



TO: Planning Committee North

BY: Head of Development

DATE: 8th September 2020

DEVELOPMENT: Erection of 80 dwellings with associated access, parking and landscaping at Land West of Worthing Road (Phase 5), Southwater

SITE: Berkeley Homes Development Site Worthing Road Southwater RH13 9BT

WARD: Southwater South and Shipley

APPLICATION: DC/19/2464

APPLICANT: **Name:** Berkeley Homes (Southern)Ltd **Address:** Berkeley House Bay Tree Avenue Leatherhead KT22 7UE

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.

RECOMMENDATION: To approve full planning permission 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 The application seeks full planning permission for 80 dwellings on land West of Worthing Road in Southwater that is allocated for housing development under Policy SD10 of the Horsham District Planning Framework

1.3 The submitted plans detail 80 no. two storey dwellings as fully private tenure. No affordable housing is proposed. The current application is comprised mostly 4 and 5 bedroom detached houses (59 no. and 11 no. respectively), with 2 no. detached 3 bed and 8 no. terraced 2 beds. These will be arranged around the primary access loop road with secondary roads. Allocated parking for 271 and 15 visitor vehicles is detailed to be within a mix of off street bays, driveways and garage. Refuse will be stored in designated bin stores distributed throughout the site.

1.4 Approximately 1.91 hectares of the site (total site area 6.76ha) would be public open space, landscape buffer, ecological mitigation area, attenuation area, and existing woodland. Also proposed is provision for publicly accessible areas for play (1 no. LEAP and 1 no. LAP),

circular pedestrian and cycle routes through the development, incorporation of Sustainable urban Drainage System, and upgrade to the existing Public Right of Way crossing the site (public footpath 1652).

- 1.5 Negotiations between your officers and Berkeley Homes has amended the proposal, following advice from various specialists on identified issues and changes to accommodate the polices and guidance of the recently published Examiner's Report May 2020 on the Southwater Neighbourhood Plan (2019-2031). This includes from the Council's own Landscape Architect and Southwater Parish Council.
- 1.6 These negotiations have secured amendments to the development proposal that have sought to resolve site-specific environmental issues. This includes adjustments to the landscaping and site layout of the development. The most recent amends have been made to accommodate specific landscaping concerns mainly regarding playspace, pedestrian permeability and compliance with Policy SNP8 – *A Treed Landscape* and other updated policies in the Southwater Neighbourhood Plan.

DESCRIPTION OF THE SITE

- 1.7 The strategic allocation lies to the west of Southwater, classified as a Smaller Town/Larger Village according to the Horsham District Council Planning Framework and the Southwater Neighbourhood Plan. The allocation extends approximately 34.6 hectares. It adjoins the built-up area boundary of Southwater along Worthing Road, Woodfield, College Road, Ash Road and Woodlands Way and straddles Church Lane.
- 1.8 The site, the subject of this application, covers an area of 6.76 hectares. It is located in south western part of the strategic allocation, and west of the village, with its various social and community facilities (including the newly provided sports field and cricket pitch assets). The site itself is bounded by Shaw's Lane and fields to the west with fields and mature hedgerows to the north, and a cluster of existing properties to the south-west. The eastern edge borders earlier phases of the strategic allocation. It is on relatively level land. It consists of a large open field with perimeter shrub and tree vegetation. Right of Way Public Footpath 1652 crosses the site.
- 1.9 There are some existing properties to the south and west of the site, with The Chase, Chase Farm, Chase Lodge, and Woodland House, all on Shaw's Lane being in closest proximity. A small cluster of Grade II Listed Buildings to the north of the Site on Church Lane (Southwater House, Vicarage Cottage, and Holy Innocents Church) at a distance between 100-200m. The nearest designated site of nature international importance is The Mens Special Area of Conservation (SAC) located over 10km from the boundary within the Bat Sustenance Zone (HDPF Policy 31). South of the site is Carpenter's Wood, a parcel of Ancient Woodland. The site lies within an archaeological notification area and within Brick Clay (Weald Clay) and Building Stone safeguarding areas. Right of Way Public Bridleway 2929 runs along Shaw's Lane.

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 SD10: Land West of Southwater
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)
Southwater Parish Design Statement SPD (2011)
West Sussex Joint Minerals Local Plan (July 2018)
West Sussex Waste Local Plan (April 2014)

2.3 RELEVANT NEIGHBOURHOOD PLAN

The Examiner has published his report on the 15 May 2020 on the Southwater Parish Council Neighbourhood Plan 2019-2031 to Horsham District Council. The Examiner has recommended that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements. A decision statement was published 20 August 2020.

SNP1 – Core Principles
SNP2 – Allocation for Residential Development
SNP4 – Keeping Our Roads Moving
SNP9 - Home Standards
SNP10 – Residential Space Standards
SNP12 – Outdoor Play Space
SNP13 – Enhancing Our Non-Motorised Transport Network
SNP14 – Adequate Provision of Car Parking
SNP15 – Driving In the 21st Century
SNP16 – Design
SNP17 – Site Levels
SNP18 – A Treed Landscape
SNP19 – Parish Heritage Assets
SNP23 – Use of Community Infrastructure Levy Funds

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/14/0590 Residential development of up to 540 dwellings and 54 retirement living apartments, associated vehicular, cycle and pedestrian access, drainage and landscape works (Outline) (Development affects the setting of a Listed Building). Permitted 31/03/2014

DC/15/2064 Erection of 244 dwellings (including 54 retirement living apartments) with associated access, parking and landscape works pursuant to outline planning permission DC/14/0590 (Approval of Reserved Matters). Permitted 18/09/2015

DC/16/1919 Provision of a community building, 2 x football pitches, a cricket pitch, 2 x tennis courts, a multi-use games area (MUGA), a skate park, a LEAP-NEAP with associated access, parking and landscaping works (application for approval of Reserved Matters following outline approval DC/14/0590- Residential development of up to 540 dwellings and 54 retirement living apartments, associated vehicular, cycle and pedestrian access, drainage and landscape works). Permitted 19/04/2017

DC/17/2319 Reserved Matters for the erection of 68 dwellings (including 8 affordable dwellings) with associated garaging, access, parking and landscaping works. (Following approval of previous outline application DC/14/0590). Permitted 24/10/2017

DC/18/1246 Reserved matters approval sought for layout, appearance, landscaping, scale and access for the erection of 214 dwellings (including 61 affordable dwellings) with associated access, parking and landscaping works pursuant to phases 3.2 and 4 of outline planning permission DC/14/0590. Permitted 12/06/2018

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: No Objection 3rd Consultation Comment:

Believe proposed trees in northwest corner will block the Chanctonbury Ring view. Note for this to be dealt with by condition. If this can be secured this way, then not an issue. Not sure if play area buffer zones demonstrated. Access road between plots 2/3 and 7/8 leading to the LEAP still showing footpaths (so, not a shared surface) and not clear where space for tree planting is. Provide we secure trees, then happy to leave it as is.

2nd Consultation Comment:

Chanctonbury Ring view should be demonstrated with a viewing corridor to inform positioning of building/trees; fences around open space limits permeability. No interaction with ponds and recreation or play area. Opportunities such as pond dipping or viewing platform, and seating must be explored. No connection with LEAP to adjacent phase. Play area layout does not seem to provide different play experiences. Permeability needs to be looked at as anyone in middle part would have to go north and round towards main road to access open area. Access road to side of plots 2/3 and 8/7 should become shared to open up opportunity for tree planting. Small fruit trees could be added the bigger gardens without creating potential shading issue. Additional mark-up trees suggested.

Initial Consultation Comment:

Location of play area questioned for various reasons and suggest moved to southeast boundary, to complement approved play area to east (phase 4); openings landscape

structure allow for informal path/bridge to be included and connect the two. Views from public footpath 1654 towards Chanctonbury Ring and also within site. This view should be maintained if possible to allow for a corridor view. Should consider interpretation board. Cannot identify any layout differences between character areas. Plots and arrangement is pretty much identical and hardly noticed when implemented. It is understood some character can be differentiated with building materials but not convinced this sufficient to really portray design intent. Layout plan does not show any proposed trees and no landscape masterplan.

HDC Parks: Comment (verbal)

All trees planted must have a watering tube and have watering in place for two to three years to ensure that they establish well. LEAP should meet HDC Sport, Open Space and Recreation guidelines.

HDC Conservation Officer: No Objection

Satisfied the impact will be low and expected following the consideration at outline stage. Content the public benefit of providing housing to meet the District need will outweigh the low level of harm to the setting of the adjacent Listed Buildings to the north and the non-designated heritage assets at Chase Farm to the west.

HDC Environmental Health: No Objection

Final Consultation Comment

Agree with consultant's clarification that improving the model's accuracy would not lead to it showing exceedances. Regarding damage cost calculation, accept consultant's selection of 'Rural' parameter to describe Southwater. No mitigation other than EV charging point provision proposed. In preparing the mitigation plan, recommend to have it linked to the air quality measures being or having been undertaken for the other phases of the development. There is an opportunity for the proposed development to contribute to the outcomes of these measures by building on the experience with their delivery.

