



## DELEGATED APPLICATIONS - ASSESSMENT SHEET

### APPLICATION NO./ADDRESS:

DC/25/0116

Shelley Arms, 16 Old Guildford Road, Broadbridge Heath, West Sussex, RH12 3JU

### DESCRIPTION:

Erection of 4No. dwellings and associated car parking, amenity space and landscaping, along with re-configuration of pub car park.

### RELEVANT PLANNING HISTORY:

DC/24/0475	Erection of 4No. dwellings and associated car parking, amenity space and landscaping. Re-configuration of pub car park (re-submission of DC/18/1895)	Withdrawn	Application	on
		03.05.2024		
DC/21/2281	Erection of four dwellings with associated parking, amenity space and landscaping and a new parking layout for the public house.	Application	Refused	on
		18.05.2022		
DC/18/1895	Erection of four dwellings with associated parking, amenity space and landscaping and a new parking layout for the public house.	Application	Permitted	on
		23.11.2018		

### DESCRIPTION OF THE SITE

The application site is a rectangular plot of land to the north of Old Guildford Road and has an area of approximately 0.24 hectares. The application site comprises a car park serving the Shelley Arms Public House. To the west and south-west lies the Shelley Arms Public House which comprises a two-storey detached rendered building and the pub garden. The site is bordered to the north and east by a new residential development of 165 houses and a 60-bed care home which was approved under outline application DC/13/2408 and reserved matters applications DC/16/1073 and DC/16/1329. To the south the site faces Old Guildford Road, with modern 20th century residential development located on the opposite side of the road to the south.

### DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the erection of 2 No. 3 bedroom dwellings and 2 No. 2 bedroom dwellings comprising two pairs of semi-detached houses. The proposed houses would be orientated to the east with the rear gardens extending to the west.

Vehicular access to the proposed dwellings would be via the access road from Old Guildford Road to the east of the site as approved under application DC/16/1073 to serve the residential development to the north and east of the site. Each dwelling would have two allocated parking spaces located to the front or side of the dwelling.

The proposed dwellings would occupy the northern section of the existing Public House car park and a new parking layout would be provided in the remaining section of the car park, providing 46 car parking spaces for the Public House.

The proposed dwellings incorporate a traditional design with some detailed features which include gabled roofs and dormer windows with mock Tudor detailing to match the existing dwellings along Old Guildford Road and the existing Public House. Amended plans have been received which have incorporated a chimney to the flank elevation of Plot 1 which has created some visual interest when viewed from the street scene perspective.

## RELEVANT PLANNING POLICIES

### **The National Planning Policy Framework (NPPF)**

#### **Horsham District Planning Framework (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 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 17 - Exceptions Housing Schemes
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- 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 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities

#### **Supplementary Planning Guidance:**

- Planning Obligations and Affordable Housing SPD (2017)
- Community Infrastructure Levy (CIL) Charging Schedule (2017)

#### **Planning Advice Notes:**

- Facilitating Appropriate Development
- Biodiversity and Green Infrastructure

## REPRESENTATIONS AND CONSULTATIONS RESPONSES

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)

### Consultations:

#### **HDC Arboricultural officer: No Objection**

The attached AIA/AMS confirms that the drainage positioning and routeing can be undertaken outside of the TPO cedar trees key rooting area which would be acceptable in principle if this were the chosen layout.

The report recommends that in the light of current insufficient information to assess impact of other services/utility alterations and new provisions that a condition for an AMS should be a requirement of any approval. Condition recommended.

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

The principal concern is disturbance to the occupiers of the proposed dwellings from late night activity in the public house and the car park which will wrap around the development on the southern and western boundaries.

Following the introduction agent of change principle, consideration should also be given to the impact of the introduction of noise sensitive receptors on the future viability of the public house use.

To reduce the potential for adverse noise impacts a noise barrier of suitable dimensions and materials should be provided to the residential boundaries with the car park. A garden boundary treatment on land to form separate households may not be maintained by future occupiers and the loss of integrity of barrier through lack of maintenance would allow noise to impact the gardens and residential facades. It is therefore recommended that the boundary treatment to the car park should be sited on the land to be retained by the public house to ensure the future maintenance and continued effectiveness of the barrier. A management plan for the car park should also be provided.

