PLANNING COMMITTEE REPORT

TO:	Planning Committee North
BY:	Head of Development and Building Control
DATE:	11 April 2024
DEVELOPMENT:	Erection of 8no. dwellings, with associated parking, drainage, and hard and soft landscaping
SITE:	Former Arun Feedmills Sincox Lane Shipley West Sussex
WARD:	Southwater South and Shipley
APPLICATION:	DC/23/2278
APPLICANT:	**Name:** Forays Homes **Address:** c/o Bell Cornwell LLP Unit 2, Meridian Office Park Osborn Way Hook RG27 9HY

REASON FOR INCLUSION ON THE AGENDA: The proposal would represent a departure from the local plan if approved.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 The application seeks full planning permission for the erection of 8no. dwellings, along with associated parking, drainage, and hard and soft landscaping.

1.2 The proposed development would be arranged in two linear terraces of 4no. dwellings, facing north and south respectively. The dwellings would be separated by a central access road extending from north-west to south-east, with a turning head located to the south-east. The dwellings would extend over two storeys, with a mixed palette of materials including render and timber cladding. Gable features would be provided to the frontage of the site, with landscaping to the front of each dwellings alongside dedicated parking.

DESCRIPTION OF THE SITE

1.3 The application site is positioned to the south-east of Sincox Lane, outside of any defined built-up area boundary. The site comprises a former commercial site, with the area currently unused and comprising hardstanding.

1.4 The site is located approximately 4.5km north-east of West Chiltington and approximately 5.8km north-west of Ashington. The wider area primarily consists of open countryside, with

a scattering of farm enterprises and sporadic residential development within the wider locality.

1.5 The site is bound by mature hedging to the north-western boundary, with the perimeter of the site separated from the wider surroundings by informal hedging.

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 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
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 **Shipley Neighbourhood Plan**
Policy Ship HD1 – New Housing Development
Policy Ship HD2 – Housing Mix
Policy Ship HD3 – High Quality Design
Policy Ship CO3 – Broadband and Mobile Reception

2.6 **Shipley Parish Design Statement**

2.7 **Planning Advice Notes**
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

SP/15/90	Redevelopment of feed mill into 6 small industrial units (b.1 use) and alterations to existing accesses Site: Arun Feed Mills Sincox Lane Shipley	Application Permitted on 09.07.1993
SP/22/96	Erection of 4 dwellings (outline) Site: Arun Feeds Sincox Lane Shipley	Application Refused on 19.06.1996
SP/48/98	Redevelopment by erection of two-storey b1 units Site: Arun Feeds (Southern) Ltd Sincox Lane Shipley	Application Permitted on 26.03.1999
DC/05/1865	Erection of building comprising 8 x 4 bed dwellings, 2 x 3 bed dwellings and 2 x 2 bed dwellings, access and parking (Outline)	Application Refused on 30.09.2005
DC/18/1412	Erection of 4x detached dwellings with associated garaging, hardstanding and landscaping	Application Refused on 21.09.2018

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect**: No response received

3.3 **HDC Environmental Health**: Objection

Given the historic use of the site as an agricultural feed mill, a land use which Environmental Health considers potentially contaminating, and the likely presence of made ground associated with the previous development, are of the view that the ground on the site is highly likely to be contaminated. To ensure that the site is suitable for residential development the application should therefore be supported by a comprehensive and robust Phase 1 Preliminary Risk Assessment (PRA), undertaken by a suitably competent and experienced environmental consultant.

During site clearance, preparation and construction there is the potential for local residents to experience adverse impacts from noise, dust and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management plan (CEMP) will be recommended as a condition.

It is not clear if water neutrality requirements will be met with a private water supply such as a rainwater harvesting scheme or an onsite borehole.

3.4 **HDC Environment Waste Management**: No response received

OUTSIDE AGENCIES

3.5 **WSCC Highways**: No Objection

The site is situated within a rural area approximately 800m to the west of the hamlet of Broomers Corner and 17km to the south of Horsham.

The Transport Statement states that the site has an extant consent for a replacement commercial building / courtyard of offices (1,234sqm B1 use) which was granted in March 1999 (Planning Reference: SP/48/98). A review of the documents submitted in relation to this application indicate that 8no. B1 units were proposed (720sqm industrial floor space at

ground floor level and 541sqm office floor space at first floor) along with 55 car and 4 lorry parking bays with access and egress retained via the existing access point.