Initial Consultation Comment:

Provide details of model verification to ascertain accuracy. Regarding damage cost calculation, applicant chose to calculate costs for 'rural' road traffic, which significantly underestimates costs compared to calculation being done for 'urban small' traffic. No mitigation for operational phase of development proposed. In accordance with Air Quality and Emissions Mitigation Guidance for Sussex (latest update is 2020), applicant required to submit a Mitigation Plan.

HDC Drainage Engineer: No Objection

HDC Tree Officer: No Objection

OUTSIDE AGENCIES

Archaeologist Consultant: Recommend Approval

Ecologist Consultant: No Objection

Without mitigation, the development is not likely to result in a 'likely significant effect' to The Mens SAC, Ebernoe Common SAC or Arun Valley SAC, SPA and Ramsar site. Therefore, the HRA screening assessment does not need to proceed to HRA Stage 2: Appropriate Assessment.

Recommend Approval, subject to Ecological Appraisal Recommendations; Biodiversity Method Statement; Ecological design strategy for loss of ecological mitigation area to Local Play Area; Biodiversity Enhancement Strategy; Landscape and Ecological Management Plan.

Southern Water: No Objection

WSSC Flood Risk Management: No Objection

WSSC Highways: No Objection

The LHA would not raise an objection to Phase 5 of the development based on the outstanding history at the site.

Car parking provision overall will comply with the latest LHA parking standards adopted in August 2019, and is expected to meet the operational needs of the development phase. The 80 units proposed would require 230 car parking spaces to comply with the Council's guidance. A total of 272 allocated spaces are proposed, which exceeds the latest parking standards.

WSSC Rights of Way: No Objection

WSSC Minerals and Waste: No Objection

Sussex Police: Comment (based on original layout which has been amended with the LEAP now relocated)

Recommend traffic calming. Consideration should be given to relocation of play areas. Both on outer edge of development and close to entry/exit points into Shaw's Lane and Bonfire Hill and may allow children to wander into the road. May encourage parking on Shaw's Lane. Southernmost footpath may allow children to wander across Shaw's Lane into Chase Farm. To protect children from deep water ponds, consideration should be given to perimeter protection, signage and rescue equipment. Secured by Design makes recommendations regarding communal areas and play space as they have potential to generate crime, the fear of crime and anti-social behaviour.

Forestry Commission: Comment

Refer to standing advice

PUBLIC CONSULTATIONS

Southwater Parish Council: No Objection (2nd consultation)

Initial consultation:

No Objection, subject to review of the proposed footpath intersecting with Shaw's Lane as there are safety concerns given traffic coming from a working farm. SPC further request a review due to concerns raised by members of the public relating to lack of parking for the proposed LEAP and how this could result in cars parking on verges, and thus the impact this would have on traffic safety and restricting emergency vehicles and farm vehicles on Shaw's Lane. Also concerns were presented of the impact on privacy, lighting, impact on landscape and potential flood risks from surface water as a result of the raised ground level.

Shipley Parish Council: No Comment, neither objecting to nor supporting the planning application.

Neighbour consultations

Objections received from 13 separate addresses (initial and subsequent neighbour consultations combined) together with objections from Laurence Gould Rural Business Consultants under instruction by an objector, the National Farmers Union, and Campaign to Protect Rural England. The following issues are raised:-

Principle, overdevelopment and housing

- Mass building in Southwater, which is now overdeveloped.
- Current infrastructure is inadequate to serve new development; Southwater needs increased investment in its services and facilities (train station, doctors, dentist, and more parking at shops).
- Almost all new dwellings would be larger executive homes with few 2-3 beds and no affordable housing provision, contrary to development plan policy and not based on latest Strategic Housing Market Assessment. Only 30% affordable housing provided in phases 1-4. Reducing 4-5 beds and increase of 2-3 beds would raise density.

Flood Risk and Drainage

- Increased runoff from development into the ditch on Shaw's Lane will increase flooding. The proposed drainage strategy is reliant on unregulated and inadequate maintenance by a future Management Company.
- Flood Risk Assessment is inadequate as clay does not drain and site is wetter than other parts of the Broadacres site allocation. Weather patterns have changed since 2014 with an increase in heavy rain events.

Highway access, including onto Shaw's Lane, and parking

- Dangerous to increase public access onto Shaw's Lane and upgrade the existing PRow footpath into a bridleway. The existing PRow footpath access is on a blind S bend in Shaw's Lane and the narrow, unlit length of Shaw's Lane would be dangerous to pedestrians, buggies, cyclists and horses. Motorised vehicles will illegally use bridleway.
- PRow crosses third party land and the upgrade necessitates removal of important and historic hedgerow and trees along Shaw's Lane.
- New footpath access opposite the Chase Farm entrance is also dangerous and raises Health and Safety risks as farm entrance used by heavy and large farm vehicles and machinery.
- Location of playspace will encourage use of and parking in Shaw's Lane to access these facilities. Children will wander out onto Shaw's Lane and into Chase Farm.
- Parking provision is above WSCC guidance and inadequate measures in Travel Plan.
- Significant increased traffic on Church Lane and site is remote from nearest bus service and Lintot Square.

Landscape Character and Trees

- Loss of green infrastructure and extension of urban sprawl that would detract from rural character and appearance of rural countryside. Light pollution from street lights.
- Shaw's Lane will lose its identity as a country lane, due to too many of its trees (37 individual and two groups) and significant stretches of hedgerow (total 41.5 metres) to be removed. This would lessen capacity to screen the new development.
- Why did the Parish Council rule on the number of trees to be included if that number was never going to be possible? Reducing agreed number of trees planted on site would deprive the site of green infrastructure and leave Council responsible for nurturing saplings (saplings planted in Broadacres estate have died for lack of watering).

Neighbour Amenity – privacy and noise

- Adverse impacts on air quality. Submitted report does not follow Council's guidance.
- Noise from adjacent dog boarding business would be un-neighbourly to new residents.
- Location of playspace too close to neighbours and away from surveillance of new residents. Question need for additional playspace as earlier phases of Broadacres is already adequately served by playspace.

- Increased access onto Shaw's Lane will encourage anti-social behaviour. Evidence already of drug use on Shaw's Lane. Uncertain who would police the play space.
- Security risk to property.

Other matters

- Harmful to ecology as the development would cause further disruption to wildlife and destruction of natural habitats, including too many trees and hedgerow removed. Play space now located in ecological mitigation zone, which should be relocated and ecology zone increased in size. No bird survey undertaken.
- Not carbon neutral development. Levels of achievable carbon reduction should not be constrained by Part L 2013 baseline.
- Negotiated adjustments have not overcome objections.
- PRoW shown incorrect on drawing. No landscape masterplan provided.
- Loss of Great House Farm and sports club inappropriately sited.
- Motivated by profit for Fletcher Trust and local people ignored.
- In contravention of Court of Justices of European Union.

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 and compliance of the scheme with the parameter plans approved at Outline;
- The layout, scale and appearance of the proposed development and effect on the character and appearance of the surrounding area;
- Accessibility and highway safety, and parking provision;
- Impact on the amenities of nearby and future occupants;
- Environmental issues including the landscaping proposed and the impact on existing trees and drainage

Background

- 6.2 In June 2015, pursuant to HDPF Policy SD10, outline planning application was permitted for the development of approximately 34.6 hectares of land to the west of Worthing Road in Southwater for up to 540 dwellings and 54 retirement living apartments, associated vehicular, cycle and pedestrian access, drainage and landscape works (application reference DC/14/0590). The outline planning permission is subject to a legal agreement which has secured the provision of replacement sports pitches and facilities (footpath pitches, cricket pitch, tennis courts and a sports pavilion); a parish office building; play areas; a skate park, multi-use games area (MUGA); cemetery extension; ecological mitigation areas and car parking provision for the village hall, church, sports facilities, together with affordable housing.

- 6.3 Berkeley Homes (Southern) is developing this strategic allocation, known as Land West of Worthing Road, in five phases. Reserved Matters has already been permitted on phases 1-4, to provide 514 dwellings in total, including the full site-wide affordable housing provision of 178 dwellings required under the outline permission. Phase 1 is now completed and

occupied. Phase 2 is well advanced, with commencement on the northern part of Phase 3 imminent.

- 6.4 The period for the submission of the Reserved Matters applications pursuant to the outline planning permission has now expired, without details for Phase 5 having been submitted. This application in effect seeks the development that would otherwise have come forward on Phase 5 under the outline permission, but now submitted as a Full Application rather than a Reserved Matters application.

