



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development and Building Control

**DATE:** 20<sup>th</sup> December 2022

**DEVELOPMENT:** Outline planning permission (with all matters reserved except for means of access from Glebelands) for the demotion of existing structures and the redevelopment of the site with a residential development scheme of up to 170 dwellings, a countryside park, associated earthworks and infrastructure

**SITE:** Land at New Place Farm Pulborough West Sussex

**WARD:** Pulborough, Coldwaltham and Amberley

**APPLICATION:** DC/21/2321

**APPLICANT:** **Name:** Ms Dawn Adams **Address:** Catesby House Warwick CV34 6LG UK

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

The proposed development represents a departure from the provisions of the adopted development plan in force.

By request of Councillor Clarke and Councillor Van Der Klugt

**RECOMMENDATION:** To approve Outline planning permission subject to appropriate conditions, and the completion of a Section 106 Legal Agreement.

In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place is authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

## DESCRIPTION OF THE APPLICATION

- 1.1 The application has been proposed in Outline (with all matters reserved except details of access), for the erection of 170 new homes (including 35% affordable), 5 hectares of open green space, new play facilities (including a BMX pump track), and an upgrade to the surrounding rights of way network including the provision of a stepped footbridge over the rail crossing. A precise unit mix has not been given, but the submission specifies that it will be predominantly 2 and 3 bedroom homes. Overall density will be around 35 dwellings per hectare, with higher densities along the spine road, and lower densities to the western edge of the site. Dwelling heights will range from 1 - 2.5 storeys.
- 1.2 The development would seek to retain (and enhance) the existing field boundaries within and around the site and would create 7 pockets of development (amounting to 5Ha). An existing line of trees and hedgerow that runs north/south and dissects the centre of the site would be enhanced to create an area of open space with an equipped play area and new pedestrian routes. This central corridor would also enable long interrupted views from the site southward, towards the South Downs.
- 1.3 Four surface water attenuation basins within the southern (lower) portion of the site are shown on the illustrative masterplan. A new countryside park is shown to the north of the site with new recreational walking routes within, connecting the site to the existing PRoW network. A BMX pump track is also proposed in this area of the site. A further area of green space to the west of the site is shown to include a 400sqm play area.
- 1.4 Vehicular access to the site will extend northwards from Glebelands (following a realignment of Drovers Lane to provide a new give way junction) into the first area of development. A community orchard is shown at the site access. An internal spine road will lead from the site access into the site, with secondary roads branching out.
- 1.5 Pedestrian route into the site will also be provided from Strawberry Field to the southwest of the site (via ROW 2330), from the west (via ROW 2332), and from the north over the existing at-grade rail crossing (ROW 2330). An agreement has been made between the developer and Network Rail for the developer to fund the erection of a stepped footbridge over the existing rail crossing to allow the existing at-grade crossing to close.

## DESCRIPTION OF THE SITE

- 1.6 The application site covers an area of 16.3ha located to the north and west of Glebelands and Drovers Lane, Pulborough. The majority of the site consists of land currently in use as a commercial nursery (New Place Farm), with areas of woodland to the north. Contingent with its current use as a nursery, the land comprises areas of grassland, hardstanding, various stock plants and trees, and several existing horticultural buildings and polytunnels located in the western part of the site. A square shaped reservoir and pump house is located to the centre of the site.
- 1.7 The site extends to the Arun Valley Railway Line to the north. To the west, the site abuts Grade 2\* listed New Place Manor and the curtilage of three other dwellings. To the south of the site lies the defined settlement edge of Pulborough, with 13no. houses in Drovers Lane overlooking the site (separated by a hedgerow). The site's eastern boundary abuts open countryside, and a line of trees defines this boundary.
- 1.8 The site sits on sloping ground, with its high point located at the north-east corner, from which land falls (by around 24 meters) to the south and south-west. The woodland belt to the north slopes steeply downwards to meet the level of the railway line, and an at-grade uncontrolled crossing.

- 1.9 Several Public Rights of Way (PRoW) run within and around the site, including Bridleway 2332 and Footpath 2330 which provide key routes southwards towards the village centre, primary school and railway station. Footpath 2330 leads northwards, across an at-grade crossing of the railway line, and Bridleway 2332 runs east-west within the northern portion of the site.
- 1.10 The site's boundaries are formed by hedgerows and trees of varying quality. The PRoWs that cross the site and are bound by established trees and hedgerow. A line of low-quality Poplars and Hawthorn trees run north-south within the centre of the site.
- 1.11 The site is not subject to any national or local landscape designations, however the South Downs National Park is located around 550m to the south of the site. The nearest statutory sites for ecological importance are Marehill Quarry Site of Special Scientific Interest (SSSI) located 600m to the south-east; Pulborough Brooks SSSI located 870m to the south which also forms part of the Arun Valley Special Area of Conservation (SAC) and Special Protection Area (SPA). The Mens SSSI and SAC is located 3.6km to the north-west of the site. The nearest non-statutory designation is Middle Barn Farm Meadow Local Wildlife Site (LWS) located 570m to the west.
- 1.12 The Site does not contain any designated heritage assets. The nearest listed buildings are the Grade 2\* listed New Place Manor, and the Grade 2 listed Archway and Garden Wall at New Place Manor (both listed 1955), which are located adjacent to the west of the site. The application site is located in an Archaeological Notification Area (for a Large Roman Settlement Area).
- 1.13 The Environment Agency Flood Map for Planning identifies that the Application Site is wholly located within Flood Zone 1.
- 1.14 There are several existing local facilities within a 10 minute walk of the site, including a health centre, primary school, village centre, 2no supermarkets, and a recreation ground. Pulborough Railway Station is located 1.6km to the west of the site (20 minute walk).

## **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 (NPPF, 2021)**

#### **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 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 30 - Protected Landscapes

Policy 31 - Green Infrastructure and Biodiversity

- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 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

## **Pulborough Parish Design Statement SPD (2013)**

### 2.3 RELEVANT NEIGHBOURHOOD PLAN

The Pulborough Parish Neighbourhood Plan (PPNP). The Regulation 16 Submission Plan underwent independent examination in September 2021, and was recommended by the Examiner to progress to Referendum subject to a number of minor changes. A referendum on the plan has not yet occurred, therefore the plan does not yet formally form part of the Council's Local Development Plan.

**Draft Policy 2** of the PPNP proposed to allocate Land at New Place Farm for approximately 170 homes. The main principles of Policy 2 as set out in the Reg 16 Submission Plan, are as follows:

- Any proposal must include a landscape-led masterplan;
- Any proposal will deliver predominantly 2 and 3 bed dwellings;
- The layout and location of housing should be of an appropriate scale and massing;
- Regard should be given to the Pulborough Design Statement;
- Any proposal will deliver affordable homes in accordance with identified need;
- Primary access into the site will be delivered off Glebelands;
- A comprehensive transport statement must be submitted with the application;
- Specific note should be taken of bridleway 2332 and footpath 2330;
- The development should make provision for appropriate play facilities;
- A full ecological and biodiversity survey should be submitted;
- A contamination assessment should be submitted;
- Support is given to the provision of Sustainable Drainage (SuDs);
- There should be opportunity to create a net increase in biodiversity;
- All lighting shall minimise light pollution and support the SDNP dark skies policy;
- A countryside park is provided on the northern half of the site;
- An archaeological survey to assess potential deposits should be submitted;
- Any development should conserve and enhance the setting of the listed buildings;
- Regard for bats and their foraging routes should be given;
- All external lighting shall be installed in accordance with an approved scheme;
- Future access to existing water infrastructure must be ensured for maintenance;
- A Construction Environment Management Plan should be submitted showing how local water quality will not be damaged.

### 2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

PL/37/00	Erection of 24 houses and access Site: Land North Glebelands Pulborough	Application 24.01.2003	<b>Refused</b> on
PL/125/02	Erection of 42 houses Site: Land North Glebelands Pulborough	Application 24.01.2003	<b>Refused</b> on
DC/10/0375	Erection of 13 dwellings 4 x 5 bed detached houses, 1 x 4 bed detached house, 3 x 3 bed terraced houses, and 5 x 2 bed detached bungalows [Drovers Lane]	Appeal April 2011	against non-determination <b>Allowed,</b>

DC/16/0731

Outline planning application with all matters reserved except for means of access from Glebelands, for residential development of up to 100 dwellings, new internal access road (to include the re-alignment of Drovers Lane) and associated infrastructure

Application **Refused** on 25.10.2016

### 3. OUTCOME OF CONSULTATIONS

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](http://www.horsham.gov.uk)

Owing to the receipt of revisions to the scheme in October 2022, a second public consultation was undertaken. The summaries below take into account any further comments received from the relevant consultees.

#### 3.1 INTERNAL CONSULTATIONS

##### **HDC Landscape Architect: No Objection (conditions suggested)**

[Summary of Final Comments]:

Having reviewed the Cover Letter and revised Masterplan, Landscape is supportive of the proposal, subject to recommendations / conditions to enhance the scheme. The proposed footbridge over the railway line should be considered in a revised Landscape Visual Appraisal at design stage. We would also expect the details of the BMX pump track to be provided at design stage to ensure the location is appropriate, and supported by suitable landscaping, surface materials, and boundary treatments. The pump track must also conform to the latest safety requirements and verified by ROSPA. The recommended conditions are the same as previously recommended (see below), with the addition of a condition to provide details designs for the BMX pump track.

[Summary of Initial Comments]:

Development of this scale and nature in this location with mitigation as presented would have an adverse impact on landscape character and visual amenity. We do acknowledge that the site has capacity for development, so careful consideration of the size, scale, design, buffer, structural landscaping, and layout needs to be given. We recognise the policy position of the development site within the Pulborough Neighbourhood Plan, and the principle of development is therefore generally supported. Draft Policy 2 states that proposals must include a 'landscape-led masterplan' which has developed as part of 'a thorough understanding of the wider landscape impact'. As such, Policy 2 seeks to reinforce the special qualities, characteristics, features and resources of the site, visual amenity, and landscape character areas / types to be safeguarded. As such, if minded for approval, a series of recommendations have been suggested as part of the design stage of development, in order to enhance the scheme to ensure landscape and visual harm is appropriately mitigated and opportunities taken to enhance the landscape and visual resources.

Suggested conditions include: (1) submission of a hard and soft landscaping scheme, (2) Submission of a Landscape Management Plan, (3) Submission of an Arboricultural Method statement.

**HDC Environmental Health: No Objection (conditions suggested)**

Final Comments (11 Oct 2022)

- An overheating assessment can be secured by condition – this would be a sufficient measure to ensure any noise impacts are mitigated.

