

Planning Committee (South)
20 JUNE 2023

Present: Councillors: Len Ellis-Brown (Chairman), Joanne Knowles (Vice-Chairman), Sam Bateman, Mark Baynham, Jon Campbell, Philip Circus, Paul Clarke, Mike Croker, Joy Dennis, Victoria Finnegan, Claudia Fisher, Joan Grech, Lynn Lambert, Alan Manton, John Milne, Roger Noel, Josh Potts, John Trollope and Peter van der Borgh

Apologies: Councillors: Emma Beard and Malcolm Eastwood

PCS/4 **MINUTES**

The minutes of the meetings of the Committee held on 18 April and on 24 May were approved as correct records and signed by the Chairman.

PCS/5 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/23/0185: Councillor Len Ellis-Brown declared an interest because he took part in the Pulborough Parish Council Planning Committee that considered the application. He is also a neighbour of the applicant. He left the meeting during this item and took no part in its determination.

DC/23/0185: Councillor Roger Noel declared a personal interest because he knew the applicant. He took part in the debate but chose not to vote on this item.

DC/23/0339: Councillor Len Ellis-Brown declared a personal interest because he was an acquaintance of both public speakers.

PCS/6 **ANNOUNCEMENTS**

There were no announcements.

PCS/7 **APPEALS**

The list of appeals lodged, appeals in progress and appeal decisions, as circulated were noted. The Head of Development & Building Control confirmed that if an area were to gain Conservation Area status after an initial decision but before an appeal, that new status would carry weight.

PCS/8 **DC/23/0701 - OLD CLAYTON BOARDING KENNELS, STORRINGTON ROAD, WASHINGTON**

The Head of Development & Building Control reported that this application sought permission for the demolition of existing kennels and cattery buildings and dwellings, and the erection of a 60-bed care home and eight age-restricted

bungalows with associated access, landscaping, and other works (including relocation of existing saddle stone barn).

The application followed application DC/21/2161, which had been refused by the Committee in January 2023 (Minute no. PCS/36 (24.01.23) refers). The current proposal sought to overcome the reasons for refusal:

‘The proposal is contrary to the Storrington Sullington and Washington Neighbourhood Plan, being sited outside of the Built-up Area Boundary, with the development bulk and size inappropriate for a rural location directly across the road from the South Downs National Park, and which would significantly impact on the aims of the Neighbourhood Plan to retain green gaps between communities, and with water neutrality not proven satisfactorily.’

The presenting officer advised that the Council’s Arboricultural Officer raised no objection with no significant concerns regarding the impact on trees of high amenity value or landscape merit.

The Committee was updated on a response from the Local Lead Flood Authority (WSCC), which identified shortcomings in the Flood Risk Assessment and drainage strategy, including rainfall data and micro-drainage quantities. The Council’s Drainage Engineer was satisfied that if this data were provided and technical solutions put forward, these issues could be resolved via discharge of the conditions within the officer’s recommendation, in consultation with the Flood Authority.

The application site was located on the north side of the A283 Storrington Road to the east and south of the residential estate of Milford Grange. Milford Grange Country Park lay to the north. The site was outside of the South Downs National Park (SDNP) boundary but within the Dark Night Sky Zone.

Washington Parish Council and Storrington & Sullington Parish Council both objected to the application. There had been thirteen representations objecting to the application from ten separate addresses, including an objection from the Milford Grange Management Company. Since publication of the report an additional anonymous letter of objection, which included concerns regarding pressure on health care provision, had been received.

Three members of the public spoke in objection to the application and the applicant and two members of the public addressed the Committee in support of the proposal. A representative of Washington Parish Council and Storrington & Sullington Parish Council both spoke in objection to application.

Members considered the consultees’ responses and the officer’s planning assessment, which included legal advice regarding the reason for refusal relating to the Neighbourhood Plan, and the updated Water Neutrality Statement, which gave details of the proposed offsetting retrofit at the care home in Henfield to the satisfaction of Natural England. It was also noted that

currently the Council was unable to demonstrate an adequate five-year housing land supply.

There was a detailed discussion during which Members considered the impact of the proposal on the amenity of nearby residents and how the size and bulk of the redesigned building would relate to the National Park.

After careful consideration Members concluded that the previous reasons for refusal had been overcome and the proposal was acceptable.

RESOLVED

- (i) That a Legal Agreement be entered into that would secure various obligations to make the development acceptable in planning terms.
- (ii) That on completion of (i) above, planning application DC/23/0701 be determined by the Head of Development & Building Control with a view to approval and subject to conditions.