Principle

- 6.5 The application site is located outside of the Built up Area Boundary as defined by Horsham District Planning Framework (HDPF), however the principle of development of this site with 80 no. market dwellings has already been granted by virtue of the site allocation under Policy SD10 and the outline permission under DC/14/0590. There is, therefore, no objection in principle to the current proposal, however consideration must be given to any site-specific constraints, and the detail of the scheme.
- 6.6 Since the submission of the application, the Examiner's Report dated 15 May 2020 on the Southwater Neighbourhood Plan has been published. The draft Southwater Neighbourhood Plan is aligned with the overall strategy of HDPF, with this strategic allocation falling within the revised Built up Area Boundary as defined by the Neighbourhood Plan (SNP1 – *Core Principles*)
- 6.7 All neighbourhood planning referendums scheduled to take place are postponed until 6 May 2021 following Government guidance. The intention of Horsham District Council is to send this neighbourhood plan to referendum, and Government advice is that plan can be given significant weight in decision-making, so far as the plan is material to the application. A decision statement to this effect was published 20 August 2020. Both the post-examination neighbourhood plan and the outline planning permission are therefore material considerations that carry significant weight in the determination of this application.

Compliance with Parameter Plans approved at Outline

- 6.8 The Outline Planning Permission established the principles of the Land West of Worthing Road development site through the approval of a number of parameter plans and technical supporting information including the Design and Access Statement. These parameter plans set out the location of the main land uses; the vehicular, pedestrian and cycle accessibility; the landscape and ecology strategy; the density of development; and building heights.
- 6.9 The current proposals should demonstrate compliance with the defined parameter plans approved as part of the outline consent.
- *Red Line boundary*
- 6.10 The proposed redline boundary reflects physical features out on the ground and excludes areas already laid out on site (these are ecological mitigation areas previously approved alongside Phase 1 of the strategic allocation). The site boundary therefore complies with approved outline parameter plan.
- *Land Uses*
- 6.11 The application comprises the southwest part of the wider development site and incorporates Phase 5. Access to this phase is as previously proposed and approved. The original parameter plan showed Phase 5 to be for residential development with the extent of the various land use components (residential developable area, public open space, ecological mitigation area, landscape buffer, and existing woodland). To the southern part of Phase 5

the parameter plan also details an attenuation area which was designed as a storm water retention area. It is considered that the layout currently proposed is in accordance with the layout shown on the land use parameter plan submitted and approved under the original outline planning permission DC/14/0590.

- *Density*

- 6.12 The outline density parameter plan details the application site to have a low density (up to 24 dph). The application site has a total area of 6.76 hectares and 80 dwellings are proposed which gives scheme density (circa 12 dph) which accords with the approved Parameter Plan.

- *Building Heights*

- 6.13 The outline parameter plan allowed for residential buildings of up to three storeys. The proposed buildings heights are all two-storey, with all ridge heights within the approved parameters. The scheme is therefore considered to be in conformity with the building heights proposed in the originally approved parameter plan.

- *Movement & Access - Vehicular*

- 6.14 Vehicular access is via shared surfaces and a loop road that links with Phases 3 and 4 (Kensett Avenue), which will be the spinal road for the strategic allocation. The emergency vehicle access point off Shaw's Lane will remain. The principle of vehicular movement and access through the site confirms with the details set out in the originally approved parameter plan. The road layout proposed is considered to be appropriate.

- *Movement & Access – Pedestrian and Cycle*

- 6.15 Pedestrian and cycle circular routes will be provided as well as upgrade of existing Public Right of Way footpath 1652 that crosses the development. The proposed scheme broadly accords with the outline parameters for pedestrian and cycle movement and access. It should be noted at the position of PRow 1652 was incorrect in this part of the outline Design and Access Statement (it is correctly detailed later in the document).

- *Landscape and Ecology Strategy*

- 6.16 The overall landscape strategy and the various components of it (ecological mitigation area, landscape buffer, public open space, attenuation areas, existing hedgerows and trees retained, and existing woodland) is considered broadly compliant with the parameter plan and is acceptable, subject to some outstanding issues that would have to be addressed, as discussed further below. It is considered most could be addressed through conditions, with the exception of tree planting.
- 6.17 Amendments were submitted during the course of the application and the Landscape Architect has reviewed the information. Conditions have been added to invite the design of the attenuation basin and the surrounding amenity space to take account of the Landscape Architect's comments. The conditions will also address the outstanding information relating to the surfacing, drainage, ecology mitigation and enhancement and the Landscape Management and Maintenance Plan. These are discussed further below. Subject to these details a suitably designed attenuation space and amenity space would be provided in line with the masterplan aspiration.

Affordable Housing and Housing Mix

- 6.18 Policy 16 of the HDPF states that sites providing 15 or more dwellings, or on sites over 0.5ha, the Council will require 35% of dwellings within the development to be affordable. Policy 16 goes on to state that development should provide a mix of housing sizes, types, and tenures

to meet the needs of the district's communities as evidenced in the latest Market Housing Mix study (Iceni, November 2019) in order to create sustainable and balanced communities.

- 6.19 Regarding the mix of housing, evidence set out in the latest Strategic Housing Market Assessment (Iceni Nov 2019) demonstrates the Horsham District has a strong representation of larger 4 bed market homes and a clear need for affordable housing. Table 70 of the study shows that residential development market housing should comprise the suggested mix: 1 bedroom housing – 6%; 2 bedroom housing – 27%; 3 bedroom housing – 41%; and 4+ bedroom housing – 26%.
- 6.20 Taking account of the current stock, needs evidence and demographic trends, the Iceni report identifies the profile of need for different sizes of homes by tenure and in relation to affordable housing, a 70/30 (rented and ownership) split. The current application is proposed as fully private tenure. No additional affordable housing is proposed.
- 6.21 Of the 80 units proposed for Phase 5, there will be a mix of 2, 3, 4, 5 bed houses, however 70 of the 80 would have 4 or more bedrooms. Whilst clearly contrary to the preferred mix identified above, when Phase 5 is added to the earlier phases, the entire strategic allocation is broadly aligns with the housing mix identified in the Iceni report, even accounting for the time that has passed since the strategic development was allocated and its housing mix stipulated. As such in this instance the proposed housing mix is considered acceptable.
- 6.22 In respect of the absence of affordable housing, it is of note that the outline approval made provision for 178 affordable units across the wider development site which is secured through the S106 agreement. All 178 affordable housing units have already been catered for under the extant reserved matters approvals on Phases 1-4 of the development. These units originally comprised a mix of 50% affordable rent and 50% shared ownership properties when permitted in 2015. In 2016, a deed of variation application (reference S106/16/0009) was submitted to make a number of changes to the legal agreement, one of which was to change the tenure split from 50/50 affordable rent/shared ownership to 47% affordable rent/53% shared ownership. Permission for this variation was granted in 2017.
- 6.23 Under the outline planning permission, it was envisaged that the final phase of the development, Phase 5, would be fully private tenure with a particular emphasis on larger homes suitable for families. Through the reserved matters submissions for Phases 1-4, this has been realised, with all the required affordable housing units (178 in total) having been provided on these earlier phases, for the site as a whole. The provision comprises a mix of apartments and houses, including over-55 units, with a fairly even distribution across all phases 1-4 and split between the two tenures (affordable rent and shared ownership). Whilst it is acknowledged that the current proposal incorporates far fewer number of 1 and 3 bedroom market dwellings, this has been balanced out with an increased provision across the wider strategic allocation.
- 6.24 The present application submission is the final phase of the strategic allocation and the current proposal is shaped by the legacy of the outline permission, and the need to adhere to it. As such, the proposed housing mix, when considered across the entire site allocation of 594 dwellings, is considered to appropriately comply with the Council's expectations for a residential development of this quantum and is therefore considered in accordance with Policy 16 of the HDPF and the latest SHMA assessment. Your Officers consider the suggested provision of affordable units to private dwellings is proportional, and is in accordance with the Affordable Housing Delivery Schedule as set out in the legal agreement.

Heritage

- 6.25 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. This is reflected in HDPF policies and draft Southwater Neighbourhood Plan SNP19 – *Parish Heritage Assets*.

