels of appropriate and un-obstructive design.*
 - (c) *Solar heating panels, ground- and air-source heat systems’*
- 6.15 The applicants have submitted a Design and Access Statement (ECE Planning) in respect of the 1.9ha application site, which sets out the design parameters against which the application proposals have been conceived with consideration to all of the relevant key constraints, including the existing bridleway that runs east to west, providing access through the site and splitting the northern and southern parcels of land.

Character & Constraints of Surrounding Area

- 6.16 The characteristics of the surrounding residential area of ‘Barns Green’ is predominantly residential in nature and includes a diverse palette of traditional architectural styles along with a varied palette of materials ranging from red brick with white window frames to timber cladding with dark window frames. To the centre of Barns Green there are post war as well as 1960’s and 70’s dwellings, with brick and tiled elevations which are of a typical design relating to their era. Examples of the existing styles of roof within the surrounding area include pitched, hipped, catslide and gable ends. Decorative features found on the older traditional style dwellings include soldier course headers over windows, projecting bays, chimneys, porch canopies. A more recent development built in 2015 ‘Ashmiles Estate’ is of a more conventional modern design, and comprises elevations of brick and weatherboarding or tile hanging along with design features such as bonnet porches, projecting feature brick bands and varied roof profiles which provides an organic and chimneys. ‘Ashmiles’ is noted within the Neighbourhood Plan as being a benchmark for design and character of future dwellings.

- 6.17 Constraints relating to the northern part of the site include the relationship of the neighbouring Grade II listed building known as 'Little Slaughterford' and the formal dense hedgerow boundary along with tree planting. Constraints identified to the west of the site include the relationship with the existing campsite along with Farm Pond and Ribbon Lake which are bounded by a structured and sporadic hedgerow. Constraints identified to the east of the site include the converted barn dwelling and The Old Farm House, and to the south of the site, a landscaped bund feature, the Lakeside Café and Sumners Lake and beyond, a group of residential dwellings lays further south.

Layout and Design- Proposed Residential Development

- 6.18 The proposed residential development is split across the north and south parts of the application site and is accessed via the existing shared surface PRow. The initial entrance onto the site is to be improved and the route of the PRow is to be realigned in part so that it runs parallel to plots 21-32 on the south side of the application site. Access through to the camping site, adjacent to the west boundary of the site, has been retained via the existing spur road which branches off of the main access route that runs between the north and south parcels of land forming the application site.
- 6.19 The proposed residential units (Plots 21 to 32) to the south of the application site, have been located in a linear arrangement along the main access which follows the route of the (existing) bridleway. The arrangement allows for an active street frontage adjacent to the re-routed PRow and a public open space, along with a tree lined entrance. The residential plots are located at the rear of the proposed commercial units, and are separated from them by two separate parking courts, a pond and swale. The separation distance between the rear of the commercial units and rear garden boundaries of the nearest residential properties is approx. 22m, and there is approx. 33m between the rear of the commercial units and the rear elevations of the nearest residential dwellings (Plots 21 to 32). The separation distance and relationship between the residential and commercial units is considered to be acceptable.
- 6.20 The proposed residential units (Plots 1-20) to the north of the application site, are located in an informal arrangement around a cul de sac, and have a spur road access from the main access into the site. The form and layout of dwellings on the north side is more relaxed and organic in its form. Dwellings are separated by garages / barn garages and parking areas as well as landscaped spaces and verges.
- 6.21 The boundary hedging between 'Little Slaughterford' (Grade II listed) and Plots 4 -11 is to be retained and a buffer zone created to allow for maintenance of existing boundary hedge and trees to be carried out. The 1.5 storey flatted development (6 flats) is located in the south west corner of the northern parcel of land.
- 6.22 The height of the proposed dwellings ranges between one and a half and two storey's and reflect the heights of development in the locality. The roof forms are varied in style and include pitched (front to back) hipped and gable roofs as well as catslide elements along with dormer windows along with external and decorative chimney stacks and they reflect elements of the general character of residential development in Barns Green.
- 6.23 In view of the varied architectural styles and palette of materials characteristic of the residential dwellings in the surrounding area, the design and character of the proposed dwellings, including the palette of materials as set out in the detailed description above, is considered to be broadly acceptable and would complement the existing dwellings adjacent to the site and in the Barns Green locality.

- 6.24 Dwellings benefit from private amenity space ranging from approx. 9m to 11m in length, along with areas of soft landscaping that break up the visual mass of the development. The dwellings have allocated or unallocated parking spaces or garages / barn garage.
- 6.25 The overall layout and form of the residential development and layout is considered to be acceptable and the dwellings are considered to sit comfortably within the site boundaries. Separation distance and spaces between dwellings within the site is also considered acceptable and help retain views through and across the site as such the residential proposals are considered to conform to HDPF Policies 32 and 33 and also to BGINP Policies 9 and 12.

Layout and Design- Proposed Commercial Development

- 6.26 The 6 commercial units are sited to the rear of the residential dwellings located on Plots 21 to 32 on the south side of the application site. The reception unit is located adjacent to the west boundary of the application site on the south side. Access to the commercial units branches off of the central main access route at its northern end.
- 6.27 The footprint of the two commercial blocks are approximately 36m (L) x 15m-17.5m (W). The footprint of the reception building is approx. 11.5m (L) x 10m (W). The ridge heights of the commercial building and reception building are 4.6m to eaves height and 6.5m to ridge height in accordance with the requirements of BGINP Policy 9. The appearance and elevation treatment would be full height black weatherboarding with plain clay roof tiles, providing the natural material finish required by Policy 9.
- 6.28 Access to and from the commercial units is via a new spur road located adjacent to the west boundary of the site off of the main access road. Parking bays are located adjacent to the fronts of the commercial units and adjacent to the southern and western boundaries of the site in parking courts that are separated by intervening landscaped strips and primarily new tree planting which soften the appearance of the hard landscaped areas of the commercial development. Overall the layout, scale, appearance and separation of the commercial units from residential uses complies with the requirements of Policies 9 and 12 of the BGINP and Policies 32 and 33 of the HDPF, and are considered acceptable.