PCS/9 **DC/23/0185 - PEACOCKS Paddock, STALL HOUSE LANE, NORTH HEATH**

The Head of Development & Building Control reported that this application sought permission for the retention of an agricultural storage barn and extended hardstanding.

The application site was located outside the built-up area to the north-west of Stall House Lane and was mostly laid to grass. There was also a mobile caravan on site used as a mess hall. There were a number of properties and small holdings in the vicinity, with the nearest neighbouring property to the south.

The Parish Council raised no objection to the application. There had been ten representations objecting to the application from nine separate addresses (six of which were from within the district), and five in support, as set in the report; since publication a further six letters of objection and five letters of support had been received, none of which raised additional considerations.

Since publication of the report, a previous objector had submitted an environmental assessment, which the presenting officer commented on as follows:

Lighting: this would be controlled through condition; officers recommended that Condition 3, as set out in the report, be amended to secure further control regarding external lighting and floodlighting.

Nitrate neutrality: Natural England have not declared the district subject to nitrate neutrality so this was not relevant.

Contamination from animal waste: as an agricultural site animal waste was to be expected. An additional condition could be added should Members be minded to do so.

Noise and odour: the site was for agricultural use so these were to be expected.

Ecology: the site was of a scale which would not be expected to provide mitigation or enhancements. An informative could be added regarding the protection of great crested newts.

A request to limit livestock: the site was for agricultural use, not planning use, and such a condition would not be enforceable under the Town and Country Planning Act.

One member of the public spoke on behalf of a number of residents in objection to the application, and the applicant addressed the Committee in support of the proposal.

Members noted the background to the application and considered the consultees' responses and the officer's planning assessment. Members were advised that the current sale of meat from the site was on a small scale, ancillary to its agricultural use, and therefore acceptable; this could be investigated in future if sales were on a larger scale.

With regards to the caravan on site, Members were reminded that the enforcement investigation had concluded and the current application related to the storage barn only. It was proposed that an additional condition be added regarding the storage of animal waste on the site. The proposal was seconded.

It was agreed that **an Informative** would be added to the decision notice regarding the protection of great crested newts as follows:

'Under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.'

RESOLVED

That planning application DC/23/0185 be granted, subject to the conditions as reported, with an amendment to Condition 3 and an additional Condition 4 as follows:

Amended Regulatory Condition 3: Within 3 months of the date of this permission hereby granted, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light and shall have been designed by a suitably qualified person in accordance with the recommendations. The scheme shall be implemented in accordance with the approved scheme and thereafter retained as such. No other lighting shall be installed without the prior consent of the Local Planning Authority

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

Additional Regulatory Condition 4: Within 3 months of the date of this permission hereby granted, details of the location and size of the storage of animal waste shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Local Members). The approved detail shall thereafter be retained as such unless otherwise agreed to and approved in writing by the Local Planning Authority.

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

PCS/10 **DC/23/0339 - EBBSWORTH COTTAGE, THE STREET, NUTBOURNE**

The Head of Development & Building Control reported that this application sought part retrospective permission for the erection of a detached carport and log store and the creation of new access to the highway. A wall fronting the narrow highway and supporting vegetation had been removed and works to create an area of hardstanding had already been undertaken.

The application site was located within a Conservation Area outside the built-up area. Ebbsworth Cottage was a Grade II listed building directly to the north of The Street.

The Parish Council objected to the application and requested that, if approved, the hardstanding be permeable. There had been 16 representations objecting to the application.

One member of the public spoke in objection to the application, and a representative of the Parish Council also spoke in objection.

Members considered the consultees' responses and the officer's planning assessment. They also noted the planning history of the site with regards to DC/20/1972, which had been partially built contrary to the agreed plans thus leading to the current revised application.

Members considered the scale of the roof of the carport and how it related to the Grade II listed building and the wider area. There were concerns that the development had reduced the size of the garden, was incongruous in relation to the lane and dominated the cottage due to its size and proximity.

It was therefore proposed and seconded that the application be refused.

RESOLVED

That planning application DC/23/0339 be refused for the following reason:

The development would fail to reflect local vernacular, and due to its mass, scale, and overbearing nature, would result in harm to the Listed Building and the designated Conservation Area, contrary to Policies 33 and 34 of the Horsham District Planning Framework (2015).

The meeting closed at 8.08 pm having commenced at 5.30 pm

CHAIRMAN