- 6.26 No Listed Buildings are within the site. There are a number of statutorily Listed Buildings recorded within the wider vicinity of the site. A small cluster of Grade II Listed Buildings to the north of the site on Church Lane (Southwater House, Vicarage Cottage, and Holy Innocents Church) at a distance between 100-200m. The remainder are at least 400m from the Site (including Marlpost Farm Grade II). All are quite well contained within their own site but do have a group value which adds to their significance. The sensitivity of these heritage assets was assessed in the Environmental Statement submitted with the outline application. In particular, the degree of suburbanisation to the setting of Southwater House was acknowledged but due to the increased landscape buffer and low density housing, it was considered that this would result in a less than substantial impact, with this being assessed at the lower range. Importantly, the current application secures the same level of mitigation as required through the outline application. The development layout and density is comparable to the outline approval and the planting buffer along the north boundary is continuing to be provided, with an enhanced landscape buffer to the sensitive north-west site corner due to the need for additional tree planting provision on site.
- 6.27 The Historic Environment Record managed by West Sussex County Council identifies Chase Farm historic farmstead to the west of the application site and Carpenter Barn historic outfarm to the south. College Barn historic outfarm is identified within the centre of the earlier phases of the strategic allocation. These are all non-designated heritage assets and their significance stems from historic and architectural values as traditional outfarms. All now have had their settings partly changed in character with domestic conversion and degrees of visual enclosure of curtilages, although Chase Farm retains a functional connection to the agricultural landscape context. In the terms the resultant harm through the change in agricultural character of part of their setting, the Council's Conservation Officer considers such harm to significance will be minimal.
- 6.28 Whilst the development is in relatively close proximity and considered to affect the setting of the Listed Buildings, the proposed development is in conformity with the layout and indicative plans as originally set out at outline stage. Whilst the setting of the heritage assets was considered to be impacted, the impact on all the assets, including the aforementioned three Listed Buildings along Church Lane, is considered to be low. In accordance with paragraph 196 of the NPPF, the harm should be weighed against any public benefits of the proposal, proportionate to the significance of the heritage assets.
- 6.29 In overall summary, the Environmental Statement at outline stage judged that in light of the particular significance of these built heritage assets, separation distances, interposing typology/landscape and the nature of the proposed development, the effect on the significant would be negligible. Having account of this, and the advice from the Council's own Conservation Officer (who raises no objection to the current application), planning officers consider there will be only low effect on their significance through development in their setting and this would result in a less than substantial impact at the lower range. This approach and conclusions are consistent with planning officer's assessment of the outline application

Archaeology

- 6.30 Recent fieldwork to the north-east of the site has produced evidence of Iron Age and Roman period activity. The Council's consultant archaeologist recommends approval of the submitted Written Scheme of Investigation, which includes a plan of the trail trenching required.

Character and Appearance

Landscape Impact

- 6.31 Horsham District Council recognises the value of its surrounding countryside, and the importance and influence this has on both the urban and rural 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, including the Horsham District Landscape Character Assessment (2003). The Council's Landscape Architect has reviewed the proposed development having regard the Council's character and capacity studies,
- 6.32 As set out in the earlier section of this report it is considered that the proposed Phase 5 is in conformity with the parameter plans approved at outline stage, particularly with respect to the layout, the accessibility for cyclists, pedestrians and vehicles and the building heights.
- 6.33 The proposal incorporates landscaping features reflective of the characteristics of the surrounding countryside area (field perimeter hedgerow and tree, woodland and meadow) and provides spaces which can offer multiple benefit (biodiversity, and ecological enhancements as well as being a significant benefit for the new residents). The storm water retention area surrounding the ponds is an ecological mitigation area consisting of shrub planting, meadow and marginal planting. The scheme also proposes footpath and cycleways linking the development to the wider PRow network. This accords with the vision for the character area as set out in the Design and Access Statement submitted at outline approval.
- 6.34 The development closest to the of the strategic allocation will face outward towards these earlier phases and adopt the traditional architectural approach of these phases to ensure an appropriate integration, whilst also introducing other materials to signify the transition to the next phase. The eastern edge of the phase 5 extends the open space of phases 3 and 4 by continuing the lawn and tree planting on the western side of the mature field boundary hedgerow. As the development radiates outward, the building arrangement will become more spacious and more planting to reflect the rural edge. Building heights accord with the outline parameter plan. The upgraded Public Right of Way through the centre of the site is an extension of landscape corridor from phases 3 and 4. This will continue the informal naturalistic tree and shrub planting but also includes a higher proportion of woodland species to reflect the transition to the tree planting and open countryside beyond the development. All this allows for a sense of identity for the final phase given its transition from suburban to rural character, on the countryside edge, whilst keeping it in character with the previous phases.
- 6.35 The retention of existing mature trees and the proposed new landscaping are considered to create a spacious and verdant feel within the site, reflecting the transition from the suburban earlier phases of the strategic allocation and surrounding countryside. It also means 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 west and north sides of the site would remain. A structural landscape buffer strip to the north boundary would reduce intervisibility of the new development on the sensitive countryside setting of the Grade II Holy Innocents Church. The precise planting of this north-west buffer will be subject to condition to maintain views southwards from the public footpath 1654 towards Chanctonbury Ring in the South Downs National Park, and also potentially views of this notable landmark from within the development itself. Following negotiations, subtle adjustments to the site layout in terms of the position and orientation of buildings and their heights in the development offers the potential for a corridor view to be accommodated.

- 6.36 Nonetheless, the site is part of countryside on the edge of a settlement that is essentially rural in character. To that extent, the central section of the site will be replaced with buildings, and there would be some harm and conflict with the HDPF. In judging the severity of this harm it is necessary to recognise that although the site presently demonstrates a rural character due to the adjoining undeveloped countryside, there will be significant suburbanising influences within its immediate context in the near future, as the earlier phases of the strategic allocation to the east are built out. This would include an inevitable increase in activity along Shaw's Lane by future residents of the earlier phases using it for pursuits such as dog walking. Whilst the proposed development and the upgrade of the PRoW onto Shaw's Lane would add this to activity, it is considered that Shaw's Lane would, for the most part, retain its sense of character as a countryside lane, despite a potential increase of chance encounters when using it. Following negotiations a proposed secondary footpath onto Shaw's Lane from the proposed development that would have emerged near opposite Chase Farm has been omitted. Consequently a 10 metre length of hedgerow along Shaws Lane, which would have been removed, is now to be retained. External lighting can be controlled by condition to avoid intrusive levels of light pollution, although by its nature the development would result in some additional illumination. The planting of additional trees and hedgerows within the wider site, and planting within the built development itself, would aid in the screening and filtering of views of the proposed buildings and so reduce the magnitude of change and resultant adverse visual effects upon the wider countryside, including from identified viewpoints.
- 6.37 The Council's Landscape Architect initially raised concerns with certain landscape issues within the site itself. Revised plans have been received in response, with amendments considered to have addressed the majority of these issues sufficiently to overcome those original concerns. As well as negotiations regarding tree provision under draft Southwater Neighbourhood Plan Policy SNP18, which is detailed out in this report, the fence proposed around the open space has been omitted to provide more naturalised integration of play space with the environment around it, and a viewing platform has been included on the balancing pond in the southeast corner to enhance interaction with nature. Benches are also proposed to overlook the pond and increase engagement. A connection to the LEAP in the adjacent earlier phase to the east was suggested, this is asserted to be not viable or practical due to a ditch separating the areas with both playspaces accessible via the residential streets. Pedestrian permeability through the site has also been improved; pedestrian paths adjacent to plots 25 and 67-69 allow residents in the middle of the site to easily access the southern portion and the road to the side of plots 2/3 and 8/7 is indicated as a shared surface (precise details can be secured by condition). This has the potential to create an attractive and safe route from the houses to the Phase 5 LEAP, also increasing the scope for tree planting.
- 6.38 The applicants have agreed that a Landscape Management Plan for the management and maintenance of the site, including its play space, should be secured through a S106 agreement to ensure appropriate management of this green infrastructure. In this respect, the proposal is compliant with draft Southwater Neighbourhood Plan SNP12 – *Outdoor Play Space*. Precise details of hard and soft landscaping would be submitted by planning condition. The inclusion of an interpretation board pointing out the Chanctonbury Ring view will also be secured.
- 6.39 It is concluded that 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.

Layout and Design

- 6.40 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should

make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape. Draft Southwater Neighbourhood Plan SNP16 – *Design* and SNP17 – *Site Levels* are both aligned with these policies.

