



PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development and Building Control

DATE: 22nd September 2026

DEVELOPMENT: Variation of condition 1 of previously approved application reference DC/22/0773 (Variation of Condition 1 of previously approved application DC/19/1707 (Revised layout for Phase 3 of the Abingworth Meadows development (Original application ref: DC/10/1314) to provide for 75 dwellings including 26 affordable dwellings and community studio workshops). Amendment to buffer strip to reflect an additional swale with landscaping (part retrospective).

SITE: Abingworth Nurseries, Storrington Road, Thakeham, West Sussex

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/26/0945

APPLICANT: **Name:** Bellway Homes Limited (Southern Counties) **Address:** Regents House 1-3 Queensway, Redhill, RH1 1QT

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate conditions subject to the completion of the necessary section 106 agreement within four months of the decision of this Committee, or such longer period as is agreed by the Director of Place acting reasonably and properly.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Permission is sought to retain alterations to the Buffer Strip located at Abingworth Meadows, Thakeham. The Buffer Strip has been altered to include a drainage system to manage surface water flooding experienced by some of the residents on the estate. This sits within the area of the Buffer Strip that extends along the rear of Nos 2-22 (evens) Springett Close. The Buffer Strip in this area separates these properties from open farmland to the south. PROW 2487 runs along the eastern side of this part of the Buffer Strip with its closest point being rear of 22 Springett Close.

- 1.3 The drainage system occupies the northern half of the buffer strip immediately rear of the gardens at Nos 2-22 (evens) Springett Close, with the rest of the Buffer Strip retained for landscaping including tree planting. The installation of the drainage system required the removal of several small trees and bushes. The proposal includes replacement landscaping.
- 1.3 The drainage system comprises a series of small swales leading along to a larger swale, which would hold a small area of permanent water. Overflow surface water would then drain into an existing drain located adjacent to the public right way. This then flows underground to the west of the properties at Strawberry Close to the existing watercourse to the north. This stream also runs adjacent to a public right of way from east to west.
- 1.4 The Buffer Strip is currently surrounded by fencing and inaccessible. The proposal is to open up the Buffer Strip for public access by removing the fencing to its eastern and western ends. Under this proposal, the drainage system installed will be maintained by the Management Company for Abingworth Meadows. The other landscaped half of the buffer zone will be maintained by Thakeham Parish.
- 1.5 This application has been submitted under Section 73A of the Town and Country Planning Act 1990. This allows applicants to vary or remove conditions attached to an existing planning permission and is commonly used to allow material amendments to approved plans. Under this scheme, this S73 application relates to planning permission DC/22/0773. This application was a previous approval, also made under S73, which allowed amendments to planning permission DC/19/1707. DC/19/1707 gave approval for Phase 3 of the Abingworth Meadows development to provide for 75 dwellings including 26 affordable dwellings, community studio workshops, allotments and the Buffer Strip.
- 1.6 As submitted, the landscape plans cover the whole of Phase 3, including the buffer zone. The applicants have confirmed that this application is just for the Buffer Strip only. As such, the relevant plans are only those that relate to the buffer zone. The Buffer Strip is shown in its entirety on drawing no. BELL23356-11 Sheet 6 of 8.

DESCRIPTION OF THE SITE

- 1.8 The Buffer Strip is located to the eastern side of the Abingworth Meadows development site, directly east of the rear garden of Nos 2 - 22 (evens) Springett Close. The Buffer Strip is currently enclosed by fencing. As outlined above, the Buffer Strip has been altered to include essential drainage works to stop excessive surface water flooding of residents of Abingworth Meadows. The strip is on slope (draining south to north) leading down to a public right of way which runs along the eastern boundary of the site. The agricultural land directly to the east of the site is in a different ownership. The fields to east slope upwards from the site.
- 1.9 The Buffer Strip and Springett Close are part of Phase 3 of Abingworth Meadows. Phase 3 includes the Buffer Strip, 75 dwellings, allotments (not yet completed) and workshops (not yet built). The Abingworth Development site is now largely complete (with the exception of the workshops and the allotments) and also includes a village hall, and a shop / café, a football pitch with changing rooms, a cricket pitch, cricket pavilion, a LEAP, affordable housing units, a nursery and an attenuation pond surrounded by open space in the centre of the site. Overall, the site includes 209 dwellings, all of which are now completed.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015):

Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
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

Thakeham Neighbourhood Plan (2017):

Thakeham 1: A Spatial Plan for the Parish
Thakeham 4: Abingworth Nursery
Thakeham 6: Design
Thakeham 9: Development in the Countryside

Horsham District Local Plan (2023-40) (Regulation 19):

Strategic Policy 6: Climate Change
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles

Parish Design Statement: Thakeham Parish Design Statement

Planning Advice Notes:

Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/1707	Revised layout for Phase 3 of the Abingworth Meadows development (Original application ref: DC/10/1314) to provide for 75 dwellings including 26 affordable dwellings and community studio workshops.	Application Permitted on 25.02.2021
DC/22/0293	Non Material Amendment to previously approved application DC/19/1707 (Revised layout for Phase 3 of the Abingworth Meadows development (Original application ref: DC/10/1314) to provide for 75 dwellings including 26 affordable dwellings and community studio workshops) Amendments to Plots 1-41.	Application Permitted on 14.03.2022
DC/22/0773	Variation of Condition 1 of previously approved application DC/19/1707 (Revised layout for Phase 3 of the Abingworth Meadows development (Original application ref: DC/10/1314) to provide for 75 dwellings including 26 affordable dwellings and community studio workshops). Amendment to design and layout of houses at plots 42-75.	Application Permitted on 20.10.2022

The original consent for the Abingworth site dates back to 2013 (ref: DC/10/1314). Since then, there have been numerous applications to amend the approval. The above are the main approvals relating to Phase 3.

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses and representations 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 horsham.gov.uk/planning/planning-applications/view-and-comment-on-planning-applications.

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** No Objection is raised subject to a condition requiring details of the management of the buffer zone [Summary].

OUTSIDE AGENCIES

- 3.3 **WSCC Fire & Rescue:** Comment. The fire service recommend conditions requiring details of proposed fire hydrants [Summary].
- 3.4 **WSCC Lead Local Flood Authority:** No Objection [Summary].

PUBLIC CONSULTATIONS

- 3.5 Representations:
23 letters of Objection have been received from 14 addresses & from a Planning Consultant, objecting to the application on the following grounds:
- Concerns are raised that drainage solution is insufficient.
 - PROW 2487 has not been completed in the right place as advised by WSCC.
 - Concern is raised that approved workshops will not be delivered. This area should be used for a use that would benefit the residents.
 - The buffer zone is shown left open at either end. This impact the privacy of the Springett Close residents. Members of the public using the path will be able to see into gardens. This would increase risk of burglary and safety concerns for children. The buffer should remain an area for nature and ecological improvements. Members of the public may also damage the swale. Assurances are sought that the buffer zone will not include a public right of way.
 - Fencing is required for the swale. This is stated in the risk assessment.
 - Thakeham parish have previously stated that the buffer zone should be managed for nature.
 - The gated access at the Hammerhead to the public footpath should not allow public access. This would be contrary to purchaser's expectations.
 - The plans do not match what the planting that has been provided on site.
 - The location plan does not match the reality of the site as it is based on an old plan.
 - The submission fails to show all works undertaken.
 - Approved and agreed landscaping commitments have not been honoured.
 - The gate at the Hammerhead should be removed.
 - Bellway should be providing a contribution for the maintenance of the buffer zone.
 - Concern is raised regarding the future maintenance of the buffer zone.
 - The submission of a S73 for the works is questioned. Also, it is unclear what this proposal covers as other works are shown.
 - Concern is raised that the proposal does not cover condition 15 of DC/22/0773, which relates to the drainage scheme for Phase 3. There should be public scrutiny of the overall Flood Risk Strategy for Phase 3.
 - The red line of the location plan is queried.
 - The health and safety of the proposed buffer zone is questioned.
 - The application should not be determined until outstanding legal matters with Bellway are decided.
 - Concerns are raised regarding the comments of Thakeham Parish.