An automatic speeds survey was undertaken to establish the 85th %ile speeds and these were found to be 37.1mph northbound and 39.3mph southbound. Using this data the Annual Average Daily traffic flow has been calculated bat 222 vehicles per day in the vicinity of the junction.

The access to the site has been designed to allow for 2 vehicles to pass clear of the highway. It has been demonstrated that visibility distances from the access meets both Manal for Streets and DMRB standards. Given the recorded speeds are on the boundary between the 2 standards it is recommended that maximum achievable distances are implemented. 19 Car parking spaces have been proposed which is acceptable to WSCC. 14 cycle parking spaces will be accommodated in the rear gardens. This parking will need to be secure and covered.

A turning head has been provided for delivery and service vehicles to turn within the site and enter in a forward gear.

Using the TRICS database it is estimated that the development will generate 44 two-way vehicle movements per day resulting in an overall reduction of 127 trips when compared to the extant use.

There are no footpaths or cycle routes from the site, it is therefore likely that residents will choose to use a private vehicle for primary journeys. Public transport links are not within walking distance of the site.

3.6 **WSCC Fire and Rescue**: Comment

Currently the nearest hydrant to these proposed properties is 210 metres away. The supply or water for firefighting for a domestic premises should be within 175 metres.

3.7 **Ecology Consultant**: Comment

Note that there are no buildings on site, the trees on the north-western boundary are outside the red line boundary and there are no trees on site. Therefore agree that no further surveys for bats are required. However, highlight that if the plans change in the future and the mature trees outside the site boundary, in particular the Oak trees close to the site entrance, will be impacted then further assessment for bat roost potential will be required to avoid impacts on these European Protected Species.

The site lies approximately 9.7km to the northeast of The Mens Special Area of Conservation (SAC) (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and 14.6km from the Ebernoe Common SAC. The site therefore falls within the 12 km Wider Conservation Area for The Mens SAC and outside that of the Ebernoe Common SAC. The qualifying feature for The Mens SAC is Barbastelle bats, but there are no records for this species within 2km of the site (Sussex Biodiversity Records Centre – accessed under licence). Noctule bat, Brown Long-eared bat, Soprano Pipistrelle bat and Whiskered bat have been recorded within 2km of the site (Sussex Biodiversity Records Centre – accessed under licence).

The site is 0.49ha and mainly comprises a central area of hard standing, with bramble scrub on the north-eastern and southwestern boundaries, ruderal vegetation and grassland, with a tree belt outside the north-western boundary (Biodiversity Net Gain Assessment (AEWC, August 2023). We understand there will be no loss of hedgerow or woodland and therefore no severance to the flight lines of foraging or commuting bats from the SAC and habitat connectivity within the site will be maintained. We note that of 0.03ha of rural trees and 0.1km of native hedgerows will be planted on site (Biodiversity Metric 4.0,).

Support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be

submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area.

The mitigation measures identified in the Protected Species Walkover Survey (AEWC, August 2023), Biodiversity Net Gain Assessment (AEWC, August 2023) and Biodiversity Metric 4.0 should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

Welcome the indicated biodiversity net gain of 78.97% for habitat units and the 100% gain for linear hedgerow units (Biodiversity Net Gain Assessment (AEWC, August 2023). The proposed habitats, including introduced shrub, modified grassland, bramble scrub, native hedgerows and small rural trees, should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity. This LEMP should be secured by a condition of any consent for a period of 30 years to deliver the required condition of habitats created.

Also support the proposed reasonable biodiversity enhancements in Section 7 of the Biodiversity Net Gain Assessment (AEWC, August 2023) which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180[d] of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent for discharge prior to slab level.

3.8 **Southern Water**: Comment

The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

3.9 **NatureSpace**: Comment

It is considered that the proposed development would present a low risk to Great Crested Newts and/or their habitats. However, as the development is within the red Impact Risk Zone, recommend an informative be attached to the planning consent.

3.10 **Natural England (Standing Advice)**: Objection

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to

proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

3.11 **Natural England**: No Objection

We concur with the conclusion of your authority's HRA appropriate assessment, insofar that we have no objections subject to the delivery, management and maintenance of measures identified in the water neutrality statement, and subject to relevant pre-commencement conditions identified in the appropriate assessment being put in place, to achieve water neutrality.