Trees and Landscaping

Trees

- 6.29 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.
- 6.30 The application has been accompanied by a Tree Survey and Arboricultural Impact Assessment (Environmental Assessment Services Ltd February 2021 – updated October 2021), and the Proposed Site Plan Drawing 6991 001 (Rev Q) (ECE Architecture, October 2022) which indicates that tree T11, which is a mature oak tree, is to be removed, however Tree T12 which was previously identified for removal is to be retained, to facilitate the commercial parking court.
- 6.31 The boundary hedging and tree screen to the rear of Plots 4-11 adjacent to the Listed Building 'Little Slaughterford' is to be retained with a 1.1 m high post and rail fence to provide a buffer zone at the end of the garden areas to protect the existing landscape features.
- 6.32 With the imposition of appropriate tree protection conditions the proposals are considered to comply with Policy 31 of the HDPF.

Landscaping

- 6.33 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.
- 6.34 The application has been accompanied by a Landscape and Visual Appraisal (ECE Planning May 2021), and a Landscape Masterplan, along with the subsequent information provided by the applicant to address the original consultation comments made by the Council's Landscape Consultant. The additional information related to matters raised in relation to the LVA; scheme layout; drainage/swales and parking areas as well as surfacing. Further information has also been submitted in relation to planting associated with the development. The applicant advises that the sections provided indicate the ponds and swales will be attractively landscaped and there would only be a very limited requirement for hard surfaces which are described as being around the outlet points only.
- 6.35 It is advised by the applicant that maintenance of the landscaped area between the swale and the rear of the residential gardens / parking area can be achieved between the rear fence lines. Officers consider that further details are required in this respect in order to ensure that appropriate planting is provided as part of the development proposals, and to secure a satisfactory landscape scheme which creates visual relief between the proposed residential and commercial uses on the site. It is advised that a suitable landscape and maintenance condition can be imposed to secure this.
- 6.36 The development proposals have been assessed by the Councils Landscape Consultants, who advise that following submission of additional information to address the previous concerns, as raised in their initial consultation responses dated 24th May, that the additional information provided satisfactorily addresses their concerns. It is noted that some concerns remained regarding the location and use of the proposed public open space area, however Officers are satisfied that the current arrangement is satisfactory and that the location of the green will be an attractive focal point when entering the site. It is however agreed that additional screening around the perimeter of the grassed soft landscaped area surrounding the flats should be provided, in the event that the application be recommended for approval. It is considered that suitable conditions can be imposed in respect of additional hard and soft landscaping measures, as well as provision of a landscape management plan and an arboriculture method statement, in order to mitigate against any concerns raised.
- 6.37 Officers accept that the application proposals would not have any adverse environmental impact in terms of its impact on the landscape value of the site, and that the layout of the development has evolved following pre-application discussion to create a more organic design and layout. It is considered that the scheme would not result in any impact on visual amenity or the visual character of the countryside and natural environment and that there would be some positive benefits arising from the proposals in the form of landscape enhancements and protection.
- 6.38 Additional landscaping details are required to ensure that the appropriate landscaping is provided between residential and commercial uses to the south of the site, and between the listed building and residential dwellings to the north of the site to mitigate against any potential visual harm and that overall the proposals comply with Policies 32 and 33 of the HDPF 2015 and Policies and Policy 12 of the Barns Green and Itchingfield Neighbourhood Plan.

Impact on Heritage Assets

- 6.39 Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting. Chapter 16 of the National Planning Policy Framework (NPPF) follows this statutory provision and seeks to positively manage changes to the historic environment to ensure sufficient flexibility whilst conserving the important and irreplaceable nature of the designated asset. Chapter 16 requires decision-makers to consider whether a development proposal would lead to 'substantial' or 'less than substantial' harm to a designated heritage asset, and if so, describes how decisions should be steered in order to preserve the asset whilst allowing some flexibility for change, where appropriate.
- 6.40 Policy 34 of the HDPF sets out the Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. Paragraph 197 of the NPPF requires a balanced judgement is made in respect of the significance of the heritage asset, the level of harm and the public benefits arising from the proposal.
- 6.41 Paragraph 202 of the NPPF states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*. This paragraph is key when determining whether the changes proposed within the setting of any listed building would be acceptable.
- 6.42 The northern boundary of the application site is located adjacent to and within a 1km buffer zone of a 17th Century Grade II listed building known as 'Little Slaughterford' Farmhouse. Given the Grade II listing of Little Slaughterford, both the built structure and its setting are considered to be an irreplaceable heritage asset under s.66 of the Act, Chapter 16 of the NPPF and Policy 34 of the HDPF.
- 6.43 The Conservation Officer has not raised an objection to the scheme, however it has been identified that the proposed development will result in some level of harm to the setting of the listed building due to the proximity and relationship with the new development. It is advised that the harm will be 'less than substantial' and 'somewhere in the middle of this scale'. Notwithstanding this, the Council's Conservation Officer advises that the application should be determined as directed by paragraph 202 of the NPPF, and any harm arising from the proposals should be weighed against the public benefits of providing residential units on this site. It is advised that suitable design conditions can be imposed to secure a successful and attractive build in the event that the application is recommended for approval.
- 6.44 The applicants Heritage Statement (Orion - October 2021) sets out and acknowledges that there are a number of historic buildings including Little Slaughterford Farmhouse within the vicinity of the application site, however they maintain that there is limited inter visibility between the proposed development and 'Little Slaughterford' and the application site. The existing dwelling is well screened along its northern boundary and a 2 metre fence exists to the rear. Design measures have been put in place to address the relationship between the listed building and Plots 4, 8, 9, 10 and 11, including dwellings being no higher than 1.5m in height. Additionally Plots 1, 2, 3 and 4 have been set back from Chapel Road to preserve the existing building line and views along the north / south axis in order to address concerns regarding the relationship between the new development and the listed building, and to lessen their prominence in the context of the heritage asset to the north of the site.
- 6.45 Other Grade II listed buildings in the locality include Barns Green Village Store (162m NW of the site), The Queens Head Pub (197m NW of the site), Valewood (236m S of the site), Blacksmith Cottage (236m NW of the site) and Bennetts (267m N of the site). It is considered that these heritage assets are sufficiently distanced from the site and as such there would

be no harmful impact upon their character or setting. There are no listed buildings located within the application site itself.

- 6.46 It is considered that the level of harm to the setting of the heritage asset at Little Slaughterford has been addressed and that the overall the level of harm would be outweighed by the public benefits associated with the proposal. The proposed development will make a valuable contribution towards meeting unmet housing need by delivering 32 dwellings, including 12 affordable new homes within Barns Green, and Horsham District more generally. The provision of 6 new purpose built commercial units will also positively contribute towards the employment land requirements within the district. The public benefits provided through the delivery of market and affordable homes, together with new commercial units, weighs heavily in favour of the development in light of the draft allocation, and as such the proposals are considered to comply with Policy 34 of the HDPF and Paragraph 202 of the NPPF.

