



Horsham District Council **DEVELOPMENT MANAGEMENT REPORT**

TO: Development Management Committee (South)

BY: Development Manager

DATE: 21 July 2015

DEVELOPMENT : Minor Material Amendment to planning permission DC/10/1314 (Demolition of existing buildings and redevelopment of the Abingworth Nursery site for 146 dwellings, comprising of open market dwellings, 51 dwellings for the 55 plus age group, 12 affordable dwellings, 20 key worker dwellings, village hall building (including shop and doctors surgery), pre-school facility, community workshops/studio (957.5sqm), sports pitches and changing rooms, cricket pitch and pavilion, childrens play area, access roads, open space and landscaped areas (including footpaths)) for a revised layout for 21 dwellings in the northern part of the site, relocation of the approved local equipped area for plan (LEAP), sports fields and associated facilities, village hall and shop, amendment to the approved village hall and shop to separate the facilities into two buildings and remove the dedicated doctors surgery space and amendment to the approved football changing room building
SITE: Abingworth Nurseries Storrington Road Thakeham West Sussex

WARD: Chanctonbury

APPLICATION: DC/15/1242

APPLICANT: Vanilla Thakeham Ltd C/O Abingworth Developments Ltd

REASON FOR INCLUSION ON THE AGENDA: This is a Major planning application

RECOMMENDATION: To approve the application, subject to completion of a Legal Agreement and appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The Application is made under Section 73 (s73) of the Town and Country Planning Act 1990, and proposes the variation of condition A of planning permission DC/10/1314 (a full planning application). Condition A lists the approved drawings of that planning permission and therefore this application is seeking approval for a number of minor material amendments to the approved drawings. DC/10/1314 is a full planning permission that is due to expire on 20th April 2016 unless it is implemented or a further extension is granted.

If the current planning application, made under s73, is approved, it will result in a separate planning permission and the developer can choose which to implement. The time limit however, remains the same as for the original planning permission, and the s73 application process cannot be used to extend the time limit for implementation.

- 1.2 The principle of the proposed development has already been considered acceptable, by way of granting permission for the scheme under DC/10/1314, which remains extant. As such, only the acceptability of the proposed amendments, the impact of any relevant local or national planning policy changes since the previous permission, and any other material considerations can be considered when assessing the application.
- 1.3 The original planning permission DC/10/1314 permitted the redevelopment of the Abingworth Nursery site for 146 dwellings, comprising 63 open market dwellings, 51 dwellings for the 55 plus age group, 12 affordable dwellings and 20 key worker dwellings. In addition to the dwellings, various community and sports facilities were permitted, comprising a village hall (including a shop and doctors surgery), a pre-school facility, community workshops/studio (957.5 sq metres floorspace), sports pitches, changing rooms, a cricket pitch and pavilion, a children's play area, access roads, open space and landscaped areas.
- 1.4 A Legal Agreement accompanied the planning permission to secure the affordable and key worker housing and to secure a number of contributions, the most significant of which was a financial payment of £3.75 million towards the refurbishment of the facilities at the adjacent Chesswood Farm site, permitted by planning permission DC/12/0841, to enable the mushroom cultivation activities to continue, thereby securing local employment. Due to this payment, the scheme permitted under DC/10/1314 was considered to be 'enabling development'. In addition to the enabling payment, further financial contributions were secured through the Legal Agreement to be spent on local infrastructure and community facilities, including education, libraries, fire and rescue, recycling facilities, air quality management and the maintenance of the proposed on-site sports and community facilities.
- 1.5 The amendments to the approved drawings now sought in the current s73 application include the following:
 - Two football pitches (rather than the three currently approved) would replace the approved cricket pitch in the north west of the site, effectively retaining the two existing football pitches in their current location.
 - The cricket pitch would be a little larger than currently approved, and is proposed to be located at the north east of the site.
 - The 21 dwellings approved in the north west of the site, surrounding the cricket pitch, are proposed to surround the cricket pitch in the new location, at the north east of the site. Whereas some of these dwellings, as currently approved, have their backs facing the northern boundary of the site, the proposal now involves the reorientation of the 21 dwellings to avoid the back of any of the 21 dwellings facing the northern site boundary.
 - There would no longer be an area, at the far north east of the site, identified for a possible scout hut and scout use.
 - The village hall building is repositioned further north, to a location between the football and cricket pitches, just to the north of the small stream.
 - The village shop and village hall are proposed to be delivered as two separate buildings in the new location, rather than as a single building, and the village hall would be smaller than currently approved, with less office space and no longer including a bar area or dedicated space for a doctor's surgery and waiting room.
 - The children's play area (LEAP) would be relocated to the north of the site, just to the

south of the football pitches.

- The areas where the village hall and Children's play area were intended to be located would become green public open space.
- The access road in the northern part of the site is repositioned and routed to the south of the cricket and football pitches, to provide a new access point to the Storrington Road just south of Rose Cottage. The previously approved northern site access point would be retained solely to serve the parking adjacent to the football pitches.
- The number of parking spaces to be provided at the relocated community and sports facilities would be altered to provide: 44 spaces adjacent to the football pitches (38 are currently approved); 16 spaces next to the children's play area (7 are currently approved); 52 spaces in front of the village hall (33 are currently approved); 24 spaces alongside the village shop (7 are currently approved) and; 44 spaces adjacent to the cricket pitch (49 are currently approved). This results in an increase of 46 spaces for these facilities.

