



TO: Planning Committee (North)

BY: Head of Development

DATE: 5th May 2020

DEVELOPMENT: Outline application for the erection of a continuing care retirement community of up to 141 units of accommodation (C2 Use) and community facilities including restaurant, cafe, shop, hairdressers, spa and clinical consultation / treatment suite, with access, infrastructure, open space, landscaping and associated works (all matters reserved except for access)

SITE: Land at Wellcross Farm Broadbridge Heath West Sussex

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/19/1897

APPLICANT: **Name:** Legal & General Senior living Ltd **Address:** (C/O agent, Mr James Cording Turley 6th Floor North, 2 Charlotte Place Southampton

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

Application requested by Councillor Tricia Youtan and Councillor Matthew Allen

RECOMMENDATION: To approve outline planning permission, subject to no objection from Natural England and subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 This outline application (with all matters to be reserved) is seeking permission for the erection of a continuing care retirement community of up to 141 units of accommodation (C2 Use) and community facilities including restaurant, cafe, shop, hairdressers, spa and clinical consultation / treatment suite, with access, infrastructure, open space, landscaping and associated works (all matters reserved except for access)

1.3 The development proposes to provide specialised housing for older people (to meet a range of care needs depending on individual's circumstance) in an alternative form to the

more traditional 'sheltered housing' and 'residential care home' format. This type of development would provide basic and extra care directly in residents' homes, typically up to a prescribed number of hours per week to enable residents to live reasonably independently for longer.

- 1.4 The submitted application is in outline form with all matters relating to scale, layout, design and landscaping reserved for later consideration, although the applicants have submitted extensive information concerning the likely layout and character of the development through a Masterplan approach. The proposed buildings range in height from 2 to 2.5 storeys. The Main Building would accommodate the 'close care' apartments and central facilities at the centre of the site, with a dual frontage. The 'assisted living' units provided in twelve outer building blocks arranged around focal 'courtyards' to the south and west. It is clear from these submissions that all of the units of both accommodation types would have its own kitchen, living room, bathroom and bedroom. Each would also have its own "front door" onto communal grounds, and a shared vehicular parking area. Although areas immediately outside individual units would be available to use as semi-private spaces, there would be no formal separation of gardens or boundary fencing.
- 1.5 The Main Building would also contain a restaurant, cafe, shop, hairdressers, spa and clinical consultation / treatment suite. Also proposed is extensive external landscaping and the provision of a network of paths around the wider site. The landscaped areas include around the courtyards, and retaining and enhancing some of the existing boundary treatments/planting (including the retention of the protected trees at the site entrance) and the opening up of an existing watercourse within the site.
- 1.6 The development is to be accessed via a newly formed entrance along Five Oaks Road. The existing access adjacent to Wellcross Farm Cottage will not be used but is retained. There is a vehicular route through the whole site. Pedestrians and cyclists will be able to walk/cycle in and around the whole site. Proposals also include linkages into the existing Public Right of Way network.
- 1.7 The scheme provides for car parking spaces to be used by residents, staff and visitors. The applicant has proposed that as part of the management of the site residents and staff will have access to 'communal transport' (in the form of a people carrier) which residents and staff can 'book' to take to the town centre/train station to and from appointments etc. Refuse will be stored in designated bin stores distributed throughout the site. Its collection will be part of the overall management and maintenance plan for the development.
- 1.8 The proposed development before Committee has been amended in various ways during the planning application process through negotiations between your officers and the developer following advice from various specialists on identified issues. This includes from the Environment Agency, the Lead Local Flood Authority, the Local Highway Authority, West Sussex Extra Care Lead Officer, and the Council's own drainage and landscape architect and consultant ecologist.
- 1.9 These negotiations have secured amendments to the development proposal that have sought to resolve site-specific environmental issues. This includes revision of the Sustainable Drainage strategy so that key drainage infrastructure is located outside of flood risk zones, and adjustments to the scale and layout of the development with the creation of an enhanced riparian river corridor landscape, as well as new wetland scrapes and woodland for ecological betterment. It includes securing commitment from the developer to measures that improve non-motorcar site accessibility that goes beyond those highway upgrades required by the Local Highway Authority, and securing an 15% affordable housing provision that is on-site and bespoke to addressing local need whilst HDPF policy compliant.

DESCRIPTION OF THE SITE

- 1.10 The application site is an irregular parcel of land located in the countryside, southwest of the Built-up Area Boundary (BUAB) of Broadbridge Heath by the River Arun and its associated flood plain (Flood Zones 2 and 3 along the east and north sections of the site). Newbridge Nurseries sits to the north of the site beyond the River Arun. Located by the river it is on relatively low-lying land. It consists of open scrub, trees and vegetation. Tree Preservation Order (TPO/1215) covers a number of trees adjacent to the southwest boundary. Right of Way, Footpath (PROW1628) crosses the southwest corner of site. The nearest designated site of nature international importance is The Mens Special Area of Conservation (SAC) located over 10km from the boundary. The Site is within the Bat Sustenance Zone for The Mens SAC. The site lies within the Brick Clay (Weald Clay) and Building Stone minerals safeguarding areas. The Grade II Listed Lyons Farmhouse is set 100m west of the site to the opposite side of the Five Oaks Road.
- 1.11 To the south of the site is Wellcross Grange Care Home, a 41 bed nursing care unit, and the BIRT Rehabilitation Centre. Beyond this are uses which include a private airfield (Slinfold Aerodrome), equestrian and agricultural uses. Residential and commercial uses are located on the junction of Five Oaks Road/Lyons Road.
- 1.12 The village centre of Broadbridge Heath, with its various social and community facilities (including the Bridge Leisure centre with its indoor bowls centre) is to the east/northeast.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 18 - Retirement Housing and Specialist Care

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 27 - Settlement Coalescence

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 39 - Strategic Policy: Infrastructure Provision

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 – Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD, 2017

West Sussex Joint Minerals Local Plan (July 2018)
West Sussex Waste Local Plan (April 2014)

2.3 RELEVANT NEIGHBOURHOOD PLAN

The Itchingfield & Barns Green Neighbourhood Development Plan Regulation 14 Pre-submission consultation period was completed in Dec 2019

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

I/31/02 Renewal of unimplemented permission I/26/95 for a 41 bedroom nursing care unit
Withdrawn 21/10/2004

I/21/96 Change of use of paddock to garden, extension of garden fence and erection of greenhouse and shed. Permitted

I/26/95 Erection of 41 bedroom nursing care unit. Wellcross Grange. Permitted 13/08/1997
BB/17/94 Certificate of lawful use for storage of equipment materials and parts relating to agriculture and agricultural contracting Refused 16/11/1994

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

HDC Landscape Architect: (2nd consultation) No Objection

Revised plan provides a much improved solution that has softened the development edge, introduced a new wetland habitat that has improved biodiversity opportunities and is much more sympathetic to the existing landscape. Southeast edge has been broken up and opened out which has improved river transition. This has addressed the issues with previous plan. Proposed changes to layout, SuDs, introduction of more open space and additional planting overcome any issues with regards effect on landscape character, especially on the eastern edge.

HDC Environmental Health: Comment

Recommend operation and construction phase conditions (including extract ventilation, restrictions on delivery hours and construction hours, no plant without prior approval, kitchen grease traps, light nuisance, no burning). Waste and refuse should be well away from neighbouring premises.

HDC Drainage Engineer: Comment

Following revised documents, no overall objection to drainage strategy therefore if permitted recommend imposing conditions; Drainage Strategy (Foul and Surface Water), Sustainable Surface Water Drainage & SUDS Verification Report.

HDC Tree Officer: No Objection

HDC Waste Management: Comment

Applicant should set out whether collections by council or independent waste collector.

OUTSIDE AGENCIES

Archaeologist Consultant: Recommend Approval, subject to condition (Written Scheme of Investigation).

Ecologist Consultant: Recommend Approval, subject to attached conditions (ecological appraisal; EPS licence for Hazel Dormouse; Biodiversity CEMP; Reptile Mitigation Strategy; Biodiversity Mitigation and Enhancement Layout; Sensitive lighting design; Landscape and Ecological Management Plan)

Southern Water: Comment

Construction over/within standoff distance of public main sewer not permitted. Southern Water requests formal application for public sewer connection.

Environment Agency: No Objection

Further submitted information addresses matters.

WSCC Flood Risk Management: No Objection

Following submission of additional information provided by BWB Consulting on 16th Jan we are now satisfied attenuation storage is outside of flood plain. Current water mapping shows site is at low risk from ground and surface water flooding. No ordinary watercourses are in close proximity to site. No historic flooding records on site.

Horsham & Mid Sussex Clinical Commissioning Group: No Objection

Whilst not objecting to the proposed development, it is relevant to indicate here that should planning consent be given then it will have some impact on local GPs who are the gatekeepers to the wider NHS.

WSCC Extra Care Lead: No Objection

We are working to enhance the availability of Extra Care Housing in Sussex, and Horsham District has an ongoing need. For the provision of affordable housing, we would not wish to encourage Commuted sums, in lieu of on- site provision. To be clear we would expect a new development to deliver its responsibilities in terms of on-site affordable housing. It is suggested how the pepper potting across all three phases works is written into the 106 agreement. All those with a "normal" Local connection to Horsham District should be eligible, as their need to live there should be according to their need/want to live in such a community.

WSCC Highways: No Objection, subject to conditions (improvement of PRowS 1628 and 1630; bus stop improvements; access provided prior to first occupation; emergency access; car and cycle parking; Construction Management Plan; Travel Plan)

Further information to address the reasons for the initial objection has been provided in the form of junction modelling of the site access; provision of all the appendices included within the Stage 1 RSA; and designers response. The Stage 1 RSA has provided 7 issues of which 5 are accepted and to be incorporated at detailed design stage, Junction Modelling has been provided to address a further issue. The issue of a junction radii and vehicle over run of the site access is noted however has not been accepted. It is agreed that further information of lighting and available forward visibility along the internal site access road will be provided at detailed design/reserve matters to reduce the potential for conflict.