PUBLIC CONSULTATIONS

3.12 **Shipley Parish Council**: Objection

- Conflicts with the made Shipley Neighbourhood Plan and HDC Local Plan
- Small scale development
- Overtly domestic in nature
- Not infill development on previously developed land
- Outward extension of the village outside Coolham settlement boundary
- Doesn't deliver affordable housing
- Contravenes the Shipley Parish Design Statement
- Water Neutrality Statement and reliance on projected future use

3.13 7 letters of objection were received from 2 separate households, and these can be summarised as follows:

- Inappropriate for a small local community
- No support from local services
- Excess traffic and noise
- Loss of general amenity
- Overdevelopment of a sensitive site
- Impact on wildlife
- Light pollution
- Out of character with rural area
- Impact on road safety
- Impact on tranquillity of the countryside

3.14 6 letters of support were received from 5 separate households, and these can be summarised as follows:

- Should support affordable housing
- Extant permission for commercial units
- Smaller footprint than the extant permission
- Less hardstanding
- Excellent design of the residential houses

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

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 The application seeks full planning permission for the erection of 8no. dwellings along with associated parking, drainage, and hard and soft landscaping.

6.2 The application site has been subject of a number of previous refused planning applications for residential development under references SP/22/96, DC/05/1865, and DC/18/1412. These sought outline and full planning permission for development ranging between 4no. dwellings and 12no. dwellings.

6.3 The most recent planning application under reference DC/18/1412 considered against the policies within the HDPF. This application was refused on the grounds that the Council could demonstrate a 5-year housing land supply, where the development would be located in the countryside, outside of a defined built-up area boundary, and on a site not allocated for development. Consequently the development would be contrary to the overarching spatial strategy and would not be essential to its countryside location. The application was also refused on the grounds of the use, scale, form, massing and layout of the development formalising and urbanising the character of the rural locality, where the height and mass would detract from the modest and sporadic build pattern and character of the wider surroundings. Insufficient information had also been provided to demonstrate that the development would not result in adverse harm to the ecological interests of the site.

Principle of Development

6.4 The application seeks full planning permission for the erection of 8no. dwellings, along with parking, drainage, and landscaping. The application site is located outside of any built-up area, and the site is therefore located within the countryside location in policy terms.

6.5 As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. The application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF.

6.6 Paragraph 83 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

6.7 Paragraph 84 of the NPPF continues that "planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6.8 The term “isolated” is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. It was concluded in the Braintree Judgement that a settlement would not necessarily exclude a cluster of dwellings. The application site is located within close proximity to a number of residential dwellings and other buildings, and given this spatial context is not considered to be “isolated” in its truest sense, and does not therefore engage the considerations of paragraph 84.

6.9 Policy Ship HD1 states that applications for housing developments within Shipley and Coolham villages, and Dragons Green and Brooks Green hamlets, will be considered favourably where the proposals meet all of the following criteria: the proposed development is for an infill gap, or on previously developed land, within the continuity of existing buildings; the proposed development will not result in the outward extension of the villages or hamlets onto greenfield land; the proposed development delivers new affordable housing; the proposed development reflects the scale and density of existing development in the village or hamlet where it is located; and the proposed development responds positively to Shipley Parish Design Guidance. This policy does not allocate sites, nor establish a housing target for the Parish, but does provide general guidance as to the location, mix, and quality of any proposed new development.

6.10 Policy Ship HD2 continues that applications for new housing in Shipley Parish should respond to the most up-to-date local housing need wherever possible, including 2- and 3-bedroom homes as well as new affordable housing, contributing to a balanced mix of housing in the Plan area.

6.11 In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criterion includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development does not meet any of this criterion, nor is it considered to be essential to the countryside location, and does not therefore comply with Policy 26 of the HDPF.

6.12 The application site lies outside of the built-up area, and is therefore considered to be within the countryside in policy terms. The site is located approximately 4.5km north-east of West Chiltington and approximately 5.8km north-west of Ashington. As such, the application site does not adjoin an identified settlement, and is not considered to be close to any identified settlements. Occupiers of the development would therefore be wholly reliant on the car to access all services. On this basis the location of the site is not considered to be sustainable for housing development.

6.13 It is recognised that the Applicant has made reference to an extant planning permission under reference SP/48/98 for the erection of a two storey building to be used for B1 use. Following the demolition of the buildings on the site, a letter dated 28 November 2006 confirmed that works pursuant of the permission had been commenced by the laying of foundations. This letter confirmed that the planning permission had been implemented, and as such this extant permission is of weight when considering the current application.

6.14 Policy 2 of the HDPF states that the effective use of land by reusing land that has been previously developed (brownfield land) will be encouraged provided that it is not of high environmental value. The aim of this policy is to encourage the appropriate re-use of brownfield sites in sustainable locations, locating new development in sustainable locations that respect environmental capacity and which have appropriate infrastructure, services and facilities in place, or in places where these can be realistically provided.