3.6 11 letters for Support have been received from 10 addresses, supporting the application on the following grounds:

- The drainage system was installed under the advice of HDC and WSCC LLFA. There is concern that disagreements between the Parish and some residents may result in the loss of the swale. This would be dangerous. The drainage system works and has stopped flooding.
- Support with reservations that the drainage system will work and there will be sufficient landscaping. Bellway should pay a contribution for the maintenance of the area. There should be no public access to the buffer zone.

3.7 Parish Comments:

Thakeham Parish Council: No Objection [Summary].

- Thakeham Parish Council (TPC) have no objection subject to conditions.
- TPC agree that they were supposed to be the recipient of the land in yellow, shown on the location plan.
- TPC supports and acknowledges the support from residents within Thakeham for the scheme that is protecting the houses from Flooding. That is the Swale, trench and drainage mitigation works that have been undertaken on the site since November 2024 as this positively helps the residents of Springett Close and Strawberry Close after the events in the winter of 24/25.
- TPC have no Objection to the land known as the Buffer Zone being transferred to the Parish as public amenity greenspace (Sheets 5 & 6 BELL23356-11) with the following conditions;
 - The curve of the land that contains the swale is divided so that the ownership of the land containing the scheme to the north (adjacent to the properties in Springett Close) is owned and maintained by the residents to whose properties the scheme is designed to protect and not at the expense of the non-Springett Close residents in Thakeham Parish.
 - The land on the southern side of the curve, that is adjacent to the farmer's field in the south and to the PROW (THA/2487/1) on the East is transferred to Parish ownership.
- TPC is disappointed as we had previously agreed with HDC and Bellway Homes across numerous site visits and meetings that a boundary would be submitted within an application.
- TPC has no objection to the landscaping, provided it is implemented by Bellway.
- TPC notes that there is supposed to be a privacy hedge line running along the top of the bank which will grow to protect residents from people looking in on their gardens and to stop people getting that close, so they can. We believe this will suffice (in relation to neighbouring amenity impact) upon proper implementation.
- TPC contend that the full site of the Abingworth Field Estate has multiple footpaths and PROWs running throughout. Many of these butt up against properties and are often in frequent use. These include areas such as Strawberry Close, Pavillion Close and others. The proposed plans show no footpaths and no proximity access to residents in Springett Close as other properties have within the site and inclusion of the hedge line and a large Swale that runs the course of the Buffer Zone acts as a buffer to keep people away from the housing line.
- TPC have also submitted a letter sent out to all residents by Bellway Homes informing them of this very transfer and that this had been the intention throughout the process.
- TPC also heard resident concerns regarding the safety of the site. It was also pointed out by residents and councillors that there are hundreds of metres of culverts throughout the site that are not protected by fence – some at a greater depth than the swale in the current proposal.
- However, as part of TPC No Objection, they would request that a fence, consisting of a post and rail (which is commonplace in Thakeham) could be erected along the proposed boundary in the middle of the Buffer Zone curve, around the Swale.

- TPC do not agree with some residents that it be would be beneficial to keep the buffer zone closed off.
- TPC wish to see via planning consent/covenant or other legal means, the gate at the end of the area known as the 'Hammerhead' become the ownership of TPC with full access rights.