No preliminary environmental risk assessment has been provided and therefore conditions are proposed to ensure the site is subject to suitable assessment and investigation.

### **HDC Landscape Architect: Comment**

Continue to recommend the retention of T6 (*Salix caprea*), as previously stated, 'It is also considered in good condition and currently provides good amenity value and sense of place to existing residents on Onslow Walk. The current site layout would allow its retention therefore we recommend that the tree is retained, unless there is good arboricultural justification not to do so'.

In addition, concur with comments made by the HDC Arboriculturalist in regard to requesting an updated AIA and Drainage Strategy, given the updated hardscaping layout proposed to safeguard the Cedar tree.

### **Drainage Consultant: Comment**

More Information is required to support the proposals to determine that the site drainage meets the requirements of the NPPF and PPG, SuDS Non-Statutory Technical Standards (NSTS) (March, 2015), the West Sussex LLFA Policy for the Management of Surface Water (2018) and the Horsham District Planning Framework (2015) – Policy 38.

### **Archaeology Consultant: No Objection**

Although the site is partly within an Archaeological Notification Area DWS8932: Historic Core of Broadbridge Heath– the main area of development impact is outside of the area identified as being of Archaeological Interest.

### **Ecology Consultant: No Objection**

Note from the Ecology Comments Response Letter (Seed Arboriculture Ltd., April 2025) and Preliminary Ecological Appraisal Report (SEED Agricultural Consultancy, July 2023) that there are no buildings onsite and no trees have Potential Roost Features (PRFs) for bats. Therefore, agree that no further surveys for bats are required.

Also note the site lies approximately 12.8km from The Mens Special Area of Conservation (SAC) and is therefore outside the 12km Wider Conservation Area for the SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). This means that a Habitat Regulations Assessment for the application is not required.

Also note that, although there is scrub onsite, the site itself is isolated with no connecting habitats to the wider landscape (Preliminary Ecological Appraisal Report (SEED Agricultural Consultancy, July 2023)) and therefore agree that Hazel Dormouse is likely absent.

As reptiles and common amphibians may be present onsite, support the Precautionary Method Statements for mobile protected species (including Hedgehog, which is a Priority and threatened species) in the Ecology Comments Response Letter (Seed Arboriculture Ltd., April 2025). These should be secured by a condition of any consent and implemented in full.

Now satisfied that there is sufficient ecological information available to support determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

**Natural England:** No Objection

Subject to appropriate mitigations being secured by way of condition and legal agreement.

**WSCC Highways:** No Objection

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 116), and that there are no transport grounds to resist the proposal. Should the LPA be minded to approve this proposal, the following should be sealed via condition.

**NatureSpace (District Newt Licencing Scheme):** Comment

The proposed development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on great crested newts or their habitats.

**PUBLIC CONSULTATIONS:**

**Representations:**

3 letters of representation have been received from 3 separate addresses objecting to the proposal on the following grounds:

- Increased traffic in the area
- Poor visibility and risk to life as a consequence
- Loss of parking to pub
- Impact on flooding on adjacent site
- No pedestrian access to the site
- Impact on covenants of adjoining properties
- Repositioned streetlight not reflected on the plans

1 letter of representation has been received supporting the proposal, though raising the following concerns:

- Planning statement (Item 5.15) claims a distance of 18 metres from the rear wall of 1 Onslow Walk to the proposed dwellings.
- Actual site plan shows a distance of 16 metres from the furthest wall and 14 metres from the closest wall.
- Request made for compliance with Horsham Council's Design Guidance (18m separation).
- Acknowledgement of flank wall design to prevent overlooking between Plot 4 and 1 Onslow Walk.
- Request for a daylight/sunlight assessment to show the impact on 1 Onslow Walk.
- Concern over dust and noise levels during construction.
- Request for the developer to contact residents to outline:
- Measures to control noise during working hours (assumed 8am–5pm, Monday–Friday, no weekend work).
- Measures to manage dust, especially to protect laundry, cars, and property.
- Concern about potential damage to rear fence and trees.
- Request for information on how these will be safeguarded.

