



**TO:** Planning Committee South

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

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

**DEVELOPMENT:** Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping.

**SITE:** Chanctonbury Nurseries Rectory Lane Ashington Pulborough West Sussex RH20 3AS

**WARD:** West Chiltington, Thakeham and Ashington

**APPLICATION:** DC/22/0372

**APPLICANT:** **Name:** C/O Agent **Address:** C/O Agent C/O Agent SO14 3TJ

**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.

**RECOMMENDATION:** To approve full 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 be 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**

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the complete redevelopment of the site, removing the existing glasshouses and storage uses from the site, to deliver 74 dwellings and associated open space. The development would utilise the existing single vehicular access off Rectory Lane, which is to be upgraded and provided with suitable visibility splays. The existing vehicular accesses to Kestrals, Chanctonbury Lodge and Chanctonbury House would be maintained through the site, and accesses through to the PROW along the eastern side of the site would be created at 3 points.

- 1.3 The quantum of development would provide a mix of open market dwellings (48 units), affordable rented units (18 units) and shared ownership dwellings (8 units). Of the 74 units, 18 (25%) would meet the needs of older and / or wheelchair users as defined by Parts M4(2) and M4(3) of the Building Regulations.
- 1.4 The development would comprise a range of flats, detached, semi-detached and terraced dwellings, largely within a 2-storey format. The blocks of flats would incorporate units within the 2<sup>nd</sup> floor roof-space.
- 1.5 The proposed layout is predominantly linear with the main internal site road running north-south, but with secondary 'estate roads' forming cul-de-sacs. A centrally located public open space would be provided, with outside gym equipment for adults to use.
- 1.6 Proposed external materials would comprise a mixture of Victorian red brick, multi-stock red brick, white weatherboarding or tile-hanging to the upper floor with decorative panels, and a mix of red and brown clay roof tiles, set off by grey fascias and barge-boards and black rainwater goods.
- 1.7 Boundary treatments would comprise a mix of close-boarded fences and brick walls, with private rear gardens defined by 1.8m high fences or walls, and front and side areas either defined by planting or 1.2m cleft chestnut rail fences. Rear boundaries along the southern site edge and the woodland buffer, would be defined by the open cleft rail fence.
- 1.8 Bins and cycle storage areas are to be provided within the rear gardens, except in the case of the flatted units, where a separate bin and cycle store are to be provided.
- 1.9 A total of 148 parking spaces is to be provided, with all houses benefitting from at least 2 spaces, and with garages and car-barns provided to some of the 3 and 4-bed houses. A total of 15 visitor spaces are to be provided throughout the estate and some 17 spaces would be unallocated to serve the 14 flats.
- 1.10 It is noted the pre-application scheme shown on page 17 of the Design and Access Statement indicates a new pedestrian link from the PROW through to the existing residential development to the east at Covert Mead / Meiros Way, which residents have identified in their representations. This potential new access link lies outside of the application site boundary and does not otherwise appear on the plans formally submitted for consideration. This link does not therefore form part of the application proposals.

## DESCRIPTION OF THE SITE

- 1.10 The application site comprises an area of land some 2.39ha in size that is located on the western side of Ashington. It is currently occupied in part by a sizable greenhouse complex (south), with some land used for the open air storage of caravans / mobile homes (central area), and open land (north). Residential properties adjoin the site along the western boundary (Kestrals, and Chanctonbury House), with Chanctonbury House taking vehicular access through the site itself, and Kestrals utilising the shared access off Rectory Lane. A further property, Chanctonbury Lodge, is situated in the northeast corner of the site, also taking vehicular access through the site itself. A PROW (FP\_2607) runs along the northern and eastern boundaries of the site, and then leads onto Foster Lane to the southeast where the village primary school, recreation grounds, playgrounds, community centre, church and scout hut are located, as well as wider village amenities and shops a little further on.
- 1.11 The site is bounded along its eastern boundary, not only by the PROW, but also by a vegetated corridor of trees, subject to a Tree Preservation Order (woodland TPO/0822). The TPO includes the trees to the eastern side of the PROW, but does not appear to extend to trees on the western side of the PROW and the application site. The residential boundaries to Chanctonbury Lodge and Chanctonbury House, are defined by dense coniferous hedges.

Both Kestrals and Chanctonbury Lodge are bungalows, with Kestrals having rooms in the roof overlooking the site, and Chanctonbury Lodge having its private amenity area located along the southern side of the plot, abutting the site. Chanctonbury House benefits from a large garden area that extends alongside the western site boundary

- 1.12 Following adoption of the Ashington Neighbourhood Plan, the whole of the site now lies within the BUAB of Ashington, which is defined under HDPF policy 3 as a 'Medium Village' with moderate level of services and facilities but which rely on larger settlements to provide for a number of requirements.
- 1.13 Although the greenhouses on the southern part of the site have seen sporadic use of the past 15 years, they have been actively used since mid-2020 for the growing of stock used for a nearby horticultural nursery. Officer visits to the site in February 2020 in respect of the continued use of the caravan storage element, shows a number of caravans being stored within the central open part of the site. As of March 2022, officers confirm a commercial plant nursery was in residence at the site, as well as the continued open storage use.