Housing Mix and Affordable Housing

- 6.47 Policy 16 of the HDPF [part 3 (a) refers] states that on sites providing 15 or more dwellings, the Council will require 35% of dwellings to be affordable provision with a tenure split of 70% affordable rented and 30% intermediate housing. Policy 16 also requires that 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) November 2019 (Iceni Projects).
- 6.48 Of the 32 dwellings proposed, it is proposed that 20 units are market dwellings providing a mix of 2 x 2 bed units (27%) 9 x 3 bed units (41%) and 9 x 4 bed units (26%). The mix of sizes and type of the units broadly accord with the SHMA and are considered to comply with Policy 16 of the HDPF.
- 6.49 The proposals provide 12 on-site affordable housing units including 6 x 1 bed flats (46%), 2 x 2 bed flats (30%), 4 x 3 bed houses (22%). This quantum and mix of unit sizes is also considered to be compliant with Policy 16. The Council's Housing Officer has been consulted and has raised no objections to the proposals.
- 6.50 It is advised in the Planning and Affordable Housing Strategy that the affordable units will be delivered as shared ownership and affordable rent, to be secured through a proposed S106 agreement. Therefore, subject to completion and signing of the necessary s106 agreement, that the proposals are considered as compliant with Policy 16 of the Horsham District Planning Framework (2015) and are considered to be acceptable.

Impact on neighbouring amenity

- 6.51 Policies 32 and 33 of the HDPF seek to ensure an attractive, functional, accessible, safe and adaptable environment avoiding unacceptable harm to the amenity of occupiers/users of nearby property and land through overlooking or noise.

(Residential)

- 6.52 Officers consider that that there is adequate separation distances between the proposed dwellings along the eastern boundary of the application site to the existing residential dwellings on Chapel Road, with distances ranging between 22m - 34m, and also between the new dwellings and The Old Farmhouse (27m). Separation distances between the new dwellings within the site itself are considered to acceptable. Adequate private rear garden amenity provision ranges between 10m-13m in length. The apartment block has a limited area of green space around its perimeter, but sits adjacent to the communal central green open space. Given the apartments blocks location within the site and the direct access to the

immediate countryside, it is considered that the level of amenity space provision is acceptable.

- 6.53 Officers are satisfied that there is sufficient separation distance from the listed building known as Little Slaughterford and Plot 4 (which has no side elevation windows), being 13.8m from the nearest common boundary on the application site and 21m from the nearest side elevation such that no harm to residential amenity would arise. The single storey garage associated with this plot is 16m from Little Slaughterford.
- 6.54 The relationship between the proposed dwellings along the northern boundary of the site (Plots 4, and Plots 8 -11) adjacent to 'Little Slaughterford' is considered to be acceptable. It is considered that the proposed 1.5 storey dwellings, along with the retention of the existing mature boundary hedge and the provision of additional trees will mitigate against any concerns regarding overlooking towards Little Slaughterford. A suitable condition to ensure appropriate landscaping to mitigate against potential harm is recommended should planning permission be granted.

(Commercial)

- 6.55 It is considered that there is adequate separation distance between the existing and proposed residential dwellings and the proposed commercial units to the south of the site such that their size, scale and massing would not result in a loss of amenity in terms of loss of light, outlook, and overshadowing and would not result in any increased sense of enclosure. A minimum separation of 20m between the commercial units has been achieved as well as a separation distance of 25m from any house on Chapel Road in accordance with the requirements set out in Policy 9 of the BGINP. The commercial units sit approx. 54m from Chapel Road and are between 18.95m m and 24m from the rear garden boundaries of Plots 21-32; given the residential garden lengths are approx.11m-13m the separation distance from the rear elevations of the dwellings is even greater. There are no facing windows within the commercial units as there are roof lights only, as such there is no potential for overlooking of private gardens area to dwellings on Plots 21-32.
- 6.56 Commercial vehicles (and site traffic accessing the existing camp site) would share the same access road as residential traffic passing by the residential dwellings along the main access route. Given the relatively low levels of anticipated traffic associated with the proposed commercial units that would pass through the site, and the fact that when on site most holiday makers remain on the site for the duration of their stay, it is not considered that the comings and goings of vehicles (including the occasional larger commercial vehicle) would result in an unacceptably harmful impact on the living environment of the occupiers of dwellings adjacent to the access road of visitors to the campsite.

Noise

- 6.57 No detailed noise surveys have been submitted with the application. The Council's Environmental Health Officer has been consulted and has requested that a condition be imposed to require an assessment of the acoustic impact arising from the operation of all internally and/or externally located plant, machinery equipment or building services plant to be undertaken and a report submitted to and approved in writing by the Local Planning Authority. Officer site visits made during the assessment of the application have noted no noise concerns arising from the existing commercial operations on the site at the time of visits.
- 6.58 Whilst there are existing unfettered commercial operations being carried out within the existing commercial units on site, the application proposals seek a new mixed use development with residential receptors close by to the proposed replacement commercial units. This may result in a new industrial use which could potentially result in noise disturbance to adjacent properties and holiday makers at the adjacent campsite.

- 6.59 The applicants have submitted details of existing and former commercial occupiers operating from the Summers Pond site, some of whom have shown interest in the proposed commercial units. These include occupiers that service and repair machinery, engineering, tree surgeons, builders, storage, and car sales and repairs. The current commercial tenants have unfettered operating hours and as such are not restricted in their hours of operation by any planning condition or other formal controls.
- 6.60 The applicant seeks permission for 6 commercial uses falling within Class E (Commercial, Business and Service) of the Town and Country Planning Use Classes Order 1987 (as amended). Class E accords with the commercial uses sought for this site under Policy 9 of the BGINP. Class E (Commercial, Business and Service) is though a broad use class that includes the following uses that could operate from the site:
- E(a) Display or retail sale of goods, other than hot food
 - E(b) Sale of food and drink for consumption (mostly) on the premises
 - E(c) Provision of:
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality
 - E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
 - E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
 - E(f) Creche, day nursery or day centre (not including a residential use)
 - E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes
- 6.61 Whilst the majority of the Class E use classes as above are considered to be defined as operations that can be carried out in a residential area without detriment to the amenity to existing or proposed properties, it is considered that the use of the premises for purposes such as E(a) and E(b), would not be appropriate uses on this site given the level of traffic generation, and the associated activity and noise that would be generated. Other uses mentioned by the applicants such as car sales and repairs, and storage, do not form Class E uses and therefore would not be permitted by this application.
- 6.62 A condition is therefore recommended to limit the use of the 6 new commercial units within Class E to excluding use for Class E (a) and E (b). All other uses within Class E(c) including E(c) (i) (ii) (iii), E(d) E (e) E(f) and E(g) including E(g)(i) (ii) (iii) are considered appropriate. Anything other uses would require permission in its own right. It is considered that Class E units (as restricted) would not result in a detrimental impact on the amenity of any adjacent properties.
- 6.63 In respect of hours of operation, whilst the existing units are not restricted, the proximity of new residential uses is such that restrictions on hours of operation and delivery/dispatches are considered necessary. Door openings to the commercial units face south away from the residential units to ensure that any noise is screened to the north. However, given the potential for noise disturbance arising from the commercial uses suitable conditions are required such as hours of operation and additional noise information in order to protect residential amenity of the future and existing nearby residential occupiers and camp site users. The Council's Environmental Health Department have been consulted and they have advised that the hours of operation, restricting the use of vehicles, plant, machinery, processes carried on and deliveries taken or dispatched from the site should not take place outside the hours of 08:00hrs to 18:00hrs Mondays to Fridays inclusive; 09:00hrs to 13:00hrs on Saturdays and not at all on Sundays and Bank and Public Holidays.

