Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0272
Rudgwick Brickworks, Unit 1 Kiln House, Lynwick Street, Rudgwick, West Sussex, RH12 3UW

DESCRIPTION:
Erection of a storage building for the use of various tenants at Rudgwick Brickworks

RELEVANT PLANNING HISTORY:

DC/23/1114	Erection of a new commercial building (Use Class E).	Application 30.11.2023	Refused	on
DC/22/1801	Erection of a new commercial building (Use Class E).	Application 28.04.0223	Refused	on

SITE AND SURROUNDS

The application site is located to the north side of Lynwick Street, outside of any defined built-up area boundaries and within the countryside. The site boundary treatment is tall mature hedging and trees. The application site would extend out to the east of a cluster of buildings used for various commercial and storage uses. The other buildings are within class E use, not limited to several retailers, a brewery and a café. The site is located next to a large pond and there is an immediate residential dwellinghouse to the east of the site. The Design and Access statement indicates that the new building would enable the existing businesses on site to expand their premises, without requiring additional staff.

The wider character of the area is rural but with some residential dwellings within the vicinity. The dwellings in the area are a mixture of housing types, although predominantly two storey and chalet bungalows. It is noted that the application site is located within a bat sustenance zone.

DETAILED DESCRIPTION

Planning permission is sought for the erection of a storage building to be utilised in connection with the wider use of the Rudgwick Brickworks site. The building would be located towards the eastern boundary of the site, south of the existing pond. The building would measure 36m in width and 30m in depth, hosting a pitched roof with an eaves height of 4.5m and overall ridge height of 9m. The building would include rooflights, roller shutter door, and would be composed of a composite cladding to all elevations.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 29 - Equestrian Development
Policy 30 - Protected Landscapes
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 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making.

Rudgwick Parish Neighbourhood Plan

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:

Fire and rescue: Standard comments received from the fire and rescue service, full comments available via public access.

HDC Environmental Health: No objections subject to the inclusion of relevant conditions

Natural England: No objection subject to the relevant mitigation measures.

WSCC Highways: No objection

Ecology Consultant: No objection subject to conditions

Economic officer: Supports the application.

Parish Comments:
Comment in support of the application

Representations:
1x comment stating 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

It is noted that the application closely reflects a previous application made under DC/22/1801 which was refused on 28.04.2023 and DC/23/1114 which was refused on 30/11/2023. This application sought permission for the erection of a new commercial building (Use Class E). The current application represents a re-application for a building of the same use.

Principle of Development:

National planning policy guidance for development in the countryside is set out in the revised National Planning Policy Framework (NPPF - 2023). Section 6 is concerned with 'Building a strong, competitive economy' and at paragraph 85 notes:

"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt…"

At paragraph 88 'Supporting a prosperous rural economy' it notes:

"Planning policies and decisions should enable:

a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) The development and diversification of agricultural and other land-based businesses;

c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sport venues, open space, cultural buildings, public houses and places of worship"

Policy 26, Countryside Protection, of the HDPF states that all proposals (in the Countryside) must be essential to its countryside location and meet one of the following criteria:

1. Support the needs of agriculture or forestry; 2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

In addition, proposals must be of a scale appropriate to its countryside character and location. The policy also notes that development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and / or enhances, the key features and characteristics of the landscape character area in which it is located

Policy 10, Rural Economic Development, of the HDPF confirms that in the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Policy 10 (1) confirms that the development must be appropriate to its countryside location and must contribute to the diverse and sustainable farming enterprises within the District and moreover, criterion (1a) confirms that such activities should be

contained within suitability located buildings which are appropriate for conversion, or in the case of an established rural industrial estate, within the existing boundaries of the estate.

The application site lies within the Rudgwick Parish Employment areas (RNP10). RNP10.1

> *Parish Employment Areas, as designated on the Policies Map, are safeguarded for employment generating uses. Development proposals within these areas should:*
> *a) provide new or replacement high quality employment floorspace, and*
> *b) not result in unacceptable noise or disturbance for nearby properties (such as residential, or quieter commercial uses such as offices).*
> *c) not result in a reduction in the net employment floor space.*

Although it is noted that the Design and Access statement states that the proposal would not result in further staff being required on site, an increase in employment floorspace would be in accordance to RNP10. The proposal would entail the erection of an additional building to facilitate the expansion of the existing businesses at Rudgwick Brickworks, which include a café, brewery and various retailers. It is further noted that whilst the Design and Access statement indicates that the building would be used to serve the existing businesses, any Class E use could occupy the proposed building which would allow further staff or additional businesses to occupy the space for commercial uses. The proposal would nevertheless be in accordance with policy 10. The siting would be within the wider Rudgwick Brickworks site and it is considered reasonable that the new commercial building be within close proximity to the existing businesses. In light of the response from the Economic Business Development consultant's comment supporting the proposal, the provision of additional commercial space for the expanding businesses would be in accordance with Priority 2 of the economic strategy, supporting expansion and access to new potential markets.

The proposal would be considered to support the objectives of the economic strategy and would be in accordance with Policy 26 and 10 of the HDPF and would be in accordance to the NPPF.

Design and Appearance:

Policies 32 and 33 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensures that it will complement locally distinctive characters and heritage and that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, is locally distinctive in character, respects the character of the surrounding area, and uses high standards of building materials, and finishes. Policy 32 of the HDPF requires new development to 'complement locally distinctive characters and heritage of the district' and 'contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings.