## BACKGROUND

- 1.14 A full planning application was submitted in July 2015 for the application site, comprising the demolition of the nursery buildings and the erection of 77 dwellings on the site, along with parking, open space and access off Rectory Lane (DC/15/1886). The Council formally refused the application on 15<sup>th</sup> April 2016 for the following 2 reasons:

*1 The proposed development is located in the countryside, outside of the defined built-up area boundary of Ashington, a Medium Village, on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Plan. The site is partly greenfield and the scheme does not comprise development essential to its countryside location. The scheme would not result in the sustainable development of rural areas or the District as a whole. The proposal would result in expansion of the settlement of Ashington into the open countryside and would conflict with the overarching strategy and hierarchical approach to concentrating development within the main settlements and is therefore contrary to Policy 2, Policy 4 and Policy 26 of the Horsham District Planning Framework (2015) and paragraph 7 of the National Planning Policy Framework (2012).*

*2 The proposed development does not secure the 35% of units required to be provided as affordable housing units by Policy 16; or provide for contributions towards local infrastructure improvements including open space, sport and recreation, community centres and halls, education, libraries, transport and fire and rescue services, that are necessary to make the development acceptable, as required by Policy 39. The proposal is therefore contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015), as it has not been demonstrated how the affordable housing needs of the District or the infrastructure needs of the development would be met.*

- 1.15 The case was subsequently Appealed and was heard at Public Inquiry. A unilateral undertaking was submitted as part of the appeal, committing to the provision of affordable housing in order to address Reason 2, which was accepted by the Inspector. In June 2017, the appeal decision was issued, dismissing the appeal on grounds that the proposal would conflict with the development plan in relation to HDPF policies 2, 4 and 26, which seek to protect the countryside from inappropriate development.
- 1.16 Since the appeal was dismissed, the Ashington Neighbourhood Plan (ANP) has been advanced, consulted upon, and formally adopted into policy, having been 'Made' in June 2021. As part of the ANP, the Built Up Area Boundary has been revised to include the entirety of the current application site, and a policy included that specifically allocates the entirety of the site for residential development (ASH10: Chanctonbury Nursery), anticipating some 75 dwellings could be delivered on site

## 2. INTRODUCTION

### STATUTORY BACKGROUND

#### 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

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

##### **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 4 - Strategic Policy: Settlement Expansion  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 39 - Strategic Policy: Infrastructure Provision  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 42 - Strategic Policy: Inclusive Communities  
Policy 43 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

#### **Ashington Neighbourhood Plan** (June 2021)

Policy ASH1: Overall Spatial Strategy for Ashington  
Policy ASH2: Increasing Walking in Ashington  
Policy ASH3: Parking Provision  
Policy ASH5: Landscaping and Countryside Access  
Policy ASH8: Ashington Community Cluster  
Policy ASH10: Chanctonbury Nursery

#### **West Sussex Joint Minerals Local Plan (2018)** (Partial Review March 2021)

Policy M9 - Safeguarding Minerals

#### **Supplementary Planning Guidance:**

Planning Obligations and Affordable Housing SPD (2017)  
Community Infrastructure Levy (CIL) Charging Schedule (2017)  
WSCC Parking Guidance (2003 as amended Sep 2020)  
Open Space, Sport & Recreation Review (June 2021)

## Planning Advice Notes:

Facilitating Appropriate Development  
Biodiversity and Green Infrastructure

### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/15/1886	Demolition of the existing nursery buildings and the redevelopment of the land for 77 dwellings together with associated access road, car parking, landscaping and open space.	Refused April 2016 – <i>Appeal Dismissed June 2017</i>
DC/20/0300	Continued use of existing glasshouses for horticultural use (Certificate of Lawful Development - Existing)	Permitted 22.04.2022

## 3. OUTCOME OF CONSULTATIONS

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

### INTERNAL CONSULTATIONS

#### 3.3 **HDC Landscape Architect:** Comment

Reservations are expressed in relation to the proposals and the likely impacts on the local landscape. The importance of understanding the landscape character of all landscapes in England is recognised in the NPPF. Landscape character assessment is the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK.

The relevant Landscape Character Assessment for the Site is defined in the Horsham District Landscape Character Assessment (2003) which identifies the Site as lying within the 'J2: Broadford Bridge and Billingshurst Farmlands' Landscape Character Area (LCA). It is an area which is described as having a declining landscape condition and moderate sensitivity to change. The overall character is described as 'a low lying and relatively flat landscape becoming more gently undulating towards the southern and northern boundaries. Scattered small woods and copses, shaws and hedgerows enclose an intricate pattern of small pastures. The Assessment states that "The area has a predominantly rural character except for some suburban influence extending into the countryside near Ashington".

The 2.4 ha Chanctonbury Nursery Site is allocated in the Ashington Neighbourhood Plan (2019-2031) to deliver a minimum of 75 No. dwellings. Any development proposals within this site allocation are expected to update the PRoW to enable year-round use with associated lighting and deliver public open space to the south including an outdoor gym. The Site is allocated to deliver approximately of 75 No. Houses, which is considered to be at the upper end of the Site's capacity. It is also noted that under this policy there is the requirement to provide an appropriate southern landscape buffer (Policy ASH5: 'Landscaping and Countryside Access') and create provision for a high quality public open space. Within the Neighbourhood Plan, Figure 8.1: 'Key principles for development of Chanctonbury Nursey' provides an indicative layout of the residential and green open space associated with this allocation, and clearly suggests a substantial landscape buffer to the south to ease the transition of built form onto the open countryside. We note that this does not appear to have materialised within the submitted application.