- 6.41 The streets are legible with active frontages through the development and avoidance of vulnerable rear access paths, with the majority of dwellinghouses fronting the streets featuring doors and windows to ensure a passing level of surveillance. This includes the public areas and play space, which Sussex Police has commented on. Originally the LEAP was located to the southwest corner of the site, in accordance with the Design and Access Statement approved at outline. However, your officers believe in the case of the LEAP that a deviation from the outline permission is justified, as it was originally considered to be at a disadvantageous distance from the new properties and quite intrusively placed in the rural edge of the site. Following negotiations, the position of the LEAP has been revised, and it is now located closer to the development, in the southeast corner. This does mean it is closer to Woodland House to the south of the site from which a dog kennels business operates, but it is considered there is suitable distance retained between it and neighbours (existing and future) to avoid undue noise and disturbance. Its revised position also allows for convenient natural surveillance from nearby dwellings, with safe and accessible routes for users to come and go. It also means the playspace would be situated in an environment that is stimulating and safe for all children; the attenuation basins either side of the LEAP will be designed to have shallow sloping edges with marginal planting and a wildlife observation point. Regarding the LAP, this smaller playspace with limited equipment is unlikely to attract the same level of activity as the LEAP. It benefits from natural surveillance and typical equipment used (such as balancing timber beams) would be sympathetic to the rural edge, so it is not considered necessary to relocate this. Again, its position was previously approved at outline.
- 6.42 The road network is suitably laid out for refuse vehicles and collection points within this phase are suitably located and accessible. Parking has been provided for with in-curtilage parking bays which should leave the street layout free and unobstructed. Where communal parking occurs it is within view of active rooms within a property. The boundary between public space and private areas are clearly indicated. It is desirable for dwelling frontages to be open to view, and walls fences and hedges have been kept low or alternatively feature a combination of wall, railings or timber picket fence. Windowless elevations and blank walls adjacent to space to which the public have access is generally avoided.
- 6.43 The buildings will be built with a palette of materials and embellished with architectural features that are sufficiently reflective of the character of existing Southwater properties, which provides visual interest, as does the presence of smaller scale mews houses arranged around a shared surface courtyard. Following negotiations, there has been refinement to the qualities of built form, particular those that contribute toward the sense of rural transition along the west-east landscape corridor. This includes subtle enhancements to how the buildings are arranged along the meandering route of the upgraded PRoW; the treatment of plot boundaries as well tree planting along it, and more precision in the use of flint in buildings within the development (as this is a less common building material to Southwater). All this generally accords with the vision set out in the Design and Access Statement at outline, and is considered in general accordance with the Southwater Neighbourhood Plan and Parish Design Statement.
- 6.44 It is now considered that the proposed character, design and appearance of Phase 5 is acceptable and meets with the vision for the development, as originally set out at outline stage in the Design and Access Statement and the parameter plans.

Trees and hedges

6.45 Policy 33(6) of the HDPF presumes in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

- Existing

6.46 Broadly the site is open, with trees only sited within the peripheral hedgerows. The hedgerows are to be largely retained, resulting in tree loss only in regard to the creation of the new loop road necessitating the removal of some trees from hedgerow groups G38 and G39. The trees within these groups are classified as category C as required under BS 5837 'Trees in relation to design, demolition, and construction - Recommendations' (2012). The Council's Tree Officer does not consider these are of any especial or particular merit.

6.47 All of the distances between the proposed built form and the peripheral trees appear to be in accordance with the relevant British Standard, thus reducing likelihood of future pressure to perform inappropriate surgery or removal, and this is satisfactory. The measures for the protection of retained trees on the site during the construction process are also in line with the requirements in the British Standard, with all development that requires ground excavation appears placed outside of the root protection area of any retained trees, and this is satisfactory.

6.48 The submitted Tree Report notes (at para 4.6 and 4.7) that of the trees on the site, 37 have been classified as category 'C' under the BS, and a further 7 as category 'U'. This does not mean that these 44 trees are to be felled; it is merely a classification. What this does infer is that the 7 demonstratively poor trees under category U should be felled for good arboricultural reasons whether the site is developed or not.

- Proposed

6.49 The draft Southwater Neighbourhood Plan seeks tree planting standards within new development, set out in SNP18- *A Treed Landscape*. This requires that major developments must provide a minimum of one new tree (conforming to British Standard BS 3936-1/ Standard 8-10cm girth) per 40m² of new floorspace created. Southwater phase 5 creates an additional 15,743m² of floorspace (including garages) and therefore requires an additional 394 trees.

6.50 The layout of the proposed development has been reviewed to include as many of these within the red line of the application site as reasonably practical, whilst also accommodating previous feedback from the Council and the various development constraints (including viewing corridors, attenuation basins, play areas etc.). Small fruit trees could be added the bigger gardens without creating a potential shading issue and end up being removed from future occupants.

6.51 As per the policy, tree planting has been considered in the hierarchy of on-site provision; provision elsewhere in the plan area by the applicant; and lastly in the form of a commuted sum. This ensures the application is policy compliant. 185 trees will be provided within phase 5, an additional 10 trees within phase 4, and the remaining provision (199 trees) is suggested to be additional small fruit trees in gardens or open spaces of phases 3.2 and 4. It is therefore considered the proposal is policy compliant.

6.52 *On-site tree planting* has been focused in the below locations:

- The perimeter of the site boundary: care has been taken to preserve the future meadow surrounding the built form perimeter. The public amenity value of this space has been previously highlighted by the Council Landscape Architect.

- Within back gardens: this includes larger trees within generous back gardens, and additional fruit trees within some smaller gardens.
- The north western corner: care has been taken to balance tree planting with the Council's request to preserve views of the Chanctonbury Ring. It has been agreed that to ensure the viewing corridor is retained trees are suggested cautiously and the exact location will be confirmed via condition.
- Shared surface road: four new trees are shown along a shared surface access road between plots 2/3 and 7/8 leading to the LEAP in the south.
- Car parking area: two additional trees in the car park serving units 63-66.

6.53 In your Officers view, shared by the Council's Landscape Architect, it would be unreasonable to expect the total 394 additional trees to be contained within the red line. This would not create an appropriate or desirable living environment or take account of the development constraints. It is necessary to recognise the proposed scheme was already at an advanced stage when it became necessary to include these many trees; the main issue here is trying to retrofit. Working with feedback from the Council, the applicants have managed to provide 185 trees within the red line, of which 69 are to be large native trees and 116 small ornamental and fruit trees.

6.54 *Off-site tree planting*

SNP18 allows a degree of flexibility. The applicants have explored providing additional trees within earlier phases of the Southwater development despite these already having detailed planning permission, prior to the implementation of the updated Neighbourhood Plan. It has been agreed to plant an additional 10 trees in the open space in phase 4, and propose the remaining 199 additional smaller fruit trees within back gardens and open spaces of phases 3.2 and 4. It is suggested that this agreement forms a clause in a s106 legal agreement, with the detail, location, and number of trees to be confirmed via condition. In direct response to a comment from the Parish Council, Berkeley Homes confirms it does not have other appropriate, unused private land in the neighbourhood plan area on which additional trees could be planted. Even if such land were available, your Officers believe the focus should be on planting trees in places where people can connect with them and form part of everyday life, such as on the walk to school and in our communities. This is an approach that is supported by the policy, and recommended by the Council Landscape Architect.

Accessibility and Highway Safety

6.55 Policy 40 of the Horsham District Planning Framework states that transport access and ease movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district.

6.56 Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.

Accessibility and traffic movements

6.57 The Local Highway Authority has determined this to be a sustainable and accessible site and is well located in terms of its proximity to existing shops, schools and medical centres and other community and recreational facilities.

6.58 Having assessed the trip rate information submitted, which has taken into consideration background national traffic growth forecasts, 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.

- 6.59 At outline approval local highway improvements and enhancement measures to improve integration of the strategic allocation, including the application site, with the wider area and to address wider sustainability issues, were secured within a legal agreement.
- 6.60 These efforts, including a travel plan, 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.

Access and highway safety

- 6.61 Vehicular access to Phase 5 is to be from two simple T-junctions on Kensett Avenue; the Highway Authority is satisfied the visibility splays at the junctions would accord with Manual for Streets parameters. The internal road layout has been designed to adoptable standards, in accordance with the Highway Authority Supplementary Guidance. Therefore no further traffic calming measures are necessary. The applicant has provided a swept path diagram which demonstrates larger vehicles can safely turn within the site. This main access will be used for construction purposes during the development build-out phase. In addition, the existing emergency access to the site from Shaw's Lane will be retained, for use by emergency vehicles only. By its nature the upgrade of the PRoW footpath 1652 into a bridleway will encourage more use of Shaw's Lane, however highway safety issues related to the principle of the upgrade were assessed and judged acceptable at outline approval, as well the precise point of access onto Shaw's Lane under the current application (this being the existing access point of the PRoW). The upgrade is supported by both the WSCC Highway Authority and PRoW teams. Following negotiations, the original intent for a second unadopted footpath access onto Shaw's Lane from the development near opposite Chase Farm has been omitted.
- 6.62 The access arrangements on Kensett Avenue and the main spine roads within Phase 5 will be delivered via a Section 38 Agreement between the applicants and WSCC. A detailed scheme showing the highway works will be submitted to the LHA for detailed technical approval, following planning consent subject to detailed technical approval under the S38 process. On the basis of the information submitted, the Highway Authority are satisfied with the access strategy of the proposals.

Parking

- 6.63 The parking capacity in the proposed 80 market unit scheme exceeds the residential parking demand as laid out in the West Sussex County Council's Guidance on Parking at New Developments August 2019, and is expected to meet the operational needs of the development. The proposed provision of 271 spaces exceeds the 230 car parking spaces recommended to comply with the WSCC guidance. In addition, there is 15 visitor spaces.
- 6.64 The draft Southwater Neighbourhood Plan (SNP) seeks to impose local level car parking standards. All plots have been checked and provide adequate provision of car parking as specified in SNP14- *Adequate Provision of Car Parking*. Following publication of the Examiner's report, the parking has also been re-configured to remove tandem parking behind garages, and avoid three or more car parking spaces arranged one behind the other, this is specified in the SNP. The development provides sufficient visitor parking, and the examiner recommended removal of clause SNP14.1d which states a rate of visitor provision.
- 6.65 Each garage will be equipped with cabling for a charging point for electric vehicles. This is in accordance with SNP 15- *Driving in the 21st Century*, which supports the shift to low emission vehicles. Two cycle parking spaces will be provided for each house. 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.