Subsequent Comments (10 Aug 2022)

- Noise - I accept the conclusion from the Noise Impact Assessment (19 May 2022), however, given the trend for more frequent heatwaves, the applicant must clarify what ventilation systems are in place to prevent building overheating.
- Air Quality – The air quality damage cost amounts to £17,107. The proposed Travel Plan includes provision of a sustainable travel voucher with a value of £150 (i.e., £25,500 for 170 households). This is acceptable.

Original Comments (04 March 2022)

- Air Quality – No details of mitigation measures have been provided in support of the damage cost calculation of £17,107. Charging points are not recommended to be included in the mitigation plan unless these are offsite charging points to support the wider local EV network.
- Noise – Clarification is required regarding predicted noise levels in the LT3/ST3 location.
- Land Contamination – Given the site's most recent use, and its proximity to an industrial site and a landfill site, it is recommended that a land contamination condition and waste removal condition is attached to any permission.
- Construction Management – it is recommended that a condition for a construction management plan is attached to any permission. In addition, standard conditions should be attached to restrict hours of construction, to restrict the hours of deliveries to/from the site, and to prevent burning of materials on site.
- Lighting – The findings of the Lighting Impact Assessment are accepted. The final lighting scheme should meet the standards listed in par 6.1 and adhere to criteria in pars. 6.2-6.5.
- Water Neutrality – the applicant must evidence the actual water usage by the nursery, and if this is agreed, a condition as suggested by the applicant would be supported.

**HDC Heritage Officer: Comment (condition suggested)**

[Summary]: The surviving farm buildings would not warrant further assessment regarding listing. However, they do reinforce the special interest of New Place as a historic house with visual and functional connection to a worked landscape. There is merit in reinforcing the history of New Place by utilising the materials and floor plan of these historic farm buildings in any new development of the site. Any new building here should be reflective of the type of building it had been (potentially, it could be a community café / shop). A condition should be imposed to require reuse of the historic material, particularly the stone, and that the new development includes a rebuilt complex of structures on the site of the historic farm buildings that reflect their historic appearance.

**HDC Tree Officer: No Objection (condition suggested)**

[Summary]: The tree survey is a fair assessment of tree species and condition. The impact of the removal of pollarded poplars can be mitigated by a robust scheme of structural landscaping. The conservation of the few remaining individual category A and B trees will be important to ensure landscape maturity. Some re-configuration of the site layout is likely to be required to achieve a harmonious longer-term relationship. The use of street tree planting, external to residential curtilages and utility conflicts, should be considered as a key component of the site design. The proposed access does not involve direct loss of trees, and the route appears to respect the RPAs of the A and B grade trees. If minded to approve, I recommend a standard condition to ensure tree protection.

**HDC Housing: No Objection**

[Summary]: The number of affordable housing units that will be provided is 60, and therefore is policy compliant with the requirements set out in the HDPF. The site proposes to deliver a mix of 1,2,3 and 4 bed dwellings, with a mix based on the Housing Mix Study from 2019. Affordable housing demand has changed substantially since 2019, and the proposed unit mix does not completely accord with the current demand in Pulborough from the Housing Register (comprising 161 households) which is broken down as 42% in need of a 1-bedroom unit, 21% in need of a 2-bedroom unit, 25% in need of a 3-bedroom unit and 11% in need of 4 or more bedrooms. Housing Officers would welcome any increase in provision of larger 3 and 4 -bedroom units as the affordable rented tenure, rather than 2-bedroom units. No mention is made of a potential affordable housing provider, and Housing Officers would urge the applicant to reach an agreement with a provider as soon as possible.

**HDC Economic Development: No Objection**

[Summary]: Whilst the proposal would result in the loss of the commercial nursery, the Pulborough Neighbourhood Plan does allocate land for employment space which would compensate for the loss at this site. A residential development close to the high street and other local retail locations, is likely to contribute positively towards revenue for the local businesses and increase footfall within the key retail locations. The new residential development could add some strain on the local job density, nevertheless, we recognise that the employment sites allocated in the Pulborough Neighbourhood Plan could help mitigate against this.

**HDC Drainage Engineer: No Objection (conditions suggested)**

[Summary]: No objection to the proposed drainage strategy. Recommended conditions include: (1) submission of foul and surface water drainage strategy; (2) submission of sustainable and surface water drainage details; (3) submission of a SUDS verification report. Informative notes recommended for: (1) submission of a surface water drainage statement, and (2) to apply for Ordinary Water Course Consent.

## 3.2 OUTSIDE AGENCIES

**Archaeology Consultant: No Objection (conditions suggested)**

[Summary]: An archaeological evaluation was carried out on Land to the North of the Glebelands Estate (immediately to the south of this site). Results show that some of the archaeological features associated with this site appear to extend into the proposed development area and it is evident that below-ground archaeology can be anticipated to survive in this area. Condition recommended for a programme of archaeological work to be secured in accordance with a Written Scheme of Investigation.

**Ecology: No Objection (conditions suggested)**

[Summary]: The mitigation measures identified in the Ecological Appraisal should be secured in full. A Construction Environmental Management Plan for Biodiversity should be secured, as well as a Landscape and Ecological Management Plan to secure net gains for biodiversity, as outlined under NPPF Paragraph 174d.

A Habitats Regulations Assessment (HRA) screening report is required to be prepared by the LPA given the site's proximity to The Mens SAC and Ebernoe Common SAC (referencing flight-lines for Barbastelle bats). Effected treelines within the site (TL5 and TL6) will only be crossed by roads at existing gaps therefore this, together with a sensitive lighting scheme means there should be no interruption to bat flight lines. A wildlife sensitive lighting scheme should be secured by condition.

This application includes a water neutrality statement, therefore consent may be issued subject to Natural England's acceptance of an HRA prepared by the Council.

**Natural England: No Objection (conditions / s106 obligations required)**

[Summary]: It is noted that two Appropriate Assessments (one for water neutrality impacts and one for bats) have been undertaken, in accordance with Regulation 63 of the Habitats Regulations. Both Appropriate Assessments conclude that the proposals will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessments, and the measures proposed to mitigate for all identified adverse effects, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured. On the WN element of the proposal we have the following additional points to make:

- That your authority is satisfied with the acceptability of the Statutory Declarations made with respect to the borehole abstraction figures.
- That your authority is satisfied as to the hydrological link between the existing borehole and lake and the Arun Valley Habitats Sites.

**Environment Agency: No Comments**

**Historic England: Comment**

[Summary]: On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

**Network Rail: No Objection (subject to legal agreement)**

[Summary]: In an update to Network Rail's previous response (dated 22 April 2022) whereby a holding objection was raised, NR have since discussed their concerns with the developer. NR are to enter into an agreement with the developer to providing a new stepped footbridge which will allow NR to divert the existing public right of way that goes across the level crossing to go over the railway line making it a safer crossing for users. NR therefore support the application subject to a new footbridge being funded by the developer to allow the level crossing to close.

**South Downs National Park Authority: No Objection**

[Summary]: The site is located some 50-800m distance from the national park boundary. Given the intervening area forms the built-up area of Pulborough, any potential impacts on the setting of the National Park are considered to be limited. The Authority would recommend that careful consideration be given to the International Dark Night Skies Reserve and dark night skies. The SDNPA therefore encourage a sensitive approach to external lighting and tries to achieve zero upwards light spill in all respects.

**Southern Water: No Objection**

[Summary]: Advice provided regarding easements and requirements to protect water apparatus. A formal application for connection to the public foul sewer is to be made by the developer. Arrangements for long term maintenance of SuDS facilities will be required where SuDS features are not adopted.

**West Sussex Access Forum: Comment**

[Summary]: There are opportunities within the scheme to enhance the local PRow network. The Forum highlights two enhancements that would improve access for users to/from the development. These are: (1) the upgrade of Footpath 2330 to a Bridleway (from junction of 2332 south to where it meets 2328), and (2) the upgrade of part of Footpath 2331 to a Bridleway (from junction with Footpath 2330 westwards to where it meets Link Lane). Both enhancements would provide off road routes for NMU's. Surfacing should be as per WSCC standards and width should be 3m.

**WSCC Fire and Rescue: No Objection**

[Summary]: Condition recommended seeking details of proposed location of the required fire hydrant. Details to be approved, and hydrant to be installed prior to occupation.

**WSCC Lead Local Flood Authority: No Objection (conditions suggested)**



[Summary]: The FRA and Drainage Strategy state that attenuation basins with a restricted discharge to the watercourse would be used to control the surface water runoff from the site. In line with policies within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. It is recommended that this application be reviewed by the District Council Drainage Engineer for a technical review of the drainage systems proposed. Conditions suggested for (1) all works to be undertaken in accordance with the agreed drainage designs and calculations, and (2) submission of a SuDS maintenance manual to be approved.

**WSSC Highways: No Objection (conditions suggested)**

- Access –there are no issues with the arrangement shown from Drovers Lane. The submitted Stage One RSA raises no insurmountable problems.
- Sustainable Travel – No issues were raised as part of the previous proposal on this site (DC/16/0731), and the view remains the same now. The majority of local services are within reasonable walking and cycling distance. The absence of dedicated facilities for cyclists within Pulborough is an existing constraint – not for this development to resolve. There are a number of public rights of way that cross the site. Footpath 2330 provides a direct route to a food retail facility on the A29. This footpath also crosses the Arun Valley main rail line. The increased use of this footpath and the railway crossing will be a matter for Network Rail and the WSSC Rights of Way team to assess. In transport terms, there is merit for improvements to this route. A revised Travel Plan was submitted and is acceptable. A travel plan monitoring fee of £3,500 must be secured in a s106 agreement.
- Trip Generation / Highways Impact - Vehicle trip generation has been estimated using TRICS. The development is expected to result in 93 two way vehicle movements (29 arriving, 64 departing) in the AM peak and 88 (57 arriving, 32 departing) in the PM peak. To identify highway capacity, the forecast vehicle trips have been distributed across the network using Census data. Data shows that 53% of trips would head southwards to the A283 via Glebelands, and 47% of trips would head westwards towards the A29. WSSC accept this approach. Traffic impact has been considered for a future year of 2026, at which time the development is expected to be complete and occupied. The overall approach to traffic modelling is accepted by WSSC. Modelling shows that whilst the development will increase trips on local roads, the proposed development would have very little impact on highway capacity.
- Layout - The general principles as shown on the Illustrative Site Layout are considered acceptable. Due consideration should be given to improvements to the various public rights of way that cross the site.
- Summary – WSSC Highways are satisfied that the proposed development would not give rise to any unacceptable safety or otherwise severe highway impacts. Subject to conditions to secure the construction of vehicular access, and a construction management plan; plus a s106 agreement to secure the travel plan monitoring fee; there are no in principle objections to this proposal.

