

## DELEGATED APPLICATIONS

### ASSESSMENT SHEET

#### APPLICATION NO./ADDRESS:

DC/15/2484  
Sussex Mushrooms, Storrington Road, Thakeham, West Sussex,

#### DESCRIPTION:

Application for Approval of Details Pursuant to a S106 Agreement- Details of Enabling Works (Schedule 2 of S106 in connection with DC/10/1314, DC/12/0841 and DC/15/1242)

#### DETAILED DESCRIPTION:

Details have been submitted to comply with the requirements of paragraphs 1.2.1 to 1.2.3 of Schedule 2 of the Section 106 agreement approved for applications DC/10/1314 and DC/12/0841 dated 23<sup>rd</sup> April 2013, also tied to DC/15/1242 by way of a deed of variation. The Schedule requires details of the enabling works.

Schedule 2 of the S106 relates to 'Timing of developments' and states the following:

'The First Owner the Second Owner and First Developer hereby covenant and agree with the District Council and the County Council:

1. Not to implement or cause or allow to be implemented the Abingworth Farm Permission unless and until:
  - 1.1 the Chesswood Farm Works have been completed to the written satisfaction of the District Council AND
  - 1.2 the First Owner and / or the First Developer and / or the Second Owner and / or the Second Developer shall have produced written evidence to the reasonable satisfaction of the District Council:
    - 1.2.1 from a properly qualified independent quantity surveyor who has certified that all stages of the Chesswood Farm Works have been in his opinion satisfactorily completed and
    - 1.2.2 that the First Developer has paid to the Second Developer the sum of £3.75 million pounds (three million seven hundred and fifty thousand pounds) in respect of the Chesswood Farm Works and
    - 1.2.3 that the freehold of the Chesswood Farm Site has been transferred to the Second Developer pursuant to the contract referred to at recital D herof and such transferee has been registered as the freehold owner at the Land Registry and
    - 1.2.4 such written as the district Council may by written request reasonably require to establish compliance with this paragraph 1 has been complied with.'

Page 8 of the S106 includes a definition of 'Chesswood Farm Works' which is as follows:

- *the refurbishment of existing growing rooms- Block A hatched green Block B hatched yellow and Block C hatched blue on Plan P3,*
- *the site wide restoration works set out in Schedule 13 headed "Capital Project Summary and Budget for enabling works dated April 2012",*
- *the refurbishment of the existing pack house building (shown hatched orange on Plan P3),*
- *the conversion of existing pre-crop rooms (shown numbered building 9 hatched brown on Plan P3) into 24 new growing rooms including an extension and;*
- *the conversion of the existing spawning building (shown numbered building 12 and hatched purple on Plan P3) into 6 new growing rooms.*

#### SITE AND SURROUNDINGS:

The application site relates to two sites (Sites A & B) which are divided by Storrington Road. Both sites were occupied by Sussex Mushrooms Limited and are used for the production of mushrooms.

Site A: Abingworth Nursery, is situated on the eastern side of Storrington Road with the Abingworth Hall Hotel to the south west and a small ribbon development of residential properties fronting Storrington Road to the west. This site has an area of 33.7 hectares and includes factory buildings for the nursery and playing fields.

Under ref: DC/10/1314 (as amended by DC/15/1242), this area has been granted permission for redevelopment for 146 dwellings, a 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, children's play area, access roads, open space and landscaped areas (including footpaths).

Site B: Chesswood Nursery, is situated on the western side of Storrington Road and is to the north of High Bar Lane and to the north west of the Abingworth site. The area of this site is 30.9 hectares and comprises industrial buildings and hardstanding areas for the nursery.

Under ref: DC/12/0841, the nursery has been granted permission for the 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.

#### RELEVANT PLANNING HISTORY:

DC/15/1242	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 pavillion, 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.	Permitted on 09/09/2015
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,	Permitted on 19/04/2013

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)

DC/12/0841

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 on 19/04/2013

### RELEVANT PLANNING POLICIES:

#### **National Planning Policy Framework:**

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy

#### **Local Development Framework (Core Strategy 2007):**

Core Strategy – Spatial Objective:

5. To provide for business and employment needs particularly for existing local businesses.

CP10: Employment provisions

CP11: Employment sites and premises

#### **Local Development Framework (GDCP 2007):**

DC25: Rural economic development and the expansion of existing rural commercial sites / intensification of uses

#### **Horsham District Planning Framework (HDPF)**

The Proposed Submission version of the Horsham District Planning Framework (HDPF) was approved by Council in April 2014 as the Council's policy for planning the future of the District for the period 2011-2031, and was submitted to the Planning Inspectorate in August 2014. The Examination of the HDPF has been undertaken by an independent Planning Inspector who has found the HDPF sound in his report published on 8th October. The HDPF is expected to be formally adopted by Council in November. Given the Inspector's conclusions the emerging plan is therefore considered to be a material consideration of significant weight in terms of the overall strategy.