Pedestrian access will be provided by the site access (with crossing provision to the Lyons Farm bus stops) and via an upgrade to the existing PRowS 1628 and 1630. Conditions

requested to restrict the emergency access to emergency vehicles and to secure these other provisions.

WSSC Rights of Way: No objection

WSSC Minerals and Waste: No objection

Sussex Police: Comments

Pleased parking courts overlooked. Boundary between public and private areas clearly indicated. Maybe potential conflicts with pedestrians and vehicles using uncontrolled crossing safety and emergency access point unless clear visibility.

PUBLIC CONSULTATIONS

Objections received from 22 separate addresses (34 letters in total including supplementary commentary on the revised plans) on the following grounds:

Principle and Settlement Boundary

- Neighbourhood Plans and Parishes do not require this development, which is contrary to HDPF Policy 26.
- Site identified in Local Plan as not currently developable.
- Area already overdeveloped. Continued expansion of Broadbridge Heath means loss of settlement separation.
- Site not easily accessible by foot or public transport with poor access to local shops, services, community facilities. New residents will have cars.
- Already sufficient supply of this housing type - Faygate, Highwood Mill, and Chantry Court.

Affordability and Care Provision

- Ordinary local people could not afford these houses and people from outside will move in.
- Already failing care village at Rapkyns and local care facilities have poor reputations. In Broadbridge Heath new care home at Soloman's Seal is under occupied.
- Elderly live alone in their own homes, happy and healthy. This is a ghetto without integration in the wider community.
- Extra pressure on already strained and oversubscribed healthcare services. Doctors surgery at Wickhurst Green could not be funded and Kilnwood Vale residents not getting a doctors surgery. Nearest A&E is Redhill.

Flood Risk and Drainage

- Site entrance is in flood zone. North and east of the site floods regularly as it is part of a floodplain from A264 along towards Slinfold and back towards Wickhurst Green.
- A264 has flooded around Newbridge making access to the site impossible. Floodplain was underwater in Dec 2019. Fields behind Churchill Way were flooded and access to properties in Old Wickhurst Lane blocked.
- With global warming and more predicted rainfall the situation will worsen. No need for development in flood zones; flood plains should be left to function.
- SuDs deal only with surface water, which will be exacerbated by run off from the development and concentrated at outflow east of the site. During sustained rainfall events it will cause problems immediately to east and also downstream around

Middle Barn and Theale, but also upstream potentially impacting A264 and other low lying properties.

Highways

- Proposed site access onto busy A264 is near a blind bend already accident-prone. A danger to highway safety.
- Even with repaired pavements, walk to bus stop with only uncontrolled pedestrian crossing would be unpleasant and frightening for the elderly, particularly as the road is unlit.
- Since the closure of the Broadbridge Heath bypass (A281) now almost impossible to cross A264 at Newbridge as traffic from roundabout is constant and fast (traffic survey identifies a speeding problem).
- Additional vehicular traffic caused by residents with cars or using minibuses, visitors, deliveries etc will add to existing congestion along Lyons Road and A264 from Wickhurst Green, with no provision for filter lanes or control of right turn exit proposed.
- Ability for emergency services to reach site will be significantly impaired and could put lives at risk.
- Parking is already limited and the area around Wellcross Grange is private land.

Landscape Impact

- A dense area of housing, including a three-storey main building is overdevelopment with loss of visual amenity and resultant light pollution.
- Experience of using country footpaths (including FP1628) diminished.
- Felled trees will take years to mature.
- A beautiful natural area where many of the village community picnic, walk dogs and enjoy nature destroyed.

Aerodrome and Neighbour Amenity

- Slinford aerodrome is an established registered privately owned airfield. Noise report from its operator demonstrates aircraft noise on future occupiers of development would be intrusive (, as aircraft would pass over the development at low altitudes. Also safety issue.
- Proximity of development and its five-year phased construction and operational phase would result in loss of privacy and generate noise and disturbance onto existing neighbours.

Other matters

- Harmful to ecology as the development would cause further disruption to wildlife, including bats, and destruction of natural habitats
- Hard sell canvassing by applicant and poor publicity of application. This proposal is motivated by greed and to make a profit
- Negotiated adjustments have not overcome objections.
- Generation of council tax is not worth the harm.
- Shortage of care home staff in the area means suitable staff will be difficult to find.

Itchingfield Parish Council Objects for the following reasons:-

Overdevelopment in an area with marginal infrastructure which will be overwhelmed by additional pressures from the development. It is not in the Itchingfield Neighbourhood Plan which has reached Section 14. Site already been turned down for inclusion in the plan and considered undevelopable by HDC. Will provide negligible economic benefits and contrary

to HDPF Policy 27. Developers cannot guarantee medical facilities as they are subject to constraints outside control nor the other on-site facilities, which will be subject to commercial constraints. Also issues regarding impact on Slinfold Airfield, which is local community asset.

Slinfold Parish Council Objects, for the following reasons:-

Insufficient local NHS and associated medical support infrastructure. Development of this size for this age demographic cannot be supported by existing NHS services. Horsham District recently ranked as having second worst provision for General Practitioners' in England. RTA casualties frequently taken to Worthing and Southampton A&E as East Surrey gridlocked. Ambulance wait times some of the longest in UK. Of the local GP surgeries which would service this development, Southwater is not currently accepting new patients; Billingshurst has resorted to overflow containers and another local GP surgery failed CQC inspection. Local HASTE at Guildford cannot adhere to patient referral guidelines. Finding a NHS Dentist is virtually impossible. Would put unbearable strain on facilities already stretched to breaking point. Note comments by Horsham & Mid Sussex Clinical Commissioning Group

Insufficient local road and strategic road infrastructure. Due to demographics of age and site position the first choice of travel outside the site will be by car. Site poorly served by bus services. Only exit will require all traffic to exit onto already dangerous congested Five Oaks Road, which has one of the highest RTAs recorded in this part of West Sussex. In order to reach the nearest strategic road infrastructure; local shops; railway station; vehicles will have to turn right and add to the congestion caused by recent road improvements in Broadbridge Heath. Surrounding roads both local and strategic are already gridlocked at busy times with all the extra pollution which stationary traffic brings.

Ecological concerns. Ever increasing urbanisation to West of Horsham must be curtailed. Would set a very undesirable precedent for local ecology. Site borders River Arun arguably the single most important habitat for bats; birds; reptiles; and invertebrates in this area of the district. Flood plans also form vital linkages between fragmented habitat. Will add to already serious light pollution.

Climate Change. Site ideal position for solar thermal, PV and ground heat pump installations. Insufficient thought given to energy sustainability of the development.

Broadbridge Health Parish Council Objects, for the following reasons:-

Insufficient local NHS and associated health support infrastructure. Development unlikely to be supported by existing health service provision. Horsham and District was recently ranked as second worst provision for General Practitioners' in England. Road traffic accident casualties frequently taken out of area because A&E East Surrey hospital is gridlocked. Ambulance wait times there are some of the longest in the UK. Of the local GP surgeries likely to service this development, Southwater is not currently accepting new patients and Billingshurst has limitations on new admissions. NHS Dentist in this area is virtually impossible. This development would put considerable strain on already stretched facilities. Note the submitted Horsham & Mid Sussex Clinical Commissioning Group comments.

Insufficient local and strategic road infrastructure. Travel choice outside the site likely be by car. Site is poorly served by bus services. Only planned exit will require all traffic to exit onto already dangerously congested Five Oaks Road, one of the highest road accident rates recorded in this part of West Sussex. In order to reach the nearest strategic road infrastructure; local shops; railway station; vehicles will have to turn right and add to congestion during busy morning and evening travel periods, with surrounding roads both local and strategic often gridlocked at busy times, with extra pollution.

Ecological Concerns. Ever encroaching urbanisation west of Horsham cannot continue. This development would blur the distinction between the village and parish of Broadbridge Heath and those parishes of Itchingfield and Slinfold, with the development much closer to the village of Broadbridge Heath, despite being outside of its parish boundary. Would set a very undesirable precedent for local ecology. Site borders River Arun, a very important habitat for bats; birds; reptiles and invertebrates.

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 The main matters to consider for this application are:

- the principle of the development related to the need for housing and extra care provision for elderly persons in the District;
- whether the development falls within Use Class C2 or C3 and affordable housing provision and consequential legal agreement safeguards;
- the effect of the development on the character and appearance of the surrounding area;
- Accessibility and highway safety
- Environmental issues including flood risk and drainage.
- Impact on Slinfold Aerodrome

Principle

- 6.2 The application site is located outside of any Built-up Area Boundary and not allocated for residential development. Policy 26 (Countryside Protection) of the Horsham District Planning Framework (HDPF) requires sustainable development in the countryside to be of a scale appropriate to its character and location which does not lead to a significant increase in activity, with key landscape features and characteristics protected.
- 6.3 Policy 15 (Housing Provision) of the HDPF establishes the District's housing need within the development plan period (2011-2031). This has been identified as 16,000 homes.
- 6.4 HDPF Policy 18 (Retirement Housing and Specialist Care) relates specifically to the need for housing and extra care provision for elderly persons. This policy outlines that the granting of planning permission will provide for such accommodation including 'Continuing Care Retirement Communities' and retirement villages to meet the needs of the aging population, provided the development is located with good accessibility to local services to suit the needs of the elderly. This policy does not restrict such sites to being within Built-up Area Boundaries. The supporting text of the policy goes on to state that consideration must be given to any site-specific constraints and the detail of the scheme. As such the HDPF Policy framework provides that the principle of development on the site can be considered acceptable subject to the detailed considerations as set out below.