- 6.66 In conclusion on highway matters, the local highway authority raises no objection to the development based on the outstanding history at the site. In this respect, the proposal would be compliant with draft Southwater Neighbourhood Plan SNP4 – *Keeping our roads moving*. HDC Planning officers concur with this assessment.

Public Rights of Way (PRoW)

- 6.67 Existing Public footpath 1652 runs across the site. It is intended this will be upgraded to a 3 metre public bridleway, in accordance with the outline approval of the strategic allocation to create a cycle route from Bridleway 2929 (Shaw's Lane) through the development. This has already been approved along its length which passes through the earlier phases of the strategic allocation. It is a significant beneficial feature to support pedestrian and cycling opportunities from the development. Negotiations have secured clear delineation where the bridleway would cross frontages of plots 72 & 73, in order to minimise conflict between users and residents, and avoid unlawful obstructive parking. In all these respects, it is compliant with draft Southwater Neighbourhood Plan SNP13 – *Enhancing our non-motorised transport network*.
- 6.68 The meandering appearance shown on the layout drawing is acceptable to the West Sussex County Council PRoW team. The specification for construction is as per that previously agreed for Bridleway 3568 (the Downs Link) and constructed by Berkeley Homes (Southern). A Dedication Agreement specification for a surfaced bridleway, with a width of 3m and appropriate visibility splays and dropped kerbs at junctions and signage, should be agreed with the WSCC PROW Team in advance of any development taking place. All such improvements to the PRoW are to be delivered and constructed by Berkeley Homes (Southern), at their expense. No structure, for example gates or stiles, may be erected on the PRoW without the prior consent of the WSCC PRoW Team.

Other Environmental Issues

Drainage and Flood Risk

- 6.69 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 and drainage strategy supports the planning application (as set out in Flood Risk Assessment & Drainage Strategy (dated 15th November 2019) Ref; AMA739 – Infrastructure Design Ltd). It has assessed the risk of all forms of flooding to and from development and taken climate change into account.
- 6.70 The development is sequentially arranged and entire site is located in Flood Zone 1, which is the land categorisation which is at lowest risk of flooding. The area considered to be a low risk of fluvial flooding from significant watercourses and there is no high or medium surface water flood risk and only localised areas of low flood risk where the site falls towards existing watercourses.
- 6.71 Nonetheless, it is recognised the introduction of built form has a potential increase to residual risk of flooding (surface and foul water). A Flood Risk Assessment was prepared by the applicant covering the strategic allocation. This was approved as part of the outline planning permission. The drainage strategy methodology proposed for the application site adheres to the one approved for the strategic allocation.
- 6.72 As there is no notable catchment uphill of the site's north boundary, the surface water runoff catchment is limited to the site itself. It has been demonstrated this can be managed in the proposed development drainage systems. The proposal is for a sustainable drainage system that attenuates site runoff within a basin with restricted outflow into the watercourse at the south east of the site. In order to restrict the site runoff, two attenuation basins will

provide a combined storage volume of a modelled 1:100 year flood level plus climate change worst case duration storm event.

- 6.73 The foul discharge from the development will drain by gravity to a new adoptable foul water pumping station, located at the southern end of Phase 4.
- 6.74 There is a watercourse at the west of the site, in the verge of Shaw's Lane, and near to the site's east boundary. Both these watercourse do not form part of the proposed drainage strategy and both are at lower elevations than the proposed development, so there are no anticipated risks of flooding to the development. Any works to the watercourses will be subject to Land Drainage consent from West Sussex County Council.
- 6.75 As highlighted by the comments from the drainage authorities, there is no objection to the principle of what is proposed however further 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. It is reasonable and necessary to secure the full details via suitably worded planning conditions. The proposals are considered acceptable from a flood risk and resilience perspective in accordance with HDPF Policy 38.

Amenity Impacts

- 6.76 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.

- Amenity of Existing Neighbouring Residents

- 6.77 The majority of objections received from nearby residents highlight the impact of the proposed development on the village of Southwater, the local road network and the existing infrastructure. Permission has already been granted in outline for the site as a whole under reference DC/14/0590. The assessment of this application can only consider the immediate impact on the amenity of existing residents and future residents as a result of development within this phase.
- 6.78 There are some existing properties to the south and west of the site, with The Chase, Chase Farm, Chase Lodge, and Woodland House, all on Shaw's Lane being in closest proximity. There is also a cluster of residential properties north of the site on Bonfire Hill, and a further the cluster of residential occupied Listed Buildings along Church Lane. Objectors have raised concerns about the impact of noise and disturbance from people using Shaw's Lane and the site, in particular the play space. There are two elements of the potential impacts to local residents, the construction phase and the completed scheme.
- 6.79 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.
- 6.80 For the completed scheme, local residents will experience noise and disturbance impacts associated with the introduced accommodation on this site, including children using the play space, and based on the indicative layout, outlook and privacy of neighbours would be impacted. However, the layout shows separation distances between the proposed development and play space and existing neighbouring buildings are sufficient to avoid significant loss of outlook and harmful overbearing. This, together with the building orientations across the site, is sufficient to avoid harmful overlooking and, for the same reason, unacceptable loss of privacy. Following negotiations, the position of the LEAP has been revised, and it is now located closer to the development, in the southeast corner. This does mean it is closer to Woodland House to the south of the site from which a dog kennels business operates, but it is considered there is suitable distance retained between it and

neighbours (existing and future) to avoid undue noise and disturbance or to curtail the business operations of the kennels.

- *Amenity of Future Occupants*

- 6.81 In terms of future residents, the layout of the proposed properties accords well with the originally approved parameter plans and has a density that is not considered to result in a cramped or overdeveloped scheme, nor lead to undue harm by way of overshadowing and overbearing. The building orientation and intervening distances between buildings avoids unacceptably intrusive loss of privacy, and although a degree of mutual overlooking between future neighbours would result, the severity of this would not be uncharacteristic of a suburban environment.
- 6.82 The draft Southwater Neighbourhood Plan (SNP) has policies that seek home standards and residential space standards for new dwellings. In terms of SNP9 - *Home Standards*, the NP Examiner amended this policy to read that new dwellings 'should' rather than 'must' achieve Building Regulation M4(2), as this is an optional requirement in the Building Regulations. In response to this the applicant has stated that not all dwellings would meet Part M4(2), and therefore would not be fully adaptable to the needs of occupants should they change in future.
- 6.83 The optional technical standard in Part M of the Building Regulations is triggered by development plan policies, and as such is only 'optional' insofar that it is optional for Local Planning Authorities to require their compliance via development plans. They are not 'optional' for developers to implement as they see fit (unless there is very compelling reason such as the development being a conversion of an existing building or step-free access not be achievable). In this instance all the dwellings are new-build dwellings where it is reasonable that they are designed to meet Building Regulation M4(2) from the outset to accord with Policy SNP9, which carries significant weight in decision making at this point in time. No compelling reason has been given by the applicant to justify an exemption therefore a condition is recommended accordingly to ensure all the dwellings are in compliance.
- 6.84 In regard to SNP10 – *Residential Space Standards*, all the new dwellings meet the 'Technical housing standards – nationally described space standard' and have adequate outdoor space. Accordingly, it is considered future occupiers would benefit from satisfactory future living conditions.

Ecology

- 6.85 Policy 31(2) of the HDPF states that development proposal will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.
- 6.86 A site specific Ecological Assessment was submitted in support of the development, and from this, a series of recommendations were made in response to secure adequate on-site mitigation measures. The Council's consultant Ecologist confirms the submitted assessment provides enough information for determination. The report surveyed the likelihood of the presence of Protected Habitats and species.
- 6.87 From this submitted evidence, the Council's Ecologist is satisfied that sufficient information has been provided to provide certainty to the LPA of likely impacts from the development and that any necessary mitigation will be effective and can be secured either by condition or by a licence from Natural England. Having considered the proposal, Horsham District Council

also concludes that, the project will not have a Likely Significant Effect on the designated features of habitats sites listed in the HRA screening assessment, either alone or in combination with other plan and projects.