The planning application has not been supported by a Landscape and Visual Impact Assessment (LVIA) though we have made the professional judgement that development in the open countryside is a key issue and sensitivity of the Broadford Bridge to Billingshurst

Farmlands LCA and the AS2 LLCA, this is due to the predominantly low ridgeline which results in development being more visually prominent as seen in the wider landscape, its scattered mosaic of woodland and copses, the small scale patterns of fields and pasture, with a strong sense of enclosure, and a strong network of hedgerows / shaws and mature oak standards, and narrow winding hedge rowed country lanes, that is even with the presence of localised urbanising influences, all of which further contributes to the intricate landscape setting and prominent characteristic views, that the proposed [but not limited to] residential dwellings, road infrastructure, parking areas and lighting would have an adverse impact on the landscape character, qualities and visual resources of the area. Conversely, we do also recognise the policy position of the Ashington Neighbourhood Plan and that the principle of residential development in this location as identified with the Plan, from a landscape perspective, is therefore on-balance acceptable.

Notwithstanding the above comments, in our judgement the Site has significant landscape and visual constraints which should be addressed as part of the design development, these include but are not limited to:

- A larger proportion of the southern aspect of the Site should be retained as public open spaces, woodland creation and / or denser woodland belt and green buffer to form a stronger southern edge to the open countryside through mitigation planting commensurate to the scale of development being proposed. Trees and woodlands are key components of green infrastructure and can help create resilient, sustainable places to live in. The management and creation of woodlands should be given further consideration as part of the development of the Site. It is recommended that proposals adhere to Figure 8.1: 'Key principles for development of Chanctonbury Nursey', where the proposals deviate from the Neighbourhood Plan further supporting information / justification is required.
- As set out within Policy ASH10: 'Chanctonbury Nursery' Site allocation, the proposal includes the upgrade of the existing PRoW (FP2607) that runs along the north and east boundaries. However, Secured by Design Homes 2019 guidance does not promote the inclusion of public footpaths along the rear of back gardens as this has been proven to generate crime (Para.8.9). Where the relocation of this PRoW footpath is unavoidable, the footpath should be designed (Para. 8.10) to be [inter alia]:
  - "As straight as possible;
  - Wide;
  - Well lit;
  - Devoid of potential hiding places;
  - Overlooked by surrounding buildings and activities;
  - Well maintained so as to enable natural surveillance along the path and its borders."The guidance (Para. 8.17) also states that "where footpaths run next to buildings or roads, the path should be open to view. This does not prevent planting, but will influence the choice of species and density of planting"
- We would advise that the entrance gateway into the scheme currently lacks a designed 'sense of arrival' to the development. Additional trees and soft landscaping should therefore be proposed. For example, an additional focal tree on the western edge of the entry road would match the proposed Oak *Quercus robur* and help to soften the built form and improves the verdant appearance from the road.
- The proposed parking spaces associated with dwellings (Plots 67 and 68) should be proposed as a built timber carport feature owing to its prominent visibility from the gateway entrance along the proposed access road from Rectory Lane.

- We would expect that areas of parking should be broken up with appropriate landscape features (i.e., tree, shrub, hedgerow, herbaceous planting) to help soften the space and improve the quality of the public realm.
- We would advise that further consultation is undertaken with Highways, with regards to the principle of triple tandem parking spaces associated with dwelling (Plot 27).
- Further information is required regarding the use of 1.2m round chestnut post and rail proposed between the driveways of semi-detached houses.
- It is noted that some of the existing trees are within the private curtilage of dwellings (for example Plot 51), and consequently the longevity of these trees cannot be guaranteed. We would therefore recommend that restrictive covenants on trees in contracts are applied.
- There is a large quantity of leftover and redundant landscaped areas outside of the private curtilages of dwellings which is not acceptable. Clarification is required regarding the intended maintenance responsibility for these areas.
- There are a number of inconsistencies in the regards to the proposed tree removals, particularly between the submitted 'Tree Constraints Plan (Dwg No. Rc0339-01 Rev. 01) and the removed trees visible on the submitted Masterplan (Dwg ref: PJC-1072.002 Rev. A). Clarification is therefore required regarding the extent of tree removals included on the Tree Constraints Plan, which should also be supported with a Arboricultural Impact Assessment.
- The use of Common elder L. Sambucus nigra should not be specified as part of the hedge and scrub mix. This shrub is known to be very vigorous and would likely suppress the growth of the other species' specified.

#### 3.4 **HDC Environmental Health:** Comment

Based on confirmation received from the development that Air Source Heat Pumps (ASHP) are not to be pursued, then no further details are required at this stage to assess potential noise impact in relation to their siting.

As the site is considered to be a 'Major' development site, a required damage cost calculation and an assessment of the air quality impacts and proposed mitigations are necessary.

Matters in relation to potential ground contamination can be appropriately dealt with by way of a condition.