Need

- 6.5 National Planning Policy instructs Local Planning Authorities to ensure a sufficient amount and variety of land comes forward where needed, and that the needs of groups with specific housing requirements are addressed. The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, older people). “Older people” are defined in the NPPF glossary as “People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.”
- 6.6 The number of Horsham District elderly residents is forecast to rise. Evidence of identifiable need for specialist older people housing in Horsham District for the elderly has, mostly recently, been established by the evidence gathered in the ICENI Northern West Sussex Strategic Housing Market Assessment (Nov 2019). This is an up-to-date rigorous assessment of future demand, and clearly demonstrates unmet need for elderly accommodation within Horsham District, and a need for places in the market catchment area for Horsham, as does the applicant’s own detailed evidence produced in support of the submitted planning application.
- 6.7 The ICENI report analysis concludes there will be a notable increase in the older person population, with the total number of people aged 65 and over projected to increase by 61% to 2039. This compares with overall population growth of 24%. Findings confirm that aged related illnesses/disabilities (dementia and mobility problems) are expected to increase significantly in the future as the population grows. The proportion of older people expected to change is tabled below:-

Table 57: Projected Change in Population of Older Persons (2019 to 2039) – Horsham

	2019	2039	Change in population	% change
Under 65	109,628	124,366	14,739	13.4%
65-74	17,125	23,432	6,306	36.8%
75-84	10,851	18,886	8,035	74.0%
85+	4,739	10,358	5,619	118.6%
Total	142,343	177,042	34,699	24.4%
Total 65+	32,716	52,676	19,960	61.0%

Source: Demographic Projections

- 6.8 Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options moving forward. The prevalence rates used in analysis are based on the Housing LIN Strategic Housing for Older People Analysis Tool (SHOP@). This sets out a series of baseline rates that form a starting point for assessing appropriate prevalence rates to apply. This analysis suggests a need for 140 units of accommodation per 1,000 population aged 75 and over in Horsham.
- 6.9 The table below shows estimated needs for different types of housing for Horsham linked to the Standard Method projections. The analysis shows a potentially high need for leasehold (market) accommodation in Horsham as well as a need for rented accommodation. Overall, the analysis in Horsham suggests a need for 2,087 additional units by 2039 (equivalent to 104 per annum)

Table 63: Older Persons' Dwelling Requirements 2019 to 2039 - Horsham

		Housing demand per 1,000 75+	Current supply	2019 demand	Current shortfall/ (surplus)	Additional demand to 2039	Shortfall/ (surplus) by 2039
Housing with support ³⁷	Rented	36	912	556	-356 ³⁸	487	131
	Leasehold	67	968	1,050	82	919	1,001
Housing with care	Rented	16	97	244	147	213	360
	Leasehold	21	32	334	302	293	595
Total		140	2,009	2,183	174	1,912	2,087

Source: Derived from demographic projections and Housing LIN/HOPSR/EAC

- 6.10 WSCC adult care department have confirmed that the district population is increasing in age and that extra-care housing is required. The ICENI analysis demonstrates that high levels of care accommodation are needed.
- 6.11 Given this, there is a clear need for accommodation of this kind, and that such a need is becoming more acute which helps demonstrate an exceptional need and a public interest associated with providing this type of specialised housing for the elderly.
- 6.12 In addition to its purpose to enhance landscape, the Local Planning Authority also has a duty to seek to foster the social and economic well-being of the community. This development would help to meet the need for specialist accommodation within the district, and allow older people a greater degree of independence and flexibility in the way they live and chose to receive the care they need. It is also recognised that the development may have the potential for a contribution to the local economy by providing employment opportunities.

Location and sustainability

- 6.13 The overall strategy of the HDPF is to direct development to the most sustainable locations and, to that end, identifies a hierarchy of settlements to control and regulate development. Policy 3 (Development Hierarchy) of the Horsham District Planning Framework (HDPF) establishes the District's settlement hierarchy, to which the settlement of Broadbridge Heath has been characterised as a small town/larger village – this is defined as a settlement with a good range of services and facilities, strong community networks and also benefits from a reasonable public transport network.
- 6.14 The applicant has suggested that it would not be viable to build this type of accommodation below the quantum of proposed dwellings. A reduced scale would require increased management charges for residents, which may make the costs of the units prohibitively expensive. A rural site is sought as the land area required for this quantum is not readily available within the settlement boundary of Broadbridge Heath nor Horsham town. This inevitably generates a conflict with HDPF rural protection policy 26 that seeks to restrict housing development in the countryside. It is a residential development, albeit of a particular and specialist kind.
- 6.15 HDPF Policy 18 sets out a number of provisions for accommodation for the elderly outside the settlements. Whilst generally it seeks to direct it to within settlements, there are provisions whereby a need can be met outside such policy boundaries; Policy 18 seeks to apply locational criteria such as proximity to public transport or shops to decisions on residential and nursing accommodation for the elderly.
- 6.16 Whilst the relatively rural location of the application site would normally be considered unsuitable for general market housing, this has reduced significance for a continuing care retirement community (CCRC) as day to day services would be provided on site and the residents, being people over sixty, would have less need to be close to

schools and employment sites. The proposed CCRC would provide facilities for residents and in addition it would include outreach domiciliary care to the wider community, further reducing the amount of travel. It is noted a care element of the proposal is intended to provide for the frail who would not be expected to leave a home unaccompanied, but would normally be transported by car or minibus to shops or other services. However, accessibility by means of travel other than private car is relevant when considering the impact of trips by staff and visitors on sustainable development policy.

- 6.17 This part of the countryside contains scattered development and traffic noise from the A264. It is noted however that there is a concentration of existing special needs and supported housing provision immediately adjacent to the site at Kerwin Court and Wellcross Grange therefore the proposed development would not appear out of context in this location.
- 6.18 Nevertheless, the site is part of a swathe of countryside on the edge of a settlement that is essentially rural in character. To that extent the central section of the site would be replaced with buildings, and there would be some harm and conflict with the HDPF. Any harm would however be limited because the development itself would be relatively unobtrusive in terms of its impact upon the wider countryside. Viewpoints of the new development would be for the most part visually contained with boundary vegetation which would provide a robust edge to the new development. In particular, a strong defensible boundary on the eastern side of the site would remain and the adjoining fields would continue to contribute to the rural environs within which the extended community would stand.
- 6.19 Whilst reliance on the nearby public rights of way (PRoW) may be an attractive walk for future occupiers, it involves a rather circuitous route of about 1.5 km along public footpaths to obtain access to the services and facilities at Broadbridge Heath. It is unlikely that it would appeal to the majority of new residents or that significant visitor pressure would ensue. Equally unappealing would be reliance on the Five Oaks Road. The applicants have held discussions with Southern Water and a Statement of Intent has been supplied setting out how they plan to work together to deliver and manage alternative access across the site via a bridge over the River Arun to avoid future residents having to use the Five Oaks Road. Whilst this is a non-binding document and no formal agreement with Southern Water has yet been reached, it illustrates willingness to progress this element of the development on the basis of the scheme envisaged.
- 6.20 It is likely that many people seeking to move into this type of accommodation in later life will choose a location where they have previously lived or where family connections exist rather than moving somewhere completely new. In your Officer's opinion, the significant and growing need within the District makes it likely that residents of the district would occupy most of the units. The agreement from the application for a formal occupancy control is welcomed, as it is a means of seeking to match the delivery of the development with the current identified local need for the accommodation within the District.
- 6.21 Objectors have raised concerns that the development would have an adverse impact on health facilities in the area due to the larger number of older residents who would move onto the site. The local CCG has not objected to the application, although the issue of GP capacity has been raised. The Health Authority's preferred response is through provision of extra-care housing and specialist residential care homes. However, 24 hour private nursing care is to be provided to residents of the development, together with a new clinical consultation/treatment suite that would be made available to both development occupants and the wider community.
- 6.22 The treatment rooms are designed to NHS space standards. They are made available for use by the public sector (i.e. NHS, CCG, GPs) which could be for a satellite surgery through to something like virtual GP, vaccination sessions, health checks, etc. If there is

no interest by the public sector then there would be a reversion to private use, e.g. private healthcare, physiotherapy, etc. subject to interest from an operator. This is the likely outcome as IV have had little positive response from health authorities so far. The legal agreement secures this. This provision should ensure elements of residents' everyday health and care requirements are met on site. The potential for existing local residents of the local area to utilise the new treatment facility is a welcome component of the scheme.

- 6.23 The package of community benefits to which members of the existing community would have formal access to are positive factors which will, to some extent, improve the level of integration with the existing village and to create more of a balanced community. The provision of facilities physically within the site including a restaurant, gym and treatment room but with access available for use to the staff and friends and families of the residents will encourage existing and proposed residents to mix within the site and start of socially integrate the new development into the community.
- 6.24 Therefore it is considered that this proposal would make a positive contribution to the identified need for this type of accommodation, subject to consideration of any detrimental effect on environment, landscape and highway considerations and the extent to which it could be moderated. This conclusion is based on the assessment that the proposed development falls within Use Class C2 as opposed to Class C3. This is addressed below.