- 6.64 Additional noise controls recommended by the Council's Environmental Health Department include conditions requiring an assessment of the acoustic impact arising from the operation of internally or externally located plant or machinery or building services plant; a delivery, collection and service management plan (for each commercial unit) including types of vehicles and details of deliveries and collections and their frequency; and a Noise Management Plan for the commercial units, including (but not limited to) the hours of operation, management responsibilities during all operation hours and measures to control noise from all activities and operations at the site and details of minimising noise from vehicles, deliveries, collections and servicing.
- 6.65 It is therefore considered that the development can be appropriately controlled to ensure that the commercial / industrial uses as sought would not have a harmful impact on the amenity of existing or prospective occupiers in terms of potential noise disturbance. These restrictions will ensure that the existing business and any future occupiers would not have a significant impact on the amenity of any adjacent properties.
- 6.66 A Construction Management Plan (CEMP) condition is recommended to address and control the construction management process should planning permission be granted. The CEMP will require satisfactory information to be submitted with regard to the construction programme, site logistics including access, contractor parking arrangements, and measures to control dust and mud. The approved details will help to reduce the adverse impact of the construction process on neighbouring residents, but it is acknowledged that construction process at this site is still likely to cause some (albeit temporary) adverse impact.

With the imposition of suitable conditions regarding materials, hours of operation including deliveries and despatch to and from the commercial units, and a CEMP, the proposals are considered to accord with Policies 32 and 33 of the HDPF.

Highways Access and Parking

- 6.67 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. Policy 15 'Parking Provision' of the BGINP states that development shall include provision of off-road parking for residents of, and visitors to, the development in compliance with West Sussex County Council requirements.
- 6.68 WSCC Highways and the PROW team have been consulted during the course of consideration of this application, and revisions have been made to address matters of concern that were raised as part of the consultation process. WSCC Highways are satisfied that there is sufficient parking for the proposed scheme and that by re-routing the PROW (bridleway) the development proposals are considered to be acceptable.

Access

- 6.69 The application seeks the alteration of the existing access which is an unclassified road off of Chapel Road to provide an increased to 6.2m in width, along with a 2m wide footway either side with bell mouth and a 3m wide re-routed PROW on southern side of the internal access road, in line with guidance in Manual for Streets. The proposed access road has two spurs off of the internal spine road, leading to the residential parking courts to the rear of Plots 21-32 (southern part of the site), and a spur to the south side of the internal spine road that leads to the residential units to the north of the site. The proposals seek to retain the existing access points which lead to the camping and caravan plots in north and the holiday lodges in the south.
- 6.70 A swept path analysis for the commercial vehicles entering and leaving the site in forward gear, demonstrating that they are able to remain on the appropriate sides of the carriageway has been submitted and the WSCC Highways consider the details to be acceptable. WSCC

Highways advise that the highway modification works would require technical approval through an s278 agreement, to be secured via s106 agreement. The proposals required a Stage 1 Road Safety Audit (RSA) and accompanying Designers Response which have been submitted by the applicants and agreed with WSCC Highways.

Parking

- 6.71 The WSCC Guidance on Parking at New Developments requires that the commercial floor area provide 1 car parking space per 30sqm making for a total requirement for 36 spaces. The commercial units show 83 plus 6 x loading bays. In this case there is an overprovision of car parking spaces associated with the commercial uses on site which will allow sufficient parking levels for use of both the commercial site and visitors to the reception building associated with the camp site, as such it is considered that overall the parking levels exceed what is required. There is therefore an acceptable level of shared car parking provision, 5% of which are marked up with hatching denoting disabled bay provision.
- 6.72 WSCC Highways advise that the residential units require a total of 69 spaces for the residential element of the site plus 6 visitor spaces (75 spaces in total). The proposed parking for the development provides 63 allocated spaces, along with an additional 12 visitor spaces and 7 unallocated spaces, as well as 1 communal EVC space for the flats, making a total of 83 spaces. Overall the development has an overprovision of the required car parking levels, and as such taken together, the allocated parking spaces and the number of unallocated and visitor spaces accord with the WSCC Highways parking requirements. Bicycle parking should be provided in line with WSCC Guidance, and a condition has been imposed to secure suitable provision.

Road Network Capacity

- 6.73 The Applicants have submitted a Transport Statement (i Transport Ref: JDC /PS/ITB164080-001A (dated 15 October 2021) and a supporting Technical Note (i Transport ref: JDW/PL/ITB16480-003b dated 17 February 2022). A Stage 1 Road Safety Audit has also been undertaken and the full Road Safety Audit report and Designers Response has been submitted for consideration as part of the application.
- 6.74 The traffic generation forecast identifies that this development comprising 32 dwellings and 1,071.5sqm of commercial floor space would generate 21 -24 peak hour two-way traffic movements which equates to less than 1 vehicle every 2-3 minutes on average across the peak hours.
- 6.75 It is reported within the Transport Statement that the proportion of traffic generated during peak hours (08:00 - 09:00 and 17:00 -1800) would comprise 36.8% in relation to commercial / business purposes between (am peak hour) and 43.2% during (pm peak hour) with all other journey purpose at 63.2% (am) and 56.8% (pm). It is estimated for the purposes of the transport analysis that 43% of the total vehicular trips generated by the residential development will be in relation to employment journeys and the remaining 57% of vehicular trips will be for other purposes for both morning and afternoon. This demonstrates that there would be a greater proportion of non-local work journeys. It is advised that traffic generated from the site using the consensus Journey to Work datasets for Horsham that 86% of traffic would travel north and 14 % will travel south from the site access.
- 6.76 On the basis of the information provided by the Applicants in their Transport Statement WSCC Highways do not consider that the development would result in a wider impact on the operational capacity of the nearby road network.