DESCRIPTION OF THE SITE

- 1.6 The site remains the same as that which was subject of the original planning permission DC/10/1314. The site is located in Thakeham Parish, to the east of High Bar Lane and to the north east of Abingworth Hall Hotel. The site area is 33.7 hectares, all of which is outside of the built-up area boundary of Thakeham (High Bar Lane). The site comprises mainly disused mushroom production buildings, hard standing area and areas used for the disposal of spent compost with the remainder being agricultural land. The residential development is proposed to be located in the west and centre of the site, broadly aligning with the previously developed areas, in addition to 21 dwellings proposed to surround a cricket pitch in the north of the site. The site also includes the south east corner of the adjacent Chesswood Farm site, on the opposite side of the Storrington Road, and this is where the 20 key worker homes are proposed.
- 1.7 The site is bounded to the north, south and east by agricultural land. These boundaries are defined for much of their length by hedgerows and trees, particularly to the east, following Strawberry Lane. The southern boundary and part of the northern boundary are much more open however. To the east, the site is bounded by the Storrington Road, with Chesswood Farm beyond and by the rear gardens of existing homes on the eastern side of Storrington Road, and by Abingworth Hall Hotel.
- 1.8 In terms of topography, the site is gently undulating in the north and centre with a small stream flowing east to west through the north of the site. The site slopes up more markedly towards the south where the southern boundary meets the pronounced greensand ridge. Views of the site are possible from relatively few points on the Storrington Road, with no views possible to the south of the site due to the presence of the greensand ridge. The dense tree cover along Strawberry Lane closes off views to the east. To the north, glimpsed views of the site may be possible from The Street, although boundary planting proposed at the northern boundary of the site is likely to close off such views.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 Government policy is set out within the National Planning Policy Framework and this is relevant to the determination of this application. Regard must also be had to the Government's Planning Practice Guidance.

RELEVANT COUNCIL POLICY

- 2.3. Relevant policies of the Horsham District Local Development Framework Core Strategy (2007) include:

- CP1 Landscape and Townscape Character
- CP2 Environmental Quality
- CP3 Improving the Quality of New Development
- CP5 Built-Up Areas and Previously Developed Land
- CP8 Small Scale Greenfield Sites
- CP9 Managing the Release of Housing Land
- CP12 Meeting Housing Needs
- CP13 Infrastructure Requirements
- CP14 Protection and Enhancement of Community Facilities and Services
- CP15 Rural Strategy
- CP17 Vitality and Viability of Existing Centres
- CP19 Managing Travel Demand and Widening Choice of Transport

- 2.4. Relevant policies of the Horsham District Local Development Framework General Development Control Policies Document (2007) include:

- DC1 Countryside Protection and Enhancement
- DC2 Landscape Character
- DC3 Settlement Coalescence
- DC5 Biodiversity and Geology
- DC6 Woodland and Trees
- DC7 Flooding
- DC8 Renewable Energy and Climate Change
- DC9 Development Principles
- DC10 Archaeological Sites and Ancient Monuments
- DC12 Conservation Areas
- DC13 Listed Buildings
- DC18 Smaller Homes/Housing Mix
- DC19 Employment Site / Land Protection
- DC20 New Employment Development
- DC21 Protection of Open Space, Sport and Recreation Facilities
- DC22 New Open Space, Sport and Recreation
- DC24 Conversion of Agricultural and Rural Buildings for Industrial, Business or Residential Uses
- DC40 Transport and Access

- 2.5. Guidance contained within the Facilitating Appropriate Development (FAD) Supplementary Planning Document (SPD) (2009) and the Planning Obligations SPD (2007) are also relevant to the determination of this application.

- 2.6. The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council's policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent Examination under Regulation 22 of the

Town and Country Planning (Local Planning) (England) Regulations 2012. The Examination of the HDPF was undertaken by an independent Planning Inspector in November 2014, and the Inspector published his Initial Findings on 19th December 2014. The Inspector considers the overall strategy of the plan to be sound as is made clear in paragraph 4 of his Initial Findings:

- 2.7. *'On balance, I consider the overall strategy to concentrate growth in the main settlements in the hierarchy, starting with Horsham as a first order centre, followed by Southwater and Billingshurst, to be sound. The proposal for some development in villages, in accordance with Neighbourhood Plans (NP), is also justified and accords with government policy in the National Planning Policy Framework (NPPF). As will be explained in some more depth in my final report, the alternative strategy of greater dispersal to smaller settlements would be likely to lead to a less sustainable pattern of development with regard to transport patterns related to provision of employment opportunities, retail facilities and social and community services...'*
- 2.8. The Inspector suspended the Examination of the HDPF, after the initial round of Hearing sessions, for a 6 month period to allow time for the Council to show how the annual housing provision can be increased to provide for a minimum of 750 dwellings per annum (15,000 over the plan period). The representation period for the HDPF Main Modifications ran from 23rd March 2015 until 5th May 2015. Following the receipt of representations, the Inspector has decided to resume Hearings to discuss the issues raised. The Hearings reopened on 3rd July 2015 to consider only the issues outlined in the Initial Findings. Given the Inspector's Initial Findings, the emerging plan is therefore a material consideration of considerable weight in terms of the overall strategy.

NEIGHBOURHOOD PLAN

- 2.9. The Thakeham Neighbourhood Plan is at a relatively advanced stage in its preparation and, following consultation in April 2015, the draft Neighbourhood Plan was submitted to Horsham District Council for the required 'healthcheck' process, which involves independent expert review. Once that process is completed, the Draft Neighbourhood Plan will need to undergo an independent Examination and a local referendum before it can be formally 'made'.
- 2.10. Policy 4 within the Draft Thakeham Neighbourhood Plan covers the proposals for the redevelopment of the Abingworth Nursery site. This draft policy provides support to the proposals, provided that these deliver a range of community benefits and that any building and land arising therefrom is transferred to the District or Parish Council with a reasonable endowment sum for their on-going management.

PLANNING HISTORY

DC/10/1314	Demolition of existing buildings and redevelopment of the Abingworth Nursery site for 146 dwellings, comprising of open market dwellings, 51 dwellings for the 55 plus age group, 12 affordable dwellings, 20 key worker dwellings, village hall building (including shop and doctor's surgery), pre-school facility, community workshops/studio (957.5 sq metres), sports pitches and changing rooms, cricket pitch and pavilion, children's play area, access roads, open space and landscaped areas (including footpaths)	Permitted
DC/12/0841 (<i>Chesswood Farm, adjacent to site</i>)	Demolition of existing growing rooms and surrounding ancillary buildings, removal of compost production on site. Erection of new growing rooms (farms) required for the cultivation of mushrooms, a replacement office building, staff cafeteria, pack house building, ancillary plant structures and provision of open space and landscaped areas (including re-directed footpaths). Refurbishment and extension of existing production and package buildings including alterations to entrance of the site.	Permitted
DC/14/2160	Hybrid application consisting of two parts. Full application for the revised layout of the football and cricket pitches and associated changing rooms, pavilion, village hall and shop. An outline application for layout and access for 21 dwellings surrounding the pitches following the grant of planning permission on 19th April 2014 (Application Ref DC/10/1314) for the provision of 146 dwellings on the larger Abingworth Nursery Site	Invalid Withdrawn
DC/14/2161	Hybrid: Part A) Full planning permission for the revised layout of the football and cricket pitches and associated changing rooms, pavilion, village hall and shop. Part B) Outline permission for layout and access for 21 dwellings surrounding the pitches as a revision to part of approval DC/10/1314 (for the provision of 146 dwellings on the Abingworth Nursery Site).	Withdrawn

