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17 May 2024

Your Ref: DC/23/2144

Dear Sir / Madam,

Angell Sand Pit Washington Road Storrington West Sussex
Objection Letter to Application Reference: DC/23/2144
Town and Country Planning Act 1990 (Amended)

I write this representation letter to strongly object to the S.73 application (ref. DC/23/2144) submitted on behalf of MiBri Ltd at Angell Sand Pit Washington Road Storrington West Sussex, and politely request that it is withdrawn or refused.

Proposal

The application (ref. DC/23/2144) to which this objection letter is lodged against is for the following development:

"*Variation of condition 1 of previously approved application reference DC/21/0057 (A phased development for the erection of 6no detached houses with associated landscaping, drainage and access improvements to Heather Way at Angell Sandpit, Storrington) to allow the submission of water neutrality information, revised plans in respect of plots 1-3 and revised construction access details. Approval of conditions 3, 5, 6, 10, 12, 13, 16, 17, 18 and 19.*"

All other objections submitted to the previous application (ref. DC/21/0057) should be reviewed as part of the determination of this application given the conditions imposed, which the Applicant is seeking to discharge under this application, were to control the various impacts associated with the proposed development - and which continue to be raised as significant concerns within the various objections submitted against this application.

Procedural and validation issues

From a procedural standpoint, the application is incorrect. You cannot submit a S.73 minor material amendment application to discharge planning conditions, Section 73 of the Act only allows for the determination of applications to develop land without compliance with conditions previously attached. The NPPG advises that where proposed changes to a permission are fundamental or substantial, (as is proposed in this case), then a brand new planning application under Section 70 needs to be submitted. The application is therefore contrary to statutory guidance set out within the NPPG and incorrect from a procedural standpoint. In addition to this, the application conflicts with a number of the conditions attached to the original permission, namely conditions 8, 17 and 19.

The submitted application does not include a number of reports/information that are validation requirements listed on the HDC website. Information relating to heritage/conservation and visual impact, ecology and biodiversity and flooding, drainage, surface water run-off and flooding and air quality are not included within the submission. These are all relevant and material impacts arising from the development that should have been assessed.

Therefore, based on the above, the application is invalid and needs to be withdrawn, amended and re-submitted under a different application procedure with the relevant information listed above.

Principle of development

It is asserted by Horsham District Council (HDC) Officers that the principle of development has already been found to be acceptable and therefore this application is not assessing that again. That is not correct, as the conditions attached to the original application (ref. DC/21/0057) were done so in order to mitigate the potentially unacceptable impacts arising from the development. It is evident from the information submitted that this has not been done and therefore the principle of development should be re-assessed.

Site suitability

The site, which is immediately adjacent to the sensitive Sullington Warren SSSI, is not a suitable site for housing and should be restored as heathland (which is a threatened habitat) as it was originally meant to be under the National Trust restoration project. In fact, the Sullington Neighbourhood Development Forum that allocated the site within their Neighbourhood Plan have written in objection to the application and reiterated that they do not think the proposed development is acceptable.

Construction access and local highway network impact

Construction access for the development is proposed from Water Lane, just 20 metres after the junction with the Washington Road (A283). There is therefore a significant risk to vehicles and pedestrians from construction traffic blocking the road. The Applicant's proposed construction access will mean that vehicles will have to make a sharp left hand turn into the proposed access and which will also mean large HGVs will have to swing out onto the other side of carriageway given the width, size and location of the proposed access. The proposed construction access will inevitably require a degree of manoeuvring which could end up blocking both sides of the road which are known to have traffic backing-up to a standstill on both sides of the road during peak rush hours times. The

increased mud and dust arising from the construction traffic will add to the treacherous road conditions already caused by the significant number of lorries using the Cemex quarry site which are consistently incredibly dangerous despite their commitment to wheel washing and road cleaning which unfortunately do very little to improve the situation. As such, there would be an increased risk of serious accidents as a result of the new construction access proposed.

Water Lane is a narrow single carriageway road with well known traffic movement and congestion issues alongside road safety issues. The Applicant has also not submitted a Transport Assessment which analyses the trip generation and subsequent impact on the local highway network and public safety arising from the proposed development, with the previous assessment submitted under the original application now being outdated given the increased volume of traffic and changes to the local highway network.

More generally, the proposed development would have a significant impact on the local highway network and exacerbated the safety risk to motorists and members of the public. The proposed development would cause an increase in the volume of vehicles and the associated flow of traffic on Water Lane which is already used by HGVs that go to the Water Lane trading estate and Waitrose in Storrington. This has already had a substantial impact on the local highway network on Water Lane, which is narrow road that does not have many passing points and/or laybys which allow for unrestricted vehicle movement, and which is notorious for “near misses” and vehicles travelling at high speeds whilst using the road as ‘rat run’ to access Storrington and places beyond. Therefore, the proposed development will create an increased safety risk to motorists, residents, pedestrians and other members of the public that regularly frequent the lane for walking activities in the South Downs National Park.