Sustainable Transport

- 6.77 The application site is well located in terms of sustainable transport options, and that there are pedestrian footways and bus stops close by (70m to the north of the development). Buses provide limited services to Storrington, Loxwood and Horsham. Christs Hospital Train Station is located within 3.8km and can be reached by bus or cycle. WSCC Highways advise that they are satisfied that whilst there is no dedicated cycle lanes the speeds and traffic flows would be appropriate for some cyclists.
- 6.78 The applicant has submitted a Travel Plan Statement (TPS) which sets out the aims to reduce single occupancy car journeys and promote non-car modes. A target of 10% reduction in 12-hour vehicle trip rate has been set (23 movement reduction by end of travel plan period). It is proposed that travel information packs be issued to residents which include a £50 travel voucher, as well as provision of a community notice board promoting walking/cycling routes and public transport info. Car sharing will also be encouraged and promoted. WSCC Highways advise that the Council should seek to secure a fee of £1,500 for monitoring and auditing of the Travel Plan Statement via s106 Agreement/ Unilateral Undertaking.
- 6.79 WSCC Highways advise that the proposal would not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, and that a safe and suitable access can be achieved. Therefore the proposals are considered to be in accordance with the National Planning Policy Framework (paragraph 111), and there are 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

- 6.80 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.
- 6.81 The Applicants have submitted a full suite of Ecological reports, including additional information to address initial concerns raised by the Council's Ecologists. The Council's Ecologist has reviewed the information submitted which relates to the likely impacts of development on protected & priority habitats and species, and the identification of proportionate mitigation, and have concluded that they are satisfied that there is sufficient ecological information available for determination of the application and that the level of information provides certainty to demonstrate the Local Planning Authorities compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 6.82 The Parish of Barns Green is located within the impact risk zone for The Mens Special Area of Conservation (SAC), the qualifying feature of which is the identification of Babastrelle bats. The application site is located approximately 8.5km for The Mens SAC and within 12km of the wider Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol.
- 6.83 The Council's Ecologist considers that the given the retention, protection and enhancement of the hedge along Chapel Road, the proposed development would be unlikely to result in any significant impacts on bat flight paths within the wider conservation area for the Mens SAC. The Council's Ecology Officer has also advised following receipt of additional information that there are no objections to the removal of the isolated tree identified on the Arboricultural Plan as (T11), as the information confirms that there are no bat roosts or bats found within the tree to be felled. A Wildlife Friendly Lighting Strategy is recommended to

demonstrate precautionary measures to avoid lighting impacts on foraging / commuting bats. This can be secured by condition should the application be approved. A Habitats Regulations Assessment Screening has been carried out in respect of the development proposals which concludes that the project would not have a likely significant effect on the designated features of the Mens SAC or Ebernoe Common SAC, either alone or in combination with other plans and projects and the project is in compliance with regulation 63 of the conservation of Habitats and Species Regulations 2017 (as amended).

- 6.84 The ecology submissions detail the required mitigations and a series of ecological enhancements to the site. Whilst no biodiversity metric has been submitted as promoted by the recently endorsed Planning Advice Note on Biodiversity and Green Infrastructure, nevertheless the information submitted demonstrates ecological enhancements as required by local and national policy.
- 6.85 The proposed mitigation measures include the retention and protection of the site boundary hedgerows along the north, east and west field boundaries; the drainage ditch with associated vegetation along the western field boundary to maintain connectivity, foraging and nesting habitats and plant diversity and maturity; new tree and shrub planting to compensate for loss of oak tree and a short section of isolated hedging along with a new mixed native species hedgerow along the southern boundary of the site, to compensate for the loss of the evergreen hedge on land to the south of the site, between the southern extent of the farmyard and the northern bank.
- 6.86 The identified enhancement measures include the replacement of the low ecological value grassland lost as a result of the development with the planting of new trees and shrub planting within the planting beds, (between the housing, parking and access), together with fruit tree planting within the private garden areas and aquatic planting around the new pond and swale areas within the northern part of the site, as shown on the Landscape Masterplan. An overall increase in the green space / soft landscaping (to offset the increase in hard covered areas within the northern part of the site) is also proposed along with the provision of new mixed native species hedgerow along the western boundary of the site.
- 6.87 Further mitigation and enhancement measures are set out within the plan and include measures to protect nesting birds, bats, reptiles and hedgehogs. Bird and bat boxes are to be provided including 3 bird boxes with a 28mm diameter hole; 3 boxes with a 32mm diameter hole; and 3 open fronted bird boxes. Purpose made bat rooting units are to be provided for crevice dwellings bats (including pipistrelle (as recorded on site) along with a minimum of 3 'good quality' bat boxes attached to mature trees and / or buildings within the site. In addition to the retention of existing hedging and trees, the proposals provide for new ecologically valuable mixed native species hedging, and new planting beds within the site to provide cover, connectivity and foraging potential for identified bats, slow worm, and hedgehogs on site. No hazel dormice or badgers have been identified on site however the mitigation and enhancement measures as identified would also provide potential for future cover, foraging and connectivity (dispersal routes) across the site. No Great Crested Newts have been identified on site but the provision of the pond and swale, provides a future habitat that is suitable for them.
- 6.88 The biodiversity net enhancements identified within the Ecological Mitigation and Enhancement Plan (ECE – September 2021) include provision of features that do not currently exist on site, and as such provides new ecological habitats, including a new water feature, a pond and a swale within the central green to the northern side of the site. The Council's Ecology Officer confirms that the submitted Ecology information provides satisfactory mitigation and enhancement measures, which are to be secured by condition. Accordingly the proposals are now considered to accord with the provisions of HDPF Policies 25 and 31, the Planning Advice Note on Biodiversity, and Paragraph 174d of the NPPF.