**WSSC Minerals and Waste: No Objection**

[Summary]: The application site falls within a mineral safeguarding area for Horsham Stone. The submitted statement notes that owing to its low quality and demand for the resource in the region it is suggested that prior extraction would not be economically viable at the site. WSSC notes that the site comprises previously developed brownfield land, therefore no objection is raised considering the safeguarded mineral has already been sterilised.

**WSSC Rights of Way: No Objection (conditions suggested)**

[Summary of Final Comments]: the replacement of the at-grade railway crossing of FP2330 with a grade-separated footbridge is welcomed. The section of FP2330 between its junction with Bridleway (BW)2332 and the railway line should be improved accordingly. These and all other necessary improvements to the local right of way network are set out in full in a table in the consultation response. These include improvements to FP2330, BW2332, FP3500, FP2331 and BW2328.

[Summary of Initial Comments]: Horsham District Council's Infrastructure Delivery Plan (IDP) identifies the need to upgrade Footpath (FP) 2330 to a Bridleway (BW). These upgrades will increase the use of the route and benefit more users. Also identified in the IDP is an aspiration to upgrade part of FP2331 and FP3500 to connect BW2332 to BW2328, opening up a largely off-road route between the development and towards the railway station. Re-opening and upgrading the part of FP2331 that runs along the southern boundary of St. Mary's CofE school would benefit the existing community and new residents. Conditions suggested include: (1) upgrade FP 2330 south of its junction with BW 2332, and (2) re-open and upgrade the specified part of FP 2331.

**Pulborough Parish Council: No Objection**

The Council is supportive of the development because it is within Pulborough Neighbourhood Plan, which carries considerable weight having passed independent examination, and there are key clauses within Pulborough Neighbourhood Plan Policy 2 that should be adhered to.

### 3.3 PUBLIC CONSULTATIONS

In response to the application (upon it first being submitted to the Council in October 2021 and advertised accordingly), 97no. letters were received by the Council from members of the public. In January 2022, new site notices were erected to ensure that the public were aware that the application was a departure from policy, and that it would have an impact on the setting of a public right of way (these elements were omitted from the original site notices). In response to this, a further 8no. letters were received.

Upon submission of amendments to the scheme (including the provision of a footbridge over the railway, and a BMX pump track in the country park), a further public consultation took place in October 2022. In response, a further 10no. letters were received, all objecting to the proposal.

In total therefore, **117** letters were received (from **90** different households), as well as a letter from Sussex Area Ramblers.

116 of the letters received raised an objection to the proposed development, citing the following reasons (summarised):

- Overdevelopment
- Neighbourhood Plan is not adopted yet, and has high public opposition
- Lack of infrastructure
- Lack of services and amenities (no capacity at Dr's, schools etc)
- Call for impacted households to be compensated
- Green areas should be kept free from development
- Coalescence with Billingshurst
- Impact on views
- Impact on roads/traffic/congestion
- Value of properties will reduce
- Impact on popular walking routes
- More litter
- More unsociable people
- Loss of village feel
- Insufficient parking
- Proposed access is unsafe
- Water neutrality issue
- This is not a brownfield site
- Loss of habitats / impact on ecology
- Loss of employment at New Farm Nursery

- Proposed housing is not sustainable/low energy enough
- The proposed country park will not come to fruition
- Light pollution due to elevated position
- Negative impact on views from existing PRow's
- Increased use of rail crossing

One (1) letter has been submitted which supports the general proposal to address the housing shortage but expresses concerns about this proposal.

No (0) letters were received in full support of the proposed development.

#### **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**

##### Background

- 6.1 Prior to this proposal, application DC/16/0731 (the '2016' scheme) proposed Outline development for up to 100 dwellings, and was refused by the Council in October 2016 for the following reasons (summarised):

1. The site is not allocated for development, therefore is contrary to the overarching strategy for development, contrary to HDPF Policies 1, 2, 3, 4, 25 and 26.
2. Failure to secure the appropriate quantum of affordable housing and infrastructure contributions in a Legal Agreement, contrary to HDPF Policies 16 and 39.

- 6.2 The 4.9Ha site subject to the 2016 application was located within the larger 16.3Ha site area subject to the current application. The current application proposes an increased quantum of housing than previously proposed (170 dwellings), as well as a substantial increase to the extent of the application site area. The proposal, therefore, is considered to be substantially different to the proposal that was previously refused, but despite this, the 2016 scheme is considered to be a material consideration relevant to this proposal. A key consideration in the determination of this application therefore, is whether the previous reasons for refusal as set out in the 2016 scheme have been overcome, as well as whether any other circumstances about the site, or planning policy (including any new material planning considerations) have changed since the 2016 application was assessed.

- 6.3 It should be noted that the 2016 application was refused planning permission at a time when the Council was able to demonstrate a five-year supply of deliverable housing sites. Accordingly, the identified conflict with Strategic Policies 2, 4, and 26 of the HDPF was afforded full weight and the principle of development on this unallocated greenfield site was at the time, considered unacceptable.

##### Principle of Development

- 6.4 The site is located outside any of the district's defined built-up area boundaries (BUAB's) and does not form part of Horsham's adopted development plan comprising the Horsham District Planning Framework (HDPF), a 'Made' Neighbourhood Development Plan nor an adopted Site Allocations DPD. As a result, residential development here would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Policy 4 'Settlement Expansion', and as such, in strict policy terms is not considered to be acceptable. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location.
- 6.5 Notwithstanding the above, the application site has been selected by the Pulborough Parish Neighbourhood Planning Group as a draft allocation in the forthcoming Pulborough Parish Neighbourhood Plan (PPNP, 2015-2031) for development of 'approximately 170 dwellings' (draft Policy 2). The PPNP has been through the required stages of public consultation and was subject to independent Examination. The Examiner's Report was published in September 2021 and recommended that (subject to some minor amendments) that the plan should proceed to referendum. The Council's Decision Statement was published in September 2021 and concluded that all recommended amendments are accepted and that the plan can proceed to referendum. The plan's referendum has been delayed whilst a water neutrality offsetting strategy is created. The Part C work has recently been published and it is understood dates for a referendum are being sought. Despite not yet being formally 'made', the advanced stage of the PPNP means that the policies and allocations contained within the plan (including the residential allocation of this site) are relevant material considerations which carry significant weight in decision making.
- 6.6 As the HDPF is now over 5 years old, an update is required to be produced. A draft version of the Council's Regulation 19 draft local plan was considered by Cabinet in July 2021. However, it was not considered by Full Council as intended owing to changes to the NPPF that came into play in July 2021, as well as the implications of the Position Statement issued by Natural England in September 2021 on the requirement for all new developments to demonstrate water neutrality. The draft Regulation 19 document proposed numerous housing allocations to meet the identified need at the time - including the application site which was included as a proposed site allocated within the Draft Plan (Draft Policy HA15, site PLB2). However, as the plan was not approved for publication, it is not a statement of Council policy, and its content carries very little weight in decision making.
- 6.7 In December 2021, the Council published the latest Authority Monitoring Report (AMR) which revealed that the Council has a housing land supply of 4.0 years against current targets. In light of this, it is acknowledged that the Council is unable to demonstrate a full 5-year housing land supply, and it is recognised that this diminishes the weight afforded to Policies 4 and 26 of the HDPF. In addition, the lack of a 5-year Housing Land Supply forms a material consideration in decision making which may trigger the application of the 'tilted balance' at Paragraph 11d of the NPPF which presumes in favour of sustainable development. In accordance with Paragraph 11d, the Council are required to grant permission unless either (or both) of the following limbs apply:
- (i) *policies to protect areas of importance give a clear reason to refuse the proposal;* and/or,
  - (ii) *the adverse impacts of the proposal will significantly outweigh the benefits.*
- 6.8 According to Footnote 7 of the NPPF, the areas referred to in limb (i) above include habitat sites, and those listed in NPPF para 181 (including SPAs, SACs, and Ramsar sites). A determination on whether the tilted balance is engaged or not is dependent on whether the proposal is able to protect the areas of importance listed in Footnote 7. In light of Natural England's requirement for all development in the Sussex North Water Supply Zone to demonstrate that it is 'water neutral' in order to protect the habitat sites within the Arun Valley designations, the Council (as the decision maker) is required to determine whether water

neutrality has been demonstrated. If the proposal is unable to demonstrate water neutrality through mitigation (as tested by Appropriate Assessment), then the tilted balance of paragraph 11d is not engaged, and in accordance with limb (i) and paragraph 180(a) of the NPPF the application must be refused.

- 6.9 In this scenario, the presumption in favour of sustainable development would not apply (NPPF 182) and the remaining matters should be determined by the Council on a 'flat' basis. If the proposal can successfully demonstrate that it can operate without increasing water demand on the Sussex North Water Supply Zone, then the proposal will accord with limb (i), and the tilted balance is then engaged and must be applied in the determination of the remaining matters. An assessment of this application in light of Natural England's requirements for water neutrality is provided towards the end of this report.
- 6.10 In summary, whilst the site is allocated for housing development in the emerging (draft) Pulborough Parish Neighbourhood Plan, the plan has not yet passed referendum, and the allocation does not form adopted Council policy. It is acknowledged that the weight afforded to the emerging plan (and to the draft allocation) is significant, and this must be acknowledged in the overall planning balance. Further to this, it is acknowledged that the Council is unable to demonstrate a 5-year supply of housing land, therefore it is accepted that the provisions of Policies 4 and 26 are diminished, and that the tilted balance (NPPF Para 11d) towards a presumption in favour of sustainable development could become engaged provided that water neutrality can be demonstrated.
- 6.11 It is recognised by Officers that in the context of the 5-year housing supply position, the public benefits that would arise from the delivery of extra housing units carries significant weight in decision making; however, in order to come to a considered conclusion, it is necessary to balance the benefits of the proposed development against any policy conflict and any identified harm. The following sections of this report consider the detailed planning merits of the proposal, with the final section considering the overall planning balance, taking into account all relevant material considerations. The report concludes with a summary of the planning balance, and a final recommendation to Committee.