- 2.11. The original planning permission (DC/10/1314) was the subject of a Judicial Review in 2013. The claim made two main allegations of unlawfulness: The first related to process in which the Council screened the proposal for residential development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, concluding that no EIA was required. The second allegation concerned the process by which the Council decided to approve the proposed residential development, despite its being in conflict with the relevant policies within the Development Plan, as it would enable to redevelopment of mushroom cultivation facilities at the adjacent Chesswood Farm site. In his Judgment, handed down in January 2014, Mr. Justice Lindblom (as he was then) dismissed the claim on both counts.
- 2.12. The linked hybrid planning applications (DC/14/2160 and DC/14/2161) comprised an earlier approach of the applicant seeking similar amendments to planning permission DC/10/1314 to those currently being sought. These applications were subsequently withdrawn following discussions with Officers and legal advice on the nature of the planning applications.

- 2.13. The proposed amendments to the original planning permission currently being sought have been Screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) which were in force at the time the application was submitted. The Council has determined that the s73 application proposals do not constitute EIA development.

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

3.1. **HDC Arboricultural Officer** (Summary):

- No objection raised.
- Although there will be a loss of some trees in the higher categories, it is not considered that the amenities of the locality will be seriously affected. The bulk of the trees either side of the proposed access will be retained, and the 'tree corridor', as seen from the Storrington Road will be maintained.
- The layout plans show an acceptable degree of respect to the trees on the site subject to Tree Preservation Orders.
- The tree protection details, as set out within the submitted Arboricultural and Ecological Management document, are satisfactory.

3.2. **HDC Ecology Consultant** (Summary):

- Objections were initially raised due to there being insufficient information regarding the potential ecology impact of the proposed new site access onto the Storrington Road. The applicant subsequently provided additional information, including further ecological assessment work covering the area of trees adjacent to the Storrington Road through which the new site access road is proposed to pass. As a result of this additional information, the Ecology Consultant withdrew all previous objections to the proposed development.
- Wording was suggested for planning conditions to address the potential impacts of the construction of the site access on bats, badgers and nesting birds.
- Wording suggested for a planning condition in relation to any lighting proposed on the site access road, in order to reduce the impact on bats.

3.3. **HDC Landscape Consultant** (Summary):

- No objections raised.
- Any new Section 106 Agreement should continue to include Schedule 6: Part 1 (Buffer Strip) and Schedule 8: Part 5 (Allotments).
- Some concern was raised about the safety of pedestrian access to the relocated children's playground (LEAP) due to the number of roads it would be necessary to cross.
- Wording was suggested for planning conditions in relations to hard and soft landscaping, trenches and underground services and the need for an appropriate Landscape Management and Maintenance plan

3.4. **HDC Technical Services (Drainage)**

- Comments are awaited and will be updated at committee.

OUTSIDE AGENCIES

3.5. **Community Safety Partnership**

- No response. It is not considered that the receipt of these comments is necessary to

assess this application.

3.6. **Southern Water** (Summary):

- The comments made on application DC/10/1314 (now permitted) remain unchanged and valid.
- Wording for a planning condition is suggested to ensure public sewers are protected during construction.
- There is currently inadequate capacity in the local network to provide foul disposal to service the proposed development.
- The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result.
- Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.

3.7. **Sussex Police** (Summary):

- The Design and Access Statement should have made reference to crime prevention measures that would be implemented as part of the development.
- Wording was suggested for a number of planning conditions covering the design and layout of the dwellings and other buildings and of soft landscaping to ensure crime prevention features are incorporated.

3.8. **WSCC Flood Risk Management** (Summary):

- No objections raised.
- The site does not have any significant surface water flood risk issues from historic events. The watercourse traversing the site is identified as having some risk of surface water flooding, but this is consistent that that normally expected from such a watercourse.
- The site is indicated to be at negligible risk from groundwater flooding.
- Development should not be commenced until surface water drainage proposals have been approved by the Council, including long-term maintenance (as is required by condition 36 of planning permission DC/10/1314).

3.9. **WSCC Highways** (Summary):

- No objections raised.
- The design of the new access onto the Storrington Road (B2139) is reflective of that already approved in relation the access arrangements for planning permission DC/10/1314. The sightlines and visibility splays are within expected parameters and the submitted revised Stage One Road Safety Audit raises no significant issues. Therefore, the Local Highways Authority is content that the proposed new access is acceptable for its intended purpose.
- The plans, as originally submitted, included the provision of a bus lay-by, stop and shelter, to the north of the proposed access. It is noted that there is an existing bus stop in close proximity to the north and that the frequency of bus services on the Storrington Road has reduced since the original planning permission in 2010. It is also considered that a stopped bus on the highway would not impede visibility from the proposed junction. Therefore, the Local Highway Authority considers that the proposed bus infrastructure is unnecessary. [*Officer Note: following these comments, the applicant withdrew the proposal for the new bus lay-by and stop and this is now reflected on revised site plans*]
- The submitted access arrangements incorporate traffic calming on the Storrington Road and the nature of this has not yet been approved by the Local Highway

Authority. It is noted that the Legal Agreement accompanying the original planning permission includes a requirement for a scheme of traffic calming to be approved prior to the first dwelling being occupied.

3.10. **WSCC Public Rights of Way** (Summary):

- No objections raised.
- The plan to create links from the development into the public rights of way network is welcomed, but an additional bridleway link from the development to Strawberry Lane should additionally be considered.