Water Neutrality

- 6.89 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.
- 6.90 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.
- 6.91 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'*.
- 6.92 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.
- 6.93 The applicants have submitted a Water Neutrality Statement which proposed two options in order to make the proposed development water neutral. The first option incorporates on site water efficiency measures as well as off-setting measures on the adjoining camp-site, owned by the applicant. The second option relates to the provision of a potential bore hole to provide water for the agricultural operations on the wider site as part of an offsetting strategy. The bore hole option is no longer being pursued as the first option of offsetting at the adjacent campsite was considered the most appropriate to address the water neutrality requirements of the proposed development. Therefore, the borehole option does not form part of this application.
- 6.94 The Water Neutrality Statement does not set out the existing water consumption at the site therefore it is considered to be nil. The applicants have proposed water efficiency measures through use of water efficient fixtures, fittings and appliances for all 32 residential units and for the proposed commercial unit (comprising 1 kitchen and 3 toilets in each unit). Using the accredited calculation methodology for Part G of the Water Regulations (residential premises) and BREEAM Wat 1 Calculator (commercial premises), it has been demonstrated that these measures, alongside the installation of rainwater recycling systems to capture rainwater from the building roofs and stored within a rainwater tank for each residential property for WC flushing and washing machines, will achieve a daily water use of 84.07 l/p/d. On this basis the total estimated daily water use for the residential element of the development would be 6,221.18 litres per day, and 469.5 litres per day for the commercial

units. The estimated total water demand for the residential and commercial uses at the site therefore equates to **6,691 litres per day**.

- 6.95 The 6,691 litres per day are to be offset at the adjacent camping and caravanning site. A survey of the water consumption of all existing 42 taps, 39 toilets and urinals and 24 showers across the site has been provided, whilst evidence has been submitted demonstrating 47,271 visits to the campsite per year. Available water meter data for the site shows that in a typical year the water demand for the existing site generates approx. 27,221 litres per day. The strategy seeks to upgrade all the above toilets, taps and showers which are calculated to make a saving of some **9,241 litres a day**. This saving exceeds the predicted demand of 6,690 litres per day by some 2,551 litres per day providing considerable headroom to cater for any discrepancies in actual consumption rates moving forward. These water saving measures and the timing of their delivery would be secured through condition and s106 agreement.
- 6.96 Natural England have assessed the Water Neutrality Strategy (Daedalus Environmental Ltd June 2022) submitted with the application along with the supporting evidence, including water usage bills, proposed measures providing water efficiencies on site as well as the proposed off setting measures. Natural England consider that sufficient evidence has been submitted to demonstrate that the application proposals for 32 dwellings and 6 commercial units would, with the mitigation measures for off-setting as proposed, result in development that can be considered to be water neutral.
- 6.97 In accordance with s.63 of the Habitat Regulations an Appropriate Assessment of the proposals has been undertaken in consultation with Natural England and subject to conditions and a legal agreement to secure the water neutrality strategy, the proposals would not result in adverse impact on the integrity of the Arun Valley habitat sites. On this basis the development complies with s.70 of the Conservation of Habitats and Species Regulations 2017 as well as with Policy 31 of the HDPF and paragraph 180 of the NPPF.

Other Matters

Archaeology

- 6.98 The WSCC Historic Environment Records indicates that the proposed development lies within a sensitive area of heritage assets to the west of Barns Green and that the application site forms part of the Archaeological Notification Area of Barns Green Historic Village (DWS 8996). The application site therefore has a potential for 15th to 17th century medieval occupation associated with Barns Green Village, including the medieval farmsteads of Little Slaughterford and Slaughterford Farms and an area around Barns Green Infant School which includes the public house and a number of other buildings in the village of potentially medieval origin.
- 6.99 The Council's Archaeology Consultant has advised that there have been archaeological deposits found to the north from the medieval period. The applicant has submitted an Archaeological Desk-Based Assessment which concludes that there is '*therefore considered to be a moderate potential for medieval archaeological finds or features to be present within the study site*'.

Given the potential for archaeological deposits within the northern portion of the site, it is considered that a suitable condition be imposed to ensure any archaeological findings are suitably managed in accordance with the National Planning Policy Framework. With the imposition of a suitable archaeology condition, the proposals would accord with HDPF Policy 34 and the NPPF.

Climate Change

- 6.100 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.
- 6.101 In accordance with Policies 35, 36 and 37 of the HDPF, the scheme includes a Sustainability and Renewable Energy Statement. The statement incorporates sustainable design measures to reduce energy use. The development is considered to be water neutral achieving a water demand figure of 85l/p/d.
- 6.101 In addition to the provisions included as part of the submission detailed in the applicants planning statement, Officers consider that the following measures can be secured as part of the application in order to reduce the development impact on climate change.
- SUDS and green infrastructure to manage flood risk
 - Requirement to provide full fibre broadband site connectivity
 - Refuse and recycling storage
 - Cycle parking facilities
 - Electric vehicle charging points
 - Re-routed and improved PRow
 - Opportunities for biodiversity gain
 - Travel plan
- 6.102 An Energy Statement has also been provided (within the Design and Access Statement) and adopts a 'Fabric First' approach to meeting energy targets, and to provide an energy efficient scheme that results in minimal carbon emissions through regulated energy and improvements to the thermal performance of the building fabric. The Applicants advise that these measures meet and may exceed Building Regulations standards. The Fabric First building approach also allows consideration of photo voltaic panels that could be integrated within the roof slope.

Air Quality

- 6.103 Officer recognise that the use of renewable energy and the provision of electric car charging points are all important in regards to air quality and mitigation against the effects of climate change within the District and elsewhere. The Applicants have agreed to a damage cost contribution of £4,723 in accordance with the methodology set out in the Air Quality and Emissions Mitigation Guidance for Sussex (2021). The requirements of this will form part of the associated s106 agreement.

Flooding and Drainage

- 6.104 HDPF Policy 38 seeks to ensure that flood risk is considered during the planning process in order to direct development away from high risk areas and to avoid inappropriate development and to ensure that required development can be carried out without flood risk elsewhere.
- 6.105 The Environment Agencies' flood zone map indicates that the application site is located wholly within Flood Zone 1. WSCC as the Land Local Flood Authority (LLFA) has been consulted and no objections have been raised. It is advised that the surface water mapping shows that the majority of the site is at low risk from surface water flooding although the western and northern boundaries are shown to be at higher risk. It is advised that *existing surface water flow paths across the site should be maintained and mitigation proposed for*

areas of high risk'. The Environment Agency web site identifies the western and northern edge of the application site to be at moderate risk of surface water flooding from Parsons Brook which lies over 20m to the south of the application site and falls within Flood Risk Zone 2 and 3. The risk of surface water flooding arises from the deep ditch on the west side of the development and the watercourse (a tributary of the River Adur) on the north side.