#### 3.5 **HDC Housing:** Support

- Provision of 26 affordable units is policy compliant
- The Housing Register in Pulborough / Nutbourne currently has 141 households waiting of which is broken down as 34% in need of a 1-bedroom unit, 22% in need of a 2-bedroom unit, 44% in need of a 3-bedroom unit and 11% in need of 4 or more bedrooms. While the percentage for those waiting for 3 or more bedrooms tends to be lower than average these are often our longest waiting households due to lack of supply of larger 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, to clarify and confirm tenure split, and secure funding arrangements for the affordable homes and ensure the layout and specifications of the affordable units meet the provider's requirements.

#### 3.6 **HDC Arboriculture:** No Objections – verbal comments

Based on a review of the trees being removed, there would be no concerns raised – noted that the English Elm is likely to have a limited lifespan and the Ash is likely to be subject to future Ash dieback. Trees along the eastern boundary and along the southwest should be excluded from private residential gardens and subject to site-wide Management Plan to ensure their ongoing retention, as well as being given the protection of the standard landscape condition.

#### OUTSIDE AGENCIES

##### 3.7 **WSCC Highways:** No Objection

[Summarised]

- Reference is made to the previous appeal proposal for 77 dwellings, where highways principles had been agreed with the LHA and retained as part of the current proposal
- Access to the site is to be via the existing priority junction onto Rectory Lane, provided with visibility splays of 47m (west-bound) and 49m, which are in accordance with the Manual for Streets guidance for the speed limits recorded – access works need to be subject to s278 agreement and technical check with WSCC Highways Agreements Team
- A new RSA has been submitted, raising 9 points which have been agreed with the Designers and Designers Response has been accepted as suitable mitigation
- TRICS details included in Transport Statement (TS), setting out that proposed 74 dwellings would generate less vehicular movements than previous proposal for 77 dwellings (DC/15/1886) – no expectation that proposal would give rise to any increase or material change over what has previously been permitted (accepted)
- Car and cycle parking in line with current guidance, shared surface and swept path diagrams show larger vehicles can manoeuvre in site
- Site is within walkable distance of Ashington village, s106 agreement to secure footpath clearance works along Rectory Lane where vegetation has encroached onto public footpath
- No transport grounds to resist the proposal and it would not have a 'severe' impact on the operation of the highway network
- Conditions advised

##### 3.8 **WSCC Rights of Way:** Comment

[Summarised]

- Footpath 2607 runs along north and east boundary of the site and is of enormous amenity value to the local community as it connects Rectory Lane to the centre of the village and the community centre, primary school and playground
- Requires minimum resurfacing to WSCC standards and extensive work to remove excess vegetation, historic structures such as redundant fences, and overall work to widen and improve the present situation, and upgrade / create a culvert in place of the existing plank bridge, and new post and rail fencing to the southeast section to protect users from deep ditch. Also, ditch clearance work to ensure no future drainage issues. Ongoing maintenance plan needed to ensure route remains clear
- Provision of a safe, off-road alternative for locals is vital as the proposed development will increase pressure on local routes and existing limited network for sustainable movement is raised in the neighbourhood plan
- Upgrading of FP2607 to a bridleway in part, would allow foot, cycle and equestrian traffic in the future – seek a 3m width and linked into development as the north section where it passes between close-boarded fencing and makes a 90-degree turn would not be suitable for the upgraded status – this section to the north should also be included for vegetation clearance to ensure the full width of the footpath is available
- Conditions / informative / agreement to the above works needed

##### 3.9 **WSCC Minerals and Waste:** No Comments

- The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance



therefore, the minerals and waste authority would offer a no comment to the proposed development.

- The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).

### 3.10 **Sussex Police:** Comment

- No major concerns with the proposals location, but additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered
- Principles of Secured By Design should be included:
  - Good active frontages in the main with outward facing dwellings and overlooked public areas
  - Flats should have access control systems in place to control entry to the flats and postal arrangements should be by way of externally mounted secure post boxes rather than individual apertures in doors
  - Communal parking should be in view of an active room within the property (e.g. kitchens and living rooms, not bedrooms and bathrooms)
  - Secure cycle parking should enable locking of both wheels
  - Landscape design and planting should not impede natural surveillance and should avoid unnecessary high maintenance. Trees on appropriate root stock but trees can also restrict performance of street-lighting and should therefore not be within 5m of a light source
  - Consideration of lighting throughout the development, although recognise that some areas have a 'dark sky policy' – use of bollard lighting not appropriate as it does not project sufficient light at the right height – can increase fear of crime

### 3.11 **Ecology Consultant:** Comment [Summarised]

- Ecological Impact Assessment (The Ecology Co-op, December 2021) and the Biodiversity Impact Calculation Rev 2 (The Ecology Co-op, January 2022) has been reviewed – satisfied there is sufficient ecological information available for determination and provides certainty for the LPA of the likely impacts on protected and priority species and which appropriate mitigation measures can be secured to make the development acceptable
- European Protected Species Mitigation Licence for bats and Hazel Dormouse will be required before commencement of the works, copies should be secured by way of condition
- Proposed planting of 470m of new species rich native hedgerow will mitigate against loss of 1800sq.m of scrub habitat used for foraging
- DEFRA Metric spreadsheet submitted – net gain of 10.06% for habitat units and 128% gain for linear hedgerow units
- Conditions advised

### 3.12 **WSCC Fire and Rescue:** Comment

- Fire hydrants to be secured within the development to ensure all dwellings are within 150m of a fire hydrant for the supply of water for firefighting

### 3.13 **Natural England:** Comments

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Our advice is as follows:

Natural England advises that the assessment does not currently provide enough information and / or certainty to justify the assessment conclusion reached by your authority.

