Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1000
Architectural Plants Limited , Stane Street, North Heath, West Sussex, RH20 1DJ

SITE LOCATION & DESCRIPTION:

The site is located to the east of Architectural Plants Limited, to the west of Stane Street.

90 panels are proposed, these panels would form five horizonal rows of 18 panels. The panels would have a freestanding ballasted PV mounting system.

Additional plans have been received during the course of the application. These include the elevation plans and the block plan showing the plant room. Given the location and limited nature of the plant room and the details of the panels already provided the lack of re-consultation is not considered to prejudice any neighbours or members of the public.

RELEVANT PLANNING HISTORY:
None relevant

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 3 - Strategic Policy: Development Hierarchy
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 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 36 - Strategic Policy: Appropriate Energy Use

Pulborough Neighbourhood Plan:
Pulborough Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations.

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old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).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 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 16: Protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles

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

Parish Design Statement:
Pulborough Parish Design Statement

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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

Consultations:

Arboriculture:
No objection.

Ecology:
No ecological harm/No objection

Landscape:
The application has been supported by a Design and Access Statement (dated: March 2024) which describes hedging on the boundary which will remain and states that no adverse impact on the rural landscape.

While it is accepted that the hedge will offer some screening from the A29, it is currently managed at a low height and therefore it could be possible that views will be gained from receptors along the road. Furthermore, there is potential that views could be possible from the PRoW 1305. However, within the context of the site it is not considered that this would be adverse from the PRoW given the distance and low height of the panels.

A revised Block Plan has been reviewed which indicates a 'Plant Room' but no further details have been submitted. There are some concerns regarding the height and materiality of this building within the open landscaped frontage of the nurseries.

While we accept the panels are low in height and unlikely to result in substantial visual harm if the roadside hedge is managed at 1.5m+, we do have concerns regarding the location of the plant room in close proximity to Stane Street (A29). No details of this feature have been supplied therefore we are unable to be fully sure of the likely effects, though having made assumptions that this feature will be no taller than 2m in height. The siting is of particular concern given LCA guidelines state the importance of improving the landscape setting of the road.

While we do not deem it necessary to undertake a Landscape Visual Assessment, we would advise that the impact of this feature should be further reduced by more sensitive siting, and careful choice of materials and colours. Currently this is positioned in a prominent, open location and would perhaps have less effect if relocated further away from the road, towards the nursery compound. Additionally, planting could be used to screen the plant room from the A29.

If minded for approval, we recommend securing these details by condition to retain the existing positive visual frontage of the site:

PUBLIC CONSULTATIONS:

Representations:
None received

Parish Comments:
The Parish Council would fully support this application.

Member Comments:
Queries on the need for BNG and the measurement of significance.

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 site is outside of the defined built-up area boundary where the countryside protection policies of the HDPF apply. Policy 26 of the HDPF states that outside built-up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate

development. Any proposal must be essential to its countryside location, and fulfil one of a number of criteria. Development should not lead to a significant increase in the overall level of activity in the countryside and should protect the characteristics of the landscape in which it is located.

Policy 36 of the HDPF relates to energy use and stipulates that schemes for renewable energy schemes will be permitted where these do not have a significant adverse effect on landscape and townscape character, biodiversity, heritage or cultural assets or amenity value. It is considered that the existing policy basis would provide a general presumption in favour of development comprising of photovoltaic panels. Policy 36 of the HDPF notably draws no distinction between the nature of energy generation; being either for agricultural, domestic, or commercial purposes.

Paragraph 163 of the NPPF provides that local planning authorities in determining applications for renewable or low-carbon development should, firstly, not require applicants to demonstrate a need for renewable or low carbon energy, recognising that small-scale projects provide a valuable contribution to cutting greenhouse emissions and, secondly, approve applications if its impacts are (or can be made) acceptable. Paragraph 164 continues that in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings.

The Planning Statement clarifies the electricity generated by the panels would be used to power the Architectural Plants business. It confirms the panels would help the business become more energy efficient and improve its overall viability.