- 6.106 It is advised that the proposed development is at low risk from groundwater flooding. The LLFA advise that the Council's Drainage Engineer be consulted.
- 6.107 The Applicants have submitted a Drainage Design Statement dated February 2021 (Environmental Assessment Services Ltd - revised September 2021). The drainage design included with this application states that swales, ponds and below ground attenuation with a restricted discharge to the watercourse would be used to control the surface water runoff from the site. The drainage strategy proposes surface water storage would be via underground crates (Aqua Cell Core or similar storage units) beneath the car park and access roads, surface water would drain at green field flow rates. In addition to these measures and the proposed ponds and swale, it is advised that permeable paving for driveways and patios underlain by drainage blankets, plus collection of rainwater harvesting for use of householders in their garden areas form part of the drainage strategy.
- 6.108 The Drainage Design report has been reviewed by the Council's Drainage Engineer and by WSCC's Flood Management Team and is considered to be acceptable. However it is advised that any new discharge to the local watercourse will require 'Ordinary Watercourse Consent' from the Lead local Flood Authority.
- 6.109 A suitable condition is recommended in respect of foul and surface water drainage as required by Southern Water. Subject to this condition, the scheme is in accordance with Policy 38 of the HDPF.

Contamination

- 6.110 Policy 24 of the HDPF states that the high quality of the district's environment will be protected through the planning process. Developments are expected to minimise exposure to and the emission of pollutants. A contaminated land preliminary report has been submitted however following review Environmental Health have requested that further details relating to the identification of contamination be submitted, which they are satisfied can be sought by condition. This includes a scheme to deal with the risks associated with contamination in the form of a pre demolition preliminary risk assessment, as well as an intrusive site investigation scheme which identifies the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those offsite, as well as full details of remediation measures required and how they will be undertaken. Subject to the imposition of the relevant conditions addressing these matters and provided that the submitted information is considered satisfactory, the proposals would accord with Policy 24 of the HDPF.

Conclusions and Planning Balance

- 6.111 In accordance with planning law, the starting point for the assessment of this proposal is to consider whether or not it accords with the provisions of the adopted development plan (comprising the HDPF). The site is not allocated for housing development in the HDPF or a made Neighbourhood Plan, therefore in the first instance, it must be concluded that the development of the site for housing is contrary to Policies 1, 2, 4, and 26 of the HDPF. This carries significant weight against the proposal.
- 6.112 Notwithstanding this, it is acknowledged that the site has been selected for housing allocation in the emerging Barns Green and Itchingfield Neighbourhood Plan (BGINP) for the extent

and quantum of development currently proposed. Due to its advanced stage in production (having been through consultation and passed independent Examination), the allocation of this site in the emerging BGINP is judged to hold significant weight in decision making and carries significant weight in favour of the proposal. The proposal is also considered to accord with the main criteria listed within the newly published Facilitating Appropriate Development document which also carries weight in favour of the proposal.

- 6.113 It is considered that the design and appearance of the dwellings and commercial units and reception building (associated with the camp site) are acceptable and provide an attractive development that would make best use of this brownfield land site within the countryside. The proposed development is considered to sit well within the overall confines of the site and within the wider site context and the surrounding development, which includes the neighbouring camp site, nearby residential dwellings and the Grade II listed building (Little Slaughterford). The development is considered to be of a size and scale, massing and appearance that accords with the development criteria as set out in Policies 32 and 33 of the HDPF, and Policies 9, 9A and 12 of the Barns Green and Itchingfield Neighbourhood Plan (referendum version).
- 6.114 Whilst the proposals would have a 'less than substantial' impact upon the setting of the adjacent Grade II listed building, the public benefits of the proposal when considered overall are sufficient to outweigh the identified level of harm. The proposals are therefore considered to accord with Policy 34 of the HDPF 2015, Policy 3 (Heritage Assets) of the Barns Green and Itchingfield Neighbourhood Plan and paragraph 202 of the NPPF
- 6.115 The proposals provide for sufficient parking for both the residential and commercial elements, retain the PROW through the site as an upgraded segregated 3m wide bridleway, and would not result in a severe impact on the public highway or highway safety issues. Furthermore, the proposals have been demonstrated to be water neutral, would not adversely impact on priority and protected species and would provide for ecological enhancements. Subject to conditions controlling the extent of permitted uses with Class E, noise impacts and hours of operation, the proposals would not harm the amenities of residents and campsite users. A policy compliant quantum and mix of market and affordable housing is also provided.
- 6.116 The Council is unable to demonstrate a 5-year supply of deliverable housing sites when calculated against the identified need. As such, the weight attributed to the conflict with HDPF Policies 4 and 26 is diminished, and the provisions of paragraph 11d of the NPPF are relevant, which requires the decision makers to apply the presumption in favour of sustainable development (the tilted balance) in such circumstances. As the proposal has been demonstrated to be water neutral, no policies that protect areas of particular importance provide for a clear reason to refuse permission, therefore the presumption in favour of sustainable development (the 'tilted balance') fully applies in the consideration of this application. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against.
- 6.117 Given the advanced stage of the Barns Green and Itchingfield Neighbourhood Plan (BGINP) and the compliance of the proposals with the site allocation Policy within the draft plan, and the compliance of the proposals with all other relevant policies within the HDPF and draft BGINP, applying the presumption in favour of development the benefits of the 32no. dwellings (including 12 affordable dwellings) and 6 commercial units would far outweigh the conflict with policies 4 and 26 the HDPF.

6.118 Officers are therefore recommending to Committee that subject to the conditions listed below, and the completion of a s106 legal agreement, the application for 32no. dwellings, 6 commercial units and a reception building on this site should be granted planning approval.

7. RECOMMENDATIONS

7.1 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.

Conditions:

1 Plans list

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

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

3 **Pre-Commencement Condition:** No phase of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
- ii. Details of how residents will be advised of site management contact details and responsibilities;
- iii. Detailed site logistics arrangements (to include details shown on a plan), including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil);
- iv. Details regarding parking or site operatives and visitors, deliveries, and storage (to include details shown on a plan);
- v. The method of access to and from the construction site;
- vi. The arrangements for public consultation and liaison prior to and during the demolition and construction works - newsletters, fliers etc;
- vii. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;
- viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan).

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

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of 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:**

- 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).

- 5 **Pre-Commencement Condition:** No phase of the development hereby approved shall commence until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of that phase 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).

- 6 **Pre-Commencement Condition:** No phase of the development hereby approved 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 Arboricultural Method Statement. 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).