Use Class and Affordable Housing

- 6.25 The above assessment is predicated upon the use of the proposed dwellings falling within Use Class C2 and not Use Class C3. The use classes are defined below:
- C2 – Residential Institutions - Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)), and
 - C3 – Dwellinghouses - (b) Up to six people living together as a single household and receiving care.
- 6.26 Historically Use Class C2 has been applied to more traditional forms of care accommodation such as 'nursing homes' and 'care homes' provided by Local Authorities and some private companies. Developments falling within Use Class C3 are generally defined as any 'self-contained dwelling'.
- 6.27 Over the years, the provision of 'care' has been opened up to the wider market and planning authorities living in those dwellings).
- 6.28 It is also acknowledged that developments falling into the Use Class C2 do not attract the requirement for affordable housing (and are £0 rated development for the purposes of the Authority's Community Infrastructure Levy charging schedule) in accordance with the Councils current Local Plan and CIL Charging Schedule.
- 6.29 It is a matter of fact and degree in each case as to whether a proposed development falls within the definition of C3 dwellinghouse or C2 residential institution. Developments falling within Use Class C2 can include differing forms of 'self-contained dwellings' where care is provided to the individual living in that dwelling. In addition, central government advice regarding care provision (as part of the government policy to ensure people can stay in their homes for longer) states that the receipt of care in your own home does not in its own right make it a 'residential institution' (Use Class C2). Each proposal has to be judged on its own merits to assess the level of care being provided to the individuals and the constitute parts that make up the wider care provision.
- 6.30 Clearly the Local Planning Authority needs to be satisfied that the matters to be secured in the legal agreement are sufficient to genuinely demonstrate the development falls within the C2 definition, rather than being an attempt by a developer to circumvent strategic

housing policies and/or avoid making an affordable housing contribution at the level set out in Policy 16 of the Local Plan (35%).

- 6.31 The proposed development is termed “Assisted Living Extra Care” development. In this particular case, all the individual units of accommodation would contain normal facilities for cooking, eating and sleeping, as would be associated with the use as a dwellinghouse. Along with the proposed houses/apartments would be communal facilities such as a resident’s lounge, restaurant, function room, wellbeing suite, guest suite, mobility scooters, house manager’s office and staff accommodation. This wide range of facilities extends to providing most of the facilities required by the occupants. There is an intention for some of the facilities provided to be open to residents in the local area to use. Whilst the age range would not span several generations, the scheme age would be restricted to 65 and over, with a younger partner of 60 where relevant. However, the appellant has found the average age of first occupancy in similar facilities elsewhere in the country to be the early 80’s. Domiciliary assistance is provided along with further care and assistance if required. The applicant is providing 24 hr care on site, with a treatment room also to be provided.
- 6.32 To ensure that a proposal is genuinely a C2 use, the applicants have demonstrated that the residential units will only be occupied by people who have been assessed as in need of care and must demonstrate that the care provided is “personal” care, not more general care such as cleaning. The applicant has offered to enter into a legal agreement to restrict the use of the development to a C2 use (residential institutions). The S106 agreement would ensure that at least one of the leaseholders would at the point of occupation, have to be at least 65 years of age, be able to demonstrate that they are in need of the minimum care package of 1.5 hours of personal care per week. The definition of personal care would be included in the agreement. Other services such as cleaning or assistance with shopping would also be available to residents if required though these would fall outside the definition of ‘personal care’ as defined above.
- 6.33 Having given the issue of Use Class detailed consideration, Officers accept that this development should be assessed as a C2 (residential institution) through the proposed heads of terms in the S106 rather than a C3 (housing) proposal. On balance, the proposed age restriction and the assessment of need for care along with the package of care proposed in the S106 agreement, when compared to recent appeal decisions, is sufficient to establish the use class as C2. With that distinction having been drawn your Officers are of the opinion that the proposed development cannot be considered as providing dwellings and thus HDPF Policy 16 (which seeks 35% affordable housing contributions to be secured on all proposals for residential developments above a certain scale) cannot apply. However, Policy 18 requires that a bespoke ‘affordable’ provision is included.
- 6.34 The Council therefore maintains that it is justified in seeking affordable housing. In such cases it requires the provision of an appropriate level of affordable units or a commuted sum in lieu. In discussions on this proposal, the Council has been clear that affordable housing should ideally be provided on site and as part of the development.
- 6.35 Your Officers do also accept that the CCRC model would be very different in nature and operation when compared to a normal market housing scheme. The Inspired Villages care model relies on open market sales and rents of the assisted living units to fund investment in community facilities, allowing the CCRC model to provide the correct level of support and care services to elderly residents. An increase in the level of affordable housing within the scheme would impact on the ability of Inspired Villages to provide the essential care facilities, ultimately impacting on the quality of life and range of services provided on site.
- 6.36 At the time of writing, the developer has proposed an on-site offer of 21 affordable housing units. This is equivalent to 15% of the total number of units. The 21 units will be distributed across the phased development, with 7 units provided in each of the three phases. All the units would be subject to a cascade mechanism whereby they will be first offered for

affordable rent, a rent that does not exceed 80% of the open market rent. Should there be no interest in the affordable rental then after 12 months of the build out, the unit may be offered for sale at a discounted sale price, a price that does not exceed 80% of the open market sales value. Covenants will ensure the units remain available at discounted sale price in perpetuity. The mechanism for this will be a clause in the legal agreement, similar to that used at the North Horsham development.

- 6.37 Those who purchase an affordable housing unit at discounted sale price will need to be in housing need, and aged 65 years or more, and have demonstrated a requirement for a Minimum Care Package through a Qualifying Person Assessment. All the affordable housing units will be prioritised for those with a local connection. This will be at District level for the discounted sale price units and at Parish level for the affordable rent units. The precise details are set out in the next section of this report.
- 6.38 Both affordable and open market units are to be subject to the same standard of service charge (£5,000 per year, equivalent to approx. £500 a month), allowing all residents the same level of access to all the facilities on site. Your officers recognise that having the service charge applied across tenures does raise a question over the ability of those in most housing need to uptake the affordable offer. However, as the applicant explains the need for a uniform service charge is required to avoid a two-tier system where some residents would only have limited access to the facilities on site. Through the legal agreement, the developer in agreement with the Council's Head of Housing and in liaison with the West Sussex County Council Extra Care lead officer will make best endeavours to identify those in housing need who would benefit this facility.
- 6.39 Your officers accept a pragmatic approach is necessary. The provision reflects the local community's wish to see some level of affordability for the elderly to be factored into the development scheme. Whilst no specific evidence from Registered Providers has been provided, your officers have approached Saxon Weald, and given Inspired Villages experience as a national operator exposed to RSLs across the country, it is not unreasonable to surmise that they and other Registered Social Landlords would be unlikely to be willing or able to take on the ongoing service charge on behalf of those occupying the social housing. In the absence of a RSL the affordable housing will be managed by Inspired Living Ltd. It is noted that Policy 18 does not provide further information on the percentage and type of affordable housing such development should provide. Likewise the Planning Obligations and Affordable Housing SPD provides no further relevant detail. In the absence of such information officers are of the view that the affordable housing offer is acceptable to meet the requirements of Policy 18.

Section 106 Agreement

- 6.40 Detailed negotiations between the applicants and Officers have taken place to agree the details of a S106 that would need to accompany any planning permission for this development. Securing the S106 agreement would ensure that residential occupants are in need of care and that such care is intrinsic to the development, and that the accompanying package of community-related benefits are delivered to enable the development to better integrate within the existing community.
- 6.41 The legal agreement would require all purchasers to be either a qualifying person or the spouse, civil partner, cohabitee or dependent living with a qualifying person. A qualifying person is aged 65 year or more and has to have demonstrated a requirement for a Minimum Care Package through a Qualifying Person Assessment and have contracted to receive that Minimum Care Package as well as having an Assistance Plan produced and maintained for them.
- 6.42 The Minimum Care Package is detailed out in the draft legal agreement and requires, amongst other matters, all occupiers to have completed an assessment of their care needs

prior to occupation. Secured also would be the proposed level and nature of care, as well as setting a requirement for a care needs assessment prior to occupation, and all qualifying occupiers would be required to have a care package. Care provision in the package includes:

- A minimum hours per week of personal care activities, including visits by registered nurses to provide nursing care and administer drugs and general medical support
- Wellbeing checks, such as blood pressure, Organised rehabilitation, either physical or mental, following a hospital visit or health event
- Assistance with functions such as feeding and bathing
- Access to services includes 24 hr emergency response
- Daily group exercise class
- Three cooked meals a day from a fully equipped and staffed restaurant, which can be taken in the dining room or in the resident's own home (individual meals are charged separately)

6.43 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged as a Community Infrastructure Levy (CIL) if the obligation does not meet all of the following tests:

1. Necessary to make the development acceptable in planning terms;
2. Directly related to the development; and
3. Fairly and reasonably related in scale and kind to the development.

6.44 The S106 as currently drafted would provide a list of contributions/obligations that have been tested against the CIL regulations and your Officers are satisfied that the 3 tests are met. This legal undertaking would properly control the use as a CCRC planning unit.

6.45 A planning obligation will be that an Affordable Housing Scheme is approved by HDC Head of Housing in liaison with the West Sussex Extra Care Lead Officer before commencement of development. This will establish:

- location of affordable units and timing for their delivery;
- type, number of bedrooms and number of intended occupants of each affordable unit;
- Floor plans showing internal floor space of each affordable unit and any special adaptations;
- terms on which preference will be given to those with local connection whilst any affordable unit is available for affordable rent;
- terms of the cascade mechanism as detailed below.

6.46 All 21 affordable units would be the subject of a cascade mechanism. In the first instance, they would be offered for affordable rent (not exceeding 80% of the open market rent). The open market rent value will be agreed at the cost of the applicant, between the Owners and the District Council in liaison with West Sussex Extra Care Lead, assessed in general accordance with the Appraisal & Valuation Manual of the Royal Institute of Chartered Surveyors.

6.47 Those who rent an affordable rent unit will need to be:-

- in housing need (they live in unsuitable housing conditions and/or are unable to afford suitable housing at open market prices either to rent or to buy)
- a Qualifying Person (they are aged 65 years or more and have demonstrated a requirement for a Minimum Care Package through a Qualifying Person Assessment and have contracted to receive that Minimum Care Package as well as having an Assistance Plan produced and maintained for them).