#### Affordable Housing and Housing Mix

- 6.12 Policy 16 of the HDPF requires that residential 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 Strategic Housing Market Assessment (SHMA). Policy 16 requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure. Policy 2 (part iv) of the emerging PPNP reflects the requirements of HDPF Policy 16 in terms of the delivery of affordable homes. Policy 2 (part ii) of the emerging PPNP seeks the delivery on this site of predominantly 2 and 3 bedroom dwellings to reflect local housing need.
- 6.13 The application proposes that 35% (60no.) of the 170no. dwellings will be made available for affordable housing, with a tenure split of 70% / 30% in favour of affordable rented accommodation. The quantum of affordable housing and the tenure split proposed is policy compliant, and therefore acceptable. An indicative housing mix (for both market and affordable housing) shows a range of 1, 2, 3 and 4 bed houses in accordance with the recommended mix as set out in the Council's latest Strategic Housing Market Assessment (SHMA, 2019). Both the SHMA and draft Policy 2 (part ii) of the PPNP indicate a need for a majority provision of 2 and 3-bed units, which the indicative mix shows. If the application is to be approved, the securing of the affordable units and the tenure split will be set out in an accompanying s106 agreement. Subject to the completion of the necessary s106 agreement, the details proposed are in accordance with Policy 16 of the Horsham District Planning Framework (2015) and are acceptable. The Council's Housing Department has been consulted on the proposal, and no objection has been raised.

## Landscape Effects

- 6.14 The site is not located within any formally defined local or national landscape designations but is located outside the currently defined settlement edge of Pulborough, and therefore in planning terms, lies within open countryside. The South Downs National Park is located around 600m to the south of the site; long views towards which can be appreciated from the site, particularly from the raised area of the site's north-east corner.
- 6.15 The site lies within the '**F1 Pulborough, Chiltington and Thakeham Farmlands**' character area as defined by the Horsham District Council Landscape Character Assessment (2003). This assessment identifies the area as having a farmland landscape, retaining a largely rural character with fragmented hedgerow patterns and some woodlands. Localised visual intrusion due to derelict nurseries and small-scale industry is notable. The overall landscape condition is said to be declining. The site lies within '**Local Landscape Character Area 39**' as defined in the Landscape Capacity Study (2021). In terms of medium-scale development (approx. 100-500 units), the landscape sensitivity of this wider area is judged as 'moderate-high' due to the rising landforms and views towards the South Downs. The landscape value was considered 'low-moderate' due to moderate tranquillity owing to proximity to urban influences, and limited ecological interest. The study judges that there is some limited capacity for medium-scale housing development within this area due to its poor landscape condition. As such, the overall landscape capacity of the wider area for medium-scale housing has been deemed to be 'low-moderate', which means:
- 6.16 *"The area only has potential to accommodate development in limited locations without unacceptable adverse landscape and visual impacts or compromising the values attached to it, taking account of any appropriate mitigation"*  
[Table 6, HDC Landscape Capacity Study, 2021].
- 6.17 The site has been selected as an allocation for residential development of around 170 houses in the forthcoming Pulborough Parish Neighbourhood Plan, and this allocation has been supported by an independent Examiner. By virtue of this, any landscape effect which would result from major scale residential development on this site has already been considered, with any adverse effects having already been deemed acceptable by the Parish and the Examiner. The PPNP has not yet passed local referendum and is not formally 'made' but given its advanced stage in the plan making process, the allocation of this site for housing carries significant weight in decision making.
- 6.18 Draft Policy 2 (part i) of the emerging PPNP requires a landscape-led masterplan to be submitted with any proposal for this site. The landscape-led masterplan should demonstrate an understanding of the wider landscape effects of any proposal, which should inform the design and layout of the site. In addition, this policy requires existing field boundaries to be retained and enhanced with native species to minimise any visual impact. Draft Policy 2 also seeks the provision of appropriate play facilities (part viii), SuDs and green infrastructure (part xi), and a country park in the northern half of the site (part xiii).
- 6.19 The Council's Landscape consultant has reviewed the proposal and is of the view that development of this scale in this location would have adverse effects on landscape character and visual amenity. Notwithstanding this, the Landscape consultant acknowledges the policy position that weighs in favour of this site; therefore, has agreed that the principle of the development is supported, and that no principle objection is raised on landscape grounds. The consultant advises that in order for the proposal to be acceptable in landscape terms, careful consideration of the size, scale, design, buffer, structural landscaping, and layout needs to be given when detailed designs are being proposed at Reserved Matters stage.
- 6.20 In order for an appropriate development to be delivered, the Landscape consultant has suggested a series of recommendations to be presented as part of the design stage of

development, in order to enhance the scheme to ensure landscape and visual harm is appropriately mitigated and opportunities taken to enhance the landscape and visual resources. The detail required at design stage would include details of the proposed footbridge and associated landscaping, as well as the proposed pump track and play area. It is considered that these recommendations are reasonable and can be incorporated into the detailed design of the site that would be presented to the Council for approval at Reserved Matters stage.

- 6.21 In summary, whilst the development of this peripheral site will inevitably result in some level of harm to the wider landscape character, through the provisions of the emerging Pulborough Parish NP, the principle of housing development on this site carries significant weight; and this coupled with additional mitigation which can be secured at detailed design stage, leads to the conclusion that any adverse landscape effects are minimal, and the benefits of the housing units would outweigh any harm caused. The proposal has been supported by a landscape-led masterplan, and retains much of the existing mature landscaping within the site - therefore accords with the provisions of draft Policy 2 (part i) of the emerging PPNP, and Policies 25 and 33 of the HDPF.

#### Highways and Access

- 6.22 The planning application is supported by a Transport Assessment (as required by Policy 2 (part vi) of the emerging PPNP), a Stage 1 Road Safety Audit, and a Framework Travel Plan. An assessment of the highways considerations is set out below; but in summary, subject to conditions (including the implementation of a vehicular access off Drovers Lane, and the submission and approval of a construction management plan); plus a s106 agreement to secure the travel plan monitoring fee; the Highway Authority is satisfied that the proposal would not result in any severe highway impact in terms of capacity, and would not result in highway safety concerns. The Highways Authority do not identify any insurmountable issues with the proposed access to the site or visibility splays, and do not therefore object to the application. As such, it is considered that the access arrangements and impact on the surrounding highway network are in accordance with Policy 40 of the HDPF and paragraph 111 of the NPPF and are acceptable.

#### *Vehicular Access*

- 6.23 Policy 2 (part v) of the emerging Pulborough Parish Neighbourhood Plan (PPNP) requires primary access to the site to be delivered off Glebelands, at the south-east corner of the site. As such, vehicular access to the site is proposed via an extension of Drovers Lane (an unadopted road serving 13 dwellings) which is accessed via Glebelands. A slight realignment of the junction between Drovers Lane and Glebelands is required, and 2m wide footways would be created to tie into the existing footways. Access to Drovers Lane will be uninterrupted through the construction process. The required visibility splays of 2.4m x 59m onto Glebelands have been demonstrated. The Local Highways Authority has confirmed that there are no issues with the arrangement shown from Drovers Lane, and that the submitted Stage One Road Safety Audit raises no insurmountable problems with the access design.

### *Access by Sustainable Modes*

- 6.24 There are a number of local facilities within reasonable walking and cycling distance of the site, including shops, a primary school, health services, bus stops, and eating establishments. Pulborough Railway Station is around 1.9km from the site, accessible by local bus routes 1 and 100. The Local Highways Authority (LHA) advise that for the most part, continuous footways are available throughout Pulborough that are considered adequate to meet the increased demands arising from the proposal. No issues were raised in terms of accessibility as part of the previous proposal on this site (DC/16/0731), and the view of the Local Highways Authority remains the same now. The absence of dedicated facilities for cyclists within Pulborough is acknowledged as an existing constraint – but it is not one that this development must resolve.
- 6.25 There are a number of existing public rights of way (PROW) that cross the site, none of which are proposed to be extinguished. Footpath 2330 runs north-south through the site and provides a direct route to a local supermarket via a crossing over the Arun Valley railway line. The applicant proposes to fund the erection of a stepped footbridge over this crossing which would eliminate the existing at-grade crossing in favour of a grade-separated footbridge crossing and would provide a safe crossing facility for future users. Network Rail would construct the bridge to their own specification. Both WSCC Public Rights of way Officer and Network Rail have confirmed support for the proposed development, subject to the erection of this bridge which would be secured in an accompanying s106 legal agreement.
- 6.26 In accordance with NPPF paragraph 100 and draft Policy 2 (part vii) of the emerging PPNP, the applicant proposes to retain all existing PROWs and to deliver upgrades as necessary. The WSCC public rights of way team, and WSCC Access Forum have called for upgrades to specific sections of the existing PROW network to improve access and to increase the use of these routes. Several of the upgrades sought are also identified in the Horsham District Council Infrastructure Delivery Plan (IDP), and include
- FP2330 Improvements (between rail crossing and junction with BW23332)
  - FP2330 Upgrade to Bridleway (section south of its junction with BW2332).
  - FP2331 Upgrade to Bridleway (along the southern boundary of St Mary's School)
  - BW2332 Improvements (widening, resurfacing, vegetation clearance etc)
  - FP3500 Upgrade to Bridleway
  - FP2331 Upgrade to Bridleway
  - BW2328 Improvements (resurfacing, vegetation clearance etc).
- It is proposed that these upgrades and improvements would be secured in a s106 legal agreement.
- 6.27 In order to deliver sustainable transport objectives a Travel Plan has been submitted. This has been reviewed by WSCC Highways who has confirmed that its contents is acceptable. The main features included within the Travel Plan are:
- Appointment by the developer of a Travel Plan Coordinator, responsible for the delivery and updating of the Travel Plan.
  - Provision to each household of a 'Home Welcome Pack' containing information about the location of local facilities, bus timetables and pedestrian/cycle routes.
  - Offer for personalised travel planning to new residents
  - Sustainable travel incentive – voucher to each household to the value of £150 to be used as bus credit, or towards the purchase of a bike/accessory.
- A travel plan monitoring fee of £3,500 is to be secured in a s106 agreement.

### *Trip Generation and Highways Capacity*

- 6.16 Predicted vehicle trip generation has been established by the applicant using the TRICS database which is an industry standard method accepted by the LHA. A development on this site of 170 dwellings is expected to result in 93 two-way vehicle movements (29 arriving, 64



departing) in the AM peak and 88 (57 arriving, 32 departing) in the PM peak. These additional trips would result in less than one additional vehicle movement per minute at peak times.

- 6.17 To identify highway and junction capacity, the forecast vehicle trips have been distributed across the network using Census data. Data shows that around 53% of trips would head southwards to the A283 via Glebelands, and 47% of trips would head westwards towards the A29. WSCC accept this approach. Traffic impact has been considered for a future year of 2026, at which time the development is expected to be complete and occupied. Modelling shows that whilst the development will increase trips on local roads, the proposed development would have little impact on highway capacity. The overall approach to traffic modelling and the conclusions reached by the applicant regarding trip generation is accepted and agreed by the LHA.