The use of renewable energy resources is favoured within national and local planning policy, where it considers that increasing the amount of energy from renewable and low carbon technologies will help to secure a reliable energy supply, and also help reduce greenhouse gas emissions. In regard to Policy 26 it is expected that the proposal would enable the sustainable development of the business and therefore rural area, meeting criteria 4 of Policy 26. It is therefore considered that the principle of the development is acceptable, subject to all other material considerations.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

In addition, Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be of a scale appropriate to its countryside character and location, and should 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, including the development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change; the pattern of woodlands, fields, hedgerows, trees, waterbodies, and other features; and the landform of the area.

Paragraph 162 of the NPPF states that in determining applications, local planning authorities should expect new development to: comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 012 of the Planning Practice Guidance under “Renewable and Low Carbon Energy” states that factors to bear in mind when considering active solar technology includes: the importance of siting systems in situations where they can collect the most energy from the sun; need for sufficient area of

solar modules to produce the required energy output from the system; and the colour and appearance of the modules.

The application seeks permission for 90 panels, laid out in five arrays consisting of 18 panels per array with each array separated by 2.461m.

90 panels are proposed, these panels would form five horizonal rows of 18 panels. The panels would have a freestanding ballasted PV mounting system. The panels occupy a total area of 31.370m x 10.945m. A plant room accompanies the solar panels with minimal dimensions, in comparison to the panels of 2.492 (max height) x 1.5m (depth) x 2.530m (width). The panels and plant room are located to the west of Stane Street.

It is considered that whilst it is of a large scale, the proposal is located in a suitable position and has a positive benefit of being environmentally sound and mitigating impact of climate change as it will reduce greenhouse emissions from Architectural Plants.

The Landscape Architect has raised concerns about the location of the proposal and Stane Street. These comments are acknowledged, and a landscaping condition has been secured to ensure appropriate landscaping is put in place to mitigate any substantial harm the character and appearance of the area. It is noted that the consultee has objected to the siting of the plant room. Following the consultees comment further details of the room have been provided. While its location and height are not as the consultee considered supportable the Local Planning Authority deems the building to be acceptable in the context of the buildings at Architectural Plants and the brewery across the road.

The hedge height requested by the Landscape Architect has not been secured by condition. While appropriate screen will be secured a specific height is not considered suitable in this instance as further considerations may be necessary to ensure the light reaching the panels is acceptable. The applicant should not the preferred hedging height would be 1.5m.

Subject to a landscaping condition the proposal is considered to be of a suitable design and appearance.

Residential Amenity:

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

The panels and plant room would be set within the site for Architectural Plants. It is considered that the siting and layout of the proposed and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

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.

Climate Change:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption,

improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Solar panels.

The application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

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 submitted a Biodiversity Metric which demonstrates a 10.12% net gain is achievable by way of onsite biodiversity gains. However, this is not so significant as to warrant a legal agreement for monitoring. The informative attached details that the proposed net gain shall be secured post-decision.

Conclusions:

The proposal is considered to comply with the relevant and appropriate 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 **Prior to Installation:** Prior to the installation of the solar panels and any development above slab level of the plant room a Landscape Maintenance Plan, including schedules and specifications for all soft landscape areas, together with a timetable for the lifetime of the panels shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Maintenance Plan shall include details of the arrangements for its implementation and establishment and secure the height of boundary hedgerow. Development shall be carried out in accordance with the approved Landscape Maintenance Plan.

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).

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

Biodiversity Net Gain Condition
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link:
Submit a biodiversity gain plan - GOV.UK (www.gov.uk).

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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/24/1000
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan			15.03.2024
Layout plan		WR-0056-A	28.08.2024
Block plan			22.03.2024
Elevation plan		A24890- 250 P2	28.08.2024
Supporting Statement	Biodiversity Net Gain Metric		06.09.2024
Supporting Statement	Biodiversity Net Gain Plan		06.09.2024

DELEGATED

Case Officer sign/initial	Alice Johnson	Date:	11/11/2024
Authorising Officer sign/initial	RHERMITAGE	Date:	29.11.2024