6.15 Paragraph 124 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

6.16 While it is acknowledged that the application site comprises previously developed land, the spatial strategy and directive from the NPPF guides development to previously developed land within settlements, where it is considered to be more sustainable. The application site is located in a countryside location, at a distance from the nearest settlements. Future occupiers would be reliant on private vehicles, and it is therefore considered that the application site is located in an unsustainable location.

6.17 Although the extant permission is acknowledged, the proposed residential development on the site is comparatively different to the B1 commercial development approved under this previous planning permission reference SP/48/98. Such commercial uses can be considered appropriate within a countryside location in order to support rural economic development, whereas the allocation of residential development is more strictly controlled through the spatial strategy. Given the material difference between the nature of the development approved and that proposed, limited weight is given to the extant permission.

6.18 The proposed development is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework. The proposed development would therefore be in conflict with the spatial strategy for housing within the development plan as set out in Policies, 2, 3, and 4 of the HDPF. In addition, the proposal would not meet any of the exceptions as identified within Policy 26 of the HDPF. The proposal would not therefore provide a suitable location for housing with regard to the spatial strategy within the Development Plan.

6.19 Whether this policy conflict is outweighed by other material considerations is considered in the ‘Planning Balance’ section of this report.

Design and Appearance

6.20 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

6.21 Policy Ship HD3 of the Shipley Neighbourhood Plan states that all proposals for new development in Shipley Parish are expected to respond positively to local design characteristics and features as set out in the Shipley Parish Design Guidance. New development should be of a size and scale which respects, and where possible, enhances the character of the area or locality, using materials typical of the area.

6.22 Paragraph 135 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

6.23 The proposed development would be arranged in two linear terraces of 4no. dwellings, facing north and south respectively. The dwellings would be separated by a central access road extending from north-west to south-east, with a turning head located to the south-east. The dwellings would extend over two storeys, with a mixed palette of materials including render and timber cladding. Gable features would be provided to the frontage of the site, with landscaping to the front of each dwellings alongside dedicated parking.

6.24 It is recognised that the site benefits from an extant planning permission for a commercial building under reference SP/48/98. The approved building extended over two storeys, with the area surrounding the building utilised for parking.

6.25 It is acknowledged that a previous planning permission under reference DC/18/1412 related to the redevelopment of the site for 4no. dwellings. It was considered that the layout, scale, form, and design of the proposal, when considered individually and cumulatively, evoked an artificial evolution of the site that failed to reflect the locally distinctive vernacular of the locality and the scale, proportionality, and traditional features of nearby development. It was considered that the proposal would represent an urbanised form of development, where the proposal was not considered to relate sympathetically to the built surroundings or landscape of the wider locality.

6.26 While the quantum of development has increased from that previously proposed, the design and layout of the proposal has been altered to reflect a more traditional rural arrangement. The development would be rationalised within the site, set immediately adjacent to the access road, with open spaces maintained serving as private amenity space. The design and vernacular of the development is considered to reflect a more traditional style, with the variance of architectural features and material palette considered to provide visual interest that breaks up the massing so that the development appears more proportionate within the context of the site.

6.27 The proposed development would be located over the footprint of the approved building under reference SP/48/98, where the visual massing would be reduced due to the design and arrangement of the development. It is acknowledged that the development would sit

prominently within the unaltered network of fields to the south of Sincox Lane, however the proposal would result in no greater visual impact than the previously approved commercial scheme. The development would be read in the context of other built form to the south-west and north-east of the application site, and although recognised that this built form predominantly comprises agricultural buildings, it is not considered that the proposal would result in significant adverse harm to the landscape character of the area.

6.28 On the balance of these considerations, the proposed development is considered to have been designed to better reflect the built character of the rural area, with the visual massing and interest provided by the design considered to reduce the dominance of the development when viewed from the wider surroundings. For these reasons, the proposal is considered to accord with the relevant policies.

Amenity Impacts

6.29 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

6.30 The application site is positioned to the north-east and south-west of a cluster of agricultural and commercial buildings, including converted residential buildings. These surrounding properties are located between approximately 75m and 200m from the site, and separated by boundary hedging, paddocks, and the public highway. Given the distance between the development site and the nearby residential and commercial properties, it is not considered that the proposal would result in harm to the amenities or sensitivities of neighbouring properties.