#### *Road Layout and Parking*

- 6.18 Given the application is proposed in Outline (with only matters relating to the main vehicular access off Glebelands proposed in full), the internal road layout is only shown indicatively at this stage, and detailed plans will be required as part of any Reserved Matters approval. Notwithstanding this, the LHA has confirmed that the general principles as shown on the Illustrative Site Layout are acceptable. As per the applicant's Parking Strategy (see D+A Statement), parking provision would also be set out at RM stage once the precise number and mix of housing is known. Parking provision would be expected to accord with the WSCC Parking Standards, including the provision of an appropriate number of visitor spaces, and spaces for disabled users. Based on an average mix of house sizes, the WSCC parking calculator shows that the unallocated parking demand would be around 315 parking spaces on this site. The provision of electric vehicle charging points is expected to be in accordance with the minimum standards as set out in Approved Part S of the Building Regulations.
- 6.19 In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to NPPF (paragraph 111), and that there are no transport grounds to resist the proposal. The LHA has advised that conditions should be included to secure the provision of the vehicular access and a construction management plan; plus a s106 agreement to secure the travel plan monitoring fee. These conditions have been drafted at the end of this report and the travel plan monitoring fee has been included in the draft s106 agreement.

#### Layout and Amenity Impact

- 6.20 The detailed layout of the site is a matter that would be reserved for subsequent approval should the application be successful at Outline stage, therefore it is not for consideration now. However, Officers are of the view that the proposal for up to 170 units on this site (as shown on the indicative site plan and parameter plans) including appropriate densities, orientations, amenity space, play areas, parking, landscape buffers, open space, internal linkages, and water attenuation - can be satisfactorily accommodated on the site without causing unacceptable harm to the wider landscape character or local amenity. Overall, for these reasons (and subject to compliance with the details shown in the Parameter Plans), Officers are of the view that the indicative layout of the site is acceptable for the purpose of this Outline proposal.
- 6.21 The layout (whilst indicative) has taken into consideration the key site constraints which is welcomed. The key sensitivities of this site include the rising topography towards the north-east corner, the proximity of the railway line to the north, the proximity of heritage assets to the west, the presence of existing mature vegetation with the site and with the site boundaries, and the presence of existing residential development to the south. The inclusion of a country park (including a BMX pump track) to the north of the site satisfies Policy 2 (part

xiii) of the emerging PPNP and provides a pleasant space for future users, as well as providing an appropriate transition to the countryside beyond and a relief from any noise influences of the railway line. As the Density Parameter Plans shows, the denser housing parcels are concentrated within the central portion of the site which limits its impact on existing surrounds. The proposed play area is centrally located making it accessible for all future occupants.

- 6.22 Much of the existing vegetation has been retained to enhance the character of the site and provide ecological corridors. Whilst a buffer along the eastern boundary is shown, the Council's Landscape consultant has asked that this buffer is enhanced as much as possible in order to further protect the countryside beyond. It is considered that this detail could reasonably come forward in details submitted at Reserved Matters stage.
- 6.23 SuDS ponds are shown along the southern section of the site which separates the site from existing dwellings in Drovers Lane thereby reducing any adverse impact on amenity. The most sensitive part of the site is to the west where the site abuts Grade 2\* listed New Place Manor. As the Density Parameter Plan shows, the housing shown indicatively in this section of the site is less dense, thereby affording opportunities to mitigate any harm to the setting of these assets. The Council's Heritage Officer has advised that no 'in principle' objection is raised but has requested that this part of the site is designed carefully in order to reinforce the significance of the historic setting. A planning condition has been drafted to this effect.
- 6.24 In summary, subject to an appropriately designed layout at Reserved Matters stage and compliance with the submitted Masterplan layout and Parameter Plans, it is considered that an acceptable development on this site can be achieved without undue impact on neighbouring residential amenity. As with all major-scale developments, it is acknowledged that the construction phase of the development has the potential to impact existing neighbours through noise, lighting and air quality (dust) effects. It is considered that, should the application be approved, potential impacts to the amenity of neighbours that might arise during the construction phase could be controlled by suitable conditions including requiring the submission and approval of a construction mitigation plan; restrictions on site floodlighting and working times on site. These conditions have been drafted.

#### Heritage and Archaeology

- 6.25 The Council recognises that the historic environment is an irreplaceable resource which should be conserved for its own sake for the benefit of future generations. 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. Chapter 16 of the National Planning Policy Framework (NPPF) follows this statutory provision and seeks to positively manage changes to the historic environment to ensure sufficient flexibility whilst conserving the important and irreplaceable nature of the designated asset. Chapter 16 requires decision-makers to consider whether a development proposal would lead to 'substantial' or 'less than substantial' harm to a designated heritage asset, and if so, describes how decisions should be steered in order to preserve the asset whilst allowing some flexibility for change, where appropriate. Policy 2 (parts xiv and xv) of the emerging PPNP requires any proposal to consider the sites archaeological potential and effects on heritage assets.
- 6.26 The site itself does not contain any designated heritage assets, but New Place Manor (Grade 2\* listed), and the Grade 2 listed Archway and Garden Wall at New Place Manor are located adjacent to the western boundary of the site. The Council's Heritage Officer has reviewed the submitted Heritage Assessment and has confirmed that the proposal would not result in harm to these heritage assets.
- 6.27 Whilst the listed heritage assets are not located within the site boundary, remnants of associated farm outbuildings are present within the western-most part of the site boundary.

These buildings only survive in a fragmentary manner including the fragmented survival of stone walls dating from the post-medieval period. Owing to their poor state of survival, the Heritage Officer has confirmed that these structures would not warrant listing. The Heritage Officer has however asked that in order to reinforce the significance of the historic setting of Grade 2\* listed New Place Manor, the applicant is expected to utilise the materials and floor plan of the surviving historic farm buildings in any new development of the north-west corner of the site. Any new building here should be reflective of the type of building it had been, and historic materials (particularly stone) should be reused. As such, it will be expected that such a design is considered by the applicant and submitted for approval at Reserved Matters stage. A planning condition has been drafted to ensure this requirement is considered at design stage.

- 6.28 The development is located partially within the Pulborough Large Roman Settlement Archaeological Notification Area. An archaeological assessment and geophysical survey of the site has therefore been submitted which reveals that there are a number of known archaeological remains. The geophysics survey identified a prehistoric or Roman rectangular enclosure of in the north-east corner, and cropmarks show a circular feature within the centre of the development area. There is also a record of a Roman building on the site. In the northwest corner of the site is the medieval farmstead of New Place Farm, including a number of surviving structures on this site in addition to the below-ground archaeology.
- 6.29 As the development site lies within a sensitive area of archaeological potential, an archaeological evaluation was carried out on Land to the North of the Glebelands Estate (immediately to the south of this site). Results show that some of the archaeological features associated with this site appear to extend into the proposed development area and it is evident that below-ground archaeology can be anticipated to survive in this area. As such, the Council's consultant Archaeologist has recommended that if the application is approved, a condition is imposed to secure a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI). This condition has been drafted.
- 6.30 In summary, Officers are of the view that the proposed development will not have an unacceptable impact on archaeological remains (subject to condition), or any direct impact on nearby listed buildings. The presence of ruinous remains of post-medieval outbuildings requires careful and considered design at Reserved Matters stage to ensure the significance of the historic setting of Grade 2\* listed New Place Manor can be reinforced. Subject to this, Officers are confident that the site will avoid significant harm to nearby heritage assets or archaeological remains and can be appropriately developed for housing in accordance with draft Policy 2 (parts xiv and xv) of the emerging PPNP, and the general heritage requirements of HDPF Policy 24 and Chapter 16 of the NPPF.

#### Ecology

- 6.31 The application site is not subject to any statutory or non-statutory ecological designations. The nearest statutory sites for ecological importance are Marehill Quarry Site of Special Scientific Interest (SSSI) located 600m to the south-east (although this is only allocated for geological interest); Pulborough Brooks SSSI located 870m to the south which also forms part of the Arun Valley Special Area of Conservation (SAC) and Special Protection Area (SPA). The Mens SSSI and SAC is located 3.6km to the north-west of the site which is designated for its Barbastelle bat population. Owing to its proximity to the Mens SAC, the Council is required to prepare an HRA Screening Report regarding effects on flightlines for Barbastelle bats.
- 6.32 In support of the application, the applicant has submitted an Ecology Appraisal and an Ecology Technical Note (to inform HRA). The Council's consultant Ecologist has reviewed these documents and is satisfied that they contain enough information to make an informed decision.

- 6.33 The Ecological Appraisal notes that the site was surveyed most recently in June 2021 to record the potential presence of a variety of protected species. The surveys identified that the site is able to support notable and protected species including bats, reptiles, birds, and hedgehogs. Mitigation measures have been proposed within the Ecological Appraisal which seek to minimise the risk of harm to protected species. Implementation of these measures are secured by condition.
- 6.34 The site is dominated by intensively managed nurseries, but contains some important ecological features such as woodlands, hedgerows, tree lines and an artificial reservoir. Aside from the reservoir, these existing features are largely retained as part of the proposed development and will be appropriately protected during construction. Lower value habitats (such as buildings, hardstanding etc) are of low ecological importance and their loss is not considered to be detrimental in ecological terms.
- 6.35 Paragraph 180 (part d) of the NPPF requires development proposals to seek opportunities to secure measurable net gains for biodiversity. In October 2022 the Council published a new Planning Advice Note (PAN) on 'Biodiversity and Green Infrastructure'. This document sets out an expectation that all development proposals should seek to meet the biodiversity gain requirements of NPPF Paragraph 180(d). In addition, ahead of the forthcoming local plan policy and statutory provision for all developments to demonstrate a calculated 10% net gain in biodiversity; the PAN encourages applicants to demonstrate how a net gain in biodiversity has been calculated using the Natural England matrix. Given the recent publication of the Biodiversity PAN, it is not reasonable in this case to require the applicant to demonstrate a full biodiversity calculation, rather Officers are of the view that a demonstration that the site can achieve net biodiversity gains is acceptable.
- 6.36 The proposals present the opportunity to secure a number of biodiversity benefits and ecological enhancements, including creation of substantial new habitat areas within the proposed Countryside Park, together with other provision including new roosting opportunities for bats, and more diverse nesting habitats for birds. In addition, large areas to the south of the site are proposed for the creation of attenuation basins which can incorporate ecologically valuable wetland habitats, and green corridors between residential parcels can further increase the opportunity for biodiversity gain. The following ecological enhancements provide opportunity for the site to deliver a number of biodiversity benefits and gains. Precise details of these measures would be required via the submission of a Biodiversity Enhancement Strategy to be secured by condition.
- **Woodland and scrub management** (tree coppicing, removal of non-native species)
  - **New planting** (native tree species such as Oak and Field Maple)
  - **Wildflower grassland** (in the countryside park and green corridors)
  - **Wetland features** (permanently wet attenuation, wet grasslands, swales etc)
  - **Bat boxes** (fixed to suitable trees and built structures)
  - **Bird boxes** (fixed to buildings and/or trees, situated as high up as possible)
  - **Habitat piles** (wood piles to create habitats for invertebrate species)
  - **Bee bricks** (located in suitable south-facing walls 1m from the ground)
- 6.37 Given the site's proximity to the Mens Special Area of Conservation (designated for its Barbastelle bat interest) a Habitats Regulations Assessment (HRA) Stage 1: Screening was required to be undertaken by the Council as the competent authority. The HRA Screening concludes that the project will have a 'Likely Significant Effect' on the designated features of the The Mens SAC and Ebernoe Common SAC, as a result of impacts on habitat connectivity for foraging and commuting Barbastelle bats. As such, mitigation is required, and the proposal was required to proceed to Stage 2 Appropriate Assessment.
- 6.38 The Stage 2: Appropriate Assessment considered the proposed mitigation measures (including retained/enhanced vegetation, creation of new habitats within the Countryside park, and implementation of a sensitive lighting scheme) and concluded that they are

