PLANNING COMMITTEE APPLICATIONS

POST COMMITTEE REPORT

APPLICATION REFERENCE / ADDRESS:
DC/23/2152
Land To The North of High Bar Lane, Thakeham, West Sussex

Erection of 28 dwellings and associated engineering operations and works including an onsite borehole water supply.

RESOLVED:

At its meeting on 12th February 2025, Planning Committee South resolved to approve the application, in accordance with the Officer recommendation and subject to the completion of a legal agreement, and amendment to Condition 22 to add to the condition the following:

'In the event of tree number 27 failing or dying within 5 years of the works to form the vehicular access commencing on site, a replacement tree, to be agreed in writing with the Local Planning Authority, including to an agreed Standard, shall be planted in an agreed location.'

Condition 22 would therefore be worded s below, on the decision notice:

22. 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. In the event of tree number 27 (as identified on 1721-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevD Tree Survey and Impact Assessment for land at High Bar Lane, Thakeham (December 2024) by Keen Consultant) failing or dying within 5 years of the works to form the vehicular access commencing on site, a replacement tree, to be agreed in writing with the Local Planning Authority, including to an agreed Standard, shall be planted in an agreed location.*

- *Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit/underground guying details, including details for sloping ground and position of root barriers if required, details, including a detailed plant schedule including information on species and sizes for proposed native woodland shrub plants, native hedgerow whips, native woodland scrub plants, structural/feature trees, ground cover plants, and dry pond plants if applicable. For trees, a representation of sizing when fully mature to fully assess long term sustainability. An alternative ground cover plant to Vinca major should be considered due to its rigorous growth and potential to suppress other plant growth. Vinca minor could be a suitable alternative for similar benefits.*

- *Details of all hard surfacing materials and finishes and details of all boundary treatments (including walls/fences), including specification of paving and boundary treatments between dwellings, the bridleway, and all existing and proposed levels for external earthworks*

associated with the landscape proposals – such as SuDS, retaining walls, banking etc - including cross sections where necessary.

- *Details and specification communal garden serving the apartment block and details of minor artefacts and structures – such as bin stores, cycle stores, street furniture and signage – including location, size, colour and specification.*

- *Coordination with the Landscape Ecological Management and Maintenance Plan (LEMMP) detailing management responsibilities, specification and maintenance schedules, and Landscape and Ecological Management and Maintenance Plan, including locations of bat boxes, hedgehog houses and bug hotels marked on plan.*

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) and Policies THAKEHAM6 and THAKEHAM10 of the Thakeham Parish Neighbourhood Plan (2017).

In Member debate on the application, concerns were raised about potential cumulative impacts of the development of this site, alongside the proposed development at Rushfields former nursery, High Bar Lane. These included surface water runoff, increased traffic and noise impact. Clarification was requested regarding broadband connection, the air quality management plan, sustainable public transport links and access to the site. Members also queried the necessity for four-bedroom properties and the current lack of housing available for older people and start up homes. The Committee also discussed water neutrality, foul water discharge and tree removal.

A motion was proposed and seconded to defer the application to await the outcome of the neighbouring application. The motion failed.

Material planning considerations arising post-Committee resolution

Several relevant material planning considerations have arisen since the Committee resolution to approve, and these are set out below.

<u>Additional Representations received</u>

2 no. further representations in Objection received from occupiers of two separate property addresses that had already submitted representations, raising no new material planning issues not already addressed in the committee report (but replicated below in summary, for completeness):

- Design
- Highway Access and Parking (already overcrowded road, no capacity for 28+ residents; already struggling with traffic volumes)
- Loss of General Amenity

- Overdevelopment (lack of village amenities; will not be able to support these houses; village overdeveloped during past 14 years; losing its character).
- Privacy Light and Noise
- Trees and Landscaping
- Ecology (wide variety of wildlife, insects and protected trees disrupted before lost forever).

Updated Environment Agency Flood Risk Mapping and Addendum to Flood Risk Assessment

In March 2025 the Environment Agency (EA) released updated Flood Risk Mapping datasets, for all types of flooding including surface water.

In response, the applicant has submitted an addendum to the approved Flood Risk Assessment (FRA, Price & Myers 22nd April 2025), which demonstrates that for fluvial and tidal flood risk, site circumstance is unchanged (the site remaining in Flood Zone 1). Regarding Surface Water, the EA's updated mapping shows that all buildings and roads of the proposed development lie outside of high and medium flood risk areas. This aligns with the Applicant's own detailed hydraulic modelling which was submitted with their FRA at application stage, and showed the proposed building and roads located outside of high and medium surface water flood risk.

In summary the EA's latest flood maps and Price & Myers modelled flood maps show that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be located on an area that would be at risk of flooding now and in the future.

Emerging Horsham District Local Plan and Inspector's Interim Findings letter 040425

As set out in the Committee report, the emerging plan (The Horsham District Local Plan 2023 – 2040) was submitted for examination in July 2024. Examination hearings started in December 2024. The remaining hearings were cancelled by the Inspector in a Holding Letter dated 16 December 2024.

The Inspector's Interim Findings Letter 040425
On 22 April 2025 the Council published the Inspector's subsequent Interim Findings Letter which has recommended that the Plan be withdrawn, due to his view that the Council has failed to satisfactorily comply with the legal Duty to Co-operate.

Weight of the new local plan remaining limited
Notwithstanding the Inspector's letter, it is the Council's position that the emerging plan remains the Council's own agreed policy position, and the application site has been subject to two periods of representation / comment (Regulation 18 and Regulation 19) during the plan preparation process to date. In addition, the decision to allocate this application site is based on an extensive evidence base, including a detailed site assessment report, that the Inspector has not identified concerns with.

In his Interim findings letter, the inspector has indicated that in relation to its evidence base "the Council could utilise much of the good and comprehensive work already undertaken" to commence work on a new Local Plan. There is therefore no reason to think that relevant sections of the local plan evidence base could not equally be used in determining planning applications.

There is nothing in the Inspector's Report to suggest that there were any concerns over the proposed allocation HA19 TH2, which relates to this site, and the Inspector's concerns were not related to site-specific allocations, but more broadly related to whether sufficient housing was being planned for overall. The housing policies and allocations (including HA19 TH2) in the emerging plan sought to address this need. It is therefore seen reasonable to continue to attach some, albeit limited weight, to the relevant site-specific policies of the submitted Local Plan.

This is the same weighting that was applied to the submitted Local Plan by Officers in their recommendation to Members in the February Committee, with the weighting afforded to the emerging Horsham District Local Plan in the overall balance unchanged.

Conclusion on new material planning considerations post-committee resolution

Therefore, in conclusion, whilst regard is given to the new relevant material planning considerations detailed above, these do not fundamentally alter the technical assessment of matters pertinent to the scheme and the overall balancing exercise undertaken by Officers and applied in their recommendation to approve the application, and Members agreement to this.

Completion of Legal Agreement

The s106 legal agreement has now also been completed. Being the subject of some minor drafting changes to the list of conditions (policy and plan drawing references and inclusion of submission of site plan location details at Condition 13 of the secondary, backup borehole in the event the first borehole were to fail), planning permission can now be formally issued.

Case Officer: Matthew Porter	**Date:** 07-05-2025
Authorising Officer: Adrian Smith	**Date:** 09/05/2025