6.31 The proposed 8no. dwellings would be built around a central access road, with the dwellings oriented to face the shared access and set at a distance of between approximately 7.1m and 19.8m from one another. Given this layout, it is considered that the proposal has addressed potential amenity impacts from within the development.

6.32 It is therefore considered that the proposed development would not result in harm to the amenities or sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts

6.33 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

6.34 The proposed development would utilise the existing access from Sincox Lane, where the access road would extend centrally to the south-east. A turning head would be provided to the south-east of the access road, with a total of 19no. parking spaces provided located to the frontage of each dwelling and to the north-west and south-east of the built form.

6.35 Following consultation with WSCC Highways, it is noted that access to the site has been designed to allow for 2no. vehicles to pass clear of the highway. It has been demonstrated that visibility distances from the access meets the required standards, where the Transport Statement identifies that there would be a reduction in vehicle movements when compared to the extant commercial permission under reference SP/48/98. No objections have therefore been raised by the Local Highways Authority.

6.36 The proposed development would benefit from safe and adequate access, with a suitable level of parking to meet the anticipated needs of the future occupiers. The proposal is therefore considered to accord with the above policies.

Ecology

6.37 Policy 31 of the HDPF states that 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.

6.38 The Applicant has submitted a Protected Species Walkover Survey by Animal Ecology & Wildlife Consultants Ltd reference 23-110 dated August 2023 and a Biodiversity Net Gain Assessment by Animal Ecology & Wildlife Consultants Ltd reference 23-110 dated August 2023. The Report identified that the site contains degraded hardstanding, tall ruderal vegetation, grassland, and scrub. The Reports identify opportunities for biodiversity enhancements through tree and hedgerow planting, the creation of areas of amenity grassland and ornamental planting, and retention and enhancement to existing areas of scrub and grassland.

6.39 The site lies approximately 9.7km to the northeast of The Mens Special Area of Conservation (SAC) (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and 14.6km from the Ebernoe Common SAC. The site therefore falls within the 12 km Wider Conservation Area for The Mens SAC and outside that of the Ebernoe Common SAC. The qualifying feature for The Mens SAC is Barbastelle bats, but there are no records for this species within 2km of the site. Noctule bat, Brown Long-eared bat, Soprano Pipistrelle bat and Whiskered bat have been recorded within 2km of the site.

6.40 Following consultation with the Council's Ecologist, it is agreed that no further biodiversity surveys are required. The mitigation and enhancement measures as proposed within the Reports are considered satisfactory, and no objections on ecology grounds have been raised. An Appropriate Assessment has been undertaken in reference to The Mens SAC, where it is concluded that subject to appropriate mitigation, and namely a biodiversity sensitive lighting scheme, the proposal will avoid an adverse effect on the integrity of the habitats sites.

6.41 The application site is located within the Amber Great Crested Newt Impact Risk Zone, which is considered to represent suitable habitat where Great Crested Newts are likely to be present. Following consultation with NatureSpace, it is considered that the proposed development would present a low risk to Great Crested Newts and/or their habitats.

6.42 For the above reasons, the proposed development is considered to accord with the above policy.

Climate Change

6.43 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

6.44 Should the proposed development, the following measures to build resilience to climate change and reduce carbon emissions:

- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity

- Opportunities for biodiversity gain
- Cycle parking facilities
- Electric vehicle charging points

6.45 Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Water Neutrality

6.46 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

6.47 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

6.48 The Applicant has submitted a Technical Note 1: Water Neutrality Statement dated 22.06.2023. The water strategy proposes to utilise water efficient fixtures and fittings to reduce the water demand. The proposal would utilise the following efficiencies: dual flush toilets; low flow taps; low volume bath; low flow showers; water efficient washing machine and dishwasher. The Part G Water Calculator shown at Appendix G indicates that the water efficiencies would reduce the overall demand to 93.99 litres per day. Based upon the occupancy levels above, the resulting water demand would be 1,819.6 litres per day.

6.49 The proposal relies upon an extant planning permission under reference SP/48/98, which has been evidenced to have been implemented. This was confirmed by a letter from the Council dated 28 November 2006. This extant permission relates to the development of commercial units with a total floor area of 1,235.52m2. Based upon the OffPAT Employment Densities Guide, 1no. full time employee requires 13m2, with a total of 95 employees for the approved floor space. A BREEAM Water Calculator has been provided based upon the commercial use and total number of employees, where the overall water demand is calculated to be 2,062.42 litres per day.