appropriate to avoid an Adverse Effect on the integrity of the habitat sites within the SAC sites. Natural England has reviewed the assessment and has advised that subject to the proposed mitigation being secured, they are in agreement with the Council's conclusions. To secure the required mitigation, conditions have been drafted at the end of this report to secure a Construction Management Scheme for Biodiversity, a Biodiversity Lighting Scheme, a Biodiversity Enhancement Strategy and a Landscape and Ecology Management Plan (LEMP).

- 6.39 In conclusion, the proposals have sought to minimise impacts on identified species and their habitats, and subject to the implementation of appropriate avoidance, mitigation and compensation measures (as secured by the conditions listed in this report), it is considered unlikely that the proposals will result in significant harm to ecology or have an adverse effect on the nearby protected areas. The proposal has demonstrated that opportunity exists within the site to provide a number of biodiversity enhancements as required by HDPF Policy 31; as well as ample and varied opportunities to achieve a measurable gain in biodiversity as required by paragraph 180(d) of the NPPF and the aims of the Council's Biodiversity and Green Infrastructure PAN.

#### Water Neutrality

- 6.40 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 6.41 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habits site. Section 63 of the Regulations sets out the process by which an HRA must take place.
- 6.42 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 6.43 The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.44 In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone that is likely to increase water consumption (such as additional housing units) must demonstrate water neutrality, i.e., that water consumption

from the site when occupied will not increase water abstraction in the Arun Valley. Until a wider strategy is developed to address this issue (which is not expected to be in place until next year and is likely to only apply to sites allocated in the new local plan), all new development must demonstrate that it can be water neutral in its own right.

- 6.45 A Stage 1: HRA Screening assessment was undertaken in order to assess whether (without mitigation) the proposed development would have a Likely Significant Effect on the Arun Valley sites, and whether the proposal needs to proceed to Stage 2: Appropriate Assessment. Given the proposed housing development will increase the demand for mains water usage, it is likely to result an identifiable impact on the Arun Valley SAC/SPA/Ramsar sites. As such, the HRA Screening concluded that without mitigation, the proposed development will have a Likely Significant Effect on the designated features of the Arun Valley SAC/SPA/Ramsar, and as such, the assessment was required to proceed to HRA Stage 2: Appropriate Assessment to ascertain whether any mitigation proposed can enable the proposal to be authorised.
- 6.46 In support of the Appropriate Assessment (AA), the applicant has submitted a Water Neutrality Statement which describes how the predicted water consumption from the proposed development of 170 homes will result in a water surplus when compared the existing water usage on the site. Given the site's existing use as a plant nursery, an extensive irrigation system is installed throughout the current site, allowing crops to be watered. Irrigation is drawn from an on-site reservoir that is fed via an onsite licenced borehole, a lake to the west of the site and from a mains connection.
- 6.47 The existing water use on the site currently comes from 3 sources:
- Mains Supply - water bills show the average annual mains water use on the site is 6,824 m<sup>3</sup>. Three existing dwellings are served by the mains connection, and this will continue, therefore, 444m<sup>3</sup> of main water per year has been discounted from the baseline, leaving an annual main water use on the site of **6,380m<sup>3</sup>**.
  - Borehole Supply - manual readings (corroborated by a Statutory Declaration) show that annual abstraction from the borehole is **15,995m<sup>3</sup>**. Evidence has been provided to show that the existing borehole takes water from the same hydrological source that feeds the Arun Valley habitat sites. The borehole is proposed to be decommissioned and the EA abstraction licence relinquished, thus saving 15,995m<sup>3</sup> water from being abstracted from the water resource zone annually.
  - Lake Supply - the lake drains into the River Arun Catchment, therefore feeds the Sussex North Water Supply Zone. Lake abstraction licence returns data shows that the annual lake water consumption is **3,808m<sup>3</sup>**.
- 6.48 From all 3 sources, the total existing water consumption on the nursery site is therefore **26,183m<sup>3</sup>** per year. The calculated water demand for the 170-home development is calculated as **13,662m<sup>3</sup>** per year (based on 170 homes, occupancy of 374 people, and water use of 100L per person / day). **A water surplus of 12,521m<sup>3</sup> per year would therefore result.**
- 6.49 Officers are of the view that the water abstraction from the lake and borehole has been evidenced appropriately (through the submission of meter readings and abstraction licence returns data) and can therefore be used as part of the calculation of existing water use on the site. Whilst the borehole meter readings have been taken manually, these have been corroborated by a Statutory Declaration which has been accepted. A s106 legal agreement will secure the decommissioning of the borehole, as well as securing the revocation of the relevant licences for water abstraction from the borehole and lake. This not only demonstrates that the site will be water neutral; it also secures a significant amount of water saving (of around 12,500,000 litres per year) in perpetuity.
- 6.50 The significant amount of water savings that will result gives credibility to the proposed scheme in the context of the precautionary principle. Officers are therefore of the view that

(subject to conditions and a s106 agreement) the water neutrality proposals are acceptable. A Stage 2 Appropriate Assessment has been completed by the Council on the basis of the applicant's proposal to decommission the borehole and lake abstraction. The assessment concludes that subject to conditions and obligations to be secured in a legal agreement, the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects.

- 6.51 As per the requirements of s63 of the Habitat Regulations, the Council has consulted Natural England as the relevant statutory body. Having considered the Council's HRA, and the measures proposed by the applicant to mitigate for any adverse effects, Natural England has confirmed that subject to all mitigation measures being appropriately secured they are in agreement with the Council's conclusions that the project would have no Adverse Effects. Notwithstanding this, Natural England has asked the Council (as competent authority) to be completely satisfied that the submitted Statutory Declaration is valid, and the borehole connects hydrologically to the Arun Valley sites.
- 6.52 Officers have taken legal advice on the validity of Statutory Declarations in relation to water consumption calculations. The advice states that ultimately, it is up to the Council on a case-by-case basis to decide whether to accept information provided in a Statutory Declaration. The advice is that the authority has to be satisfied that there is 'no reasonable doubt' that the information presented will not lead to adverse effects in the integrity of the sites in question – there is no requirement for submitted information to show 'absolute certainty'. In this case, the hand-written borehole record is the only evidence available, and as such, there is no reason to doubt its validity. In addition, the significant water surplus that has been calculated provides comfort that even if the handwritten figures are wrong, the amount of water saved as a result of the borehole being decommissioned provides a significant precautionary buffer. As such, Officers are content in this case that the Statutory Declaration (and therefore the water abstraction figure from the borehole) is acceptable.
- 6.53 In order to demonstrate that the borehole location and Arun Valley sites are linked hydrologically, the applicant has submitted a letter (RPS, ref HLEF82261, dated 10<sup>th</sup> March 2022) which explains the catchment location of the site and the underlying geology. The letter confirms the site is located within the same river catchment and Groundwater Management Catchment (GMC) as the River Arun and the Arun Valley habitat sites, and indicates that the site, the Arun valley floodplain, and the designated Arun Valley sites are share the same bedrock geology ('Sandstone and Coarse Soil'). This information demonstrates that the groundwater flow direction at the borehole site is likely to be to the south following the local topography. This would link water from the site to that in the lower valley area to the south. Given that the borehole is located within the same underlying geology it is considered that the borehole water is drawn from the water table that likely affects Hardham, and therefore the Arun Valley sites. The assessment indicates that the borehole water is fed from the water table that affects Hardham, and also therefore the Arun Valley Sites.
- 6.54 To secure the on-site water saving measures, planning conditions have been drafted to ensure the proposed development accords with the measures contained within the Water Neutrality Statement. The conditions require the submission and approval of evidence to show the on-site water saving measures have been implemented (including the specification of fittings and appliances used, evidence of their installation, and evidence they meet the required water consumption flow rates). A s106 will secure the decommissioning of the borehole and lake abstraction, and the relinquishing of the EA abstraction licence.
- 6.55 In summary, the HRA exercise undertaken by the Council (as the competent authority) has demonstrated that the water saving mitigation proposed by the application (in the form of on-site water saving appliances and decommissioning of an existing borehole and lake abstraction), provides sufficient certainty that the water consumption associated with the development of up to 170no. units would not result in adverse impact on the integrity of the

Arun Valley habitat sites (subject to conditions and a s106 agreement). On this basis the development complies with s.70 of the Conservation of Habitats and Species Regulations 2017 as well as with Policy 31 of the HDPF and paragraph 180 of the NPPF. In accordance with paragraph 182 of the NPPF, the presumption in favour of sustainable development at paragraph 11d of the NPPF therefore applies in the overall determination of this proposal. The implications of this are set out in the 'Planning Balance and Conclusion' section of this report.