It should be noted that the whilst the required number of dwellings in the HDPF has been increased from 750pa to 800pa, the most recent trajectory for the plan period (2011-2031) clearly demonstrates that the HDPF will provide a sufficient housing land supply from existing allocations and commitments to meet this requirement until at least 2021. The early review mechanism will enable the Council to ensure sufficient land supply is secured to meet the needs after this period.

Therefore, upon adoption in November, the HDPF will be able to formally demonstrate a full 5-year housing land supply, including flexibility, as acknowledged by the Inspector in paragraph 49 of his Final Report: *'the projected supply represents about 116% of the requirement (including the 5% buffer), ensuring the Council has a 5 years supply with a considerable degree of flexibility to take account of any slippage on major sites. Even without the NP sites, the five year supply requirement is just met.'*

Policies:  
HDPF1: Sustainable Development  
HDPF9: Employment Development  
HDPF10: Rural Economic Development

#### REPRESENTATIONS AND CONSULTATION RESPONSES:

##### Consultations:

There were no consultations.

##### Representations:

There were no letters of representation.

#### PUBLICITY:

##### **Advertisement**

The nature of the proposal did not require the application be the subject of press advertisement.

##### **Site Notice**

The nature of the proposal did not require a site notice to be posted.

#### MEMBER COMMENTS:

No comments received.

#### HUMAN RIGHTS:

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 the application. Consideration of human rights is an integral part of the planning assessment set out below.

#### MAIN ISSUES (delete/amend as appropriate)

The main issues are whether the details of enabling works submitted comply with the requirements of Schedule 2 of the S106 approved for applications DC/10/1314 and DC/12/0841 dated 23<sup>rd</sup> April 2013, also tied to DC/15/1242 by way of a deed of variation.

#### PLANNING ASSESSMENT:

As outlined above in the detailed description, Schedule 2 (page 45) of the S106 requires details which show that the 'Chesswood Farm Works' (outlined on page 8) have been completed to the satisfaction of the District Council.

Sections 1.2 requires the developer to submit written evidence to prove works have been completed. The written evidence is required by sections 1.2.1, 1.2.2 and 1.2.3:

- **1.2.1:** Requires evidence from a properly qualified independent survey who has certified that all stages of the Chesswood Farm Works have been satisfactorily completed. A letter has been submitted from Christopher Smith Associates (Chartered Surveyors) dated 21.10.2015 which confirms that all stages of 'The Chesswood Farm Works' and each item detailed in the 'Budget for Enabling Works' have been satisfactorily completed. These details are in accordance with requirements of 1.2.1.
- **1.2.2:** Requires evidence that the First Developer has paid to the Second Developer the sum of £3.75 million pounds in respect of the Chesswood Farm Works. Letters dated

25.08.2015 from Christopher Smith Associates and from Monaghan Mushrooms confirm receipt of £3.75 million and demonstrate compliance with 1.2.2.

- **1.2.3:** Requires evidence that the freehold of the Chesswood Farm site has been transferred to the Second Developer pursuant to the contract referred to at recital D hereof and such transferee has been registered as the freehold owner at the Land Registry. To comply with the requirements, the applicant has submitted a title extract confirming that Monaghan Mushrooms is the now freehold owner of Title Number WSX365666. Title plan WSX365666 has been submitted which corresponds to the approved location plan for the Chesswood Farm Works. The requirements of 1.2.3 have been satisfied.

It should also be noted that applicant has given the District Council 14 days written notice of the intended implementation of the Abingworth Farm Permission in accordance with part 4 of Schedule 2.

Overall, the details of enabling works submitted are in accordance with requirements of Schedule 2 of the S106.

**Recommendation: Application Permitted**

Conditions:

None

**IS RECOMMENDATION CONTRARY TO THE PARISH COUNCIL'S VIEWS?**

Not applicable.

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**Plans list for: DC/15/2484**

(this will form Condition 1 or Reason 1 on the Decision Notice)

- 1 The application has been assessed and determined on the basis of the details listed in the schedule below.

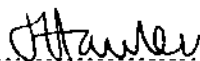
**Schedule of documents approved:**

Letter from Christopher Smith Associates dated 21/10/2015 received 02/11/2015  
Letter from Christopher Smith Associates dated 25/08/2015 received 15/09/2015  
Letter from Monaghan Mushrooms dated 25/08/2015 received 15/09/2015  
Title Plan ref: WSX365666 received 02/11/2015  
Land Registry Details: Title no: WSX365666 received 02/11/2015

Reason: For the avoidance of doubt and in the interest of proper planning.

**DELEGATED**

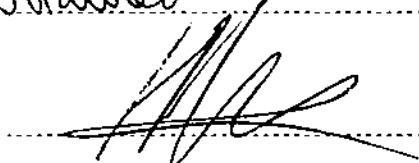
Case Officer sign/initial



Date:

19/11/15

Authorising Officer sign/initial



Date:

19/11/15