**Parish Comments:**

None received

**Member Comments:**

None received

### HUMAN RIGHTS AND EQUALITY:

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.

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.

### PLANNING ASSESSMENT

#### **Principle of Development:**

Policy 3 of the Horsham District Planning Framework (HDPF) states that development is permitted within towns and villages that have defined built-up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.

The site lies within the built-up area of Broadbridge Heath, which is defined as one of the District's 'Small Towns and Larger Villages' within the Council's HDPF and is considered to be a settlement with a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and/or bus services. The 'Small Town and Larger Villages' settlements act as hubs for smaller villages to meet their daily needs but also have some reliance on larger settlements / each other to meet some of their requirements.

The application site is located within a defined built-up area, where there is a presumption in favour of development. It is therefore considered that the proposed residential development is acceptable in principle, subject to all other material considerations as discussed below.

#### **Design and Appearance:**

Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

### Residential Development

Planning permission is sought for the erection of two pairs of semi-detached dwellings to the rear of the car park (north-eastern corner) that serves the Shelley Arms public house on the northern side of Old Guildford Road, Broadbridge Heath. Access to the site would be served via a newly created junction off of Weston Avenue (north of no. 1), opening on to a spine road towards the eastern boundary of the site, with parking to the northern and southern most ends of the road, and to the front of each dwelling. The dwellings are proposed to be sited centrally within the plot, parallel to the side boundaries of the site. Modest front garden curtilages would be provided to the front of each dwelling, with reasonably sized curtilages to the rear. The plan indicates new planting and landscaping, in addition to boundary planting to each dwelling.

In addition, the proposal includes the re-organisation of the existing car park serving the Shelley Arms, including extending into an area presently fenced off between the existing car park and the pub garden, which has been left overgrown with self-seeded vegetation. In total, 42 parking spaces would be provided (three of which are reserved for disabled users). A cedar tree subject to a TPO (TPO/1567) is located to the front of the site between the existing accesses into the car park. This tree is to be retained and all other planting on the site (within the red line) is proposed to be removed and new planting installed.

In terms of the overall layout of the development: the proposal adopts a logical layout, favouring a new access off of an established residential street over sharing access with the car park serving the pub. Parking would be sited to the front of the dwellings, running parallel to Weston Avenue, with the dwellings sited to the centre of the site with amenity garden areas to the rear backing on to the new car park. Given the relative uniformity in the building pattern in the area as a whole (mainly due to the 'Solomons Seal' new-build development being sited to the east and north of the site), the development would not appear at odds with the prevailing character of the area.

The dwellings form two pairs of semi-detached dwellings sited centrally within the site, hosting pitched gabled roofs, with staggered roof lines, and front feature gables to the front facing bays. The dwelling would bear contemporary fenestration arrangement, featuring slim and tall glazing units. Materials are not presently known, though the plans appear to indicate a mix of brick coursing with contrasting rendered features. The pairs of dwellings are identical, save for being a mirrored image of one and other.

The surrounding area is characterised by a mix of established late-19<sup>th</sup> and early-20<sup>th</sup> century development, in addition to the new build-development to the north and east. As such, the area comprises varied designs and materials, though predominantly featuring pitched gabled roofs, with red brick, clay tiles, and some examples of render and buff brick (especially within the new build development). The dwellings would also be proportioned appropriately within this setting, comprising 2x two-bedroom dwellings and 2x three-bedroom dwellings, thus would not appear at odds with existing development. Though materials have not yet been specified, Officers are content that this can be requested and approved by way of condition.

The layout, scale, and design of the dwellings reflect the prevailing character of the area and are proportionate to their context, while the retention of the TPO-protected cedar tree and provision of new landscaping will help maintain visual amenity. Overall, the scheme accords with the aims of HDPF Policies 32 and 33 by promoting good design, respecting local character, and delivering sustainable development. Subject to appropriate conditions, the proposal is considered acceptable in principle.