### Drainage and Flooding

- 6.56 The site is identified by the Environment Agency as being located wholly within Flood Zone 1, meaning the site has a less than 1 in 1000 annual probability of river or sea flooding which is the lowest classification of fluvial flood risk. As such, flood risk does not present a constraint in site development. Notwithstanding this, given the size of the site and in accordance with NPPF requirements, a Flood Risk Assessment (FRA) has been submitted alongside a Drainage Strategy. The Drainage Strategy demonstrates that the site can sustainably manage surface water arising from the development up to the 1 in 100 year +40% Climate Change storm event, including an 8% allowance for future Urban Creep.
- 6.57 The site is split into three surface water catchments, whereby water storage is provided within four attenuation basins. Surface water from the south-eastern area of the site will be attenuated in Basin 1 before being discharged at a restricted rate of 4.58l/s to a drainage ditch located along the southern boundary of the site. Surface water from the central and northern areas of the site will be attenuated in Basins 2 and 4 before being discharged at a rate of 13.76l/s into the southern drainage ditch. Surface water from the western area of the site will be attenuated in Basin 3. Flows will be discharged at a restricted rate of 4.63 l/s, to a drainage ditch located in the south-west corner of the site. Overall, surface water will be discharged from the site at the greenfield runoff rate of 6.1 l/s.
- 6.58 Foul water is proposed to be conveyed by a gravity sewer system to an existing public foul water sewer located in Glebelands to the south of the site. The applicant's pre-application discussions with Southern Water confirms that there is adequate capacity in the local sewer network to accommodate foul flows from the proposed development. It is proposed that both the foul and surface water from the application site will connect to the existing water network, for adoption by Southern Water. A specialist management company will be appointed to manage and maintain the SuDS systems in perpetuity.
- 6.59 The Council Drainage Engineer has reviewed the drainage proposals and has raised no objection subject to the securing of finer details by condition. As such suitable drainage conditions have been drafted in this report. No objection has been received from Southern Water or WSCC Lead Local Flood Authority. As such, the drainage strategy proposed is considered to be acceptable, and subject to conditions to secure a detailed drainage strategy, the proposal demonstrates that the development will not lead to an increase in flood risk in accordance with the requirements of HDPF Policy 38.



## Trees

- 6.60 In support of the application, an Arboricultural Impact Assessment (AIA) has been submitted, which includes a Tree Survey, a Tree Constraints Plan and Tree Protection Plan. The Tree Survey reveals that several Category U Poplar trees are proposed for removal (due to their poor condition and under correct Arboricultural management). Five trees/groups are shown to be impacted by the proposal and are shown for removal to facilitate the development. These items are all graded under Category C. No Category A or B trees or groups are proposed for removal. In total, of the 73no. Category A, B and C trees on site, 68no. would remain unaffected by the proposed development.
- 6.61 To ensure appropriate protection is afforded to the root systems of trees to be retained, the extent of the RPA is proposed to be enclosed by protective barriers. A condition to require this has been drafted (see draft Condition 4). The Council's Tree Officer has reviewed the AIA and has advised that whilst the conclusions drawn in the AIA are acceptable (including the extent of the proposed tree removal, and a condition to require tree protective fencing), a scheme for replacement planting must be proposed at design stage to mitigate the loss of any removed trees, as well as some re-configuration of the site to ensure the relationship between the retained tree features and dwellings/roads is harmonious. These details will come forward at Reserved Matters stage and will be scrutinised in consultation with the Tree Officer to ensure an acceptable design and layout is achieved.

## Climate Change and Sustainability

- 6.62 HDPF Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.63 Whilst acknowledging that the development is only proposed in Outline form at this stage, a Sustainability Strategy is outlined in the applicant's Design and Access Statement (page 54) which details several measures which seek to build resilience to climate change and reduce carbon emissions. These measures focus on social, economic and environmental sustainability, and include the following:
- Placement of the proposal in sustainable location, accessible to local shops and facilities by non-motorised modes of transport
  - Making efficient use of available land
  - Creation of accessible green spaces to enhance social wellbeing and health
  - Opportunities for biodiversity net gain
  - Inclusion of street trees, shrubbery and open spaces within the site
  - Dedicated refuse and recycling storage capacity
  - Provision of dedicated cycle parking facilities
  - Improved pedestrian links to existing networks, including a rail bridge to provide safe access to the north
  - Potential to incorporate solar electricity generation and/or water heating
  - Provision of electric vehicle charging points in accordance with the minimum standards as set out in Approved Part S of the Building Regulations.
  - Integration of SUDS and green infrastructure to manage flood risk
  - Limiting water consumption to 100l per person / day (through the installation of water efficient appliances at each dwelling)
- 6.64 Subject to the implementation of these measures (either within the design of the site at Reserved Matters stage or secured by condition); the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

## Air Quality

- 6.65 In support of the application, an Air Quality Assessment (AQA) was undertaken which considered dust effects during the construction phase and air quality impacts during the operational phase of the development. The application site is not located within either of the district's defined Air Quality Management Areas (AQMAs), but the site is located approximately 5.3 km northwest of the nearest designated AQMA (Storrington). In accordance with guidance set out in the Air Quality and Emissions Mitigation Guidance for Sussex (2021) and based on the emissions generated by vehicle movements associated with the development, the estimated emissions damage cost resulting from the proposal is calculated at £17,107.
- 6.66 The most important air quality consideration during the construction phase of development is dust emissions emanating from demolition, earthworks and construction. Mitigation measures including the submission of a Construction Management Plan to include measures to reduce dust emissions (such as dust monitoring, dust suppression/screening etc) are proposed. Implementation of these mitigation measures are judged to reduce the residual dust effects during the construction phase to a level categorised as "not significant". A condition for a Construction Management Plan to include measures to reduce dust emission has been drafted (see Condition 3).
- 6.67 During the operational phase the Air Quality Assessment has judged that the impact of the 170-home development on existing receptors in the local area is predicted to be 'negligible'. This has been determined through an assessment of atmospheric dispersion modelling and takes into account changes in pollutant concentrations and absolute levels. As such, pollutant concentrations at the façades of the proposed dwellings are predicted to be well within the relevant health-based air quality objectives, and therefore no mitigation measures are considered to be necessary,
- 6.68 Despite this, a Travel Plan has been prepared for the development, which sets out the initiatives that will be put in place to reduce car use (and therefore, emissions) by residents. The Travel Plan aims to reduce car traffic generated by residents by 10% in the 07:00-19:00 12-hour period, promote healthy lifestyles, encourage permeability in the design of the site, increase the awareness of choice of more sustainable travel modes. The Travel Plan sets out provisions for each household on the site to receive a voucher with a value of £150 (£25,500 for 170 houses) to be used for the local; bus service or to assist with the purchase of a cycle/accessory. A Travel Plan co-ordinator will be appointed to ensure the measures set out in the Travel Plan are executed effectively.
- 6.68 The Council's Air Quality Officer has reviewed the Air Quality Assessment and the proposed measure set out within the Travel Plan. The Air Quality Officer accepts the conclusions of the AQA, as well as the provision of a sustainable travel voucher to each household with a value of £150 (amounting to £25,500 for 170 households) which exceeds the calculate damage cost value of £17,107. A planning condition has been drafted to secure the submission of a Travel Plan to include the measures outlined in the Air Quality Assessment. Subject to this condition the proposal is not considered to result in an adverse impact on air quality in Pulborough, and is in accordance with Policy 24 of the HDPF and Paragraph 186 of the NPPF.

## Minerals Safeguarding

- 6.69 The application site falls partially within a Minerals Safeguarding Area for Horsham Stone (as defined in the WSCC Joint Minerals Local Plan). As such, a Minerals Resource Assessment has been submitted, which concludes that prior extraction of this mineral would not be viable owing to its low quality and low demand for the resource in the region. The Minerals and Water Team at WSCC has reviewed the proposed development and the

submitted Mineral Resource Assessment and are of the view that as the site has historically been used for agricultural purposes the mineral has already been sterilised in this area. As such, WSCC Minerals and Waste Team has confirmed that no objection is raised to the proposal.

#### Railway Footbridge

- 6.70 In order to address Network Rail's concerns about rail safety resulting from increased pedestrian traffic using the existing uncontrolled level crossing, the applicant has entered into an agreement with Network Rail to fund the erection of a stepped footbridge. The footbridge would allow the existing at-grade level crossing to close and would provide a safer crossing facility for future users which would form a continuation of existing PROW 2330. An indicative image of a typical stepped footbridge that could be constructed over this crossing has been provided. It is proposed that the footbridge would be erected within land owned by Network Rail. The footbridge would be funded by the applicant but built by Network Rail to their own specification.
- 6.71 The provision of the footbridge will be secured in a s106 legal agreement. This would include details of the specification of the footbridge. It has been agreed between the applicant and Network Rail that the footbridge should be open before the occupation of the 51st dwelling, or 18 months from commencement of the development (whichever comes first). In the context of a 170-dwelling development, this timeframe is considered to be reasonable, and the requirement to provide the bridge within this timeframe will be included in the legal agreement.
- 6.72 The provision of a footbridge is required in order to make the development acceptable in planning terms, but its inclusion as part of this scheme goes beyond this and is considered to result in a wider public benefit. The bridge not only eliminates an immediate rail safety concern, but also provides a wider sustainability benefit within the community by making walking a safer and more attractive travel option for existing residents of Pulborough and future residents of the proposed development.
- 6.73 It should be noted that the existing uncontrolled rail crossing involves negotiating a steep stepped bank on the southern side of the railway line, which is not accessible to all users (including those using wheelchairs, pushchairs etc). Whilst the stepped bridge would improve rail safety (and in its own right, will offer significant safety improvements to the existing arrangement), it is acknowledged that the erection of a stepped footbridge as opposed to a ramped bridge would not improve the situation for all future users of the development (including those in wheelchairs, with prams or other mobility limitations). Rather, it would have a neutral impact on accessibility for existing and future users given the steep stepped approach, and a betterment in terms of user safety.
- 6.74 In agreement with Network Rail, the applicant has proposed the funding of a basic stepped footbridge primarily to alleviate rail safety concerns, but no evidence has been submitted to detail whether the erection of a ramped bridge would be feasible in this location, and/or viable in the context of a 170-unit scheme. Such a ramped bridge would need to take into consideration the existing long stepped approach to the crossing from the south of the site which would raise costs significantly. Whilst it would be preferable to understand if a ramped bridge would be achievable, in planning terms, it is acknowledged that the applicant's primary obligation is to mitigate the safety risk identified by Network Rail, therefore for the purpose of this application, the erection of a basic stepped footbridge as proposed is considered to be acceptable mitigation.

#### Environmental Impact Assessment (EIA)

- 6.75 A request for an EIA Screening Opinion was submitted to the HDC on 20th July 2021. HDC issued its opinion on 27th September 2021 which concluded that the overall scale and nature

of the impacts that would arise from the scheme do not require an EIA, and that the environmental issues arising from the development can be dealt with as part of the usual planning application process.