- 6.88 A suite of ecological surveys was undertaken across the site through March to September 2019 to update the survey information used to inform the outline approval of the strategic allocation. The evidence from the surveys found the site comprises fallow agricultural land, being colonised by species poor, semi-improved grassland. The site is more or less surrounded by outgrown hedgerows with numerous semi-mature broad-leaved trees. The hedgerow along the western site boundary is likely to be classified as Important under the Hedgerow Regulations. Following negotiations, the 10 metre length of this to have been removed is no longer proposed as the proposed footpath near opposite Chase Farm has been omitted from the proposal.
- 6.89 A small population of grass snake, common lizard and slow worm have been identified from within the site, whilst a relatively poor bat assemblage, comprising five species was also confirmed. The level of bat activity within the site, and the composite species, was similar to that recorded during previous surveys; there was a relative low level of registration for most species apart from common pipistrelle. Barbastelle bats, qualifying features for The Mens and Eberone Common SACS, have not been recorded on the development site, either roosting or foraging/commuting. The majority of the registrations were associated with the mature tree belts, particularly along the western boundary of the site.
- 6.90 The hedgerows, reptile and bat populations were assessed to be of local value, whilst the main habitat, species poor, semi-improved grassland/abandoned arable, was assessed as being of negligible ecological value. The proposed development would result in the loss of the majority of the fallow arable field, which has been assessed as a negligible impact. Two sections of hedgerow (a 20 metre and 11 metre section) would also need to be removed to allow for the construction of the site access entrances from the earlier phases. The Council's Consultant Ecologist has assessed this and concluded that minimal works required to facilitate the access would lead to an insignificant impact and the hedgerows are still functional as flight lines. Additionally, the Proposed Lighting Layout shows no illumination of the boundary hedgerows. Therefore, there is no potential for habitat fragmentation or loss of functionally linked land for Barbastelle bats as part of the proposal.
- 6.91 Suitable mitigation strategies have been proposed to ensure that the populations are maintained in a favourable conservation status. This includes the reptile population within the site. Ecological mitigation and enhancement measures will be secured through the creation of species rich habitat within the Ecology Mitigation Area. This has been developed in accordance with the Ecology Enhancement and Management Plan for the strategic allocation. It is an extension of the existing section of the ecological mitigation area already been laid out on site toward of the north of the western boundary. This existing area forms part of the ecological mitigation area for the earlier Phases 1-2.
- 6.92 The Council's Consultant Ecologist has reviewed the submitted Ecological Assessment by Derek Finnie Associates (2019). It is recommended that a reptile mitigation strategy will be required and a condition to secure this. The proposed planting does not reflect the native species planting recommended in the Ecological Assessment (2019) and required for ecological mitigation within the Ecological Mitigation Area, particularly in relation to trees and marginal planting. As such, a condition is also recommended to resubmit the planting as part of a planning condition for a combined Landscape and Ecology Management Plan (LEMP). This would address future lighting in and around the development, although it has already been demonstrated that light spillage onto hedgerows is kept below 1 lux, which is equivalent to twilight to avoid significant negative impact upon bats. Additionally, biodiversity enhancements will be required and should be secured by condition to ensure biodiversity net gain is achieved. This includes new meadow, woodland, and two new ponds with appropriate aquatic species planting.

- 6.93 In accordance with the Conservation of Habitats & Species Regulations 2010 (as amended), it is concluded that, subject to the proposed mitigation measures being implemented, protected species and habitats will be protected, whilst features of the proposal would maintain and in some cases enhance biodiversity. It is necessary and appropriate to secure the mitigation measures via suitably worded conditions to ensure no significant adverse impacts to protected species and habitats.

Contaminated Land

- 6.94 No significant risks to sources to ground or surface waters were identified in documents submitted with the application, through remedial works were deemed necessary to address risks to human health. This could be controlled by condition.

Climate Change and Air Quality

- 6.95 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions mitigate the impact of development on climate change.

- 6.96 In addition to the provisions included as part of the submission detailed in the applicant's planning statement, Officers are satisfied that the following measures can be secured as part of this application to reduce the development's impact on climate change:

- Water consumption limited to 110litres per person per day
- Integration of SUDS and green infrastructure to manage flood risk
- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Opportunities for biodiversity gain
- Cycle parking facilities
- Improved pedestrian and cycle links

- 6.97 Additionally, an Energy Statement has been submitted which sets out various commitments, including fabric first approach to meeting energy targets, to secure a reduction in carbon emissions. The report sets out the approach to be taken at detailed design stage to consider options for use of renewable energy on the development; solar thermal and solar PV.

- 6.98 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 air quality and mitigation against the effects of climate change within the district and elsewhere. These concerns are reflected in the draft Southwater Neighbourhood Plan SNP15 – *Driving in the 21st Century*. In this scheme of parking spaces proposed on-site, at least all garages will have integrated fast charge charging points provided. The EV charging points will be a fundamental part of a wider package of mitigation measures currently in negotiations, under the Council's adopted Air Quality Emission Reduction Guidance 2020. The applicant has undertaken an assessment on the concentrations of air pollutants as a result of development generated traffic, which concludes the impact on local sensitive receptors to be negligible during both construction and operational phases. The proposed air quality mitigation required will therefore be at least equal to the value of £30,938.48. Effective on-site mitigation measures are the preferred option. At the time of writing of the report, the precise provisions of the package of mitigation measures are subject to resolution with the HDC Environmental Health Protection Officer recommending that measures are linked to those being or having been undertaken for the other phases of the development. Members will be updated on this matter.

- 6.99 With the above in mind, Officers are satisfied that through the use of appropriately worded planning conditions, the above measures could be implemented to reduce the development's impact on climate change. To this regard, there are no objections to the proposal on these grounds.

Mineral and Waste Management

- 6.100 The proposed development would, if approved, result in sterilisation of the mineral resource. While outline permission has now lapsed, no mineral concerns were raised in the previous approval. Therefore, the application meets the exemption criteria detailed within the Minerals and Waste Safeguarding Guidance. There are no identified safeguarded waste operators within proximity of the site that would have their operations prevented or prejudiced as a result of the development. Your officers are also satisfied the proposal sufficiently minimises waste generation, maximises opportunities for re-using and recycling waste, and include waste management facilities.

Section 106 Agreement

- 6.101 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. The obligation will secure the tree planting under SNP18: Treed Landscape, the on-site play space provision and associated landscape features, and the air quality mitigation measures.
- 6.102 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.
- 6.103 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.

Conclusion

- 6.104 The principle of residential development the site has been established by way of the site allocation under Policy SD10 and the grant of outline planning permission (DC/14/0590). The current proposal represents the final phase of the strategic housing allocation in the Horsham District Planning Framework (HDPF) known as Land West of Worthing Road, and is referred to as Phase 5. It is considered that the scheme is in conformity with the parameter plans and Environmental Statement approved at the outline stage which, in turn, are compliant with the strategic allocation in the HDPF. Whilst the development would have a 'less than substantial' impact upon nearby heritage assets, it is considered that when reviewed in its entirety the proposal would provide for significant public benefits that would outweigh this harm, consistent with the conclusions of the outline application. Outstanding issues relating to archaeology, land contamination and drainage and other on-site environmental issues can adequately be controlled through conditions to this permission. Provision of policy compliant play space provision, tree planting and air quality mitigation can be secured by legal agreement.
- 6.105 It is therefore concluded that the scheme will deliver a high quality development in accordance with the HDPF strategic allocation and outline planning approval and is in conformity with national and local planning policies, therefore your Officers recommend that

this application be approved, subject to the detailed list of planning conditions and the completion of the necessary s106 legal agreement.

Community Infrastructure Levy (CIL)

6.107 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

6.108 It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	15743	0	15743
		Total Gain	
		Total Demolition	0

6.109 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development. In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

7.1 To approve planning permission, subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

Conditions:

1 Approved Plans

2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

3. **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these components require the consent of 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).

4. Pre-Commencement Condition: The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

- An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
- Details of how residents will be advised of site management contact details and responsibilities
- Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
- Details regarding parking or site operatives and visitors, deliveries, and storage;
- The method of access to and from the construction site
- The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc.
- Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
- Locations and details for the provision of wheel washing facilities and dust suppression facilities
- the anticipated number, frequency and types of vehicles used during construction, and the method of access and routing of vehicles during construction

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

5. Pre-commencement Condition: No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for Protected and Priority species (reptiles and compensation of lost Ecological Mitigation Area) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:

- purpose and objectives for the proposed works;
- detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- extent and location of proposed works shown on appropriate scale maps and plans;
- timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- persons responsible for implementing the works;
- initial aftercare and long-term maintenance (where relevant);
- disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

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, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and Policy 31 of the Horsham District Neighbourhood Plan and draft Policy SNP16 of the Southwater Neighbourhood Plan

- 6. Pre-Commencement Condition:** No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved, in writing, by the local planning authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the developer has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the local planning authority. Works shall be carried out in accordance with the approved scheme.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy 34 of the Horsham District Planning Framework (2015) and draft Policy SNP19 of the Southwater Neighbourhood Plan.

- 7. Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points 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.

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) and draft Policy SNP17 of the Southwater Neighbourhood Plan.

