



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development and Building Control

**DATE:** 23 April 2024

**DEVELOPMENT:** Change of use of barn (Stables/Equestrian) to sui generis to form new game processing workshop.

**SITE:** Woodmans Farm, London Road, Ashington, West Sussex, RH20 3AU

**WARD:** West Chiltington, Thakeham and Ashington

**APPLICATION:** DC/22/0695

**APPLICANT:** **Name:** Mr Anthony Skeet **Address:** Woodmans Farm London Road Ashington West Sussex RH20 3AU

**REASON FOR INCLUSION ON THE AGENDA:** Following resolution at Planning Committee South on 24<sup>th</sup> January 2023 and the receipt of the Appeal Decision relating to DC/21/1756 to allow further consideration

**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 four months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

## **1. THE PURPOSE OF THIS REPORT**

1.1 This application was considered at the Planning Committee South on 24<sup>th</sup> January 2023 where it was resolved to approve planning permission subject to the completion of a s106 legal agreement. Since this resolution was made the s106 agreement remains outstanding therefore planning permission has yet to be formally issued. The Council are now in receipt of an Appeal Decision relating to a previous application for a game processing workshop at the site which was refused under application reference DC/21/1756. This appeal decision is a new material consideration of significant weight therefore this application needs to be reconsidered by the planning committee.

1.2 The Applicant has also submitted further information, in the form of a Statement on Appeal Conclusions, which includes a Management Plan and Sound Attenuation Measures to seek to address conditions 4 and 5 recommended at Planning Committee South on 24<sup>th</sup> January 2023. These conditions state:

- 4 **Regulatory Condition:** Within 3 months of the date of this permission, a scheme for sound attenuation against external noise from the externally located plant shall be

submitted to and approved by the Local Planning Authority. The scheme shall have regard to the recommendations set out in the submitted Noise Assessment reference J3550 Issue 1 by Acoustic Associates Sussex Ltd. The approved sound attenuation works shall be completed within 1 month of the details being approved and shall be retained thereafter.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Regulation Condition:** Within 3 months of the date of this permission, a Delivery, Collection and Service Management Plan, which includes details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries shall be 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 Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 1.3 This report should be read alongside the 24 January 2023 Committee Report for this application which can be found at Appendix 1.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

#### 2.3 National Planning Policy Framework

#### 2.4 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 4 - Strategic Policy: Settlement Expansion  
Policy 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 10 - Rural Economic Development  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 29 - Equestrian Development  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 40 - Sustainable Transport

## Policy 41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 None relevant. Wiston Parish voluntarily withdrew the Neighbourhood Plan Area designation on 12 October 2017.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/1756 Change of Use from Agricultural Barn Application Refused on  
(Stables/Equestrian) to Sus Generis to form 07.02.2022  
new game processing workshop

### 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](http://www.horsham.gov.uk)

### INTERNAL CONSULTATIONS

#### 3.2 **HDC Environmental Health:** Comment

The acoustic report concludes that the driver for the exceedance during the night-time period has been established to be the freezer condenser. It is therefore recommended that the sound pressure level for this unit be reduced by a minimum of 3dB(A). This could be achieved by upgrading the existing enclosure & if the mitigation measures detailed in the report are introduced then there is no reason planning permission should be refused or withheld on noise grounds. Conditions suggested.

#### 3.3 **HDC Economic Development (dated 25.10.2023):** Comment

The proposal enables a local, well-established business to relocate, grow and remain within the District. This aligns with the Council's Economic Strategy, namely Priority 2, which highlights that business growth must be facilitated to allow businesses to remain viable in the long-term, thereby contributing towards long-term economic growth. Ensuring that the needs of business in the District are met is essential.

### OUTSIDE AGENCIES

#### 3.4 **Natural England (dated 08.11.2023):** No Objection subject to appropriate mitigation being secured.

Natural England notes that while the measures set out in the proposal's water neutrality statement appear ecologically sound, they should be secured in perpetuity. As such, it is advised that appropriate management and maintenance of these measures in perpetuity be agreed with the competent authority.