### Shelley Arms Car Park Extension

With regards to the car park serving the Shelley Arms: the loss of parking that would occur from the development of the 4x dwellings would be compensated for via an extension of the car park into the existing fenced area between the pub garden and its car park. As above, this area is fenced off from use of the pub, and has been left unmaintained, hosting a number of self-seeded vegetation and overgrowth. Whilst typically the loss of a large area of 'green space' within a built-up context would be regrettable, this area is of no particular amenity value as it is not used by the pub patrons or the public and was observed to be unmaintained. Furthermore, the pub already benefits from an extensive garden, which wraps around the north and western sides of the pub, and hosts ample seating, planting, in addition to a play area. Therefore, its loss would not adversely harm the setting of this suburban context.

The overall layout of the proposed car park and its extension is functional and formalises what otherwise appears to be a presently informal parking arrangement to the establishment. Additional planting would be included within the car park, and the TPO cedar tree would be retained (further discussed below).

The proposed extension of the car park into the unused fenced area would compensate for the loss of spaces arising from the new dwellings and deliver a more formalised and functional parking arrangement. Given that the existing space is of negligible amenity value and the pub retains a

substantial garden, its loss would not conflict with HDPF Policy 33, which seeks to ensure development integrates effectively with its surroundings and mitigates landscape impacts. Furthermore, the retention of the TPO-protected cedar tree and inclusion of new planting aligns with Policy 32's emphasis on high-quality design and landscaping, ensuring the proposal maintains the character of the site and its suburban context.

### **Trees and Landscaping:**

Policy 33(6) of the HDPF states that in order to conserve and enhance the natural and built environment developments shall be required to presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

The proposal would result in the removal of a number of trees to the north-eastern corner of the application site to accommodate the proposed new car parking area for the pub, in addition to the re-laying and extension of the existing hardstanding surrounding the cedar tree to the southern boundary of the site (now subject of Tree Preservation Order under TPO/1567).

The Council's Arboricultural Officer has commented on the proposal and initially raised concerns regarding the absence of detail relating to the siting of SUDs and underground services in relation to the TPO cedar. An updated Arboricultural Impact Assessment (AIA) was provided to the Council on 11 June 2025 and confirms that the drainage positioning and routeing can be undertaken outside of the TPO cedar trees key rooting area. The Council's Arboricultural Officer has reviewed the updated information and concurs with the conclusion of the report that a pre-commencement condition requesting tree protection details and a method statement prior to works taking place. These conditions are attached as below and thus no objections are raised on these grounds.

The Council's Landscape Architect has also requested the retention of T6 (Goat Willow) sited to the north-eastern corner of the site. The submitted AIA details that this is a self-seeded tree with a BS Value of C1, and would be removed owing to a conflict with the proposed layout of the site. The comments are noted, and Officer's acknowledge that the tree could likely be retained as an area of vegetation would be retained around the tree. However, owing to the category of the tree, and that it is of no particular visual amenity, Officers are satisfied that its removal and replacement with other species would not provide detrimental to the character of the site and wider area. Furthermore, the tree (if retained) would be sited close to the boundary to the pub, thus may intrude on the proposed boundary arrangement. With the above in mind, no objection is raised with regards to T6's removal.

### **Residential Amenity:**

Policy 33 of the HDPF sets out the Council's development principles in order to conserve and enhance the natural and built environment. The policy, amongst other criteria, requires proposals to ensure that they are designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

The rear westerly windows within the proposed dwellings would be located some 10.9m from the pub car park to the west. The rear westerly windows within the proposed dwelling (plot 1) would be located 15.6 metres from the Public House at the closest point. The applicant has provided a noise statement which evaluates the potential effects of existing and proposed noise sources on the planned residential development adjacent to The Shelley Arms, ensuring compliance with national and local policy and recommending mitigation to achieve acceptable living conditions.

The Shelley Arms operates during daytime and evening hours, typically closing by 23:00 at the latest, with opening times ranging from 15:00–21:00 on Mondays to 12:00–23:00 on Fridays and Saturdays. These hours are relevant to the Noise Impact Assessment as they confirm that entertainment noise from the pub does not occur during night-time hours, reducing the risk of significant disturbance to future residents. Occasional live music events are held in the late afternoon or early evening, but these are infrequent and were not found to materially affect the baseline noise environment.