3.8 Member Comments:
None received

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

- 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

Background:

- 6.1 At the end of 2024, it became apparent that there was a significant flooding issue in relation to the properties built to the southern section of the Abingworth Meadows estate. The Flood Risk Assessment undertaken for Phase 3 of the Abingworth Meadows development had not fully anticipated this flooding and the approved drainage measures in place were not sufficient to deal with this issue. The exact reason for the flooding is not known, however it is likely that the flooding was partly due to the replacement of significant vegetation with hardstanding to allow the housing to be built in Phase 3. This vegetation had acted as a barrier to flooding. The location to the south east corner of the Abingworth Estate adjacent to fields, which rise up from the houses, also created significant surface water run-off from the fields. With heavy rain, properties (specifically at Strawberry Close) were regularly experiencing flooding.
- 6.2 In response to concerns raised by a number of residents, temporary measures were put in place by Bellway Homes to stop this flooding. These were only seen as a temporary measure and it was agreed that a permanent solution was required. Bellway then developed a proposal to utilise the Buffer Strip to the rear of Springett Close and upgrade the existing drainage features which lead to the existing watercourse which runs through the site. At resident's request, a meeting was held with residents to discuss Bellway's proposal. This included residents, an HDC Planning Officer and Compliance Officer, a representative from Thakeham Parish and representatives from Bellway Homes. A further site visit was then held. This included residents, an HDC Planning Officer and a West Sussex County Council Local Lead Flood Authority Officer (LLFA).
- 6.3 In addition to the comments noted at the above meetings, several emails were received from residents and the Parish regarding the works. These were all taken into consideration by

Bellway Homes, HDC officers and the LLFA. A view was taken that works should be implemented by Bellway Homes as soon as possible.

- 6.4 It is important to note that planning permission can be sought retrospectively under Section 73A of Town and Country Planning Act 1990. There are risks attached to applying for retrospective planning permission, as permission may be refused for works already undertaken. In this instance, works were carried out without first obtaining planning permission due to the extreme risk of flooding to adjacent residents.
- 6.5 The Buffer Strip was chosen for the works as it is under the control of the applicant and was best suited for a solution. Under the planning permission, the Buffer Strip is to be transferred to Thakeham Parish to be maintained.
- 6.6 Prior to implementing the works, several trees had to be removed within the Buffer Zone in order to provide for the drainage works. Whilst regrettable, Officers are of the view that the trees had to be removed as it was imperative that the flood mitigation works were undertaken.
- 6.7 Works were then implemented by Bellway Homes in October 2025 and were completed in November 2025. The Buffer Zone is currently completely fenced off and inaccessible to residents. With works now complete, Bellway Homes have undertaken to submit this retrospective planning application for the works. It is important to note that, since the works have been implemented, there have been no further reports of flooding and it is the Officer's view the drainage system is doing its job effectively at this time.

Principle of Development:

- 6.8 The Buffer Strip was originally approved under DC/10/1314 as part of the development site for Abingworth Meadows. The original legal agreement requires the delivery of the Buffer Strip and the submission of a specification to be agreed. The original legal agreement also requires the Buffer Strip to be transferred to Thakeham Parish for £1 and a contribution to be paid for its maintenance.
- 6.9 Some of the objections received for this current proposal state that the Buffer Strip should remain as an ecological area, blocked off from the public. Whilst the Buffer Strip is currently closed off from the public, its original purpose does not appear to have been for ecological reasons. The original committee reports under DC/10/1314 does not provide detail on the Buffer Strip and the reason for its inclusion in the application.
- 6.10 DC/10/1314 was the original permission for the Abingworth Meadows site. This was then amended under DC/15/1242. Under DC/15/1242, a condition was imposed (no.29) requiring details of the Buffer Strip to be submitted for approval. The reason for condition 29 refers to the details conforming to the 'UK Biodiversity Action Plan.' This is the only reference to the Buffer Strip and a potential ecological purpose.
- 6.11 Under DC/15/1242, the purpose of the Buffer Strip is stated as a '*landscape function*' to '*screen the development in views from the south*' (2012 committee report). It also appears that the function of the Buffer Strip was to '*land lock*' the retained agricultural land to the east to stop any further development to this area.
- 6.12 Following the approval of DC/15/1242, details were submitted and approved under DISC/15/0359 for the Buffer Strip. These details showed the Buffer Strip as a landscaped area with trees and planting. The Buffer Strip is shown as '*Community Woodland*.' This suggests that the Buffer Strip would be open to the public, although no public access is indicated.
- 6.13 Following the development of Phases 1 & 2 of the Abingworth Meadows site, a new application was submitted to increase the number of houses within Phase 3 in 2019