#### 3.5 **WSCC Highways (dated 24.10.2023):** No Objection

Do not consider the proposed vehicular trips would result in a material impact upon the operation of the local highway network.

#### 3.6 **WSCC Highways (dated 19.01.2024):** No Objection

Do not consider the proposed vehicular trips would result in a material impact upon the operation of the local highway network; therefore, no objection is raised.

#### 3.7 **WSCC Public Rights of Way:** No Objection

It is understood that access to the application site is along a private access road that serves several farms and residential properties, and carries Public Bridleway 2500. It is not unusual for public and private rights to co-exist and the proposed development does not represent a significant change in traffic size or type or traffic level from an agricultural or farming business.

It is understood that the application does not impact upon, or propose any alteration, to the Public Right of Way. Therefore, the Public Right of Way team offer no objection to the proposal. If the applicant does now, or in future, propose any alteration to the public rights of way then they must first consult directly with West Sussex County Council, Public Rights of Way team.

**3.8 Southern Water (dated 07.11.2023): Comment**

Highlights relevant consultations and submission of Water Neutrality Statement

**PUBLIC CONSULTATIONS**

**3.9 Wiston Parish Council (dated 07.11.2023): Objection**

- Access from and to the A24 along a single track public bridleway at all times of day and night is unacceptable
- Unclear whether the site is to be used for retail sales
- Inaccuracies regarding the site of Woodmans Cottages and the location of the ponds

**3.10 An additional 18 letters of objection have been received from 8 separate households since 24.01.2023. 16 of these are within the District and 2 are outside of the District. These can be summarised as follows:**

- Nature and type of vehicles accessing the site are noisy and intrusive
- Impact on amenities of residential properties by noise and activity
- Traffic movements caused by staff and deliveries/waste vehicles
- Hours of operation
- Not seasonal
- Inappropriate site for the business
- No intention to comply with recommended conditions

**3.11 An additional 55 letters of support have been received from 43 separate households since 24.01.2023. 6 of these are from within the District and 49 are outside of District. These can be summarised as follows:**

- No more traffic than previous equestrian use
- No noise that would disturb occupiers
- Odour kept to a minimum
- Easily accessible to/from main road
- Lack of provision with the South-East
- Need to control the deer population
- Small business
- Important to the wider community
- Economic benefits
- Traffic movements associated with the Farm, not the business
- Type and nature of vehicle movements

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

## **6. PLANNING ASSESSMENTS**

- 6.1 This application was considered at Planning Committee South on 24<sup>th</sup> January 2023, where it was recommended for approval subject to the completion of a legal agreement. Since then, the legal agreement has not yet been completed and the formal decision has not been issued. The Council are now in receipt of an Appeal Decision relating to the previous application at the site under reference DC/21/1756. This also related to the use of the barn as a game processing workshop. As this current application is yet to be determined, subject to completion of the s106 Agreement, this appeal decision is a new material consideration of significant weight.
- 6.2 The Applicant has also submitted further information, in the form of a Statement on Appeal Conclusions, which includes a Management Plan and Sound Attenuation Measures to address conditions 4 and 5 as set out on the 24<sup>th</sup> January 2023 committee report.

### Summary and Conclusions of Appeal Decision

- 6.3 The appeal related to the previous planning application DC/21/1756 for the change of use of the building to game processing workshop, with the appeal being dismissed on 15<sup>th</sup> August 2023. This appeal decision can be found at Appendix 2.
- 6.4 The Inspector recognises at paragraph 4 that the resolution to approve this current application is a material consideration but has arisen as a result of additional information submitted to address the reasons for refusal of the appeal proposal. The Inspector advised that the appeal would be determined on the basis of the evidence related to DC/21/1756 only, and not that submitted in support of this current application.
- 6.5 Paragraph 10 recognises that the processing of game birds and venison fluctuates according to the season, with more intensive activity in the winter months. The Inspector notes condenser units and an extractor unit which are not shown on the plans. One of these units started during the site visit, where the Inspector observed that the sound could be clearly heard above the traffic noise from the A24. The plucking machine extractor was seen during the visit, as well as a refrigeration unit (also not shown on the plans) together with two business delivery vehicles.
- 6.6 The Inspector advises at paragraph 11 that there is significant potential for noise disturbance to nearby residents arising from the plant and equipment necessary for the use, and that this

would be exacerbated by the relatively poorly insulated open fronted plant housings. This would be particularly the case at night-time and during evenings and early mornings when residents might reasonably expect peaceful enjoyment of their property.