The submitted Noise Impact Assessment considered noise from the pub building and associated activities, including the car park, where sources such as conversation and car door slamming were identified as potential concerns. Given that the car park would adjoin the rear gardens of the proposed dwellings and be close to rear-facing windows, the Council's Environmental Health Officer requested a more detailed assessment. The revised Noise Impact Assessment confirms that the pub operates only during daytime and evening hours (closing no later than 23:00), with occasional live music events held infrequently and never during night-time hours. The assessment concludes that, with mitigation measures such as standard acoustic glazing, trickle vents, and an acoustic barrier to the western garden boundary, internal and external noise levels will comply with BS 8233 and WHO guidelines.

The Environmental Health Officer is satisfied with the amended plans and Noise Impact Assessment, subject to the implementation of the recommended mitigation measures and a post-completion sound test, which will be secured by condition. Based on the findings of the assessment and professional advice, it is considered that noise from the pub and car park would not result in harmful disturbance to future occupiers. Furthermore, similar noise levels are already experienced by existing dwellings in Onslow Walk, located approximately 10 metres from the pub garden and car park. As such, the proposal is not expected to compromise residential amenity or the continued viability of the pub.

The dwelling within Plot 4 would be distanced 5 metres from the rear gardens of the existing residential dwellings, 1 & 2 Onslow Close, to the north and 17 metres from the nearest dwelling, 1 Onslow Close to the north. The proposed 2 storey dwellings would sit lower than the dwellings within Onslow Close to the north and would not cause any overbearing impact or harmful loss of light to the occupiers of the northerly neighbouring properties.

No first floor windows are proposed in the northern elevation of the dwelling within Plot 4 and therefore the proposed development would cause no direct overlooking to the existing neighbouring dwellings to the north.

It is acknowledged that there would be a degree of overlooking from the rear windows of the existing properties in Onslow Walk to the rear gardens of the proposed dwellings due to the sideways orientation of the proposed plots. Within modern developments it is not unusual for a degree of overlooking between the rear gardens of residential properties. This level of overlooking is not considered to be harmful in this instance.

With the above in mind, the proposal is considered to accord with the provision of Policy 33(2) of the Horsham District Planning Framework (2015).

### **Highways Impacts:**

Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 9 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds if there would be an unacceptable impact on highway safety grounds, or the residual cumulative impacts on the road network would be severe'.

The Local Highways Authority has raised no objections, noting that the proposed access points have operated safely over time and that there is no evidence of existing highway safety concerns being exacerbated by the development. The visibility from the proposed residential access is considered acceptable, and the internal road layout allows for safe vehicle turning and forward gear egress. Additionally, the site benefits from sustainable transport links, with regular bus services and access to nearby amenities, aligning with the policy objective of supporting safe and suitable access for all users.

The proposed parking provision for both the residential units and the reconfigured pub car park is deemed sufficient. The plans include the recommended number of parking spaces as per the WSCC Parking Demand Calculator, including three disabled bays and provision for secure cycle parking. While minor overspill parking could occur, this is not expected to pose a highway safety risk, and therefore not grounds for refusal. The Local Highways Authority concludes that the residual cumulative impact of the development on the highway network would not be severe, in line with the NPPF, and

recommends the inclusion of conditions to secure access, parking, and cycle storage prior to occupation.

### **Ecology:**

Policy 31 of the HDPF states that Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.

The proposal has been supported by a Preliminary Ecological Appraisal and a detailed Ecology Comments Response Letter. These confirm that the site does not support roosting bats or Hazel Dormice and lies outside key impact zones for The Mens Special Area of Conservation, meaning no Habitats Regulations Assessment is required. However, the site may support reptiles, amphibians, and mobile species such as hedgehogs. The ecological advisors have recommended a series of conditions, including implementation of a precautionary method statement and a wildlife-sensitive lighting strategy to protect local biodiversity and Priority species during and after construction.