PUBLIC CONSULTATIONS

3.11. **Thakeham Parish Council** strongly supports the revised proposals for the scheme, which now command community consensus as a significant improvement on proposals previously agreed as planning permission DC/10/1314. The Parish Council also:

- Requests that disruption is minimised to the area proposed for designation in the Thakeham Neighbourhood Plan as a 'local green space'.
- Queries why existing trees on the west side of the road leading to the south-west plots have been omitted from the revised site plan and; [*Officer Note: as was suggested by the Parish Council, this was an error that has been rectified by the applicant through a revision to the site plan.*]
- Queries the addition of an apparent new roadway leading from housing development east of the cricket ground into agricultural fields going through the ransom strip. [*Officer Note: The Applicant has removed this new access road from the proposed development and this is reflected on a revision to the site plan.*]

3.12. One **letter of support** has been received which makes the following points:

- The buffer strip required under DC/10/1314 should be extended along the northern edge of the development as far as Woodland Cottages.
- The location of the proposed allotments is unacceptable as they are highly visible on the northern slope of the ridge.
- The provision of three accesses onto the B2139 (as opposed to two in DC/10/1314) is excessive.
- The visibility splays of 2.4 metres by 59 metres will cause the loss of vegetation on an area proposed as a 'local green space' designation in the Thakeham Neighbourhood Plan. This will cause the urbanising of this locality by resulting in a manicured and suburban-style landscape, which will radically alter the character of the village.
- Questions the need for the removal of the entire row of trees to the east of the football fields, as opposed to the removal of only five trees approved in planning permission DC/10/1314.
- The design of the new homes should conform to the Thakeham Parish Design Statement, in accordance with the proposed Neighbourhood Plan.
- The capacity of the streams and other watercourses to accept additional runoff should be assessed.
- The new Section 106 Agreement should include any statements indicating modifications to the existing Section 106 Agreement.

3.13. Two **letters of objection** have been received, which include the following points:

- Objection to the inclusion of 75mm 'Speed tables' on the Storrington Road, which will lead to potholes and cause unwarranted extra vibration to homes. In addition these speed tables damage suspension and provide a hazard to emergency vehicles.
- Objection to the proposed amendments to the football pitches, which will result in

pitches either too long and narrow or too short and wide for affiliated football. The reduction in the number of pitches from three to two and the reduction in the capacity of the changing rooms are also objected to.

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

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

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

- 6.1. This application proposes amendments to DC/10/1242, which permitted the principle of residential development of the site. As such, the only matters for consideration now are the acceptability of the proposed amendments, whether there have been any changes to national or local planning policy, or other material considerations that would warrant a different assessment of the proposal. This application covers the same area as that covered by the original planning permission. The applicant states that the amendments to DC/10/1242 are being sought due to work they have undertaken to understand and respond to the concerns of the local community about the development previously permitted. The key issue highlighted was the community's wish to maintain the football pitches at the existing location, rather than locate them further to the east, as currently permitted.

Sports facilities

- 6.2. The proposed amendments effectively swap the location of the football pitches and the proposed cricket ground, in order to keep the football pitches in their current location. This results in a reduction from the three football pitches currently permitted to two, in line with the existing arrangement. Reflecting the reduction in the number of pitches from three to two, the football changing room block is reduced in size to allow for four changing areas rather than six. The cricket ground is now proposed at the north eastern corner of the site, and has been enlarged slightly. The proposed cricket pavilion is also relocated to the north west of the cricket ground, but its size is the same as currently permitted. The parking provision associated with the sports facilities would also change, with a proposed increase of 6 spaces, to provide 44 spaces adjacent to the football pitches and a reduction of 5 spaces, to also provide 44 adjacent to the cricket ground.
- 6.3. The proposed changes to the sports facilities are identical to those proposed in a previous planning application (DC/14/2161), which was subsequently withdrawn. When previously consulted, Sport England raised no objection to the changes to sports facilities, but requested the provision of spectator's toilets within the football changing block building. The applicant responded, at that time, advising that spectators could use the disabled changing area toilet, which has external access. In addition, Sport England previously requested a condition to secure community use of the pitches, pavilion and changing block. It should be noted that the transfer of all of the sports facilities to the Council or its

nominee is already required by the existing Legal Agreement and would continue to be required under the draft Legal Agreement (Deed of Variation) accompanying to this planning application.

- 6.4. A member of the public representing Thakeham Village Football Club has objected to the proposed reduction in the number of football pitches, and associated reduction in the size of the changing block. The proposed layout of the pitches is also objected to, as it would not be suitable for playing affiliated football. Whilst these comments are noted, the effect of the proposed changes is to maintain the existing size and layout of the football pitches. The applicant comments that, following considerable work with the local community, the maintenance of the existing arrangements is what the local community is seeking to achieve. This is supported by the comments of Thakeham Parish Council to this application, which highlights that the proposed changes “...*now command community consensus as a significant improvement on proposals previously agreed as DC/10/1242.*”

Residential element associated with the cricket ground

- 6.5. The number of dwellings proposed remains the same as that currently permitted by DC/10/1242. This includes the 21 dwellings proposed, to the north of the stream, with the majority overlooking the cricket pitch. As the cricket pitch is to be relocated under this application, the 21 dwellings are also relocated to the northeast of the site. Whereas the dwellings are currently permitted in an arc surrounding the cricket pitch to the west, north and east, the relocated dwellings are shown in a different arc surrounding the west, south and east of the cricket pitch. This reorientation of the 21 dwellings avoids the rear of any of the dwellings facing to the north. The applicant argues that this would achieve a reduction in the landscape impacts, when combined with landscaping proposals at the northern boundary, because views of the scheme’s residential elements from areas to the north of the site (including The Street Conservation Area) would be less likely.
- 6.6. The main issue in the relocation of the 21 dwellings is that these now project into areas previously identified as open space (football pitches) resulting in a developed area extending further to the east than previously permitted. However, the previous proposals did indicatively show some of this land as being used for a scout hut, although no detailed proposals for this element were submitted or approved under DC/10/1242. The Council’s landscape consultant was asked to consider the relocation and reorientation of the 21 dwellings, and raised no objection to this proposed change. In light of this, and reflecting the potential improvements in the reorientation of the dwellings to the south rather than the north of the cricket pitch, it is considered that there would be no significant additional impact in landscape terms compared to the permitted scheme.