- 6.7 Paragraph 12 of the Appeal Decision recognises that the access road is in close proximity to a number of dwellings, where the use is likely to generate a high frequency of movements by different sized vehicles to accommodate delivery, dispatch, and waste removal. These have the potential to cause noise and disturbance to residents, particularly at night-time and during evenings and early mornings. No overall hours of operation are specified, but it is recognised that the Design and Access Statement indicates vehicle movements at 6am; between 8am and 7pm and at about 10pm and 3am on a Tuesday from August to December which could increase in the run up to Christmas; and an arctic lorry each Saturday evening between September and December.
- 6.8 Paragraph 13 summaries the waste storage and disposal measures, where bird and bone waste is stored in 240 litre bins and kept in the fridge until collection where it is moved outside for pick-up. Collection is usually on a Monday morning, and dependent on weather, the bins may be left outside from September onwards, but they are sprayed down to prevent blow flies and odour. This waste is generally picked up by lorry at approximately 6am. Fur and guts are stored in 1100 litre bins and picked up twice a week. The Inspector observed some large bins outside the appeal building and no odour at the time of the site visit, but this was acknowledged to be during the quieter season. The Inspector notes that the position of waste storage and bins are not shown on any of the plans and in the absence of details, it cannot be confidently concluded that the use would not have a harmful effect on the living conditions of nearby occupiers.
- 6.9 The Inspector concludes in paragraph 14 that in the absence of a Noise Assessment or mitigation measures; a vehicle management plan; or a detailed waste management plan, it cannot be concluded that the use would not have an unacceptable harmful effect on the living conditions of occupiers of nearby residential properties.
- 6.10 The Inspector raises concerns with regard to the effect on highway safety in paragraph 18. This is because the Design and Access Statement indicates exports by arctic lorry each Saturday evening from September to December which contradicts the Statement of Case which asserts that no HGV movements are associated with the business. When coupled with the suggestion of third parties that there is a greater volume of traffic, and the narrow width of the track, the Inspector concludes it cannot be concluded that there would be no conflict with other users of the access/bridleway even if there were no severe cumulative impacts on the operation of the highway network.
- 6.11 The Inspector considered at paragraphs 21 to 23 that insufficient information had been submitted to carry out an Appropriate Assessment with regard to the Water Neutrality Statement, and that without confirmation from Natural England that the calculations are appropriate and robust, it could not be concluded that water neutrality had been demonstrated.
- 6.12 In concluding, the Inspector determined that it could not be concluded that there would be no harmful effects on the living conditions of occupiers of nearby residential properties or that safe and suitable access has been demonstrated for all. The Inspector outlined that these matters weigh substantially against allowing the appeal. It was also not possible to conclude that the integrity of the Arun Valley Sites would not be adversely affected, where this carried significant weight. Taken together, these matters were considered to outweigh the identified benefits, where the Inspector concluded that the development failed to comply with Policies 31, 33 and 40 of the HDPF and the development plan as a whole.