6.48 The affordable rent units will be prioritised for those with a local connection to Broadbridge Heath, Itchingfield and Slinfold Parishes. This could be someone who:

- Currently lives or has lived in those Parishes for 6 out of the last 12 months, or 3 out of the last 5 years;
 - Has immediate family living in those Parishes for at least 5 years;
 - Has a permanent contract of employment of those Parishes;
 - Is a member of the armed forces or former service personnel (within 5 years of their discharge), or a bereaved spouse or civil partner of a member
 - Has other significant connections to the Parishes
- 6.49 Should there be no interest in the affordable rental unit, after 12 months of marketing (commence 6 months before completion of the relevant phase and end 6 months after completion), the unit may be offered for sale at a discounted sale price (not exceeding 80% of the open market sales value). The open market sales value will be agreed at the cost of the applicant, between the Owners and the District Council in liaison with West Sussex Extra Care Lead, assessed in general accordance with the Appraisal & Valuation Manual of the Royal Institute of Chartered Surveyors.
- 6.50 Any affordable unit sold at a discounted sale price will be subject to a resale covenant scheme to ensure the unit remains available at a discounted sale price in perpetuity. The mechanism for this will be a clause in the legal agreement, similar to that used at the North Horsham development.
- 6.51 Those who purchase at discounted sale price will need to be:-
- in housing need (they live in unsuitable housing conditions and/or are unable to afford suitable housing at open market prices either to rent or to buy)
 - a Qualifying Person (they are aged 65 years or more and have demonstrated a requirement for a Minimum Care Package through a Qualifying Person Assessment and have contracted to receive that Minimum Care Package as well as having an Assistance Plan produced and maintained for them).
- 6.52 The affordable units offered at a discounted sale price will be prioritised in the first instance for residents of Horsham District for a period of 3 months. This could be someone who:
- Currently lives or has lived in the district for 6 out of the last 12 months, or 3 out of the last 5 years;
 - Has immediate family living in the district and who has done so for at least 5 years;
 - Has a permanent contract of employment in the district;
 - Is a member of the armed forces or former service personnel (within 5 years of their discharge), or a bereaved spouse or civil partner of a member; or
 - Has other significant connections to the district.
- 6.53 If after a period of 3 months no person with a district connection has reserved to purchase, then the owners are entitled to market any unsold affordable units on the wider market to persons qualifying for the affordable need (officers consider it is not necessary to limit this to the housing market area).
- 6.54 As it is a C2 planning use, this development is £0 rated development for the purposes of the Authority's Community Infrastructure Levy charging schedule. The drafted Section 106 Agreement will also secure:
- the on-site affordable housing provision previously detailed out;
 - making financial contributions towards highway improvements and upgrading of the PRow network (to be detailed out later in this report),
 - to secure access to various on-site facilities for the benefit of future residents and the wider community;
 - and village transport service for future residents and wider community with transport to Broadbridge Heath and Horsham including Horsham Train Station.

- 6.55 This will be agreed between the Council's legal department and the applicant's solicitors prior to issuing the decision notice if members are minded to agree with the Officer's recommendation to approve the planning application.

Character and Appearance

Landscape Character

- 6.56 Although an Outline application, the applicant has provided sufficient detail for general landscape considerations, including the indicative landscape layout.
- 6.57 Horsham District Council have always been acutely aware of the value of its surrounding countryside, and the importance and influence this has on the character of the District as a whole. In order to retain and protect the most sensitive and important landscape features, the Council have commissioned several studies to help guide development.
- 6.58 As part of the evidence base of the Local Plan Review, the Council has undertaken a new Landscape Capacity Assessment, published in Feb 2020. The site lies within the G2 Itchingfield and Barns Green wooded farmlands and the P1 Upper Arun Valley in the Horsham District Council LCA (2003). Because of the Moderate-High landscape value, the assessment concludes the overall landscape capacity for development in relation to the 'developable' area of the site adjoining the existing nursing homes is Low-Moderate, with No/Low capacity for the eastern side of the site along the river.
- 6.59 The submitted Landscape and Visual Impact Assessment (LVIA) confirms that the development would be visible in long, medium, and short distance views, and would result in residual minor adverse effect on the landscape character area. The Council's Landscape Architect concurs with the findings of the LVIA.
- 6.60 Overall, it is accepted the development would result in minor adverse effect on the landscape character area, in which this site has been assessed as having low-moderate capacity for medium-scale housing development. Resultant effects on users of the footpath are acknowledged. On balance, this benefit is considered to outweigh this impact.
- 6.61 The Council's Landscape Architect initially raised concerns with the indicative landscape arrangement in regard to the sensitivity of the inherent character of the site. Revised plans have been received in response to these comments with amendments that have addressed these issues sufficiently to overcome those original concerns, and the Council's Landscape Architect raises no objection.
- 6.62 The proposed layout now incorporates landscape areas that reflect the character of the area (incorporating both wood and riverside character of the area) and opens up a watercourse and provides spaces which can offer multiple benefits (biodiversity, ecological enhancements as well as being a significant benefit for the new residents). The scheme also proposes footpath/cycleway linking the site to adjacent PRow. The landscape is drawn into the development.
- 6.63 Members should note that the submitted landscape masterplan is indicative. At the reserved matters stage the final design of this area will be confirmed. However the landscape plans (and other supporting information) do set out a clear landscape strategy demonstrating mitigation and enhancement measures which are considered to preserve the landscape character of the area. Overall, the plans as revised provide suitable evidence that the provision of the development with the associated landscaping is capable of being provided to an acceptable level, with the final details to be confirmed at the reserved matters stage.

- 6.64 It is concluded that the development would amount to minor adverse impact on the wider landscape character. However, balanced against enhancement to the riverside environment and its setting and existing PRoW network, it is considered the development would comply with HDPF Policies 25 and 26, and 32 and 33 , in so far that they require new development to provide an attractive environment that would respect the character of the surrounding area.
- 6.65 The planting of additional native trees and hedgerows within the wider site, planting within the built development itself and waterside planting around any new aquatic environments certainly has the potential to enhance existing landscaping within the site. Formal landscaping proposals do not form part of the outline application through the Masterplan details submitted as part of the application do provide an indicative layout which includes broad landscaping proposals. The applicants have agreed that a Landscape Management Plan for the management and maintenance of the site, including the land which is to be made available for public access, should be secured through a S106 agreement to ensure appropriate management of woodland and grassland in respects of its landscape, biodiversity and recreational value. Other details of hard and soft landscaping would need to be submitted at Reserved Matters stage.

Design

- 6.66 HDPF Policies 32 and 33 seek to ensure developments promote a high standard of design, make efficient use of land, and integrate effectively with the character of the surrounding area.
- 6.67 The proposal seeks outline permission with all matters except for access relating to layout, appearance, scale and landscaping dealt with at reserved matters. However, the application has parameter plans for consideration, including indicative layout and floor area, bulk and height of the built form of the development.
- 6.68 As highlighted earlier in the report, following revisions the proposal now provides an appropriate form of development and a suitable transition between the former settlement boundary and the open countryside, taking account of the setting and context of the River Arun. This includes the creation of landscaped areas in and around the built form that help bring the surrounding countryside/landscape character into the scheme.
- 6.69 The existing use and buildings on the site are of limited design merit. Nor is good use of the riverside setting made. The proposal would make a much better use of the riverside and would provide an acceptable open area. In addition, the proposal for opening up the existing watercourse and the use of swales and rainwater gardens (as part of the wider sustainable drainage proposals) will be a significant benefit to the overall layout and enjoyment of the completed scheme and to biodiversity and watercourse management too.
- 6.70 The proposed scheme is successful in avoiding a 'gated community' and appropriately prioritises people over cars (conducive with a development aimed at an aging population). The building forms (including the challenges of positioning buildings around courtyards, the multiple 'frontages' created within the indicative layout scheme and the design ethos to limit 'private garden space') and proposed materials are acceptable. This design follows the advice of Sussex Police 'Secure By Design' in ensuring good surveillance and improved visibility. These elements now respond appropriately to the landscape context of the site and its surroundings, including the character of Broadbridge Heath. This includes from views along Five Oaks Road obtained over the existing road bridge to the proposed buildings on the application site. From this viewpoint, the development as indicatively shown would represent a gradual transition between the built environment of Broadbridge Heath and the wider countryside.

- 6.71 From certain viewpoints, the imposing bulk and footprint of the main building would be noticeable; in terms of height, mass and footprint it exceeds the proposed terraced house blocks elsewhere on the site. This is a consequence of its operational care provision, with bedrooms accessed off central corridors. Positioned close to an existing nursing home, its appropriate design has helped break up the overall bulk effectively; the elevations and roof are highly articulated with a combination of two and three storey elements with hips and gables, along with the use of an appropriate palette of materials. Overall, the building as indicatively shown would provide an active frontage in a central position within a layout that has enough of a sense of spaciousness to ensure the development would not be detrimental to the local character.
- 6.72 Whilst the final design and layout is subject to change in subsequent reserved matters applications, the submitted plans have established the parameters for future development, which is now acceptable in terms of relevant HDPF policies, subject to detailed considerations at reserved matters.

Accessibility and Highway Safety

- 6.73 HDPF Policy 40 states the need for sustainable transport and safe access is vital to improve development across the district. HDPF Policy 41 states adequate parking facilities must be provided to meet the needs of the anticipated users.