Village hall and shop

- 6.7. The permitted scheme included a single building providing a new village hall and convenience shop. The current application proposes to separate these into two buildings, with the village hall building no longer incorporating a dedicated doctor’s surgery and waiting room. Both of the proposed buildings are to be relocated north of the stream in the area between the football and cricket pitches, to create a hub for community facilities. The applicant suggests that engagement with potential occupiers of the village hall and shop has resulted in a request to separate these uses. In relation to the doctor’s surgery, the applicant reports that no end user has been found. The existing Legal Agreement requires the developer to seek to procure an occupier, but only if so requested by the Council, with scope otherwise for alternative uses to be secured. It is noted that no third party representations have raised objections to the absence of a doctor’s surgery in the village hall building.

- 6.8. The Council's Environmental Health Officer made no comments on this planning application. However, the Officer had commented previously on a very similar scheme that was being considered in planning application DC/14/2161, prior to the withdrawal of that application. The latest site plan indicates the presence of a hedgerow between the shop building, its associated car parking and the adjacent dwelling. The need for fencing at this boundary and the need to ensure that any plant associated with the retail use would not unduly disturb future residents can be secured by condition.
- 6.9. The permitted village hall and shop building is provided with 33 parking spaces. The current proposal provides a significant increase in provision, with the village hall having 52 spaces and the adjacent village shop building having 24 spaces. As these car parking areas are adjacent, with a common access road between them, it is likely that they would be viewed and used as a single car park of 76 spaces.

Local Equipped Area for Play (LEAP)

- 6.10. The current planning permission includes a LEAP in the south of the site, near the pond. The current application seeks to relocate this facility to the north of the site, just south of the football pitches, and adjacent to the village hall building. The applicant states that this change has also been proposed to take account of engagement with the local community. The new location is considered to be convenient for users, located as part of the wider community facilities hub. The new location could potentially provide more convenient access to the LEAP for existing residents in High Bar Lane and Furze Common Road. However, the Council's Landscape Consultant expressed concern about the safety of pedestrian access to the LEAP, given the number of roads it could be necessary to cross. The provision of the means for pedestrians to safely cross the Storrington Road and the new proposed site access road could be appropriately secured by condition.

Highway matters

- 6.11. The relocation of the sports facilities at the north of the site have necessitated a re-routing of the secondary site access road, to the south of the cricket and football pitches, with a new junction onto the Storrington Road, just south of Rose Cottage. The access point that is currently permitted to serve as the site's secondary access would be retained only to serve the car parking associated with the football pitches. The Local Highway Authority has raised no objections to the proposed changes, including to the proposed visibility splays for the new junction and the intention to retain the existing northern access point to serve the football pitches.
- 6.12. The applicant's access arrangements plan identifies proposed traffic calming on the Storrington Road, including '75mm speed tables'. This specification has attracted an objection in a representation from a member of the public. The Local Highway Authority states that it views the traffic calming measures shown by the applicant as indicative only at this stage, as the details of necessary traffic calming have not yet been approved by the Local Highway Authority, as is required under the existing Legal Agreement.
- 6.13. The applicant's access arrangements plan, as submitted, indicated a proposed bus lay-by, bus stop and shelter just north of the proposed new junction on the Storrington Road. The Local Highway Authority has commented that these features are not necessary, given the frequency of buses on the Storrington Road and the presence of an existing bus stop in close proximity to the proposed site access. The applicant has provided an amended site access arrangements plan removing these elements.

- 6.14. As set out above, parking provision remains broadly similar to that currently permitted, but with some increases to provision for the village hall, shop and community facilities. The parking provision for the residential plots has not changed. The Local Highway Authority raises no objection in relation to car parking proposals.

Ecology, trees and landscape

- 6.15. An Arboricultural Report and an Ecological Assessment update were submitted in support of the planning application. The latter comprises a walkover survey to identify changes to the site since the previous ecology surveys, the latest of which were undertaken in 2012. Although ecology surveys are normally required to be fully updated every year or two, it is noted that in this case there is an extant planning permission, which could be implemented up to April 2016, without the need for any updated ecology surveys. It is also noted that the current application, if approved, would maintain this implementation timescale and any extension to this would require a further planning application.
- 6.16. Notwithstanding the overall potential for ecological impact of the scheme, which was fully assessed prior to permission being granted in 2013, one of the changes proposed in the current planning application was the creation of a new site access onto the Storrington Road. This would necessitate the removal of vegetation from a part of the wooded area adjacent to the Storrington Road, just north of the stream. Given that this proposed change had the potential to cause ecological impacts that were not specifically considered in the work supporting original planning permission, the Council's ecology consultant raised concerns over the lack of information allowing the assessment of these potential impacts. The applicant responded by providing the additional information requested, including an assessment of the specific potential ecological impacts of creating the new site access road. As a result of this, the Council's ecologist has withdrawn her concerns and is now content with the changes as proposed, subject to the application of conditions to manage the process of vegetation removal in the wooded area.
- 6.17. The proposed changes to the scheme include an increased level of tree removal at the eastern side of the existing football pitches, in order to accommodate the relocated village shop and hall. Balancing this, there is additional tree planting proposed in the areas left vacant by the relocated village hall, shop and the LEAP. The Council's Arboricultural Officer and its appointed landscape consultant have considered these changes, in addition to those in relation to the new site access, and have not raised any objections.
- 6.18. In their consultation response, the West Sussex County Council Public Rights of Way Officer requested that a bridleway link be provided from the development to Strawberry Lane, which is an existing bridleway in close proximity to the east of the site. The Landscape Strategy Plan supporting the application indicates the intention to provide two footpaths from the residential areas to link with Strawberry Lane. It is also noted that the original planning permission (DC/10/1314) is subject to a condition (condition 21) requiring the applicant to submit details of improvements to the existing public rights of way network in the vicinity of the site to the Local Planning Authority for approval, prior to commencing works on site. This condition can be applied to the current planning application, if it is approved. However, further clarification is being sought from the County Council about the nature of provision being sought and the applicant will be asked for a response to this. This will be provided as an update to the Committee.
- 6.19. The site plan submitted with the planning application contained two apparently proposed changes that attracted concern from Thakeham Parish Council and a member of the public representing Thakeham Village Action. The first of these was the inclusion of a new

access track from the east of the site through the small copse to provide access to adjacent farmland to the east. The second was the apparent removal of existing trees at the south of the site, near the rear entrance to Abingworth Hall Hotel. These matters were brought to the applicant's attention, with the response that these were errors on the initially submitted site plan. A revised site plan, removing the eastern access to farmland and restoring the existing trees at the south of the site has now been received.