6.50 The mitigation measures proposed would reduce the water consumption of the proposed residential accommodation to below the existing baseline. Subject to the water strategy as proposed within the Water Neutrality Statement, the development would be water neutral. Subject to appropriately worded conditions to secure the water strategy, the grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Planning Balance and Conclusions

6.51 The application seeks full planning permission for the erection of 8no. dwellings on a site located outside of any built-up area and not allocated for development. The site is located within a countryside location in policy terms, where the principle of residential development is more greatly restricted. The proposed development would be contrary to the overarching spatial strategy.

6.52 The application site benefits from an extant planning permission under reference SP/48/98 for the erection of a two storey building to be used for B1 use. The Applicant has confirmed

the intention to complete the development should the current application be refused, and the extant permission is therefore considered to represent a reasonable fallback. The supporting information has demonstrated that the proposed development would generate 44 two-way vehicle movements per day resulting in an overall reduction of 127 trips when compared to the extant use. It is recognised that future occupiers would be reliant upon private vehicles to access local services and amenities, however it has been demonstrated that the proposal would not result in any greater level of activity than the extant permission. This is considered of weight in the planning balance.

6.53 The Council is currently unable to demonstrate a five year housing land supply, with the latest Authority Monitoring Report (December 2023) detailing a supply of 2.9 years. In such instances the Paragraph 11(d)(ii) of the NPPF states that where there are no relevant development plan policies in place, or the policies that are considered most important for the determination of applications are out of date (such as when a five year housing land supply cannot be demonstrated), planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

6.54 In this case the most important policies contained within the HDPF, including Policies 2, 4 and 26 must be afforded reduce weight given the engagement of the 'tilted balance' within Paragraph 11d.

6.55 Paragraph 14 of the NPPF states that in situations where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made, and the neighbourhood plan contains policies and allocations to meet its identified housing requirement. While Shipley Neighbourhood Plan was made on 23.06.2021, it has not established a housing target for the Parish nor allocated sites for housing development. As such, the provisions of paragraph 14 of the NPPF do not therefore apply. On this basis, Policies Ship HD1, Ship HD2 and Ship HD3 are of reduced weight.

6.56 The proposal would provide 8no. residential dwellings, where given that the Council cannot currently demonstrate a five-year housing land supply, the contribution to the housing supply would be moderate and would be of significant weight in the planning balance. The proposed development would also provide associated socio-economic benefits in the form of short-term construction employment and increased local spend. These benefits are also considered to be of some weight in the overall assessment.

6.57 The proposed development would not result in visual harm or harm to the landscape character of the countryside location, with the proposal not considered to result in harm to the amenities of nearby residential properties or users of land. The proposal would benefit from safe and adequate access and suitable parking arrangements, where with mitigation, the proposed development would not result in a likely significant effect on the protected Arun Valley sites.

6.58 Considering the application as a whole in the context of the Paragraph 11d 'tilted balance', and given the particular circumstances specific to this site, it is not considered that the harm afforded by the conflict with Policies 2, 4, 26 of the HDPF and Policy Ship HD1 and HD2 (which must be afforded reduced weight applying Paragraph 11d of the NPPF) significantly and demonstrably outweighs the benefit of a new dwellings in this location. It is therefore recommended that planning permission be granted, subject to conditions.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

6.58 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

6.59 **It is considered that this development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	1220.86		1220.86
		Total Gain	
		Total Demolition	

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

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

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

7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions:

Conditions:

1 **Approved Plans**

2 **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.

3 **Pre-Commencement Condition**: No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement Condition**: No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

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

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

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

5 **Pre-Commencement Condition**: No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans;
d) persons responsible for implementing the enhancement measures;
e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

6 **Pre-Commencement Condition**: No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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**: No development shall commence until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

8 **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).

9 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level shall commence until full details of the water efficiency measures required by the approved water neutrality strategy (Technical Note 1: Water Neutrality Statement by Motion dated 22.06.2023) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

10 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied until 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 and plant numbers and tree pit details

- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

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

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

11 **Pre-Occupation Condition**: No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

12 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan r 19.004.L(PA)011and 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).

13 **Pre-Occupation Condition**: No part of the development shall be first occupied until visibility splays of 2.4 metres by 98 metres to the right and 2.4m x 89m to the left have been provided at the proposed site vehicular access onto Sincox Lane. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

14 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with

type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

15 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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).

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 provided within the side or rear garden for that dwelling (or use). The facilities shall thereafter be retained for use at all times.

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

17 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 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 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Protected Species Walkover Survey by Animal Ecology & Wildlife Consultants Ltd dated August 2023.

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

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

Background Papers: DC/23/2278