The submitted Water Neutrality Statement (Aug 2022) refers to the use of external water butts to account for all external water use. It is Natural England's opinion that this proposed source of water (i.e. rainfall-fed water butts) for external residential use is reliant upon several subjective factors. These factors include: People's behaviours (e.g. using water from the water butt instead of a mains water source); sufficient water supply and pressure (e.g. to cater for car washing, patio cleaning, hosepipe use etc); consistent and ample rainfall (to fill the water butts and correlate with times of high water demand e.g. summer); and good maintenance (e.g. to efficiently fill with rainwater and not leak) among others. We advise that in light of these, rainfall-fed water butts are not solely sufficient to achieve water neutrality for external residential water use.

We advise that the source for external water use is revised and a more robust system of water provision proposed to contribute to water neutrality in perpetuity.

Further, we suggest you, as the responsible authority, assess this system and revise your Appropriate Assessment in light of it.

*[Officer response: Officers have recalculated the figures in the Appropriate Assessment to include the external water use budget into the overall calculations of mains water use. Overall, based on the rising water use that have been demonstrated by way of Water Bills 3 and 4, existing mains water consumption continues to exceed the proposed water consumption with headroom remaining in the figures.]*

### 3.14 **Ashington Parish Council:** No objections

- No objections have been raised as the site has been allocated in the Ashington Neighbourhood Plan, so the development principle is sound
- DAS (para 3.02) and Site Layout shows a potential pond – this will reduce the amount of usable open space in the SE corner of the site and is a potential danger to school children coming from the site and using FP\_2607 to get to school. Measures to enhance child safety should be considered in this area if a pond is needed, and in addition, children would walk closer to the Parish Council pond, so improved safety measures at this site may be needed
- DAS (para 3.08) – not clear if rear gardens to plots along east and south sides have 1.8m high close-board fences (private) or 1.2m post and rail fences (open) abutting the site edges
- Planning Statement (para 8.15) states that PRow 26-7 will be improved for year-round use, but site drawings show stepped pedestrian access over a bund mid-way along the eastern boundary of the site and the existing wooden bridge at the southern end of the site linked to the PRow will simply be 'made good'. The pond is essential for biodiversity but is only shown as 'potential' – if not delivered, what is the net impact on biodiversity?
- Water Neutrality figures – are these robust? Appear to have been extrapolated for the whole site from use of just a small part of the greenhouse for a short period of time
- Various errors picked up in the Travel Plan, the DAS and the Transport Statement:
- References to cafes and restaurants, bus information and reference to an access into the site from Covert Mead / Meiros Way with this land owned by the Parish Council and no permission being given to create pedestrian (or other) access through to the site

## PUBLIC CONSULTATIONS

- 3.15 To date, letters of representation are noted from 12 separate address points, including from the Sussex Area Ramblers, objecting on the following grounds:
- Loss of amenity and privacy by way of widened footpath and new lighting
  - Loss of wildlife, trees and bushes and habitat
  - Lack of infrastructure to support new development / extra residents (Drs, schools – primary school already full)
  - Traffic levels along Rectory Lane already high / dangerous levels (at least 100 extra vehicles based on couples so extra movements for families)
  - Overlooking from 2-storey flats (Chanctonbury Lodge)
  - Site already rejected previously for development
  - Flooding of the site
  - Contamination of the soil
  - Increased likelihood of burglary
  - Query why the Ecological report has been censored (*redacted information owing to protected species*)
  - Layout misses the opportunity to incorporate the walking environment as a key attribute – built form relationship and design connections to the PRow and the view from it
- 3.17 It is noted that of the 12 letters received, 6 of these raise objection only to the creation of a new footpath link from the site and PRow through to the adjacent Covert Mead. It is noted that this link is referred to in the submitted Design and Access Statement, but does not form part of the planning application, which has been confirmed by the planning agents.

## 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

### The Principle of the Development

- 6.1 The Statutory basis for decision taking in planning is Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 In this instance, the Development Plan comprises the Horsham District Planning Framework (2015) and the Ashington Neighbourhood Plan (2021).
- 6.3 Following the adoption of the Ashington Neighbourhood Plan (ANP) in 2021, the entire site now falls within the defined Built Up Area Boundary (BUAB) to Ashington. Furthermore, the site has been allocated for residential development under Policy ASH10: Chanctonbury

Nursery, which allocates the site for approximately 75 dwellings and supports development proposals that meet the following criteria:

*'Housing and Design:*

- i. it provides a mix of dwelling sizes in accordance with relevant policies in the development plan;*
- ii. at least 25% of all units are designed to meet the needs of older people, with an appropriate split of the provision based on the mix of market and affordable properties;*
- iii. affordable housing is provided to meet the requirements of the relevant policies in the development plan;*
- iv. the design of the dwellings reflects the character of the surrounding area.*