Legal Agreement

- 6.20. Application DC/10/1314 was permitted subject to a Legal Agreement securing matters such as the provision of affordable housing, key worker housing and the 'enabling' financial contribution to the refurbishment of the Chesswood Farm mushroom cultivation activities, to help secure an important source of local employment. The Legal Agreement also secured contributions to be spent on local infrastructure and community facilities, including education, libraries, fire and rescue, recycling facilities, air quality management and the maintenance of the proposed on-site sports and community facilities.
- 6.21. A new Legal Agreement, in the form of a Deed of Variation, will be required prior to any planning permission for the current application being issued. As the planning application is for a minor material amendment, restricted to changes to the condition setting out the approved drawings, the Deed of Variation will make only limited changes to the extant Agreement, largely related to the need for revisions to plans attached to the Legal Agreement.
- 6.22. The existing Legal Agreement secures twelve affordable homes, in addition to twenty 'key worker' homes for the employees of the adjacent mushroom cultivation business. This level of provision reflected the very significant enabling financial contribution of £3.75 million to be made by the scheme to the refurbishment of the mushroom cultivation activities at Chesswood Farm, to secure its future as a business. Given that this level of affordable housing provision is below the current adopted policy target of 40% and given the time that has passed since planning permission under DC/10/1314 was issued, the applicant was asked to submit scheme viability information to support the current application. This information was received and the applicant has argued that the submitted information demonstrates that there is no scope in scheme viability to secure an increased level of affordable housing. The submitted information has been reviewed by the Council's viability consultant who concluded that the viability position set out within the applicant's information was reasonable and that, based on the information provided, viability has not improved to the point of allowing additional affordable housing.

7. RECOMMENDATIONS

- 7.1 To approve the application, subject to the prior completion of a Legal Agreement and subject to the following conditions:

1

The development hereby permitted shall be begun before the expiration of three years from 19th April 2013, being the date of the original planning permission (DC/10/1314).

Reason: To comply with Sections 73 and 91 of the Town and Country Planning Act 1990.

2

Before development commences precise details of the finished floor levels of the

development in relation to a nearby datum point shall be submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: To control the development in detail in the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

3

No development shall take place until details of external walls and/or fences (including acoustic fencing between the retail shop hereby permitted and the adjacent dwelling) shall have been submitted to and approved in writing by the Local Planning Authority and no dwellings/buildings shall be occupied until such walls and or fences associated with them have been erected. Thereafter the walls and/or fences shall be retained as approved and maintained in accordance with the approved details.

Reason: In the interests of amenity in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

4

The dwelling(s) / building(s) hereby permitted shall not be occupied unless and until provision for the storage and collection of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure the adequate provision of recycling facilities in accordance with policy CP2 of the Horsham District Local Development Framework: Core Strategy (2007).

5Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A B C D E F G and H of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilage(s) of the dwelling(s) hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwelling(s) unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: In the interest of visual amenity and in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

6No development, demolition pursuant to the permission granted, or alterations to buildings, shall take place until details indicating how suitable provision will be made for protected species and their habitats have been submitted to and approved by the Local Planning Authority in writing and such provision shall be made before development commences and thereafter be retained and maintained in accordance with the approved details.

Reason: To safeguard the ecology and biodiversity of the area in accordance with policy DC5 of the Horsham District Local Development Framework: General Development Control Policies (2007), and in the interests of protected species as listed under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000, to ensure that a habitat remains for them during and after development.

7 No work for the implementation of the development hereby permitted shall be undertaken on the site until a revised Arboricultural Method Statement has been submitted to and approved by the Local Planning Authority in writing. All works shall be executed in full accordance with the approved Arboricultural Method Statement.

Reason: To ensure the successful and satisfactory retention of important trees, shrubs and hedges on the site in accordance with policies DC2 and DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

8 No development shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed building(s) have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.

Reason: 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 DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

9 No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

10 No burning of materials shall take place on the site.

Reason: In the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

11 None of the dwellings shall be occupied until the sewage disposal and drainage works have been completed in accordance with the submitted plans.

Reason: To ensure that the development is properly drained and in accordance with policy DC7 of the Horsham District Local Development Framework: General Development Control Policies (2007).

12 None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is properly drained and in accordance with policy DC7 of the Horsham District Local Development Framework: General Development Control Policies (2007).

13 Full details of means of surface water drainage to serve the development shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development. The scheme agreed shall be implemented strictly in

accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.

Reason: To ensure that the development is properly drained and in accordance with policy DC7 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 14 No ground excavations landscaping works or infrastructure works pursuant to the planning permission will commence on the site until the implementation of a programme of archaeological work in accordance with a suitable Written Scheme of Archaeological Investigation which has been submitted to the Local Planning Authority and agreed in writing.

Reason: To ensure appropriate investigation and recording of buried archaeological Heritage Assets on the site before or during new building, infrastructure and landscaping works, in accordance with policy DC10 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 15 No alteration or demolition works pursuant to the planning permission will commence on the site until the implementation of a programme of historic building archaeological recording (derelict barn and outbuildings) in accordance with a suitable Written Scheme of Archaeological Investigation which has been submitted to the Local Planning Authority and agreed in writing.

Reason: To ensure that an archaeological record is made of the historic barn and outbuildings heritage assets during its alteration or demolition in accordance with policy DC10 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 16 The development, hereby approved, shall not be occupied until such time as the proposed junctions onto the B2139 Storrington Road serving the development have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The submitted details shall include visibility splays of 2.4 by 59metres, which are required at each access.

Reason: In the interests of road safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 17 The dwellings hereby permitted shall not be occupied until the road(s) serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 18 No part of the development, hereby approved, shall be occupied until such time as the car parking spaces serving the respective phase or element of development have been constructed in accordance with plans and details submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained at all times for there designated use.

Reason: To provide car-parking space for the dwellings and in accordance with policy

DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 19 No works shall commence until such time as a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include but not be limited to include details of the phasing of development and vehicle routing to and from the development site.

Reason: In the interests of road safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 20 No part of the development, hereby approved, shall be occupied until such time as the proposed footway improvements and respective pedestrian crossing points along Storrington Road have been provided in accordance with the approved plans and a construction specification submitted to and improved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 21 No construction works shall commence until such time as plans and details of improvements to the rights of way network in the vicinity of the development have been submitted to and agreed in writing with the Local Planning Authority in conjunction with WSCC Rights of Way team. These improvements shall thereafter be implemented in accordance with an agreed timetable.