(DC/19/1707). It was considered appropriate for this application to include the workshops, allotments and Buffer Strip, as required under the original application for Phase 3. DC/19/1707 again required the Buffer Strip to be transferred to the Parish. Under the s106 legal agreement for DC/19/1707, the Buffer Strip contribution was omitted. This was on the basis that the full approval for 75 dwellings would be Community Infrastructure Levy (CIL) liable. Requiring an additional contribution for the Buffer Strip on top of CIL contributions was seen as unreasonable given that 25% of the CIL contribution for the Phase 3 development would be allocated for the Parish to spend.

- 6.14 Having reviewed the original permission which granted the Buffer Strip, the purpose of the strip is not abundantly clear. It could be argued to be for ecological purposes, however the more likely purpose of the strip is for landscaping to divide the site from the undeveloped countryside to the east and provide a landscape transition to the countryside. Under the current application, the Buffer Strip would retain the drainage system with a landscaped area accessible by the public. This is considered an appropriate use of the Buffer Strip. The strip would still maintain its function as a landscaped area dividing the site from the land to the east, and would continue to deliver some ecological benefits in any case.
- 6.15 Under the Thakeham Parish Neighbourhood Plan (2017), Policy 4 covers the Abingworth Nursery site, now known as Abingworth Meadows. The policy states that any future proposals for increased development at the Abingworth Nursery site will be supported subject to criteria. For this current application, the Buffer Strip was approved under the original permission for the development of the site. The current proposal does not result in '*increased development*' to the site and is therefore in accordance with the neighbourhood plan policy.

Appearance:

- 6.16 In terms of the appearance of the Buffer Strip, the northern half is formed of an installed linear drainage system which comprises a series of shallow attenuation ponds. These lead down to a larger pond to the northeast, adjacent to the public right of way. This larger pond would hold permanent water and includes a pipe which allows overflow to drain down to an existing drain. This runs underground adjacent to the public right of way, draining into the existing watercourse further north. The southern side of the Buffer Strip would be landscaped with grassland and a row of trees. The smaller shallow attenuation ponds are also shown as landscaped areas.
- 6.17 The HDC Landscape Officer has commented that they have no objection to the proposal subject to a minor amendment to the planting and the submission of a management plan. They are satisfied that landscaping has taken on board their comments to include a native hedgerow. With regards to the drainage planting scheme, the Officer has commented that the proposed planting mix is considered appropriate for a residential development.
- 6.18 However, some species are particularly vigorous species and may become increasingly dominant over time, particularly if a robust management regime is not in place. Therefore, the inclusion of additional wetland species could be considered to increase habitat diversity. As such, a condition (2) is to be added requiring amended details of the proposed planting. As the scheme is part-retrospective, the landscaping (as amended) shall be provided in accordance with the approved details within the first planting season. A condition (3) is also recommended requiring the submission of a Management Plan for the Buffer Strip.
- 6.19 As stated, to install the drainage system, a number of existing trees and hedgerow along the boundary with the Springett Close properties was removed. This was unfortunate but considered necessary to allow the installation of the drainage system to stop any further flooding. None of the removed trees were of any merit to be protected under a tree preservation order. Prior to the removal of the trees and hedgerow, the applicant did confer with the Council and Officers agreed that the trees and hedgerow could be removed. Under

the current proposal, replacement trees and planting are proposed including planting along the boundary with the Springett Close properties. Some planting was undertaken earlier in the year but with the summer heat waves it is unlikely that this planting has survived. As such, the Buffer Strip will need to be replanted in accordance with an agreed scheme.