*Accessibility:*

- v. the upgrading of Public Right of Way FP2607 so that it is capable of everyday use all year-round and has suitable lighting for use after dark. Such lighting must be designed to protect the amenity of neighbouring residents;*
- vi. the provision of appropriate vehicle access into the site from Rectory Lane;*
- vii. the provision of appropriate pedestrian access which provides direct and safe linkages into the Walkway Routes identified in Policy ASH2.*

*Community infrastructure:*

- viii. the provision of high quality public open space which incorporates a range of outdoor gym equipment for all ages;*
- ix. contributions towards the delivery of the community infrastructure identified in Policy ASH8 (Ashington Community Cluster).*

*Other principles:*

- x. enhance the setting of the South Downs National Park, including through the provision or enhancement of an appropriate landscape buffer in line with the requirements of Policy ASH5 (Landscaping and Countryside Access);*
- xi. the submission of an environmental report which considers issues relating to ground contamination;*
- xii. the submission of a minerals resource assessment to ensure the viable mineral resources are not permanently sterilised by development;*
- xiii. occupation of the development is phased to align with the delivery of sewerage infrastructure, in liaison with the service provider;*
- xiv. the layout is planned to ensure future access to existing sewerage infrastructure for maintenance and upsizing purposes.'*

- 6.4 As a result of the allocation of the site for this quantum of residential development within the Ashington Neighbourhood Plan, the principle of the development is considered acceptable in accordance with the Neighbourhood Plan and Policy 4 of the HDPF.

Loss of Commercial Floor Space

- 6.5 The previous planning application (DC/15/1886) fully assessed the viability of the site for continued commercial use, and found that, given the site's peripheral location to the village centre and amenities, it was not a suitable location for commercial, business or composite uses. Whilst the site remains part occupied for caravan storage, and has since been re-occupied for horticultural purposes, the allocation of the site for housing in the Ashington Neighbourhood Plan for housing recognised the lack of ongoing suitability of the site for ongoing commercial use.

**Design, Layout and Character**

- 6.6 The proposal replicates some of the previous design iterations under DC/15/1886, in that vehicular access is to be taken from the north off Rectory Lane leading to a main central roadway through the site leading to informal cul-de-sacs, and a central area of public open space. Furthermore, the 2½ storey flatted blocks lie in the northeast corner of the site adjacent to Chanctonbury Lodge, as per the previously considered scheme.
- 6.7 However, the overall concept and design has evolved since this last proposal, with applicant engaging with the Council as part of pre-application enquiries, as well as presentations to the Ashington Parish Council. The current scheme varies from that which had been presented to the Council as part of the pre-application enquiry, having taken on suggestions and concerns raised by Ashington Parish Council. These include:
- Consolidation of open spaces to create two larger and more usable open spaces within the site
  - Centralisation of the outdoor gym equipment over a trim trail alongside the PRow to create a sociable area and a community facility and integrate the new development into the wider community with access created for all Ashington residents
  - Open space in the southeast corner has been given over to ecological benefits rather than being for public use / recreational use
  - Formation of a near continuous pavement within the site which can be used instead of PRow in poor weather without frequent crossing points – improved pavement continuity
  - Parking provision to address local car ownership levels
  - Flats being consolidated into one area away from amenities of Chanctonbury House
  - Relationship between flats and Chanctonbury Lodge increased
- 6.8 The proposed site layout provides a largely linear development of residential streets and cul-de-sacs, consisting of a mix of dwelling styles and sizes, relieved by a palette of materials and architectural styles and features, creating a sense of movement along the street frontages. Landscaped areas, hedges to define boundaries and trees would provide additional visual interest within the resulting street-scene. The proposed site boundaries, particularly along the eastern side and the PRow, and within the southeast corner, would be more open and integrated into the wider landscape than at present, with an increased sense of natural surveillance over the PRow.
- 6.9 The design palette would include a mix of red bricks and tile-hanging, a red and brown roof-scape, suited to the red-toned bricks typical of the locality, interspersed with white weatherboarding, and decorative tile-hanging features. Side-facing windows and bays, and cladding treatments that wrap the corners would ensure that side elevations continue to provide visual interest within the site. This design approach is considered to be acceptable and reflects the overall character and mix of styles found within nearby estate settings, with the proposed development forming its own distinctive character that is cohesive yet complementary to the wider locality, thus according with NP policy ASH10(iv).

### **Landscape Impacts**

- 6.10 It is noted that the previously considered appeal scheme DC/15/1886, was not refused on landscape grounds, with the Landscape Consultant at the time referring to the site as being '*contained within the wider rural landscape*' by virtue of its existing perimeter vegetation. The existing glasshouses and caravan parking was also noted to give the site an urbanising influence. The earlier scheme was therefore concluded as being unlikely to have any significant wider adverse landscape and visual impacts. Part of the rationale for this view was the 3 and 2 ½ storey buildings being located in the centre of this earlier scheme, and that furthermore, there were improvements arising from the development such as improvements to the PRow and the associated open space and landscaping.
- 6.11 As part of the current scheme, it is noted that the general layout of the site shares many similarities to the previous scheme, including the relationship of the proposed new houses to the northern site boundary and Chanctonbury Lodge, the western side and the south-western

corner. A central area of public open space has been retained within the same area but the current scheme proposes a larger area of open space and a balancing pond in the south-eastern corner, reflecting the Key Principles of policy ASH10. The dwellings are predominantly 2-storey with the flatted blocks and two other units containing rooms within the roof-space, which accords with prevailing character of the area, noting that the development further to the east at Mousdell Close and Penn Gardens are also full 2-storey dwellings. It is noted that the site would be contained by residential development to the east, west and south, both already in existence and as identified housing allocations within the Neighbourhood Plan. This includes land beyond the southern boundary of the site and woodland buffer, which has similarly been allocated for significant housing development under the Ashington Neighbourhood Plan (policy ASH11). The subsequent relationship of the site and wider village with the surrounding rural area will inevitably evolve as a result, which is a material factor in assessing the likely impact of the proposal within the wider landscape setting.