Reason: To safe guard and improve the existing rights of way network within the vicinity of the development and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 22 No construction or associated site clearance work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided by the Local Planning Authority and such facility shall be retained in working order and throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 23 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that adequate means of foul and surface water sewerage disposal are provided in accordance with policy CP13 of the Horsham District Local Development Framework: Core Strategy (2007).

- 24 Prior to the commencement of development, a Low Emission Strategy (LES) for the development during both construction and operational phases shall be submitted to

and approved by the Local Planning Authority and the approved details maintained thereafter.

Reason: To ensure that a suitable Low Emission Strategy is agreed to offset the impact of the development hereby approved and in accordance with policy DC8 of the Horsham District Local Development Framework: General Development Control Policies (2007).

25 No works or development shall take place until full details of the hard and soft landscape scheme have been submitted and approved in writing by the local planning authority. These details shall be submitted concurrently as a complete scheme, unless otherwise agreed by the Local Planning Authority, and shall comprise:

- A detailed plan and specification for topsoil stripping, storage and re-use on the site in accordance with recognised codes of best practice
- Contour plans, proposed and existing levels, and cross/long sections for all earthworks on the site, including those for the proposed ornamental and wildlife pond and associated with the allotments and housing in the southern part of the site
- Planting/Seeding plans and schedules specifying species, planting size, densities and plant numbers
- Tree pit and staking/underground guying details
- A written hard and soft specification (National Building Specification compliant) of planting (including ground preparation, cultivation and other operations associated with plant and grass establishment).
- Hard surfacing materials- layout, colour, size, texture, coursing, levels
- Walls, fencing and railings- location, type and materials
- Minor artefacts and structures - location and type of street furniture, play equipment, refuse units and lighting columns and lanterns

Notwithstanding the landscape strategy proposals shown the approved plans (see condition A), the landscape scheme required above shall include:

- Provision of a broad 5m width informal hedgerow with hedgerow trees on the northern boundary of the site, adjacent to the proposed housing and sports pitches.
- Provision of a minimum of 3m width hedgerow (hedgerow shrubs only) on the boundary with the allotments
- Provision of a 2.5m width of hedgerow planting between the proposed workshops and the existing pond, retaining existing vegetation, where space for construction of the workshops allows
- Detailed proposals for the main access road landscaping taking account of local character and distinctiveness
- Detailed proposals for retention, management and enhancement with new planting of the existing hedgerow and hedgerow trees on Storrington Rd, adjacent to the key worker housing

The approved landscape scheme for all boundary hedgerow and structure planting shall be implemented in the first planting season following the commencement of any works on the site and those for other planting areas carried out prior to the occupation of any part of the development for its permitted use, or according to a timetable to be agreed with the Local Planning Authority.

Any plants, which within a period of 5 years, die, are removed, or become 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 in the interests of amenity in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 26 No works or development shall take place until full details of underground services – including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. These details shall demonstrate effective coordination with the detailed landscape proposals submitted pursuant to Condition 25 above.

Reason: To ensure the underground services do not conflict with satisfactory development in the interests of amenity in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 27 Prior to the commencement of any works on site a long term Landscape Management and Maintenance Plan for the whole development site shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

- Aims and Objectives
- A description of Landscape Components
- Management Prescriptions
- Details of maintenance operations and their timing
- Details of the Parties who will be responsible for maintaining different areas of the site

It shall demonstrate full integration of landscape, biodiversity and arboricultural considerations.

The areas of landscaping and open space shall thereafter be maintained in accordance with the approved Landscape Management and Maintenance Plan, unless any variation is approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development in the interests of amenity in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 28 Prior to the commencement of any works on site full details of the tree and hedge protection proposed shall be submitted to and approved in writing by the LPA along with details of existing levels in the vicinity of existing trees and hedges to ensure that the vertical alignment of no-dig construction areas relate to surrounding finished levels. No-dig construction techniques in the RPA of existing trees and hedges to be retained must be carried out in accordance with BS5837 and the methods set out in the Arboricultural Survey are adequately followed through into the detail design stage to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory development in the interests of amenity in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 29 Other than agreed as part of this planning application no trees, hedges or shrubs on the site, shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the LPA until 5 years after completion of the development hereby permitted. Any trees, hedges or shrubs on the site, whether within the tree protective areas or not, which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

Reason: To ensure a satisfactory development in the interests of amenity in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 30 Should any bats or evidence of bats be found prior to or during works, works must stop immediately and a specialist ecological consultant or Natural England contacted for further advice before works can proceed.

Reason: To ensure that suitable mitigation measures are in the event that bats are found at the site and in accordance with policy DC5 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 31 In addition to the requirements of condition 28, prior to the commencement of development a scheme for the provision of a buffer zone between the housing and the agricultural land in the east and south east of the site, which shall be of a minimum eight metres in depth to the rear of plots 42 to 46 and 56 and to the east of the allotments shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the buffer shall be planted out in accordance with the approved scheme during the first planting season (October to March) following commencement of development and any subsequent amendments shall be approved in writing by the Local Planning Authority. The scheme shall include:

- Plans showing the extent and layout of the buffer zone;
- Details demonstrating how the buffer zone will be protected during development; and
- Appropriate replanting and maintenance during the first five years following planting.

Reason: This planning condition is necessary to ensure the development complies with the principles of UK Biodiversity Action Plan and Policy DC5 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).

- 32 No development shall take place until a scheme for the provision and maintenance of bat refuges has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason: This planning condition is necessary to ensure the development complies with the principles of UK Biodiversity Action Plan and Policy DC5 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).

- 33 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

No infiltration of surface water drainage into the ground is permitted other than with the

express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these, in accordance with Policy DC7 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 34 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- i). A preliminary risk assessment which has identified:
 - All previous uses;
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors; and
 - Potentially unacceptable risks arising from contamination at the site.
 - ii). A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii). The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv). A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure the protection of controlled waters from contamination associated with historic and recent site uses and in accordance with policy CP2 of the Horsham District Local Development Framework: Core Strategy (2007).