#### Neighbour Amenity

- 6.13 The Appeal Decision outlined that there is significant potential for noise disturbance to nearby residents arising from the plant and equipment necessary for the use, and that this would be exacerbated by the relatively poorly insulated open fronted housings to the condenser, refrigerator and extractor units. The Inspector recognised that this would be particularly exacerbated at night-time and during evenings and early mornings.
- 6.14 As considered at the 24 January 2023 committee meeting, the Applicant submitted a Noise Assessment reference J3550 Issue 1 by Acoustic Associates Sussex Ltd dated 23 November 2022. The scope of this assessment was to measure residual background noise levels when the site and the refrigeration condensers are not operating; measure the various sound sources operating at the site and construct day and night time noise models to compare against residual background sound levels; consider the impact of traffic movements to and from the site; and provide mitigation advice if required.
- 6.15 The Noise Assessment outlined that the site operates within day time hours of 07:00 – 20:00, although the assessment was only undertaken up until 18:00. The main sound sources are 5 condensers which are spread around the building, where all but one benefit from an open fronted timber enclosure. The 'Plucker' (used for feathers) also has an external extraction unit which is another noise source. The Assessment outlines that the dominant noise source at the location is the A24, which passes the site to the west and is clearly audible from the application site and the entrance to the site.
- 6.16 The sound level meters measured the representative background sound levels for the day and night time period as 39dB (07:00 - 23:00) and 33dB (23:00 - 07:00) respectively. The corrected sound pressure level of the commercial sound sources was found to not exceed the measured daytime sound pressure level. However, for the night time period, the corrected sound pressure level was found to exceed the most commonly occurring background sound pressure level by 3dB(A). The Report outlines that the driver for this exceedance has been established to be the Freezer Condenser, where it is recommended that the sound pressure level be reduced by upgrading the existing enclosure. It is also suggested to construct a more robust enclosure around the 'Plucker' in order to attenuate the sound more efficiently than the current timber housing.
- 6.17 An assessment of traffic movements to the site was also undertaken. The Report outlines that traffic movements take place between 07:00 and 20:00, with the maximum traffic movements consisting of:
- Staff arriving in the morning and leaving at night (2 or 3 vehicles with maximum of 42 traffic movements a week)
  - Pigeon delivery (maximum 2 deliveries on Saturdays and Sundays with maximum 8 traffic movements)
  - Venison drop-off and collection (8 a week to a total of 16 traffic movements)
  - Grouse Birds (1no. 7.5 tonne vehicle a week between 12 August and second week of February, totally 2 traffic movements a week)
  - Mallard and Partridge (4 deliveries by van a week between 12 August and second week of February, totalling 8 traffic movements a week)
  - Pheasants (2 delivery vans a day between 12 August and second week of February, totally 14 traffic movements a week)
  - Farmers Markets (2 vans leave the site every Saturday, totalling 4 traffic movements a week)
  - Waste (fur and guts collected twice a week in peak season and general waste collected once a week, totalling 6 traffic movements a week)
  - Wastewater (1 collection every 6 weeks, totally 2 traffic movements every 6 weeks)

This equates to a maximum of 15 traffic movements a day and 102 traffic movements a week. The Assessment does however highlight that this number could be significantly lower between February and August when game birds are not in season.

