Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/1165
Budgens, Worthing Road, Southwater, West Sussex, RH13 9HE

DESCRIPTION:
Erection of two external condenser units. (Retrospective).

RELEVANT PLANNING HISTORY:

DC/20/2500	Variation of Condition 1 of previously approved application DC/19/2426 (Erection of single storey extension to retail unit, relocation of existing external staircase and parking spaces and associated open storage area for retail use) Relating to the ground floor and elevation plans.	Application 10.02.2021	Permitted on
DC/20/0802	Conversion of existing 1 No. 2-bed flat to 2 No. 1-bed flats	Application 03.07.2020	Permitted on
DC/21/2188	Retrospective application for the re-siting condenser units for the retail unit and providing external lighting to the residential unit.	Application 31.05.2022	Refused on

DESCRIPTION OF THE SITE

The application site is the north elevation of the single storey rear extension to the Budgens store which fronts Worthing Road. There is residential development in close proximity adjacent to the northwest (Cedar Court Flats) and also flats above the Budgens store. The site and the immediate surroundings have an extensive planning history.

DESCRIPTION OF THE APPLICATION

Retrospective regularisation is sought for two previously installed external condenser units serving the business' retail chiller units, located to the upper part of the northern elevation of the rear Budgens single storey extension.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 15 - Strategic Policy: Housing Provision
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Southwater Neighbourhood Development Plan (2019-2031):
SNP1-Core Principles
SNP2-Proposals for Residential Development
SNP9-Home Standards
SNP8-Southwater Country Park
SNP10-Residential Space Standards
SNP16-Design
SNP17-Site Levels
SNP21-A Growing Economy

Southwater Parish Design Statement

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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

Consultations:

HDC Environmental Health: Objection [summary]
The submitted noise report advises that noise mitigations are included- however, these have not been proposed.

HDC Conservation: No Objection

Natural England: Standing Advice:-
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.

PUBLIC CONSULTATIONS:

Representations:
Letters of Objection have been received from 1 addresses objecting to the application on the following grounds:

- Noise impacts on neighbouring amenity

Parish Comments:
Southwater Parish Council: No Objection

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Design and Appearance:

Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

The condenser units would be located to the north side elevation of the Budgens store single-storey rear extension which is set back from the street scene with intervening development. The visual impact is therefore considered acceptable.

Heritage:

Policy 34 of the Horsham District Planning Framework (HDPF) (2015) seeks to sustain and enhance the historic environment through the positive management of development affecting heritage assets.

The nearest Grade II Listed building, The Tipsy Fox (designated as the Cock Inn), is located the west side of the Worthing Road, the opposite side of the highway to the front of the Budgens store. Due to the distance between the Grade II listed property and the external units which are to the rear of the store, as well as the changes to the asset's surroundings, it would not be considered that the proposal would result in additional harm to its setting.

Residential Amenity:

Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The premises is located in a mixed commercial-residential centre of Southwater village, with domestic properties bordering the application site, including immediately adjacent within 5 metres northwest of the condenser plant location; and a similar distance to the east at the cottages on Andrews Lane.

The application is supported by a noise assessment prepared by Spratt + Hamer dated 14th May 2025, which suggests that a significant level of noise abatement is required to prevent negative impact on amenity (8.5 of the submitted report). Specifically, the report recommends that mitigation measures

should include the construction of an enclosed room around the condensers and subsequent assessment to ensure any reduction is to the satisfaction of the local planning authority.

However, it is noted that the application currently does not propose such a construction feature or any additional noise mitigation measure. To this end, the Council's Environmental Health Officer has objected to the application on the basis that the local amenity has not been appropriately protected from noise emitted from the condenser plant while under operation, as identified in the Applicant's submitted noise assessment.

The siting of the units and noise mitigation measures as submitted are considered would have an unacceptable impact on neighbouring amenity, due to insufficient noise mitigation (as advised in the noise assessment report), and as such is contrary to the above policy.

Water Neutrality:

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.

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.

The proposed condenser units would serve the existing development and there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. 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 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):

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

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

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The application is retrospective made under Section 73(A) of the Town and Country Planning Act.

Conclusions:

The proposal is not considered to result in harm to the visual amenities of the locality and would not result in harm to the function or safety of the public highway network. These are though considered neutral considerations. The proposed condenser units do not include mitigation measures in the form of the construction of an enclosed room around the condensers as recommended in the applicants submitted noise report to ensure a reduction of noise impacts to neighbouring amenity. Therefore, the application as submitted without such mitigation is not considered to demonstrate that the development would have an acceptable impact on neighbouring amenity. The proposal is therefore contrary to Policy 33 of the Horsham District Planning Framework (2015).

Recommendation: Application Refused

Reasons:

1 The siting of the installed condenser units in relation to existing neighbouring properties and absence of any noise mitigation measures to mitigate against any harm has an unacceptable impact on neighbouring amenity by way of adverse noise impact, contrary to Policy 33(2) of the Horsham District Planning Framework (2015).

Plans list for: DC/25/1165
Schedule of plans/documents **refused**:

Plan Type	Description	Drawing Number	Received Date
Site plan	Elevations	08-19-322	15.08.2025
Supporting Statement	Heritage	NONE	15.08.2025
Supporting Statement	Planning	NONE	15.08.2025
Location & Block plan		08-19-322A	15.08.2025
Supporting Docs	Noise Impact Report	NONE	15.07.2025

DELEGATED

Case Officer sign/initial Steve Astles Date: 03.10.2025

Authorising Officer sign/initial RHERMITAGE Date: 08.10.2025