The application site comprises of a mixture of metal clad rectangular buildings with pitched roofs of various scales. It is considered that the introduction of the proposed built form, whilst deeper than many of the existing buildings within the Rudgwick Brickworks context, would not be out of keeping for its rural location given the materials which reflect those of the existing buildings of the same use and the siting of the proposal within the context of the cluster of buildings within the Rudgwick Brickworks. Overall, the proposal would be in accordance with Policy 32 and 33 of the HDPF.

Amenity Impacts:

Policy 32 and 33 of the HDPF states that development should, amongst other things, provide an attractive, functional, accessible safe and adaptable environment that should complement locally distinctive characters and heritage of the district, and should integrate with their surroundings, and the historic landscape in which they sit. Development should respect amenities of neighbouring properties and the locality.

The Council's Environmental Health Department have stated that they would not have objections to the proposal based on the proposed plans, however this would be subject to consideration of the neighbouring residential property with regard to noise.

The proposal, whilst of a large scale, would be sited a sufficient distance away from residential neighbours as to not result in loss of privacy or harm from an obtrusive appearance. The proposal is therefore in accordance with policy 32 and 33 of the HDPF.

Highways Impacts:

No highways objection comment has been received and it is noted that the existing site has suitable access and parking to accommodate the development. As such, there would be no objections to the proposal based on highways concerns subject to the inclusion of relevant conditions.

Ecology:

Policy 31 of the HDPF 'Green Infrastructure and Biodiversity' states that 'Development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained' and that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

The policy also states that the Council will support new development which retains and /or enhances significant features of nature conservation on development sites and will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks. Part 4. (b) of the policy states that where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can be demonstrated that:

i. The reason for the development clearly outweighs the need to protect the value of the site; and,
ii. That appropriate mitigation and compensation measures are provided.

Paragraph 99 of ODPM Circular 06/2005 highlights that: It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

The Council's Ecology officer has been consulted during the course of the application and commented that they have no objections to the proposal subject to the inclusion of relevant conditions.

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 proposal seeks permission for the erection of a storage building to be utilised in connection with the wider use of the site. Though the statement details that the building would not increase FTE on the site as a whole, the precautionary approach has been applied to assume that future users may well require additional staff. Accordingly, the proposed water demand has been calculated using BREAAM calculations and FTEs on OffPAT. The proposed water demand is thus calculated as **466.5l/d** on the assumption of 15 staff members. In order to mitigate against this increase in water demand, the proposal seeks to offset the demand against an existing use on the site (café on site known as the Milk

Churn). The installation of aerators to existing basin taps on site will also reduce the water demand from the existing 91 workers on site, which will save approximately **987.35l/d** which is enough to offset the potential increase in employees.

As the proposed saving would be higher than that of the proposed demand, the proposal would thus be water neutral. In order to secure the mitigations as presented within the statement, condition are attached to ensure that the works within the strategy are undertaken as presented.

Conclusions:

The proposed use and building would support the needs of an existing rural enterprise within the district thus is considered acceptable in principle. The overall design and appearance is considered consistent with regards to the prevailing character of the site, and owing to its location on an existing enterprise site and relation to existing neighbours, would not result in an adverse amenity impact. In addition, the proposal would not result in an adverse increase in movement to and from the site, and would not result in adverse ecological harm or increase water demand over and above the existing use on the site. The proposal is therefore recommended for approval subject to the below conditions.

Recommendation: Application Approved

Conditions:

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-Installation (Lighting) Condition**: Prior to the installation of any lighting associated with the development herby permitted, a design scheme for biodiversity based on GN: 08/23 shall be 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 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: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

4 **Pre-Occupation Condition**: Prior to the first use or operation of the development hereby permitted, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Briefing Note (CSA Environmental, March 2024), shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations

2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

5 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (CGS Civils received 12.06.2024). The building hereby permitted shall not be first bought into use until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for the use 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 (2023), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

6 **Regulatory Condition**: No external operations or activities, including the operation of plant and machinery, workshop processes, deliveries and dispatches, shall take place except between the hours of 0800 hours and 1800 hours on Mondays to Saturdays inclusive, 0800 hours and 1300 hours on Sundays and Public Holidays. All external shutters and doors to the buildings R1, R2, 18 and 19, shall be closed except between these hours.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015)

7 **Regulatory Condition**: No bulk storage of fuels, oils, chemicals, explosives or pyrotechnic devices shall be permitted without the prior written approval of the local planning authority.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition**: No external storage of any materials or waste shall take place at any time.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

9 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Further Ecological Statement (The Ash Partnership, February 2024) and Ecological Statement (The Ash Partnership, May 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

10 **Regulatory Condition**: No externally located plant or equipment shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

Reason: To safeguard the amenities of the nearby neighbouring residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), or the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises hereby permitted shall be used for B8 storage purposes only and for no other purposes whatsoever without express planning consent from the Local Planning Authority first being obtained.

Reason: To ensure the development remains 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), Paragraph 186 of the National Planning Policy Framework (2023), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species), and to safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

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

Plans list for: DC/24/0272

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water Neutrality Report	NONE	12.06.2024
Design & Access Statement		NONE	19.02.2024
Floor plan		NONE	19.02.2024
Location plan		NONE	21.05.2024
Block plan		NONE	19.02.2024
Supporting Statement	Cover letter	NONE	19.02.2024
Supporting Statement		NONE	19.02.2024
Elevation plan		22-17490	19.02.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 13/06/2024

Authorising Officer sign/initial RHERMITAGE Date: 28.06.2024