The proposal also incorporates biodiversity enhancements, which contribute positively to the creation of new habitats, in accordance with Policy 31's requirement for development to enhance and connect ecological networks. A Biodiversity Enhancement Layout will be secured by condition to formalise the inclusion of measures such as bird and bat boxes, pollinator planting, and habitat features. These interventions, along with lighting controls to protect nocturnal species, demonstrate a net gain approach consistent with paragraph 187(d) of the NPPF (2024) and the council's statutory biodiversity duty under Section 40 of the NERC Act 2006. Subject to the recommended conditions, the proposal is considered acceptable from an ecological perspective.

### **Water Neutrality:**

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31<sup>st</sup> October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31<sup>st</sup> October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

### **Drainage and Flood Risk:**

The application was supported with a detailed drainage strategy. The strategy details that the proposed development will increase impermeable surfaces, leading to greater surface water runoff. To prevent increased flood risk, on-site attenuation and flow control will be provided to manage runoff from events up to the 1-in-100-year storm plus 45% for climate change. Surface water will be discharged at a controlled rate of 7.8 l/s to the existing sewer in Sullington Mead, subject to Southern Water's approval, with attenuation provided via permeable paving and an underground tank. Foul water will connect by gravity to the existing public sewer in Old Guildford Road, replicating the current arrangement.

The Council's drainage consultant has reviewed the proposal and has requested the submission of further information. However, Officers note that the concerns raised and information requested more so relate to a level of information expected to be detailed at the Building Regulations stage of the development, post-planning. On the basis of the information submitted, Officers are content that the drainage strategy for the proposal can be achieved in principle, with greater details to satisfy the necessary building regulations to be provided at a later date. Therefore, no objection is raised on drainage and flood risk grounds.

### **Biodiversity Net Gain (BNG):**

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG) (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool, and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has submitted a Biodiversity Metric which demonstrates a 10% net gain is achievable by way of registered offsite biodiversity gains / the purchase of statutory biodiversity units. The statutory informative is therefore attached.

### **Conclusions:**

The proposed development for four dwellings and the associated reconfiguration of the Shelley Arms car park is considered acceptable in principle, as the site lies within the defined built-up area of Broadbridge Heath in accordance with Policy 3 of the Horsham District Planning Framework (HDPF). The scheme represents an efficient use of land and delivers a layout and design that integrates well with the surrounding character, consistent with Policies 32 and 33. The retention of the TPO-protected cedar tree and provision of new landscaping will safeguard visual amenity, while biodiversity enhancements ensure compliance with Policy 31.

Technical assessments confirm that potential impacts can be mitigated. The Noise Impact Assessment identifies a low adverse risk, with BS 8233 internal noise standards achievable through standard

glazing and ventilation, supplemented by an acoustic barrier to improve garden amenity. Highways advice confirms safe access and adequate parking provision, meeting Policies 40 and 41. Drainage and flood risk have been addressed through a strategy that provides on-site attenuation and controlled discharge, and ecological surveys confirm no significant constraints subject to precautionary measures and biodiversity enhancements. Water neutrality has been demonstrated in line with Natural England's standing advice and the Habitats Regulations, ensuring no adverse effect on designated sites.

Overall, the proposal accords with the relevant policies of the HDPF and national planning guidance, delivering a sustainable, well-designed development without causing unacceptable harm to residential amenity, highway safety, or the local environment. Subject to conditions securing materials, landscaping, tree protection, biodiversity measures, noise mitigation, and drainage details, the development is considered acceptable and recommended for approval.

### 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)	380m2	0m2	380m2
		<b>Total Gain</b>	<b>380m2</b>
		<b>Total Demolition</b>	<b>0m2</b>

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.

### Recommendation: Application Permitted

#### Conditions:

- Standard Time Condition:** The development hereby permitted shall begin 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.

- Pre-Commencement Condition:** No development 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 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).

- Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or

materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- (a) All trees on the site shown for retention within the Arboricultural Impact Assessment, 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).
- (b) 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.
- (c) 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).