Accessibility and traffic movements

- 6.74 Objectors raise issue with the location of the proposal, citing a lack of public transport and its distance from Horsham town centre and other amenities/services. Some local concern has been expressed regarding the increase in traffic that would occur compared with existing traffic flows into and out of the site.
- 6.75 Whilst it is accepted that preference for such a development for the elderly is to be located in areas with higher accessibility to public transport and other amenities/services, Policy 18 does not preclude such uses being located on the edge of a settlement. It is noted the nearest bus stop on Lyons Road is located some 110 metres from the new vehicular access.
- 6.76 The C2 use requires every unit to be occupied by someone in need of care. The submitted transport statement has predicted vehicle trips anticipated as a result of the development, based on site specific data from retirement village developments and TRICS data associated with care homes. TRICS highway data for this type of use demonstrates that fewer vehicle trips per household should be expected. Having assessed the information submitted, WSCC Highways have confirmed their agreement with the trip generation data supplied and are satisfied that the development will not result in any detrimental or severe capacity on the local road network.
- 6.77 Nonetheless, some future occupiers would want to make journeys beyond the confines of the retirement village. The applicants propose the implementation of a community Travel Plan as part of the S106 agreement, including the provision of a dedicated minibus service to link the development to Broadbridge Heath, Horsham town centre, the railway station, and other destinations. The minibus would be free for residents and their visitors and staff. A free service for residents is likely to make use of the minibus a more appealing proposition and the potential for local residents to also use the service increases the sustainability of the existing settlement to some extent.
- 6.78 The applicant has also put forward a financial contribution to local highway improvements and enhancement measures to improve integration of the site with the wider area and to address wider sustainability issues, within the legal agreement to the sum of £20,000. As the works have not yet been costed and costs agreed with WSCC, this sum will be built up

to £50,000 if the improvement works listed costs more, and this would be index linked. The works are listed below:

- Slightly further north of the new vehicular access, a new pedestrian crossing across Five Oaks Road allowing pedestrian connectivity to bus stops on Five Oaks Road and Lyons Road
- From this crossing, footpath on north side of Five Oaks Road that leads to the bus stops adjacent to Newbridge Nurseries will be replaced and improved
- New pedestrian crossing with refuge island created to provide pedestrian links from this improved footpath to the bus stop on south side of Five Oaks Road.
- Bus stops on both sides of Five Oaks Road upgraded to include bus shelter with seats. Bus stops on Five Oaks Road are 480 metres from the new vehicular access and staff and visitors could use it.
- New pedestrian crossing south of Five Oaks Road and Lyons Road junction, near Wellcross Lodge. This will allow pedestrians to cross Five Oaks Road and reach existing bus stops on Lyons Road. Bus stops on Lyons Road are located 110 metres from the new vehicular access, shown on drawing 13808.
- A separate sum of £10,000 would secure upgrading of the PRoW network (detailed later in this report)

6.79 The business model operates a flexible visiting hours policy, and staff shift changeovers were likely to occur outside of normal rush hour periods and adequate on-site parking would be provided. The scheme opens up elements of the development to wider local use, again increasing the range of facilities within the village and the ability of residents to access them without having to drive to Horsham.

6.80 At the time of writing, an option for improving accessibility to the site is to provide a footbridge over the River Arun, which would enable a direct pedestrian connection from the proposed development on the west side of the river to the amenity space on the east side. From there onward, a pedestrian route requiring the use of land controlled by Southern Water would be provided with connections to the bus stops on the A264, Newbridge Nurseries and Broadbridge Heath village centre. This route would avoid people having to use the A264.

6.81 Southern Water has confirmed the principle of having a pedestrian route running through land under their ownership but as this is subject to internal consultation, agreement of acceptable commercial terms, and Board approval, it is not feasible to address within the timescales of this planning application. The bridge provision is reliant on the use of third party land, and therefore a planning condition is not in the view of your officers, an appropriate mechanism to secure it nor can it be required as an obligation in the legal agreement.

6.82 Instead, your officers suggest an appropriate solution is to include a clause within the legal agreement to accompany the planning permission that secures reasonable endeavours from the developer to deliver the route (and bridge) within 1 year of obtaining permission from Southern Water, in accordance with plans and details submitted and approved in writing by the Local Planning Authority. The applicant has demonstrated efforts so far to reach agreement with Southern Water.

6.83 These efforts go some way towards reducing the degree of harm identified on sustainability grounds. Such measures are sufficient, from a highway capacity and safety perspective, for Local Highway Authority to consider the proposal would not have a severe or detrimental impact. Subject to the imposition of conditions and a legal agreement securing all the reasonable and necessary mitigation and enhancement measures, in transport terms this proposal is in accordance with relevant policies.

Site Access and highway safety

- 6.84 This application seeks detailed consent for the access to the site. The proposal comprises a new access to the site from the A264 Five Oaks Road, including a system of internal roads, footpaths, and driveways. This main access will be used for construction purposes during the development build-out phases. In addition, a secondary emergency access to the site will be provided, utilising the existing Wellcross Farm Cottage access from Five Oaks Road. This access will be fitted with gate or barrier to prevent non-emergency access by residents or visitors to the proposed development. In support of the application the submission is supported by reports; a Transport Statement, speed survey data, parking requirement information and Stage 1 Road Safety Audit.
- 6.85 The stage 1 RSA designers' response confirms that suitable visibility can be achieved from the new access onto the A264, and that suitable signage and crossing points would be provided as part of the detailed design. WSCC Highways agree with the findings of the Stage 1 RSA. WSCC Highways have confirmed that the access to the site would have acceptable visibility and would not cause safety concerns for users of the highway. Therefore, the principle of the method of access from this part of the street is accepted in compliance with this Policy.

Internal layout and servicing, and Parking

- 6.86 The site layout is reserved for later consideration. The road layout and arrangement illustrated on the submission plans are indicative, and may change at the reserved matters stage. However, given the level of detail submitted, the plans are considered to establish the layout's broad parameters.
- 6.87 Based on the indicative layout there is sufficient space to allow for the level of parking which complies with WSCC Parking Standards so far as these are relevant to the requirements of this type of development. Deliveries are likely to be more frequent than to a conventional house and visitors may descend on the properties at popular times such as Sunday afternoons. There may be additional visits by doctors, social workers and ambulances. All this adds up to a need for some level of off-street parking and servicing. Final details of parking arrangements will be reviewed at the reserved matters stage once the final layout is known, however it is considered there is sufficient space within the site to accommodate an acceptable level of parking. This will include appropriate disabled parking and electric vehicle (EV) charging points.
- 6.88 Bin stores are discreetly designed and located as far as practicable. Waste collection will be part of the overall management and maintenance plan for the development.

Public Rights of Way (PRoW)

- 6.89 The application provides for PROW improvements to provide better walking and cycling links. Public footpath FP1628 that runs along south-west edge of site and then onwards past Wellcross Grange will be widened to three metres and upgraded to a bridleway with surface improvement and additional fencing. This links to Bridleway 1630, providing onward connection to Broadbridge Heath village centre.
- 6.90 The WSCC PROW team have requested this be secured at the applicant's expense via s106 obligation to the sum of £10,000 towards this upgrade. The improvements would be a benefit to the local area and would help to enhance the enjoyment of the countryside. The desired outcome would be the development of a cycle link from the proposed site to Bridleway 1630, details of which can be secured by condition.

Other Environmental Issues

Drainage and Flood Risk

- 6.91 The aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and direct development away from areas at highest risk. A Flood Risk Assessment supports the planning application. It has assessed the risk of all forms of flooding to and from development and taken climate change into account.
- 6.92 This stretch of the River Arun experiences high water levels in heavy rainfall weather events, most recently in winter storms in Dec 2019 and early this year. The application site is located close to the river floodplain. However, following negotiations between the Council and the developer, the entire built development, including all the dwellings and the attenuation tanks for the drainage, is now sequentially arranged so it is located in Flood Zone 1, which is the land categorisation which is at lowest risk of flooding and outside of the functional floodplain in accordance with the Environment Agency's Flood Zone designations. Because the built development is outside of Flood Zones 2 and 3, the primary mitigation measure for the site is the raising of finished floor levels of the buildings to the equivalent of a modelled 1:1000 year flood level. This modelling has taken into account climate change.
- 6.93 Nonetheless, it is recognised the introduction of buildings, structures and car park area (and associated hard surfacing) has a potential increase to residual risk of flooding (surface and foul water). The applicant's amended Flood Risk Assessment document confirms that sustainable drainage methods will be utilised as part of the development. It is proposed to dispose of surface water by means of a drainage strategy to direct surface water to the River Arun at a rate commensurate with the pre-development greenfield flow and foul water to the nearest adoptable sewer, which is within the site. This strategy will consist of a mix of sustainable drainage techniques (permeable block paving, swales, filter drains, and cellular storage). Details are required to ensure a satisfactory scheme is achieved and that it will be maintained and managed appropriately during the lifetime of the development. The new wetland areas do not form part of any surface water balancing facility, and the scrapes are below existing ground levels, with no land raising.
- 6.94 As highlighted by the comments from the Lead Local Flood Authority, there is no objection to the principle of what is proposed however further detailed calculations are required to demonstrate the proposals are sufficient to deal with surface water drainage. Further information regarding the details of foul drainage is also required by the Drainage Authority. It is reasonable and necessary to secure the full details via suitably worded planning conditions. These Officers have considered the proposals to be acceptable from a flood risk and resilience perspective and are therefore in accordance with Policy 38 of the Horsham District Planning Framework. Therefore, the proposal is also in accordance with relevant policies in the NPPF.

Trees and hedges

- 6.95 The bulk of trees are to be retained. The loss of some young to semi mature trees of no particular or exceptional merit along the west boundary, is balanced against the large number of mature trees around the site edge. A number of trees with a Tree Preservation Order (TPO) are located on and adjacent to the site entrance close to the southern site boundary. All development that requires ground excavation appears placed outside of the root protection area of any retained trees, with the closest tree situated at a distance of 13 metres from the proposal; a reasonable distance and in compliance with the British Standard. The position of dwellings and communal areas appear situated at a good distance from any large trees to be retained, thus reducing likelihood of future residents pressure to perform inappropriate surgery or removal.

- 6.96 Two sections of Hawthorn hedge to be removed to allow for pedestrian access between the northwest and southeast sections of the site; this is reasonable and should not have a detrimental effect on the retained hedges according to the Council's Arboricultural Officer.