- 6.20 Thakeham Parish have commented that a post and rail fence should be added to the scheme. The fencing would clearly divide the attenuation ponds from the landscaped area. This would serve to deter the public from accessing the drainage system area and would provide an element of public safety. The applicants have agreed to the fence and to the imposition of a condition requiring details of the fence. This requirement would form part of the amended landscaping details to be submitted.
- 6.21 Subject to the submission of the above details via planning conditions, the scheme is considered to be visually appropriate and would continue to serve as an appropriately landscaped area providing a transition from the Abingworth site to the countryside to the east. The proposal is therefore considered to be largely in accordance with the original permissions for this site and Policies 26, 32 and 33 of the Horsham District Planning Framework (2015) and Policies 4, 6 & 9 of the Thakeham Neighbourhood Plan (2017).

Residential Amenity:

- 6.22 Policy 33 of the Horsham District Planning Framework (2015) states that developments shall be required to ensure that proposals are designed to avoid unacceptable harm to the amenity of occupiers/ users of nearby properties.
- 6.23 Many of the objections received from residents refer to the loss of amenity the current proposal would result in. This is through the use of the Buffer Strip by the public and perceived loss of privacy and overlooking of the Springett Close properties. Currently, the Buffer Strip is an enclosed area, not accessible by the public. The proposal is to remove the fencing to either end of the strip thereby technically enabling it to be accessible by the public. It should be noted that the proposal does not include a formalised footpath through this narrow strip (less than 6m in width at its narrowest point) therefore any public use is likely to be very limited, with it being easier and more logical for the public to walk along Springett Close instead.
- 6.24 With the removal of the existing trees and hedgerows, there will be some views into the properties at 2-22 (even) Springett Close through the use of the Buffer Strip. However, these views would be limited with the Springett Close properties set back from the boundary with the Buffer Strip. In addition, with the inclusion of the post and rail fencing, requested by the Parish, this would further limit views into the Springett Close properties as any public accessibility would be limited to the southern / eastern side of the strip. The post and rail fence would be set approximately 4m from the boundary with the Springett Close properties. The exact position would be agreed through details to be submitted via condition. Furthermore, the hedgerow proposed along the boundary fence will eventually grow to a level where views from the Buffer Strip would be partially if not fully obstructed. As explained above it is also felt that the use of the Buffer Strip by the general public would be very limited given its narrow width, lack of footpath and its location to the fringes of the site where there is better accessibility via Springett Close itself.
- 6.25 It is therefore felt that any use of the Buffer Strip by the public would not result in an adverse impact on the amenity of any adjacent properties which would warrant a refusal of the application, in accordance with Policy 33 of the HDPF.

Ecology:

- 6.26 Given the minor nature of the works, the Buffer Strip is not considered to result in any ecological impacts. It should be noted that the original permissions included ecological

measures and mitigations, which have been implemented. This proposal does not affect these measures.

- 6.27 In relation to Biodiversity Net Gain, the development is exempt from the requirement to achieve a minimum 10% BNG by reason that the original planning permission, to which this section 73 planning application relates, was granted before 12th February 2024 under Regulation 3 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Drainage and Flood Risk:

- 6.28 Policy 38 of the Horsham District Local Plan (2015) requires development to incorporate the use of sustainable drainage systems to reduce the risk of flooding.
- 6.29 The drainage system to the Buffer Strip has been in place for some months now. The system was installed, prior to receiving planning permission, under guidance from HDC officers and the County Local Lead Flood Authority (LLFA). It is the Officers view the attenuation ponds needed to be installed as soon as possible to stop severe flooding of residents at Abingworth Meadows. With the system in place, there have been no further reports of flooding and the drainage system has fulfilled its purpose. It should be noted that the attenuation system was in place during periods of rain, prior to the heat waves experienced during the summer months. The LLFA have commented that they have no objection to the current proposal with regards to flood risk.
- 6.30 Comments have been received that the current scheme should be assessed in the context of the overall drainage system for Phase 3 and Abingworth Meadows. The Flood Risk Assessment undertaken for the Phase 3 had not fully anticipated this flooding and the approved drainage measures in place were not sufficient to deal with this flooding. As such, the applicant agreed to install measures which are in addition to the approved drainage. The existing drainage system is therefore considered separate and in addition to the approved measures for Phase 3. It should also be noted that the applicant undertook works and upgrades to the existing drainage system which serves this part of Abingworth Meadows, to help alleviate flood risk.