- 6.18 The Noise Assessment outlines that the supporting documents initially proposed that an articulated lorry attend the site every Saturday to collect goods for export. This is no longer proposed. The most recent supporting information (as submitted on 11.01.2024) outlines that Sprinter or Transit Vans are used, with dispatch being between the hours of 9am and 6pm. The supporting information indicates that the busiest months are October to December, with deliveries received between 9am and 4.30pm. Waste collections take place by three different companies (Hawkins, Gibbs Waste, and HDC) with each taking place on average of once per week. Active Pumps attend the site to empty the water tank when full, and this is on average twice a month.
- 6.19 The Noise Assessment outlines that vehicle noise levels were modelled along a line source for day time and night time. This was calibrated at a sound pressure level of 46.7dB(a) for the day time period and 44.7dB(A) for the night time. The Report outlines that the worst case noise model would be 5dB(A) below the World Health Organisation guidance on external amenity spaces. Noise arising from the A24 was also modelled, where it was shown that sound pressure levels from the A24 are already significantly above the predicted sound pressure levels of the traffic movements associated with the development. The Report thereby concludes that the traffic movements arising from the development are unlikely to have a significant impact on the soundscape.
- 6.20 The Report suggests that the uncertainty relating to the frequency of traffic movements is likely causing concern to the residents, rather than the specific sound pressure level. The Report recommends that the application site implement a more regimented traffic management scheme to reduce this uncertainty, reduce the chance of any congestion, and alleviate the concern from the residential properties.
- 6.21 The findings and recommendations of the Noise Assessment are accepted by the Council's Environmental Health Officer, where it is recommended that the existing enclosure to the freezer condenser be upgraded. Conditions are recommended to this effect, requiring that the enclosure be upgraded sufficiently to achieve the 3dB noise attenuation, with the requirement to submit a subsequent verification report.
- 6.22 Since consideration at Planning Committee, the Applicant has submitted further information in respect of the sound attenuation, where it is outlined that possible solutions are being investigated, including suitable forms of physical enclosure, and changes to the condenser loading and running a defrost period overnight. It is suggested that this would result in the refrigeration unit being dormant overnight. No specific details have however been submitted, and no clear attenuation scheme has been submitted.
- 6.23 As noted above, the Environmental Health Officer considered that conditions could be imposed to overcome the matters identified within the Noise Assessment, which would provide suitable control by condition to overcome any adverse impact arising from the plant and equipment associated with the operation. This includes upgrading the enclosures to the externally located plant to achieve a defined noise attenuation, and the requirement to submit a verification report.
- 6.24 Beyond this, conditions including restrictions on hours of use and hours of deliveries could also be imposed. While it is recognised that restrictions on the hours of operation and deliveries would impact the operation of the business, which has sought permission for deliveries in the early hours of the morning (3am to 6am), it is recognised that the proposal would be located in immediate proximity to a number of residential properties. This is a material consideration of significant weight, particularly as all vehicle movements would pass in close proximity to these residential properties. Given the relationship between the



properties, coupled with the night time hours proposed, it is likely that the associated vehicle movements would be recognisable from the residential dwellings, and this has the potential to result in harm. Furthermore, the method of loading and unloading could result in some noise impact from intermittent sharp noises from roll cages etc. However, this could be controlled through a suitably worded management plan condition. For these reasons, it is considered reasonable and necessary to impose conditions to limit operations and delivery movements to more reasonable hours to reflect the constraints of the site. This would reduce the impact and would overcome concerns regarding potential noise and disturbance to the nearby residential properties.

- 6.25 Given the findings of the Noise Assessment, the conclusions of the Appeal Decision, and the constraints of the site, it is considered that conditions are reasonable and necessary to overcome the concerns raised and ensure that the development would not result in adverse harm to the amenities of neighbouring residential properties. Subject to these conditions, it is considered that the concerns as raised within the Appeal Decision have been addressed and could be overcome.
- 6.26 It is recognised that concerns have been raised by objectors with respect to the likelihood of conditions being adhered to. However, the suggested conditions are considered necessary to make the development acceptable, while also being enforceable. The conditions would serve a planning purpose and subject to the recommended conditions, the proposed development is considered to result in an acceptable impact on the amenities and sensitivities of neighbouring residential properties, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).
- 6.27 The Appeal Decision also raised concerns with respect to vehicle movements and potential conflict with users of the public right of way. Following consultation with WSCC Public Rights of Way, it is advised that it is not unusual for public and private rights to co-exist, and the development does not represent a significant change in traffic size or type or traffic level from an agricultural or farming business. No alterations are proposed to the Public Right of Way and no objections have therefore been raised.
- 6.28 It is recognised that objections have been received with respect to the safety of the Public Right of Way and the conflict with users. It is therefore considered reasonable to require the submission of a Delivery, Collection and Service Management Plan which could overcome these concerns. This would include details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries, and would provide some control to reduce adverse impact on the users of the nearby rights of way. Subject to such condition, it is not considered that the proposal would adversely impact the safety of the public right of way.
- 6.29 The submitted Noise Assessment and further information has confirmed that the operation and associated activities would not result in significant noise, particularly given the background noise experienced from the A24. Subject to conditions limiting operating hours, delivery/dispatch hours, further details with respect to loading/unloading and upgrading existing plant enclosures, it is considered that the proposal would not result in a level of harm to the amenities of neighbouring properties or users of the public right of way which would warrant a refusal of the application on planning grounds.