Soil contamination

The soil is contaminated as confirmed in contamination reports submitted for the site, with elevated levels of asbestos and ground gas found within the soil. The proposed remediation strategy is also not adequate to alleviate the contamination present and therefore poses a significant health and safety risk for neighbours and walkers using the adjacent Sullington Warren SSSI.

Moreover, it should be noted that the Applicant has already undertaken a significant amount of soil movement works which has left a huge mound of earth on the site. They are therefore not only in breach of the pre-commencement conditions imposed under the previous permission (ref. DC/21/0057), but this has meant that neighbours and users of the surrounding area have been left exposed to the elevated levels of these contaminants for a number of months prior to the contamination issues being remediated which could give rise to longer term health issues. It should also be noted that when these issues were reported to the HDC planning team, they dismissed it - which showcases clear oversight and negligence on their part.

Heritage impacts

The application site forms part of the setting of the Grade II listed ‘Jasmine Cottage & School Cottage’ building (List UID: 1354078). Today, the address of this building is known as ‘Chestnut Cottage’. As required by Section 66 of the Planning (Listed Buildings and

Conservation Areas) Act 1990, there is a legal requirement to preserve and enhance any Designated Heritage Asset, such as this Grade II listed building. There are clear visual linkages between the application site and the Designated Heritage Asset given the close proximity of the site directly to the west of the listed cottage. Indeed, the new construction access proposed as part of this application, is the closest part of the application site to the Designated Heritage Asset, being within 15 metres of the listed building and immediately adjacent to garden which forms part of its setting. The proposed development, by reason of its location, topography and unsympathetic design in very close proximity to the nearby Grade II listed Designated Heritage Asset will have an overbearing and negative impact on its setting and architectural significance. The development is wholly out-of-keeping with and inappropriate relative to its surroundings, would fail to preserve and enhance the nearby Grade II listed Cottage, and therefore ultimately would detract from its setting and significance causing substantial harm which would endanger the long-term preservation of the Designated Heritage Asset. No amount of planting or screening would preserve the setting of the listed building or offset the substantial harm that the proposed development would cause.

The Applicant has not submitted a Heritage Statement which assesses how the Designated Heritage Asset will be affected, including any assessment of the impact to its setting and the contributions that entails. A Heritage Statement of which is listed in the Horsham District Council 'Development Management Local Information Requirements for Validation' document as a local validation requirement for proposed works that would directly or indirectly impact a heritage asset (designated and non-designated) which this application would clearly impact. The Applicant has therefore failed to satisfy the statutory provisions set out at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, the HDC Conservation Team have never undertaken a site visit to view the site, but are satisfied that there is no impact to the significance and setting of the adjacent Grade II Listed Building. Indeed the HDC Conservation Team previously objected to a more modest application (ref. DC/16/1904) on adjacent land for two houses (including one replacement dwelling) on the basis that it would negatively impact and detract from the open and rural landscape character and compromise the heritage value and setting on the Grade II Listed Building - despite being located in an area of similar character to the development site and one that is of lower topography that does not significantly overlook the listed building as the proposals under this application do. Surely the same judgement applies to the application to build six new dwellings on Angels Sandpit? Just because the site is allocated in the Neighbourhood Plan does not mean that the same policy tests and statutory provisions do not apply, and the tests should remain. This shows a clear lack of consistency from the HDC Conservation Team and raises the question of whether the heritage assessment provided by them is robust and valid.

There is also a substantial concern for the structural stability of the Grade II listed Cottage. There will be multiple daily vehicle trips by HGVs using the new construction access proposed under this application on land that is that has been filled with rubble and that has not been compacted and is therefore considered to be wholly unsuitable for such activities with earth movement and future subsidence issues potentially occurring. The proposed construction methodology and associated activities, in particular pile driving the foundations, are also a significant concern. Taken together, it is considered that these aforementioned activities could be very damaging to the Designated Heritage Asset which could cause structural damage or even collapse of the listed building. The Applicant has not submitted any details in relation to how the listed building will be protected during

construction activities if planning permission is granted.

Ecology and biodiversity issues

The Applicant has failed to adequately assess the proposed development's impact on the site's biodiversity and ecology and has also not proposed adequate remediation measures to offset the resulting loss arising form the proposed development, nor provided a net gain in biodiversity in accordance with statutory legislation and policy requirements. The existing greenfield site is known to have a variety of flora including protected lowland heathland and wild flowers and a diverse range populations of fauna including bats, owls [redacted] who have already had their habitats harmfully impacted and will do further as a result of this development. The buffer zone proposed to protect the adjacent SSSI from disturbance is not adequate, with one of the dwellings proposed as part of the application now encroaching into the buffer zone. Moreover, the impacts arising from the development during the construction and operational phases, including dust, light spill, noise and other impacts will have a very harmful effect on local biodiversity and ecology and have not been adequately assessed.