- 6.12 The site allocation policy ASH10 details landscape-led expectations including the upgrading of the PRoW 2607 (ASH10v), the provision of high quality public open space (Ash10viii), and being able to enhance the setting of the SDNP by way of an appropriate southern landscape buffer (ASH10x), which is further expanded by Policy ASH5. Under policy ASH5(A) development abutting open countryside must not create a hard edge along with the inclusion of the aforementioned landscape buffer, and how the visual impact of buildings within the site have been minimised through layout, heights and landscaping, retention of trees and vegetation to soften the impact and to retain the rural village feel of Ashington.
- 6.13 Whilst it is noted that Landscape Character Assessments have not been amended locally, county-wide or nationally since the determination of the last planning application and its subsequent appeal, the Landscape Capacity Study (2021) considers the relevant landscape character area (AS2) as being 'low-moderate' with a prevailing interest to retain the unspoilt rural countryside to the north of Rectory Lane, rather than to the south, where the development site is located. The same determining planning policies therefore remain in place locally, as set out under the HDPF 2015, that were considered previously as part of the appeal scheme, where no landscape harm was identified. Furthermore, the aforementioned allocation of land to the south of the site for housing within the Made Neighbourhood Plan is a material change to the site's context.
- 6.14 A number of amendments have now been incorporated to address the comments made by the Landscape Consultant, including an additional tree at the entry point into the site off Rectory Lane to help soften the development and provide a sense of arrival and the removal of Common Elder within the proposed shrub mix. Further amendments include:
- Increased landscape elements within parking courts
  - Confirmation of car barns to specified plots
  - Use of grasscrete (or similar) to visitor parking around the public open space
  - Introduction of a 'pinch-point' by Plot 36 to reduce vehicle speeds around the public open space
- 6.15 The nature of the adjoining woodland to the south is not generally considered to have an open character. However, the proposed open post and rail fence would create a soft transition into the rear residential gardens of the houses along this part of the southern site boundary. The remaining 50% of the southern site boundary would transition into the Public Open Space alongside the balancing pond, creating the sense of transition anticipated by the allocation policy and reflected in the comments of the Landscape Consultant. It is acknowledged that these landscape qualities are not necessarily apparent when reviewing the proposal on plan, but having visited the site, officers are satisfied that the actual site context suits the proposed development layout.

- 6.16 It is therefore considered that the current scheme proposes a more favourable impact on the wider landscape character by virtue of the openness within the southeast corner, over and above the previously considered scheme under DC/15/1886. Overall, the proposed development achieves an appropriate layout within the site and acknowledges the requirements of policies 25 and 33 of the HDPF, as well as ASH5 and ASH10 of the Ashington Neighbourhood Plan.

### **Amenities of nearby and future residents**

- 6.17 The site is noted to directly adjoin the residential curtilages of Kestrals, Chanctonbury Lodge, and Chanctonbury House, and it is these properties that would be most directly impacted by the proposals.
- 6.18 In relation to Kestrals, which is set at the front of the site, and comprises an extended bungalow with rooms in the roof with dormers overlooking the application site, there is the potential for new overlooking of the rear garden area by way of first-floor windows from Plots 3, 4 and 5. In relation to Plot 3, the first-floor window serves a hallway, whilst the front first-floor windows to Plots 4 and 5 would be bedrooms and a bathroom. These first-floor windows are at or in excess of 10m off the site boundary, a distance which is considered to prevent any unduly harmful loss of privacy.
- 6.19 Chanctonbury House is a large and extended house that is set centrally within a large plot midway down the western boundary of the site. Plots 56-58 and 63-66 are two-storey houses with rear-facing first-floor bedroom windows set along the southern and eastern rear garden boundary to Chanctonbury House respectively. These first-floor windows are at or in excess of 10m off the site boundary, a distance which is considered to prevent any level of adverse loss of privacy. Plot 67 sits side on at an appreciably closer distance with only a first floor stairwell window facing towards Chanctonbury House. To avoid potential overlooking given the closer separation a condition is recommended to ensure this window is obscurely glazed. Plots 6, 7 & 8 face towards the front garden/drive to Chanctonbury House and at a separation of 10m to the boundary would not result in harmful amenity impacts.
- 6.20 Chanctonbury Lodge is a single-storey L-shaped bungalow which has defined its residential curtilage by way of a tall conifer hedge, which is currently around 3m in height. The south-facing windows to this property are set some 15m off the application site boundary. There is concern that the proposed blocks of flats, which are located to the south of the boundary, could unduly overlook the private amenity areas to this adjoining bungalow. In relation to the 2<sup>nd</sup> floor units, these would be provided with rear-facing roof-lights, set up the roof-slope, thus limiting to some extent the direct views out and over this existing neighbouring property. Habitable windows are included in both blocks at first-floor, where there is considered to be a greater potential for overlooking. However, these first-floor windows are at or in excess of 10m off the site boundary and in excess of 21m from the rear elevation of Chanctonbury Lodge, a distance which is considered to prevent any level of adverse loss of privacy in accordance with the Council's guidance on residential extensions.
- 6.21 It is noted that Plot 1 is set to the west of the 'front' boundary of Chanctonbury Lodge with facing first-floor flank windows serving bathrooms. It is considered that any adverse overlooking through these windows could be suitably mitigated by way of an obscure-glazing condition.
- 6.22 Within the site itself, each dwelling is provided with gardens that are at least 10m in depth and provide a good level of private amenity space, along with a good degree of separation from adjoining properties such that no amenity concerns for future occupiers are identified.
- 6.23 Turning to the concerns that have been raised by way of the representation letters, concerning the likely impact on residential amenities of occupants at Meiros Way and Covert Mead, particularly on account of a new pedestrian route from the site through to this adjacent