#### Water Neutrality

- 6.30 The Appeal Decision noted that insufficient information had been submitted to carry out an Appropriate Assessment with regard to the Water Neutrality Statement, and that without confirmation from Natural England that the calculations are appropriate and robust, it could not be concluded that water neutrality had been demonstrated.

- 6.31 The Applicant has submitted an updated Water Neutrality Statement received on 7 December 2022. A Statutory Declaration from the former manager of Woodmans Farm outlines that the business had over 25 racehorses and employed both a Trainer and 2no. Jockey Lads. During its operation, the site included 20 stables along with other associated equestrian paraphernalia. The racing yard was closed in 2004, at which point the stables and part of the land were let to self-livery clients. No information about the self-livery has been provided, with evidence during the initial site visit indicating that only 2 of the stables were being used for horses. On this basis, and the lack of evidence provided to demonstrate any water consumption, the existing site is considered to have a nil (0) water consumption.
- 6.32 The Water Neutrality Statement outlines that the business (Chanctonbury Game) has a water demand of 57.08 litres per person per day. This is based on the installation of a dual flush toilet, flow restrictors to kitchen tap/washbasin, and wash down resulting from the nature of the business. A figure has also been included for washing up by employees. The Water Neutrality Statement outlines that an average of 5no. full-time employees work from the premises, with the overall water demand resulting from the number of employees equating to 285.38 litres per day. The strategy proposes both on-site mitigation measures, through the fitting of flow restrictors to the kitchen tap and washbasin, and the installation of a dual flush toilet, along with off-setting measures to retrofit 5no. dwellings. This would be achieved through the installation of low flow rate taps (flow restrictors).
- 6.33 Water calculations have been provided for each of the existing 5 dwellings, supported by water bills. This indicates a total daily water use for all properties of 1511.72 litres per day. Subject to the retrofitting as outlined above, the strategy indicates that the total water consumption of all dwellings would be reduced to 1221.1 litres per day, achieving a reduction of 290.62 litres per day. A schedule of these fittings has been provided, with a photographic schedule of existing fittings provided for comparison. This provides certainty that the proposed fittings are not present within the existing buildings and would result in the reductions as stated.
- 6.34 The Council have undertaken an Appropriate Assessment, where it has been concluded that the mitigation measures and proposed offsetting through retrofitting 5no. existing properties would result in a total reduction of 290.62 litres per day, which would be greater than the demand arising from the development. It has therefore been shown that the water saving measures would address the demand arising from the development and would be water neutral.
- 6.35 It is noted that a number of objections have been received with respect to the figures presented within the Water Neutrality Statement, and specifically the implication should the business hire additional employees. Based on current operations at the site there is no evidence there would be an increase in employment at the site, particularly given any other occupant of the site would require separate planning permission given the sui generis use proposed. Natural England have been consulted on the Appropriate Assessment and concurs with the assessment conclusions, providing that the mitigation measures proposed in the water neutrality statement are appropriately secured in any planning permission given. The mitigation measures could be secured by condition, with the offsetting strategy secured through a s106 agreement. Subject to the water strategy being implemented in full and in perpetuity, it is considered that the proposal would be water neutral.

#### Conclusion and Planning Balance

- 6.36 It is recognised that Chanctonbury Game offers an important service for the rural community, with associated economic and public benefits. The proposed development would therefore result in social and economic benefits and would support and contribute to the wider rural economy. This is considered to be a material consideration of significant weight. The proposal would be located within an established building suitable for conversion, and would

sustain the countryside-based enterprise without resulting in adverse impact on the highway network. For these reasons, the proposed development is considered acceptable in principle.