The proposed development is also in breach of the ecology commitments that formed part of the original permission (ref. DC/21/0057). This lack on concern for biodiversity is alarming and a clear breach of statutory requirements given mandatory Biodiversity Net Gain has been formally enacted into legislation (February 2024), and also in light of HDCs policy objectives for biodiversity which are set out in the publication of their '*Biodiversity and Green Infrastructure Planning Advice*' following the publication of the Regulation 19 Local Plan. The proposals under this application would result in significant biodiversity and ecology impacts at a time when they should be given great weight compared to other material planning considerations.

Flooding and drainage issues

The land surrounding the development site, including Water Lane, has historically suffered from poor drainage and considerable water run off and associated localised flooding impacts. The construction method and inadequate sustainable drainage methods proposed will only exacerbate these issues and cause further more serious and widespread flooding in the future.

Impact on surrounding amenity

The proposed development fails to safeguard the amenity of surrounding residents and visitors, with inadequate consideration of the impacts on noise, dust, odours, light pollution and other disturbances. The construction of the proposed development would have a detrimental impact on the amenity of the local surrounding area. The proposed development is located on greenfield land on the edge of the Sullington Warren SSSI which is used by local residents for walking, nature and quiet enjoyment. The proposed development will create significant increases in noise, dust and other disturbances, which will have a significant impact on the living conditions and amenity of surrounding residential occupiers on Water Lane, Heather Way, Washington Road and within Angel Sands. The Applicant has already shown a distinct lack of concern for surrounding neighbours, with multiple breaches of the permitted construction working hours under application reference: XX and as cited in the objection submitted by 'The Lodge' on

14/12/2023. The Applicant has not set out any other measures that will safeguard surrounding amenity and has proposed construction working hours of between 7.30am-18:00pm (Monday to Friday) which are completely unneighbourly, contrary to the provisions set out in the 1974 Pollution Control Act in relation to noisy works, and which would create sustained noise pollution, dust pollution and other disturbances throughout the construction of the development. As set out in the submitted Construction Management Plan, the proposed wheel washing is cited as specifically "to ensure that mud and debris is not carried onto the surrounding highway network", with the wheel washing station proposed to be located close to the site access off Water Lane. This confirms that no dust and other associated contaminants from the contaminated soil during construction activities will be controlled and/or mitigated in order to safeguard local amenity. This clearly shows the Applicant's lack of concern for the amenity of surrounding residents and nearby visitors which has been showcased in their behaviour to date with regard to unneighbourly behaviour and multiple breaches in construction working hours. In addition, the proposed development will have negative impact on the amenity of visiting members of the public to the immediately adjacent Sullington Warren SSSI, including walkers and nature enthusiasts which will detract from their quiet enjoyment and overall experience of the natural beauty of the area.

Neighbour consultation

The applicant has undertaken no consultation with neighbours or notified them of any works. In fact they have started works on numerous occasions before the permitted construction working hours under the original permission. This showcases the complete lack of regard that the Applicant already has for the regulatory controls imposed under the planning act and one can only anticipate it is a prelude to further unneighbourly behaviour that they are likely to continue to showcase.

Impact on South Downs National Park

The site is located immediately to the north of the South Downs National Park and therefore forms part of the special character and appearance of the National Park which is cherished by many local people and visitors. The proposed development will be visible in long and short distance views from within and outside the South Downs National Park, and detracts from the area's visual appearance causing harm to the aesthetic value of the immediate and surrounding area which is visually unacceptable. No amount of additional hedging or other screening methods around the site will conceal the visual harm that will be created from the proposed development. The proposed development will cause significant change to the site that would fail to preserve the identified special character as part of the South Downs National Park. The proposed development would also have a negative impact on the quiet enjoyment and visual appearance of the South Downs National Park through the introduction of built development that are not in keeping with its special qualities and unique natural beauty.

Conclusion

It is very disappointing that this application has a recommendation for approval by HDC Officers. I would strongly urge that the Planning Committee go against the Officer

recommendation based on the reasons set out above and in the numerous other objections submitted against this application (ref. DC/23/2144) and the previous application (ref. DC/21/0057).

If this application is not withdrawn or refused, as it should be, I would ask that at the very least the application is deferred pending further review and the preparation of additional evidence to showcase that the issues mentioned above have been sufficiently addressed. I would also ask that a site visit is undertaken by the relevant HDC Officers and Planning Committee Members to view the development site so that the existing context can be fully understood.

As currently submitted this application is invalid and at significant risk of further challenge.

Kind regards,

[redacted]