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

- All trees on the site shown for retention on approved drawing number [insert number], as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- 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.

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

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

- 8 **Pre-Commencement Condition:** No soils shall be imported or re-used within each phase of 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. Prior to the first occupation (or use) of any part of the development hereby permitted within that phase, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by 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).

- 9 **Pre-Commencement Condition:** No phase of the development hereby approved shall commence until a construction environmental management plan (CEMP: Biodiversity) for that phase 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.

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

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991 and Policy 31 of the Horsham District Planning Framework.

- 10 **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).

- 11 **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).

12 **Pre-Commencement Condition:** With the exception of the demolition and removal of existing buildings and any concrete hardstanding no development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A pre-demolition preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

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

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and 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).

13 **Pre-Commencement (Slab Level) Condition:** No building above ground floor slab level of any part of any phase of the development hereby permitted shall commence until a Biodiversity Enhancement Strategy for protected and Priority species for that phase 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).

14 **Pre-Commencement (Slab Level) Condition:** No building above ground floor slab level of any part of any phase of the development hereby permitted shall commence until a Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to, and be approved in writing by, the local planning authority prior to commencement 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).

- 15 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of any 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 a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

- 17 **Pre-Occupation Condition:** No part of any phase of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points for that phase 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).

- 18 **Pre-Occupation Condition:** No part of any phase the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works for that phase have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained
 - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details

- Details of all hard surfacing materials and finishes
- Details of all boundary treatments including boundary walls and fences
- Details of all external lighting (including Wildlife Friendly Lighting Strategy as advised)

Details should also include retained historic landscape features and proposals for restoration where relevant.

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

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

- 19 **Pre-Occupation Condition:** No part of any phase of the development hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas within that phase has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 20 **Pre-Occupation Condition:** The commercial units and reception building shall not be first occupied until details for the storage of refuse and recycling for that commercial unit or reception building have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall implemented prior to first occupation and shall thereafter be retained for use at all times.

No dwelling hereby permitted shall be occupied until provision for the storage of refuse and recycling for that dwelling has been provided within the garage or side or rear garden of that dwelling. The flat block shall not be occupied until the refuse and recycling facilities detailed on the approved plans have been installed. The facilities shall thereafter be retained for use at all times.

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

- 21 **Pre-Occupation Condition:** No dwelling, commercial unit or reception building shall be first occupied until the parking, turning and access facilities necessary to serve that dwelling/unit/building have been implemented in accordance with the approved details as shown on plan 6991 001 Rev Q received on 13 October 2022 and plan ITB16480 GA 007 Rev D receive don 1 September 2022. The parking, turning and access facilities 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).

- 22 **Pre-Occupation Condition:** The commercial units and reception building shall not be first occupied until details for the secure and covered cycle parking to serve that commercial unit or reception building have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall implemented prior to first occupation and shall thereafter be retained for use at all times.

- 23 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until secure and covered cycle parking for that dwelling has been provided within the garage or side or rear garden of that dwelling. The flat block shall not be occupied until the refuse and recycling facilities detailed on the approved plans have been installed. The facilities 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).

- 24 **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).

- 25 **Pre-Occupation Condition:** No part of the commercial development hereby permitted shall be occupied until a Delivery, Collection & Service Management Plan, (for each commercial unit) which includes details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries has been submitted to and approved in writing by the Local Planning Authority. All deliveries and collections shall thereafter be carried out in accordance with the approved plan.

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

- 26 **Pre-Occupation Condition:** No part of the commercial development hereby permitted shall be occupied until a Noise Management Plan for the commercial units has been submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment, plant or building services) and minimising noise from vehicles, deliveries, collections and servicing. The Noise Management Plan shall be implemented and complied with thereafter for the duration of the use/development.

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

- 27 **Pre-Occupation Condition:** No part of any phase of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) for that phase has been installed,

connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

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

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

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

- 29 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 12(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 12(c), unless otherwise agreed in writing by 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).

- 30 **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).

- 31 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement (Tree Survey and Arboricultural Impact Assessment dated February 2021 and updated October 2021).

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).

- 32 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Ecological Mitigation and Enhancement Plan (Environmental Assessment Services Ltd – 409D/LG/ECE/SummersPonds/EMP - September 2021).

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

- 33 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a

remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: 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).

- 34 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or the Town and Country Planning (Use Classes) Order 1987 (as amended), or Orders amending or revoking and re-enacting the same, the industrial / commercial units hereby approved shall only be used for purposes falling within use Class E (c) (i) (ii) (iii) and (d) (e) (f) and (g) (i) (ii) (iii) only, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the proximity to neighbouring properties and the economic benefit the approved use provides under Policies 12, 13 and 33 of the Horsham District Planning Framework (2015).

- 35 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any proposed building which fronts onto a highway without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenities of the locality and/or highway safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 36 **Regulatory Condition:** The garage(s) hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 37 **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).

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

Reason: To safeguard the amenities of the nearby residential dwellings adjacent to the commercial units and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

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

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

- 41 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Letter (Batscan Ltd., October 2022), the Great Crested Newt, Dormice and Reptile Surveys (Matthes, November 2021) and the Landscape Masterplan (Lvia Ltd., June 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.

- 42 **Regulatory Condition:** The Class E premises shall not be operated, no process carried out, and shall not be open for trade or business except between the hours of 0800 hours and 1800 hours on Mondays to Fridays inclusive, 0900 hours and 1300 hours on Saturdays, and not on Sundays and Bank and Public Holidays.

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

- 43 **Regulatory Condition:** No deliveries shall be taken or dispatched from the site outside the following times:- 0800 hours and 2000 hours on Mondays to Fridays inclusive, 0900 hours and 1300 hours on Saturdays, and not on Sundays and Bank and Public Holidays.

Reason: In the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework 2015.

- 44 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the commercial premises hereby permitted shall not be altered or extended without express planning consent from the Local Planning Authority first being obtained.

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).

- 45 **Regulatory Condition:** No part of the commercial building or the site shall be designated, equipped or used as a vehicle washing area without the prior written consent of the Local Planning Authority.

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

- 46 **Regulatory Condition:** The development hereby permitted shall be carried out in accordance with the phasing plan received on PL050B received on 15 November 2022.

Reason: To enable a phased delivery of the development to comply with Policy 33 of the Horsham District Planning Framework (2015).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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
District Wide Zone 1	4253.85	0	4253.85
All Other Development	1221.1		1221.10
	Total Gain	5474.95	
	Total Demolition	3417.26	

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

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

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