- 6.37 When considered at Planning Committee in January 2023, the scheme was deferred for additional information. The Applicant has now submitted additional information, in the form of a Noise Assessment and updated Water Neutrality Statement, to address the concerns previously raised. The Noise Assessment has confirmed that the operation and associated activities would not result in significant noise, particularly given the background noise experienced from the A24. Subject to conditions limiting operating hours, delivery/dispatch hours, further details with respect to loading/unloading and upgrading existing plant enclosures, it is considered that the proposal would not result in a level of harm to the amenities of neighbouring properties or users of the public right of way which would warrant a refusal of the application on planning grounds.
- 6.38 The proposed water strategy, which includes offsetting to 5no. residential dwellings, is considered to address the water demand arising from the development, and this would be secured by a s106 agreement. Subject to this mitigation, the development would not therefore contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, thereby not conflicting 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 and Species).
- 6.39 There have be no other material considerations since the scheme was last considered by the Planning Committee. The additional information also addresses the concerns raised by the Inspector in dismissing the appeal under DC/21/1756.
- 6.40 For these reasons, it is considered that the development is acceptable in accordance with the relevant development plan policies, subject to conditions as listed below and a s106 agreement to secure the water strategy in perpetuity.

## 7. RECOMMENDATIONS

- 7.1 To approve the application subject to the following conditions and the signing of a s106 legal agreement.

### Conditions:

- 1 **Approved Plans**
- 2 **Regulatory Condition:** Within 3 months of the date of this permission, a drainage strategy detailing the proposed means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed within 1 month of the date of approval of these details.

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).

- 3 **Regulatory Condition:** Within 3 months of the date of this permission, a Waste Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to, the location and storage of waste prior to collection, the location of waste on day of collection, and measures to control and minimise odour from waste at the site. The Waste Management Plan shall be implemented within 1 month of approval of these details and complied with thereafter for the duration of the use.

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).

- 4 **Regulatory Condition:** Within 3 months of the date of this permission, a scheme for sound attenuation against external noise from the externally located plant shall be submitted to and approved by the Local Planning Authority. The scheme shall have regard to the recommendations set out in the submitted Noise Assessment reference J3550 Issue 1 by Acoustic Associates Sussex Ltd. The approved sound attenuation works shall be completed within 1 month of the details being approved and shall be retained thereafter.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Regulation Condition:** Within 3 months of the date of this permission, a Delivery, Collection and Service Management Plan, which includes details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries shall be 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).

- 6 **Regulatory Condition:** Within 1 month of the date of this permission, the parking, turning and access facilities necessary to serve the approved use shall be constructed and completed in accordance with the approved details as shown on plan 2021-6336-000 rev A and shall be thereafter retained as such.

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

- 7 **Regulatory Condition:** Within 3 months of the date of this permission, a scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed within 1 month of the date of approval of these details 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).

- 8 **Regulatory Condition:** Within 3 months of the date of this permission, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. Within 1 month of the approval of these details, the approved cycle parking facilities shall be fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

- 9 **Regulatory Condition:** Within 3 months of the works to upgrade the external plant enclosures being completed, a Noise Assessment shall be submitted and approved in writing by the Local Planning Authority which demonstrates the plant noise levels for night time

operation have been reduced by at least 3dB(A). The assessment shall be undertaken in accordance with BS 4142: 2014 (or subsequent superseding equivalent) and current best practice and shall include full spectrum analysis to confirm that there is no tonality or other acoustically distinctive features present in the noise. Any additional steps required to mitigate noise shall be detailed and implemented, as necessary in accordance with a timetable submitted with the Assessment. The details as approved shall thereafter be permanently retained

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** The premises hereby permitted shall be used for the processing, preparation and packaging of game meat (sui generis) only and for no other purpose.

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 of the site to the nearby residential properties under Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 07:00 hours to 19:00 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).

- 12 **Regulatory Condition:** No deliveries to or from the site in connection with 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).

- 13 **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).

- 14 **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).

#### NOTE TO APPLICANT

The Applicant is advised that a public access right has precedence over a private access right. Where a Public Right of Way (PROW) runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury. The Applicant must consider how access is managed so the public is not endangered or inconvenienced. The Applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

The granting of planning permission does not authorise obstruction of, interference to, or moving of, any PROW; this can only be done with the prior consent of West Sussex County Council (WSSC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSSC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that cannot reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSSC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.