#### s106 Legal Agreement

- 6.76 A s106 legal agreement to secure the obligations necessary to make this application acceptable in planning terms is currently being drafted. The headline obligations are to include the following:
- 35% Affordable Housing (60 units)
  - Improvement works to the local right of way network
  - Travel Plan submission
  - Details and provision of all open space areas (including the LEAP, Pump Track, and Country Park)
  - Set up of a Management Company
  - Provision of a footbridge over rail crossing
  - Water neutrality matters (relinquish existing abstraction licence etc)

#### Conclusion and Planning Balance

- 6.77 In accordance with planning law, the starting point for the assessment of this proposal is to consider whether or not it accords with the provisions of the adopted development plan (comprising the HDPF). The site is not allocated for housing development in the HDPF, therefore in the first instance, it must be concluded that the development of the site for housing is contrary to Policies 1, 2, 4, and 26 of the HDPF. This carries significant weight against the proposal.
- 6.78 Notwithstanding this, it is acknowledged that the site has been selected for housing allocation in the emerging Pulborough Parish Neighbourhood Plan (PPNP) for 'approximately 170 dwellings. The Outline proposal for a development of 'up to 170 dwellings' accords with the quantum proposed in emerging Policy 2. Due to its advanced stage in production (having been through consultation and passed independent Examination), the allocation of this site in the emerging PPNP is judged to hold significant weight in decision making which carries significant weight in favour of the proposal. The proposal is also considered to accord with the main criteria listed within the newly published Facilitating Appropriate Development (FAD) document which also carries weight in favour of the proposal.
- 6.79 This report has established that (subject to conditions and a legal agreement) key matters including impact on highways, landscape, neighbouring amenity, ecology/trees, heritage/archaeology, drainage/flood risk, air quality, minerals and sustainably/climate change are judged to be acceptable. Whilst in outline form, the submitted plans have shown that the quantum of housing proposed can be accommodated appropriately within the site boundary, taking into account of landscape and heritage sensitivities, and neighbouring amenity. The provision of a Country Park with a BMX Pump Track as well as other areas of open amenity space, formal play areas, PROW improvements and a new pedestrian footbridge over the rail crossing offer benefits to the scheme that will create a pleasant place for new and existing residents, and adds weigh in favour of the proposal. In addition, the application proposes a policy compliant number of affordable units (60no.) which will be hugely beneficial to those on the housing register in in Pulborough, and to those who cannot afford to buy or rent at market prices. This also adds weigh in favour of the proposal.
- 6.80 As a result of major scale development of this peripheral semi-rural site, an inevitable level of harm to the wider landscape character has been identified. In addition, some loss of trees is required to facilitate the development. No harm is identified to the setting of heritage assets. Conditions are recommended to ensure that tree protection measures as identified

in the Arboricultural Implications Assessment are adhered to, and to encourage the design of the proposals within the setting of the listed building to take the opportunity to enhance its setting.

- 6.81 As established within this report, the Council is unable to demonstrate a 5-year supply of deliverable housing sites when calculated against the identified need. As such, the weight attributed to the conflict with HDPF Policies 4 and 26 is diminished, and the provisions of paragraph 11d of the NPPF are relevant, which requires the decision makers to apply a presumption in favour of sustainable development (the tilted balance) in such circumstances. As the proposal has been demonstrated to be water neutral, no policies that protect areas of particular importance provide for a clear reason to refuse permission, therefore the presumption in favour of sustainable development (the 'tilted balance') fully applies in the consideration of this application.
- 6.82 Whilst the site is not allocated for development in the adopted local plan (the HDPF), the emerging PPNP allocates the site for housing with the number of units proposed (up to 170no.) falling within the quantum that has provisionally been allocated by the local community. Compliance with this draft allocation and the contents of the new FAD document, coupled with the Council's 5-year housing land supply position and associated application of the tilted balance, leads to the conclusion that the benefits of the 170no. market and affordable dwellings coupled with the provision of a new stepped footbridge over the railway crossing (and other associated benefits), would far outweigh the conflict with the HDPF.
- 6.83 Officers are therefore recommending to Committee that the subject to the conditions listed below, and the completion of a s106 legal agreement to secure 60no. affordable housing units and the stepped footbridge (amongst other obligations); the application for 170no. dwellings on this site should be granted outline planning approval.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017. **This development constitutes CIL liable development.**

In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

## **7. RECOMMENDATIONS**

- 7.1 To approve Outline planning permission subject to appropriate conditions, and the completion of a Section 106 Legal Agreement.
- 7.2 In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place is authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

Conditions:

**1. List of Approved Plans**

Name of Document/Plan	Reference	Date Received by HDC
Illustrative Layout Plan	edp3037_d049h	20/09/2022
Vehicle Tracking Plan (Refuse)	17334-01-1 Rev B	06/04/2022
Proposed Site Access	17334-01 Rev B	06/04/2022
Location Plan	03b	12/10/2021

**2. Regulatory (Time) Condition:**

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

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

**3. Pre-Commencement Condition:** No development (including any ground clearance or site levelling) shall commence until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be a single document covering the development and shall be strictly adhered to throughout the construction period. The CEMP shall include the measures categorised as “highly recommended” and listed in par.7.2 of the Air Quality Assessment report (RPS, JAR02242, April 2022), and shall provide for, but not be limited to:

- An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location, and identification of activities likely to cause high levels of noise or dust;
- Details of how residents will be advised of site management contact details and responsibilities (public engagement)
- 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), erection and maintenance of security hoarding, and storage of plant and materials (including any stripped topsoil)
- Details regarding parking or site operatives and visitors, deliveries, and storage (anticipated number, frequency and types of vehicles used during construction)
- 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 and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

- the anticipated number, frequency and types of vehicles used during construction, and the method of access and routing of vehicles during construction
- Submission of a construction phasing plan;
- Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area.

Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following;
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

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

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

5. **Pre-Commencement Condition:** No development (including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site), shall commence until the following preliminaries have been completed in the sequence set out below:
- All hedgerows, trees and vegetation on the site shown for retention within the Arboricultural Impact Assessment [edp3037\_r012c] as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
  - Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
  - Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6. **Pre-Commencement Condition:** No development shall commence until a Drainage Strategy detailing the proposed means of foul water disposal and a detailed surface water drainage scheme (including finalised surface water drainage designs and calculations) has been submitted to and approved in writing by the Local Planning Authority. The submitted details should include a Surface Water Drainage Statement (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development). The drainage designs shall show full coordination with a detailed landscape scheme and should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

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

7. **Pre-Commencement Condition:**
- (i) No development shall commence until a programme of archaeological work has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
  - (ii) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part [i] of this condition, and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

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

8. **Pre-Commencement Condition:** No development (including any ground clearance or site levelling) shall commence until the following components of a scheme to deal with the risks associated with contamination (including asbestos contamination) has been 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 development shall thereafter be carried out in accordance with the approved details. 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).

9. **Pre-Commencement Condition:** No site levelling works shall take place until full details of the existing and final land levels and finished floor levels (in relation to nearby datum points) have been submitted to and approved by the Local Planning Authority in writing. The details shall include the proposed grading of land areas including the levels and contours to be formed, showing the relationship of proposed land levels to existing vegetation and surrounding landform. The site levelling works shall be completed in accordance with the approved details prior to the commencement of development of any building within the site.

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).

10. **Pre-Commencement Condition:** No development shall commence until an Acoustics, Ventilation and Overheating Assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out in accordance with the guidance presented in the Association of Noise Consultants (ANC) and Institute of Acoustics (IoA) 'Acoustics, Ventilation and Overheating Guide' (AVO Guide). The report should identify the predicted noise impacts (i.e. level and duration) in habitable rooms during the 'overheating condition' as defined in the AVO Guide and, where necessary, provide details of proposed mitigation measures. The development shall thereafter be carried out in accordance with the approved details.

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

11. **Pre-Occupation Condition:** Prior to the first occupation or use 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. The content of the LEMP shall include the following:
- a) Details of proposed biodiversity enhancement measures.
  - b) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall have regard to the requirements set out within the Horsham District Council 'Biodiversity and Green Infrastructure' Planning Advice Note (October 2022) to seek to

achieve a measured 10% net gain in biodiversity. The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

12. **Pre-Occupation Condition:** Prior to the first occupation or use of the development hereby permitted, site-wide Landscape Management and Maintenance Plan (including long term design objectives, management responsibilities, a description of all hard and soft landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all parts of the site (existing and proposed) shall have been submitted to and approved in writing by the Local Planning Authority. 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 25, 31 and 33 of the Horsham District Planning Framework (2015).

13. **Pre-Occupation Condition:** Prior to the first occupation or use of the development hereby permitted, a verification report demonstrating that the SuDS drainage system 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).

14. **Pre-Occupation Condition:** Prior to the first occupation or use of the development hereby permitted, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall show general accordance with the submitted Framework Travel Plan (Ref: DN/NS/17334-08b) and 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. The Travel Plan shall include details to mitigate impacts on air quality as set out in the Council's latest Air Quality and Emissions Reduction Guidance document, and measures set out in the submitted Air Quality Assessment (RPS, reference JAR02242 Revision 3, received by the Council 26/05/2022). The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).

15. **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access [numbered 17334-01 Revision B] as included in the Stage One Road Safety Audit. The access shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

16. **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved Water Neutrality Statement (RPS, HLEF82261, dated 22 December 2021) and Addendum (RPS, HLEF82261, dated 17 March 2022) relevant to that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

17. **Pre-Occupation Condition:** No dwelling shall be first occupied development until a Lighting Design Scheme for Biodiversity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show general accordance with the submitted Lighting Impact Assessment (Ref. RPS, BRM09175 LIA-5), and shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

18. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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).

20. **Regulatory Condition:** The Reserved Matters submissions shall be accompanied by details/plans which demonstrate how the original materials and floor plans of the surviving historic farm buildings within the setting of New Place Manor are to be utilised in the design of any new development within the north-west part of the site. The submitted details shall show how any new buildings in this part of the site reflect the type of building that once stood there, including the re-use of historic materials (particularly stone).

Reason: To reinforce the significance of the historic setting of Grade 2 listed New Place Manor, and ensure that the historical interest of the site is safeguarded and recorded in accordance with Policy 34 of the Horsham District Planning Framework (2015).

21. **Regulatory Condition:** No works or activities relating to the implementation of the development hereby permitted (including deliveries of materials and equipment) 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).

22. **Regulatory Condition:** All works within the development hereby permitted shall be carried out in full accordance with the mitigation and enhancement measures and/or works contained within the Ecological Appraisal [Aspect Ecology, December 2021].

Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).

23. **Regulatory Condition:** The detailed design of the development proposed through Reserved Matters applications pursuant to this outline planning permission shall broadly accord with the principles set out on the submitted Density and Building Heights Parameter Plans [reference: edp3037\_d051a, and edp3037\_d052a), and Development Framework and Land Budget plan (reference: edp3037\_d043e).

Reason: In order to control the development in detail in the interests of amenity and to ensure the development is designed to a high-quality standard, in accordance with Policy 33 of the Horsham District Planning Framework (2015).