- 8. Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal 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) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 9. Pre-Commencement Condition:** Prior to the commencement of development details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities, and required ground excavations there for, shall be submitted to and approved, in writing, by the Local Planning Authority. These details shall coordinate with the landscape scheme pursuant to condition 1, and with existing trees on the site. All such underground services shall be installed in accordance with the approved details.

Reason: As the matter is fundamental to protect roots of important existing trees and hedgerows on the site and future trees identified in the approved landscaping strategy in accordance with Policies 25, 32, 33 & 34 of the Horsham District Planning Framework (2015) and draft Policies SNP16 and SNP18 of the Southwater Neighbourhood Plan.

- 10. Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of

materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials and details used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 11. Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body will be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 12. Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that all dwellinghouse buildings comply with Building Regulation M4(2).

Reason: As this matter is fundamental to in order to improve the sustainability of the development and to ensure homes are fit for all ages in accordance with Policy 37 of the Horsham District Planning Framework (2015) and Policy SNP9 – Home Standards.

- 13. Pre-occupation condition:** Notwithstanding the landscape design principles identified in the Design and Access Statement and planting plan drawings, no dwelling hereby approved shall be first occupied until details of a comprehensive landscape works strategy, including the following landscape works has been submitted to and approved in writing, by the Local Planning Authority:

- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- A plan showing where each tree pit is and root barriers to be proposed is required.
- Hard surfacing materials: A written specification (NBS compliant) including, layout, colour, size, texture, coursing, levels, markings to parking bays
- Walls, fencing and railings: location, type, heights and materials
- Minor artefacts and structures including location, size, colour and construction of viewing platform, signage, refuse units, seating and lighting columns and lanterns
- A written soft landscape specification (National Building Specification compliant) including topsoil stripping, storage and re-use on the site in accordance with recognised codes of best practice, ground preparation, cultivation and other operations associated with plant and grass establishment
- Details of the exact location, extent, type of equipment/features and surfacing proposed for the natural play areas including LEAP and LAP and their integration with the attenuation basin including existing and proposed levels and cross sections
- All boundary treatments and external lighting

The approved scheme shall be implemented in full accordance with the approved details. Planting shall be carried out according to a timetable to be agreed in writing with the Local Planning Authority prior to occupation of any dwellinghouse. Any plants which within a period

of 5 years die, are removed or become seriously damaged and diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, provides satisfactory open space provision for future occupants, and that the landscaped buffers along the site boundaries with the countryside is suitable to protect and conserve the landscape setting of Southwater, to protect the setting of neighbouring heritage assets, to ensure that the proposal is in keeping with the character of the surrounding area including the streetscene of Shaws Lane and to help achieve a safe and secure development in accordance with Policies 25, 32, 33 & 34 of the Horsham District Planning Framework and draft Policies SNP12, SNP16 and SNP18 of the Southwater Neighbourhood Plan

14. Pre-Occupation Condition: Prior to the first occupation (or use) of any part of the development hereby permitted, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs to achieve stated objectives;
- locations of proposed enhancement and compensation measures by appropriate maps and plans;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- persons responsible for implementing the enhancement measures;
- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats 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) and Policy 31 of the Horsham District Planning Framework and draft Policy SNP16 of the Southwater Neighbourhood Plan

15. Pre-Occupation Condition: Prior to the first occupation (or use) of any part of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- Description and evaluation of features to be managed including the native planting palette to be used.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions, maintenance schedules, and accompanying plan delineating areas of responsibility, including for all communal landscape areas
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP 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 objectives of the LEMP 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 approved plan will be implemented in accordance with the approved

details. The landscape areas shall thereafter be managed and maintained in accordance with the approved details

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policies SNP16 and SNP18 of the Southwater Neighbourhood Plan, and 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).

- 16. 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) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 17. Pre-Occupation Condition:** Prior to first occupation (or use) of the development hereby permitted, a detailed exterior light scheme shall be prepared, in consultation with a suitably qualified ecological consultant to avoid disturbance to foraging bats, and approved in writing by the Local Planning Authority. The lighting scheme shall be in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The approved lighting scheme shall be implemented in accordance with the approved details and retained and maintained as such in perpetuity.

Reason: To ensure that the proposal does not result in adverse impacts on bats and other ecology To safeguard the amenities of the site and surrounds in accordance with Policies 31, and 33 of the Horsham District Planning Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 18. Pre-Occupation Condition:** No dwelling shall be first occupied until means for the charging of electric vehicles by way of fast charging points have been installed in accordance with details that have been submitted to and been approved in writing by the Local Planning Authority. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document and include a plan of all charging points, their specification, means of allocation, and means for their long term maintenance. The means for charging electric vehicles shall be retained as such thereafter.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015) and draft Policy SNP15 of the Southwater Neighbourhood Plan.

- 19. Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

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) and draft Policy SNP22 of the Southwater Neighbourhood Plan.

- 20. Pre-Occupation Condition:** No dwelling shall be first occupied until all vehicular, cycle and pedestrian access from the site has been designed, laid out and constructed in accordance with plans and details has been submitted and approved by the Local Planning Authority.

Reason: In the interest of highway safety and in accordance with policy 40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and draft Policies SNP13, SNP14 and SNP15 of the Southwater Neighbourhood Plan.

- 21. Pre-Occupation Condition:** No dwelling shall be first occupied until the car parking serving 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 in the interests of road safety and in accordance with Policies 40 and 41 of the Horsham District Planning Framework and draft Policy SNP14 of the Southwater Neighbourhood Plan.

- 22. Pre-Occupation Condition:** No dwelling hereby approved shall be first occupied until details of facilities for the covered and secure storage of cycles have been approved in writing by the Local Planning Authority and the approved storage facilities made available for use within the site. Once brought into use the cycle storage areas shall be retained at all times for their designated purpose.

Reason: To ensure that adequate storage space is available for cycles to promote the use of sustainable modes of transport, in the interests of highway safety and the visual amenity of the scheme in accordance with Policies 32, 33, 40 & 41 of the Horsham District Planning Framework and draft Policy SNP13 of the Southwater Neighbourhood Plan.

- 23. Pre-Occupation Condition:** No dwelling hereby approved shall be first occupied (unless and until provision for the storage of refuse/recycling has been made available for use for that dwelling in accordance with details approved in writing by the Local Planning Authority. Once brought into use the refuse/recycling storage areas shall be retained for the storage of refuse/recycling containers only and not used for any other purpose.

Reason: To ensure that adequate storage space is available for refuse/recycling containers in the interests of highway safety and the visual amenity of the scheme in accordance with Policies 32, 33, 40 & 41 of the Horsham District Planning Framework and draft Policies SNP9, SNP10, and SNP16 of the Southwater Neighbourhood Plan.

- 24. Pre-Occupation Condition:** Prior to the first occupation 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) and draft Policies SNP4 and SNP13 of the Southwater Neighbourhood Plan.

- 25. 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 to be submitted to and approved in writing by the Local Planning Authority. 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 and draft Policy SNP4 of the Southwater Neighbourhood Plan.

- 26. Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 27. Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Derek Finnie Associates, 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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) and Policy 31 of the Horsham District Planning Framework and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 28. Regulatory Condition:** The existing public right of way across the site shall remain protected on its legal line for the duration of the development in accordance plans and details to be submitted to the Local Planning Authority for approval.

Reason: To safeguard the rights of the public and in accordance with policy 40 of the Horsham District Local Development Framework and draft Policy SNP13 of the Southwater Neighbourhood Plan.

- 29. Regulatory Condition:** All works shall be executed in full accordance with the approved:-
- BERK21376aia-ams ARBORICULTURAL IMPACT ASSESSMENT AND METHODSTATEMENT REV A-14.11.19 by ACD Environmental
 - BERK21376trA TREE REPORT (Tree Survey and Constraint Advice) REV A: 07.08.2019 by ACD ENVIRONMENTAL

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) and draft Policies SNP16 and SNP18 of the Southwater Neighbourhood Plan.

- 30. Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: 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).

- 31. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected

or constructed in front of the forward most part of any building hereby approved which fronts onto a highway without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenity of the locality and/or highway safety in accordance with Policy 33 of the Horsham District Local Development Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

- 32. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no development falling within Class B of Part 1 of Schedule 2 of the order shall be constructed on the dwellinghouses hereby permitted without express planning permission from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to protect the amenities of adjoining residential properties from loss of privacy in accordance with Policy 33 of the Horsham District Planning Framework (2015) and draft Policy SNP16 of the Southwater Neighbourhood Plan.

INFORMATIVES:

Surface Water Drainage Statements

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>.

Ordinary Watercourse Consent

Under the Land Drainage Act 1991, any works (permanent or temporary) that have the potential to affect the existing watercourse or ditch's ability to convey water will require Ordinary Watercourse Consent. Ordinary watercourses include streams, drains, ditches and passages through which water flows that do not form the network of main rivers. (Refs; West Sussex LLFA Policy for the Management of Surface Water).

Background Papers: DC/19/2464