Other Matters:

- 6.31 As a S73 application, this approval is an amendment to the permission granted for the 75 dwellings at Phase 3 originally under DC/19/1707. This original permission was previously amended under DC/22/0773 in October 2022. DC/22/0773 is therefore the relevant planning permission for Phase 3. If approved, this current proposal would become the extant permission for Phase 3. As such, all the relevant planning conditions under DC/22/0773 are replicated for this approval. For the current permission, additional conditions have been added relating the Buffer Strip. These conditions are for the following:
- Condition 2: details to be submitted of the landscaping of the Buffer Strip, including a post and rail fence to divide the drainage system from the landscaped area to the eastern side.
 - Condition 3: details to be submitted of the management and maintenance of the Buffer Strip.
- 6.32 Under the original permission and legal agreement for Phase 3, the Buffer Strip is to be transferred to the Parish to manage. The current permission divides the site in half, one half for the drainage strip and one half for a landscaped area. It has been agreed with the Parish that the northern half containing the drainage strip would be managed and maintained by the Abingworth Meadows Management Company and the remaining southern half managed by the Parish. This amendment to the original wording of the legal agreement for Phase 3 requires a deed of variation. As such, this application is subject to the completion of a deed of variation to the wording of the legal agreement under DC/19/1707 to allow the Buffer Strip to be divided between the Management Company and the Parish.

- 6.33 Comments have been received from residents that incorporating the drainage system under the Management Company would result in an unfair increase in service charges for the residents. Details of the management of the drainage system are required by a recommended condition. This would ensure that the system is properly managed over time. In relation to resident charges, the applicant has commented that they currently do not have any specific costs for maintenance of the swale. However, they have stated that the maintenance costs will be minimum, split across the whole of the site.
- 6.34 Comments have also been received regarding the use of the gate located at the hammerhead area just north of the Buffer Strip. The applicant has commented that the gate was installed by Bellway, under instruction from the Parish. It is understood that the Parish have installed the padlock to the gate and that residents were notified. The Parish have been asked to explain why this gate has been padlocked. The preference of the Planning Officer would be for this gate to remain open to allow appropriate public access to the public right of way. In any event, this gate is not part of the current proposal and therefore is not a material consideration.
- 6.35 In terms of health and safety, the proposal includes a Risk Assessment for the installed Drainage System. The assessment evaluates that the system would result in a low to medium risk. This includes the installation of signs. Notwithstanding this, the applicant has agreed to install a post and rail fence to divide the shallow attenuation ponds from the landscape area. This will increase the safety of this area.
- 6.36 WSCC Fire Services have commented that fire hydrants are required for this proposal and have recommended conditions requiring these details. Given the nature of this proposal for a drainage system and landscaping, fire hydrants are not considered necessary.

Conclusion:

- 6.37 The drainage system was installed to the Buffer Strip, under guidance from HDC officers and the Local Lead Flood Authority, to seek to manage a significant flooding issue experienced by some of the Abingworth Meadows properties. The system has been in place for some time and officers has not received any further complaints of flooding.
- 6.38 Subject to condition, this current proposal to retain the works to the Buffer Strip is considered appropriate in terms of appearance and would not result in a significant impact on the amenity of adjacent residents. WSCC Local Lead Flood Authority also have no objections to the proposal in relation to flood risk and drainage.
- 6.39 Given this is a S73 application there is a need to reimpose all relevant conditions as part of the wider Phase 3 permission, given if granted, this will replace the previous permission.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below and the completion of a legal agreement.