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

- a) a preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The site investigation results and the detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

6 **Pre-Commencement Condition:** Prior to the development commencing, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- Site working hours and a named person for residents to contact;
- Detailed Site logistics arrangements
- Details regarding parking, deliveries, and storage
- Details regarding dust and noise mitigation measures to be deployed

- Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP for the related phase, unless the written consent of the Local Planning Authority is received for any variation.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement Condition:** Prior to commencement of development (other than demolition), a scheme of noise mitigation and mechanical ventilation sufficient to prevent overheating and maintain thermal comfort in the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the ANC Acoustics Ventilation and Overheating: Residential Design Guide 2020. The scheme shall include performance details and a glazing plan sufficient to achieve the habitable room standards as detailed in BS8233:2014 with no relaxation for exceptional circumstances and appropriate consideration of L<sub>Amax</sub>.

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).

- 8 **Pre-Commencement (Slab Level) Condition:** A Biodiversity Enhancement Layout for the biodiversity enhancements listed in the Ecology Comments Response Letter (Seed Arboriculture Ltd., April 2025) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for biodiversity enhancements; and
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

- 9 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part 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) 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).

- 10 **Pre-Occupation Condition:** Prior to occupation a final noise verification report shall be submitted to and approved in writing by the local Planning authority. All work must be carried out by suitably qualified person and the approved noise, vibration attenuation and ventilation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

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).

- 11 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities, plant numbers and tree pit details
- Details of all hard-surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Details of all bin stores, cycle stores and other ancillary structures

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 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).

- 12 **Pre-Occupation Condition:** No development above ground level shall take place until a Landscape Management and Maintenance Plan (LMMP) has been submitted to and approved in writing by the Local Planning Authority. The details should apply to all hard and soft landscape areas and shall include:

- The long-term design objectives
- Management responsibilities
- Specifications
- Maintenance schedules and periods
- Operations details
- Implementation details and timetable

The LMMP shall be carried out in accordance with the approved details, supporting documents / reports, surveys, and timetable(s) 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).

- 13 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access and numbered 001 REV A.

Reason: In the interests of road safety, and in accordance with Policy 41 of the Horsham District Planning Framework (2015).

- 14 **Pre-Occupation Condition:** No dwelling shall be first occupied until the vehicle parking and turning spaces for that dwelling have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.
- Reason: To provide adequate on-site car parking and turning space for the development, and in accordance with Policy 41 of the Horsham District Planning Framework (2015).
- 15 **Pre-Occupation Condition:** No dwelling shall be first occupied until covered and secure cycle parking spaces for that dwelling have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.
- Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).
- 16 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling (or use) in accordance with drawing number 001 REV A. These facilities shall thereafter be retained for use at all times.
- Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 17 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection 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).
- 18 **Pre-Occupation Condition:** Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
- 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).
- 19 **Pre-Occupation Condition:** Prior to the first occupation of the development a scheme for the management of the car park shall be submitted to the Local Planning Authority. The plan should include but not be limited to, management responsibilities during all operating hours, measures to control noise and disturbance, playing of music or other amplified sound and minimising the effects of patrons coming and going from the site. Where any management practices give rise to reported complaints of a substantiated and significant impact to local amenity received by the operator or Horsham District Council, this must be brought to the attention of the Local Planning Authority and any necessary changes to the management plan implemented to the satisfaction of the Local Planning Authority.
- Reason: In the interests of amenity of adjacent occupiers and to ensure the use of the site does not have a harmful environmental effect and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 20 **Regulatory Condition:** If, during development of any of the dwellings hereby approved, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. 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).

- 21 **Regulatory Condition:** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Comments Response Letter (Seed Arboriculture Ltd., April 2025) and Preliminary Ecological Appraisal Report (SEED Agricultural Consultancy, July 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for reptiles, common amphibians and mobile protected species in the Ecology Comments Response Letter (Seed Arboriculture Ltd., April 2025), which avoids impacts on protected species.

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 protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

- 22 **Regulatory Condition:** No soils shall be imported or re-used within 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.

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).

- 23 **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

## **Note to Applicant – Biodiversity Net Gain Condition**

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

**This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.**

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link:

[Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan).

*Statutory exemptions and transitional arrangements*

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

*Irreplaceable habitat*

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

**Note to Applicant – Vehicle Crossover: Minor Highway Works**

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

**POSITIVE AND PROACTIVE STATEMENT**

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

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**Plans list for: DC/25/0116**

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date