Amenity Impacts

- 6.97 HDPF Policy 33 grants permission for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.98 Objectors have raised concerns about the impact of noise and disturbance from traffic and people using the site. There are two elements of the potential impacts to local residents, the construction phase and the completed scheme.
- 6.99 Dealing with the construction phase, local residents living in and around site would be affected by general noise and disturbance associated with construction works, in particular by the construction traffic/ site deliveries. Use of conditions restricting working hours and a construction management plan would mitigate such impacts.
- 6.100 For the completed scheme, local residents will experience noise and disturbance impacts associated with the introduced accommodation on this site, including car movements, and based on the indicative layout, outlook and privacy of neighbours impacted. However, the indicative layout shows separation distances between the proposed accommodation and existing neighbouring buildings are sufficient to avoid significant loss of outlook and harmful overbearing. This, together with the indicative building orientations, is sufficient to avoid harmful overlooking and, for the same reason, unacceptable loss of privacy. Obscure glazing is to be addressed when the final layout and design is known. In terms of future residents, the majority in the care home may spend much time in their rooms and look out of windows onto amenity space that allows for a pleasant outlook. Residents would have secure and sheltered sitting outdoor areas; the quality of communal facilities means more active residents would spend less of their time at their bedrooms windows.

Aerodrome

- 6.101 The potential impact of development on operations at the unlicensed aerodrome, a private airstrip some 100-150m southwest of the site, is a material planning consideration. Impacts cover both noise and safety from planes taking off and landing over the site. The operator of the aerodrome has stated the runway is used annually by approximately 1,000 movements (500 take-offs and 500 landings), which take place over 10 months of the year due to weather and ground conditions being less suitable in the winter.
- 6.102 Due to prevailing wind directions, around 60% of take-offs and landings are to the south west with the remaining 40% to the northeast. The developer has commissioned a report that has addressed airfield safeguarding procedure. This found that the proposed development is compliant with aerodrome safeguarding criteria including the Obstacle Limitation Surface and aircraft approach and take-off; just over 11metres in clearance is provided above the nearest point (building edge) of the proposed development (the closest building is 10metres at its tallest point).
- 6.103 The developer assessed the issue of aircraft noise in an acoustic report submitted with the application. The aerodrome operator has submitted their own noise report in support of their objection that has identified noise from air traffic as a potential source of adverse impact on the proposed accommodation, including during the night. On days experiencing a handful of aircraft movements the noise amounts to an Observed Adverse Effect. The noise on the busiest day amounts to a Significant Observed Adverse Effect.
- 6.104 In such circumstance, the Local Planning Authority is in agreement with the objector that planning practice guidance is to mitigate and reduce to avoid this occurring. The key issue

is the level of activity at the airstrip and how this translates to noise impacts on the development site. Whilst mitigation could be avoided in the form of sound insulation to the buildings and the provision of mechanical ventilation, the Local Planning Authority recognises that, as asserted by the objector, outdoor space could not be protected from aircraft noise. The District Council's Environmental Health officer has, however, assessed both reports and has concluded that whilst there will be several days in the year when such adverse effects may occur, this does not prohibit residential development of the site. Taking the figure of 17 take-offs quoted for the busiest flight day the cumulative duration of the overflight would still not be very long. Given the small number of take-offs the Council's Environmental Health officer agrees that this peak noise effect is probably a better measure of disturbance than a 16 hour averaged value.

- 6.105 In summary, it is considered that the development will be impacted by noise on busiest flight days but for the majority of the time aircraft noise will not be significantly intrusive and there will be many days when few flights or even no flights occur. Overall, the impact of noise from aircraft on residents (and any associated risk to the operation of the aerodrome) is not considered significant or sufficient to warrant the refusal of permission.

Heritage Impacts

- 6.106 The Council and NPPF recognises the historic environment is an irreplaceable resource. Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting.
- 6.107 Given the separation across A264 and intervening buildings and landscaping, no harm would arise to the setting of the nearest designated Heritage Asset, the Grade II Listed Lyons Farm House Lyons Road. The Council's Archaeological Consultant has identified potential for archaeological remains to be present on site due to historic activity in the area along the river. A condition will address this.

Ecology

- 6.108 As the development site lies 10.7m northeast of The Mens SAC and within 15km of Ebernoe Common SAC, this within the 12km wider conservation area identified for Barbastelle bats in the Sussex Bat SAC protocol. This requires significant impacts or severance to flight lines to be considered for development proposals. Accordingly, the Council's consultant Ecologist has completed a Habitat Regulations Assessment Appropriate Assessment Record (AA) The bat survey undertaken by the applicant's ecologist results show that Barbastelle appear to be predominantly utilising the central hedgerows and north-east corner of the site. The assessment of impacts on foraging and commuting bats, particularly Barbastelle, has been made now that the masterplan shows that hedgerows on site are to be largely retained under current proposals, with c. 150m of the central and southern hedgerows being removed for access purposes. The quantity to be lost will be kept to a minimum. Having considered the proposed avoidance and mitigation measures proposed, Horsham District Council concludes that the project will not have an Adverse Effect on the integrity of habitats listed in the assessment, either alone or in combination with other plan and projects. Having made this appropriate assessment of the implications of the plan or project for the sites in view of those sites' conservation objectives, subject to consultation with Natural England and having fully considered any representation received where necessary, the authority can agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017. As the mitigation has been considered after HRA screening, this HRA Appropriate Assessment is in line with the People over Wind CJEU Court ruling. The AA has been submitted to Natural England but at the time of writing of this report their written comments back to the Local Planning Authority confirming if they agree with the conclusion of the AA is awaited. Members will be updated on this matter.

- 6.109 A site specific Ecological Assessment (addendum, BWB, Jan 2020) has been submitted in support of the development. A suite of survey work was undertaken, and from these, a series of recommendations were made in response, including a bat activity transect, reptile survey conducted, and dormouse EPS licence application will be made to Natural England to secure adequate mitigation measures for dormice on-site and maintain the favourable conservation status of this species. The Council's consultant Ecologist confirms the submitted assessment provides enough information for determination.
- 6.110 From this submitted evidence, the Council's Ecologist is also certain of the likely impacts on protected and Priority species and habitats, and that appropriate mitigation measures are to be secured. These protective measures for key species and habitats include a precautionary approach to site clearance and ground works, further inspections to identify the status of any roosts and setts, a post-determination reptile mitigation strategy informed by best practice survey guidelines, a sensitive lighting strategy to ensure a dark corridor is maintained in which barbastelle bats may forage and commute, namely the areas of woodland and river corridor, phased removal of trees/vegetation and landscape management measures. A key mitigation measure is a new area of riparian landscaping that includes new wetland scrapes and woodland planting adjacent to the River Arun along the north boundary, which has been informed by the developer engaging with the Arun and Western Streams Catchment Partnership. The measures to be incorporated for bats will also provide additional habitat for dormice. Biodiversity enhancements should be secured to deliver measurable net gain through planning conditions recommended by the Council's Ecologist, and further enhancement works are also identified for the proposed works, including boxes for bats and birds and enhancements to existing and planting of new habitat.
- 6.111 In accordance with the Conservation of Habitats & Species Regulations 2010 (as amended), it has been concluded that subject to the mitigation measures being proposed are implemented, protected species and habitats will be protected, whilst features of the proposed development would maintain the green infrastructure across the site and some cases enhance biodiversity. It is necessary and appropriate to secure the mitigation measures via suitably worded conditions to ensure there are no significant adverse impacts to these protected species and habitats, in accordance with the NPPF, subject to receipt of approval from Natural England on the Appropriate Assessment.

Contaminated Land

- 6.112 An Environmental Site Investigation and Risk Assessment Report was submitted with the application. No significant risks to sources to ground or surface waters were identified through remedial works were deemed necessary to address risks to human health. This could be controlled by condition.

Sustainable Construction and Energy Efficiency and Air Quality

- 6.113 Your officers recognise the reduction in car emissions through electric car charging provision and other measures, and the use of renewable energy are important considerations in mitigation against the effects of climate change within the district and elsewhere, and in furthering the ambitions of the Council's Green Agenda. In this scheme of 169 parking spaces proposed on-site, at least 17 ULEV charging spaces will be provided. Passive provision of EV infrastructure and electricity supply to all other parking spaces will also be included. At 10%, this is a shortfall of the WSCC standards but your officers also recognise there are operational constraints to the communal parking of this development. Importantly, the EV charging points will be part of a wider package of mitigation measures that would qualify as appropriate Type 2 mitigation under the Council's adopted Air Quality Emission Reduction Guidance 2014. This includes a travel plan and use of ultra-low emission service vehicles The County standards are themselves ambitious

and the technology is still expensive. On balance, your officers believe the charging provision to be acceptable, and are seeking agreement from the developer to a site wide strategy to address air quality by means of a planning condition. Members will be updated on this matter.

- 6.114 Renewable energy solutions are very much considerations for the detailed design stage as applying the most appropriate, and effective type of mitigation is dependent upon knowing the finalised layout and precise parking provision, and the exact design of buildings. Accordingly, these measures would be best secured at reserved matters stage.

Mineral and Waste Management

- 6.115 The site is in a Brick Clay Resource safeguarding area. Minerals Local Plan Policy M9 permits development if there is an overriding need for development and prior extraction is not practicable or environmentally feasible. This policy is complied with on the submitted evidence. Your officers are also satisfied the proposal sufficiently minimises waste generation, maximises opportunities for re-using and recycling waste, and include waste management facilities.

Environmental Impact Assessment

- 6.116 The development as originally submitted has been considered against the Environmental Impact Town and Country Planning Regulations, and it is not considered that a specific EIA is required in this instance.