Conditions:

- 1 **Plans Condition.**
- 2 **Post Completion Condition (Buffer Strip):** Within 3 months of the date of this permission, full details of all landscaping works for the Buffer Strip shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- (a) Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- (b) Details of a post and rail dividing fence to separate the drainage system from the landscaped area.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the approval of the landscaping details. 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 30 years after completion of the development. Any proposed or retained planting, which 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).

- 3 **Post Completion Condition (Buffer Strip):** Within 3 months of the date of this permission, a management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules, management and maintenance of the drainage system and accompanying plan delineating areas of responsibility) for the Buffer Strip has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 3 **Regulatory Condition:** The development shall be implemented in accordance with the schedule of materials, finishes and colours for plots 42-75 services, as approved under DISC/23/0022.

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).

- 4 **Regulatory Condition:** The development shall be implemented in accordance with the landscape management and maintenance plan, as approved under DISC/23/0023.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** Plots 1 and 2 of the development hereby permitted shall not be occupied until the windows at the first floor side elevation shown on Plan AFF D-A.pe Rev E (received 24.02.2020) have been fitted with obscured glazing. The windows shall be fixed shut/non-openable. Once installed the obscured glazing shall be retained permanently and the window fixed shut/non-openable thereafter.

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

- 6 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or

side or rear garden for that dwelling. 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).

- 7 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the car parking spaces (including garages where applicable) necessary to serve it have been constructed and made available for use in accordance with approved plans. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved plans. 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).

- 9 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary infrastructure to enable connection to high-speed broadband internet (defined as having speeds greater than 24 megabits per second) shall be provided.

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).

- 10 **Pre-Occupation Condition:** The development shall be implemented in accordance with the details of Management Company, as approved under DISC/21/0022.

Reason: To ensure an appropriate development that meets the needs of future occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** Notwithstanding the submitted details, no part of the development (other than the Buffer Strip) 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).

- 12 **Regulatory Condition:** The development shall be implemented in accordance with the Biodiversity Enhancement Strategy, as approved under DISC/23/0022.

Reason: 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).

- 13 **Regulatory Condition:** The construction of the site shall be undertaken in accordance with approved Construction Environmental Management Plan, as approved under DISC/21/0260, unless otherwise agreed to in writing by the Local Planning Authority.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015)

- 14 **Regulatory Condition:** The development shall be implemented in accordance with the lighting design scheme approved under DISC/21/0331. Under no circumstances should any external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 15 **Regulatory Condition:** The development shall be implemented in accordance with the details of underground services, as approved under DISC/21/0332.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory development in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 16 **Regulatory Condition:** The development shall be implemented in accordance with the details of the proposed means of foul and surface water sewerage disposal, as approved under DISC/21/0133. The approved detail shall thereafter be strictly adhered to, unless otherwise agreed to in writing.

Reason: As this matter is fundamental to ensure that the development incorporates appropriate sewage disposal, and that the system will be appropriately maintained, in accordance with Policy 38 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** The five workshops units hereby approved shall remain in use as Class E business units as defined in the Town and Country Planning (Use Classes) (Amendment) Regulations 2020, unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate use classes occupy the units in relation to neighbouring residential occupants, in accordance with Policies 7 and 33 of the Horsham District Planning Framework (2015).

- 18 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (ACD Environmental, October 2019) 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 LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 19 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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).

- 20 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

- 21 **Regulatory Condition:** Notwithstanding plots 42-75 hereby approved, the materials for the rest of the development approved under DC/19/1707 shall strictly accord with those approved under DISC/21/0259 & DISC/22/0138, unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 22 **Regulatory Condition:** The development hereby permitted shall be implemented in accordance with plans illustrating proposed finished floor levels and external ground levels for plots 3-5 and 70, as approved under DISC/21/0334.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 23 **Regulatory Condition:** The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

8. USE OF AI

8.1 This report has not been prepared with the support of artificial intelligence tools.