- 35 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of

pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To ensure that any remediation, if deemed necessary, is satisfactorily completed and in accordance with policies CP2 and CP3 of the Horsham District Local Development Framework: Core Strategy (2007) and policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 36 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, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that any contamination identified during the demolition and construction works is fully characterised and assessed and to minimise pollution in accordance with policy CP2 of the Horsham District Local Development Framework: Core Strategy (2007).

- 37 Prior to the commencement of demolition or preparatory works on site, and in accordance with the bat survey, an Ecological Clerk of Works will be commissioned to undertake a final check for bats.

The oak tree requiring removal to facilitate the northern access into the site from the Storrington Road shall be felled using the 'reasonable avoidance measures', as outlined on page 8 of the PJC Ecology report, dated 1st July 2015.

Following final checks and/or the 'reasonable avoidance measures', should protected bat species be present work must stop and Natural England informed. A license may be required from Natural England before works can re-commence, Natural England will advise.

Prior to the commencement of development or preparatory works on site, a scheme showing a bat sensitive lighting strategy, produced in liaison with the consultant ecologist, and detailing how the sensitive eastern and western boundaries will remain dark, shall be submitted to and approved in writing by the Local Planning Authority. All lighting on the site shall be installed and maintained in accordance with the approved strategy.

Reason: To protect bat species that are utilising the wider site and may take the opportunity to later roost in buildings to be demolished, or trees to be felled, in accordance with policy DC5 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 38 Prior to the commencement of development or any preparatory works on site, and updated survey for badgers shall be completed to confirm the continued absence of badger setts within the works area.

Reason: To protect badgers in accordance with National Planning Policy Framework paragraph 118 and with policy DC5 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 39 The removal of any buildings, trees and/or shrubs shall be undertaken only between

September and the end of February when birds have ceased nesting. If this is not possible and the building or tree/shrub is required to be removed between March and August, and Ecologist shall first check for active bird nests, no more than seven days before works commence. Any active nests found shall be protected, as advised by the Ecologist, until the birds have ceased nesting.

Reason: To protect breeding birds in accordance with National Planning Policy Framework paragraph 118 and with policy DC5 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 40 Prior to the use of the building as a retail shop hereby permitted, details of external plant to accord with British Standard 4142: 2014 Methods for rating and assessing industrial and commercial sound shall be submitted to and approved in writing by the Local Planning Authority. The external plant shall thereafter be implemented in accordance with the approved details and no further plant installed without the prior approval of the Local Planning Authority.

Reason: In the interests of amenity of adjacent residents.

- 41 Deliveries to and collections from the retail shop hereby permitted shall not take place other than between the hours of 0800-1800 Monday to Saturday and at no time on Sundays or Bank or Public Holidays.

Reason: In the interests of the amenity of adjacent residents.

- A. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

Reason: For the avoidance of doubt and in the interest of proper planning and in accordance with the National Planning Policy Framework and with policy CP3 of the Horsham District Local Development Framework: Core Strategy (2007).

Schedule of plans/documents:

[Officer Note: The schedule of plans documents to be approved is being finalised and will be provided as an update to this report at Committee.]

Note to Applicant:

Further to Condition 24 above, the applicant is expected to refer to the following table in agreeing a suitable Low Emission Strategy.

Low Emission Strategy Proposals for the Abingworth Developments

According to the Low Emission Strategies: SPD Guidance Assessment Criteria (January 2011), a development of >50 dwelling houses is categorised as a major development. The Guidance lists a number of mitigation measures covering both the construction and operational phases of the development. The following mitigation measures represent the minimum requirements for a Low Emission Strategy for this scale of development. The final LES should be submitted by the developer for approval by Horsham District Council.

Phase	Mitigation Measures	Notes
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Construction Phase	Routing of all construction vehicles/deliveries to avoid Storrington	
	On-road vehicle specification to Euro standard IV or above.	
	Comply with London Code: Reducing Emissions from Construction & Demolition Sites (GLA).	
Operational Phase	Provision of electric vehicle re-charging infrastructure provision for new developments	<ul style="list-style-type: none"> ▪ Houses with off-road parking – 1 charging point per unit. ▪ Houses with on-road parking – 1 charging point per 10 units. ▪ Community facilities/visitor parking – charging points provided in 10% of parking spaces with cabling to allow 30 – 50% in future years.
	Provision of Low Emission minibus serving Abingworth developments to improve public transport links.	<ul style="list-style-type: none"> ▪ To provide low emission public transport option for residents using Pulborough main line station. Timed to allow commuters' access to trains to/from London. ▪ To provide low emission public transport for employees accessing the Abingworth/Chesswood sites. ▪ To provide low emission public transport for school pupils attending local schools. ▪ To provide low emission public transport for residents using facilities in Storrington. ▪ Low emission minibus to be promoted via Travel Plan Coordinator to
	Developer contribution in respect of the residual road transport emissions.	Section 106 contribution would be used to support implementation of the Storrington AQMA Action Plan and for other low emission initiatives.

Note to Applicant:

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works, which includes the new junctions, footway works and traffic calming measures. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 01243 642105).

Note to Applicant:

In the event that West Sussex County Council require implementation of a traffic calming works on Storrington Road there should be liaison with the District Council Landscape Architect to ensure a sensitively designed scheme in terms of kerb alignments, surface materials, street furniture and planting.

Note to Applicant:

The following consent is separate to the requirement for planning permission and is required for both temporary and permanent works:

Under Section 23 of the Land Drainage Act 1991, if it proposed to fill, divert, obstruct or culvert a watercourse, the applicant would require the prior consent of the Environment Agency, The applicant should note that in determining an application for consent, there would be a presumption against the culverting of watercourses. Therefore it is recommended that the applicant investigates the use of clear span structures should any site access crossings be proposed.

Note to Applicant:

Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Note to Applicant:

In making this decision the Council has had regard to the following policy(ies) from the Local Development Framework Core Strategy/Local Development Framework General Development Control Policies:

H3 H4 RE3 BE5 T7 CC1 CC4 CC5 CC7 CP1 CP2 CP3 CP5 CP8 CP11 CP12
CP13 CP14 CP15 CP19 DC1 DC2 DC5 DC7 DC8 DC9 DC18 DC20 DC22 DC25
DC26 DC35 DC40

Note to Applicant:

You are advised that this permission does not constitute an approval under the Building Regulations. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

Background Papers:

None.