Conclusion

- 6.117 After very careful consideration of all the evidence submitted your Officers are satisfied the proposal, subject to the detailed S106 agreement, does fall within Use Class C2 and would be in accordance with HDPF Policy 18 in providing a specialised form of housing to meet the needs of an aging population. In your Officer's view, the available information demonstrates that substantial levels of care accommodation are needed both now and throughout the Plan period and that the proposal would help address the demographic evidence of this need for elderly accommodation in the District, with a policy compliant provision of affordable housing.
- 6.118 The site is on the edge of the settlement boundary of Broadbridge Heath and within an area designated for policy purposes as countryside. It would also involve new residents, most of whom would be at least 60, being grouped together on a single large site rather than dispersed throughout the existing community. These factors count against the proposal in terms of its physical integration with the existing village and its existing mixed and balanced community. Although the development would amount to minor adverse impact on the wider landscape character, balanced against enhancement to the riverside environment and its setting and the existing PRow network, it has been demonstrated that weight afforded to this localised harm is countered by Policy 18, which does not require a location within the settlement. Your Officers have taken account of the community benefits offered, which has the potential to increase levels of integration with the existing community. Therefore, the principle of the development is accepted.
- 6.119 The application seeks outline planning consent, with details relating to scale, appearance, design and landscaping reserved. The specific details of the proposal and the package of the benefits offered can, in combination, be shown to mitigate its effects on the local area and therefore it can be demonstrated to be general compliance with local planning policies. It has been demonstrated site access can be achieved safely and, according to the Highway Authority, would not cause harm to the operation use of the existing highway network, having regard to the detailed travel plan proposed, the range of facilities to be provided on site, and the reduced car ownership amongst residents of the development.

The proposal would not amount to an adverse impact on existing residents' amenity. Appropriate ecological mitigations and enhancements have been recommended, which the Council's Ecological Consultant has agreed to. Precise details relating to landscaping will be agreed in detail at the reserved matters stage.

- 6.120 Your Officers have carefully assessed the weight that should be given to each of these considerations and have concluded that, on balance and subject to Natural England's approval of the Council's Appropriate Assessment, the benefits associated with the proposal outweigh any identified harm. On balance therefore, your Officers recommend that this application for the development of the site be approved, subject to the detailed list of planning conditions and the completion of the necessary s106 legal agreement.

7. RECOMMENDATIONS

- 7.1 To approve outline planning permission, subject to no objection from Natural England and subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

Conditions:

- 1 Approved Plans
- 2 **Time limit:** The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last reserved matters as defined in condition 3 (below) whichever is the later.

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

3. **Outline Consent Condition:**

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, and the landscaping for each phase of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development within that phase is commenced.
- (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, and the landscaping for each phase of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- (d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

- 4 Prior to or in conjunction with, the submission of the first reserved matters application, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority

and the development shall thereafter be implemented in accordance with the approved Phasing Plan.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

- 5 **Parameter Plans Condition:** The submission of reserved matters applications pursuant to the outline application hereby approved shall demonstrate substantial compliance with the following parameter plans to fix the development principles, unless otherwise agreed to and approved in writing by the Local Planning Authority:-

04 REV E – Landscape Strategy received 20 January 2020

SK005 S2 REV P1 – Wetland Scrape Levels date received 16 January 2020

2738-006 REV E Proposed Site Plan date received 20 December 2019

2738-009 REV A Massing Strategy date received 20 December 2019

2738_002 REV E Parameters Plan date received 20 December 2019

2738_001 REV C Location Plan date received 16 September 2019

H-02 REV P2 Main and Construction Access date received 16 September 2019

H-05 REV P1 Emergency Access date received 16 September 2019

Reason: To enable the Local Planning Authority to control the development in detail and to ensure compliance with the parameter plans established within the outline consent throughout the development of the applications site.

- 6 **Reserved Matters Condition:** The submission of reserved matters applications pursuant to the outline application hereby approved shall demonstrate that all ecological and biodiversity mitigation and enhancement measures and/or works required for each Phase shall be carried out in accordance with the details contained in the Ecological Impact Assessment (EclA) by BWB dated August 2019 and the Ecological Addendum (BWB, January 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 7 **Reserved Matters Condition:** The reserved matters applications pursuant to the outline planning application hereby permitted shall be accompanied by a Landscape and Ecological Management Plan (LEMP). The content of the LEMP shall include the following:
- a) Description and evaluation of features to be created and managed (i.e. bats, dormouse and badger).
 - b) Ecological trends and constraints on site that might influence management (i.e. bats, dormouse and badger).
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.

- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

Where the reserved matters relate to a phase of the development hereby permitted, the LEMP may relate to that individual phase.

The LEMP(s) shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objective of the LEMP(s) are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP(s) shall also detail the long-term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility for all communal landscape areas. The landscape areas shall thereafter be managed and maintained in accordance with the approved details unless otherwise agreed to in writing by the Local Planning Authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 8 **Reserved Matters Condition:** The reserved matters applications pursuant to the outline planning application hereby permitted shall be accompanied by a lighting design scheme for each phase. The schemes shall identify those biodiversity features on site that are particularly sensitive for nocturnal species (in particular bats, dormice and badgers) and that are likely to cause disturbance along important routes used for roosting, shelter, foraging and / or commuting; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species using their territory both during construction and operation.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

- 9 **Pre-commencement condition:** The following approved works within each phase to clear vegetation on site shall not in any circumstances commence unless the local planning authority has been provided with either of the following in relation to that phase:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.”

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

- 10 **Pre-commencement Condition:** No development within a phase shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles in that part of the site, has been submitted to and approved in writing by the local planning authority, to be guided by appropriate surveys and good practice guidance.

The Reptile Mitigation Strategy shall include the following.

- a) Results of presence / absence reptile surveys.
- b) Purpose and conservation objectives for the proposed works.
- c) Review of site potential and constraints.
- d) Detailed design(s) and/or working method(s) to achieve stated objectives.
- e) Extent and location/area of proposed works on appropriate scale maps and plans.
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- j) Details for monitoring and remedial measures.
- k) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

- 11 **Pre-commencement condition:** Prior to commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) may relate to the development hereby permitted as a whole, or specific phases.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP(s) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

- 12 **Pre-commencement condition:**

1. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and before any reserved matters are agreed.

3. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: This matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

13 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CMP shall be implemented and adhered to throughout the entire construction period unless otherwise agreed to and approved in writing by the Local Planning Authority. The CMP shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders, if required),
- hours of works,
- A site compound plan,
- details of public engagement both prior to and during construction works,
- Noise and dust mitigation, including vibration from any groundworks

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of existing neighbouring dwellings during construction in accordance with Policy 33 of the Horsham District Planning Framework (2015), and to conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, and the Wildlife & Countryside Act 1981.

14 **Pre-Commencement Condition:** No development shall commence within each phase until a drainage strategy detailing the proposed means of foul water disposal to serve that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 15 **Pre-Commencement Condition:** Notwithstanding details previously submitted, no development within a phase shall commence until a detailed surface water drainage scheme for that phase including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme (to be submitted with reserved matters applications), and shall be designed so as to prevent the discharge of water onto the public highway. The surface water drainage scheme for each phase shall subsequently be implemented prior to first occupation of that phase in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 16 **Pre-Commencement Condition:** No phase of the development shall commence until precise details of the existing and proposed external ground levels and finished floor levels of the development within that phase in relation to adjacent datum points on land adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details, unless otherwise agreed to and approved in writing by the Local Planning Authority.

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

- 17 **Pre-Commencement Condition:** No phase of the development shall commence until a Biodiversity Mitigation and Enhancement Layout for that phase, providing the finalised details and locations of the mitigation and enhancement measures contained within the Ecological Impact Assessment (EclA) by BWB dated August 2019 and the Ecological Addendum (BWB, January 2020), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures for each phase shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 18 **Pre-Commencement Condition:** Prior to the commencement of development of each phase of the development hereby permitted the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of the site shall each be submitted to and approved, in writing, by the local planning authority:
- a) A preliminary risk assessment for each phase which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme for each phase, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The site investigation results and the detailed risk assessment (b) 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 within each phase.

The development shall be completed in accordance with the approved details, unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 19 **Pre-Occupation Condition:** Prior to the first occupation (or use) of each phase of the development hereby permitted, a verification report demonstrating that the SuDS drainage system for that phase has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 20 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 21 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled MAIN AND CONSTRUCTION ACCESS -A264 FIVE OAKS ROAD and numbered H-02 rev P2. The works shall be undertaken in strict accordance with the approved detailed, and shall thereafter be maintained as such, unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework.

- 22 **Pre-Occupation Condition:** No part of the development shall be first occupied until the emergency vehicular access onto Wellcross Cottage/A264 has been provided in accordance with the approved plans. Thereafter the access once constructed shall not be used by residents, staff or visitors of the development, including deliveries.

Reason: To ensure that the emergency access is suitable for its intended purpose.

- 23 **Pre-Occupation Condition:** No dwelling shall be first occupied until the car parking serving the accommodation/facilities of the relevant phase of the development has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

- 24 **Pre-Occupation Condition:** No dwelling shall be first occupied until covered and secure cycle parking spaces serving the accommodation/facilities of the relevant phase of the development have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

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

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

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

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 27 **Regulatory Condition:** All works shall be executed in full accordance with drawings:-

1164-KC-XX-YTREE-TreeSurvey-REV E date received 16 September 2019

1164-KC-XX-YTREE-TR01 REV C Tree Removal Plan date received 20 December 2019

1164-KC-XX-YTREE-TCP01 REV E Tree Constraints Plan date received 16 September 2019

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

INFORMATIVES

Works within the Highway – Implementation Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Temporary Developer Signage

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

A Surface Water Drainage Statement is a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems. An Advice Note and a proforma for the statement can be found using the following link <https://www.horsham.gov.uk/planning/development-management>.

Background Papers: DC/19/1897