Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1356
Fishing Ponds, Peacocks Lane, Thakeham, West Sussex, RH20 2LS

DESCRIPTION:
Erection of a single storey pitched roofed toilet facility and storeroom.

RELEVANT PLANNING HISTORY:

None

DESCRIPTION OF THE SITE

Pulborough Angling Society Fishing Lakes is located on Peacocks Lane, Thakeham. The grounds have large fishing lakes and a carpark which are surrounded by large trees. The site has ground compromising of approximately 400mm of compressed hardcore with road chippings over.

DESCRIPTION OF THE APPLICATION

Erection of a single storey pitched roofed toilet facility and storeroom.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
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

Thakeham Parish Neighbourhood Plan to 2031
Thakeham9: Development in the Countryside

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. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within

Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 9: Water Neutrality
Strategic Policy 14: Countryside Protection

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

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:

Ecology Consultant: BNG not required

District Newt Licence: No Objection
"The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence." The following recommendations are also provided to further reduce the likelihood of impacts on this species:

- Any vegetation in the construction area will be kept closely mown during the course of the construction work.
- Any trenches left overnight should be covered or provided with ramps to prevent GCN from becoming trapped.
- Any building materials such as bricks, stone etc. should be stored on pallets to discourage GCN from using them as shelter.
- Any demolition materials should be stored in skips or similar containers rather than in piles on ground.

Southern Water:
Southern Water has no further comment to make regarding the pond being the Surface Water means of disposal as there are no public assets in the vicinity.

Natural England:
No Objection, subject to appropriate mitigation being secured.

Nature Space:
It is considered that the proposed development is unlikely to have an impact on great crested newts and/or their habitats.

Water Neutrality:
We have now added the application to the queue for SNOWS access. By consulting us with this application, you are confirming that the application meets the SNOWS access criteria and is appropriate for a Grampian condition to access SNOWS. If this is not the case, please let us know as soon as possible.

PUBLIC CONSULTATIONS:

Representations:
None received.

Parish Comments:
None received.

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

Principle of Development:

The application seeks permission for the erection of a toilet block and storeroom. The application site is within the carpark of the Fishing Ponds, on Peacock Lane. Two toilets, with wash hand basins, are proposed to accommodate ladies, gentlemen, and disabled club members. The site is used as a fishing complex for members of Pulborough Angling Society.

Design and Appearance:

Walls to be constructed using clay multi stock bricks, made from local clay and obtained from Ibstock Brick works located 0.3 miles from site, to reduce transportation emissions. The roof covering will be plain reclaimed clay tiles, again to reduce the carbon footprint of manufacturing and purchasing new. Internal LED lighting with motion sensor switching to be powered by an electrical supply being sourced via Solar Panels installed on the building roof, with a Battery Bank in the new storeroom. The water supply to be achieved using a well already installed on site and pumped using solar power. Waste water to be treated on site, with the new installation of a domestic size underground Treatment Plant, due to no mains sewer being available and the Treatment Plant pumps. Bat bricks to be built into the south facing elevation wall and roof eaves to be left exposed for House Martin nesting to encourage more nature. The new building will not be intrusively visible to any neighbouring properties.

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 affected local authorities within the Sussex North Water Supply Zone have been jointly producing a water offsetting scheme- the Sussex North Offsetting Water Scheme ("SNOWS"). The purpose of SNOWS is to utilise demand capacity generated by Southern Water efficiency savings, allied with other water saving projects identified by SNOWS, to generate 'credits' for applicants to purchase to offset their water demand. Not all development will be eligible for access to SNOWS, as the purpose of SNOWS is to enable plan-led development to come forward only. As it currently stands access will be limited as follows:

'Applicants will be able to access SNOWS for their development's water offsetting needs, unless it is:

1. Development where the principle is not in accordance with an adopted development plan, or in a post-submission local plan or neighbourhood plan. This includes housing development outside settlement boundaries on unallocated sites, employment development on unallocated sites and/or outside of existing employment sites (unless supported by economic planning policies), or development not otherwise accepted in-principle by way of specific development plan policies – such policies include: retirement and specialist care, gypsy and traveller sites, tourism, and some minerals and waste development; and/or

2. Development permitted by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or as subsequently amended) (GPDO)*

** Excluding applications submitted to SNOWS for development by a local authority (as defined in Schedule 2, Part 12 of the GDPO)'*

Progress on implementing SNOWS is nearing its conclusion. Recent evidence derived from the Southern Water 2024 draft Water Resources Management Plan ("WRMP") indicates that Southern Water will be able to provide water capacity for new development within the next three years, the lifetime of any planning permission. This water capacity will form approximately 88% of the capacity of SNOWS.

The test for a Grampian-style condition is set out in the national Planning Practice Guidance. The key test in applying a Grampian-style condition is whether there is 'a prospect' of the required action being carried out within the lifetime of a development. 'A prospect' is a low bar.

In recent appeal decisions planning inspectors have determined that Grampian-style conditions can be applied to development proposals as, despite SNOWS not yet being operational, there is 'a prospect' of a development being able to purchase SNOWS credits within the lifetime of the planning permission (normally 3 years). These appeals can be found under appeal refs: 3308455, 3321658 and 3333968.

Given these appeal decisions, the progress of SNOWS, and the prospect of SNOWS having capacity to mitigate the impacts of new development over the next 3 years, it is proposed that the following Grampian-style condition (and any minor variations thereof) be applied to all development that is eligible for access to SNOWS.

The condition (below) operates to ensure no water demand generating activity (such as housing occupations) can take place until either SNOWS credits have been purchased, or an alternative bespoke water neutrality solution has been submitted, passed through a separate successful Appropriate Assessment, and has been implemented. In this way development proposals can gain the certainty of obtaining planning permission with a suitable mechanism to avoid harm to the affected habitat sites.

Development proposals that are not eligible for access to SNOWS would not be subject to this condition, as the acceptability of the condition is predicated on the prospect of a development being able to access SNOWS credits. All non-SNOWS eligible development would continue to need to demonstrate certainty of mitigation on a case-by-case basis before planning permission can be granted. The Council's SNOWS Team have confirmed that the application would be eligible to enter into the scheme thus the condition can be applied.

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 development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

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 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and plans.

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).

4 **Pre-Commencement Condition:**

a) No development shall commence until either:

i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme; or,

ii) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation.

b) The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to enable 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).

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/24/1356

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Section plan		NONE	15.11.2024
Location plan		NONE	05.09.2024
Block plan		NONE	15.10.2024
Supporting Statement	Planning	NONE	15.10.2024
Supporting Statement	Water	NONE	15.10.2024
Section plan		NONE	11.11.2024

DELEGATED

Case Officer sign/initial Meg Bayliss Date: 24/02/2025

Authorising Officer sign/initial RHERMITAGE Date: 03.03.2025