development. This link is referenced in the submitted Design and Access Statement, but does not form part of the design proposal itself and is therefore not part of the proposed application. Therefore, on account of there being no proposal on the submitted plans to connect the site into the adjacent cul-de-sacs, there would be no adverse impact on the amenities of these adjoining residents.

- 6.24 Having regard the potential impact on all existing and future occupiers, subject to conditions to obscure windows within certain properties, the proposal would accord with HDPF policy 33(2).

### **Highway Impact, Access and Parking**

- 6.25 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users, and includes appropriate parking levels and design.

- 6.26 The site allocation policy ASH10 sets the following requirements for access and highway infrastructure:

- v. the upgrading of Public Right of Way FP2607 so that it is capable of everyday use all year-round and has suitable lighting for use after dark. Such lighting must be designed to protect the amenity of neighbouring residents;*
- vi. the provision of appropriate vehicle access into the site from Rectory Lane;*
- vii. the provision of appropriate pedestrian access which provides direct and safe linkages into the Walkway Routes identified in Policy ASH2.*

- 6.27 The proposal includes for the upgrading of the PROW along the eastern boundary of the site (FP\_2607) which is to be improved and upgraded (by way of surfacing and lighting, and with increased width requested by WSCC to upgrade to bridleway status along part of its length) to facilitate year-round use for pedestrians, cyclists and disabled access. This reflects the expectations set out in policy ASH10(v) and (vii), with several linkages between the development site and the PROW to be created, enabling a good level of pedestrian permeability throughout the site and the PROW. Creating these linkages through from the site to the PROW would also echo the aims set out under policy ASH5(c).

- 6.28 Full details of the upgrading improvements for its full length towards both Rectory Lane and to meet the village core, which would be required to be of a standard set by WSCC Rights of Way, would be subject to a S106 legal agreement. Part of the s106 would also include for the vegetation clearance along the footpath of Rectory Lane, as requested by WSCC Highways, to ensure the full width of the pavement is available.

- 6.29 The submitted DAS sets out that the proposal would provide a total of 164 parking spaces to serve the development;

- 15 x visitor spaces
- 17 x unallocated spaces to serve the flatted units
- 11 x car-port / undercroft parking spaces
- 15 x garage spaces
- 106 allocated spaces

Applying the WSCC parking guidance requirement that all garages are to be considered as 0.5 spaces, the total number of parking spaces drops to 156.5 spaces.

- 6.30 The WSCC parking guidance would anticipate an overall provision of 149.8 spaces to serve the development (based on dwelling size), along with 14.8 visitor spaces, leading to an overall expectation of 164.6 spaces to serve the development. The Local Highways Authority has reviewed the Transport Statement and accepts the proposed 164 (156.5) spaces to serve the development. Given the layout of the site with the majority of houses benefitting from at least two onsite parking spaces, officers do not consider that the small technical underprovision will result in a harmful level of overspill parking in the development or wider area.



- 6.31 Overall, the site provides an accepted level of parking, and also has the ability to accommodate the required number of secure cycle parking places to each property, which therefore accords with the expectations of the WSCC Parking Guidance (Sept 2020). The Local Highways Authority have not raised any issues with the use of tandem parking spaces and this format is often implemented at new developments to accommodate the required parking levels
- 6.32 It is noted that the LHA have not raised an objection to the proposal on grounds of the suitability of the vehicular access to the site off Rectory Lane, in terms of sightlines or geometry, which is an existing site access that currently serves the nursery business, caravan storage use and the residential dwellings that are accessed through the site. For these reasons, the proposed development is considered to provide sufficient parking and safe and adequate access suitable for all users in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015), and Policy ASH3 of the Ashington Neighbourhood Plan.

### **Affordable Housing and Housing Mix**

- 6.33 Policy 16 of the HDPF requires new residential development to contribute 35% affordable housing, which in this case would equate to an overall provision of 26 dwellings. Policy ASH10(ii) requires 25% of all units to be designed to meet the needs of older people split between market and affordable provision.
- 6.34 Further to the expectations outlined in policy ASH10(ii), some 18 (25%) of the units would meet the needs of older residents by way of being built to wheelchair and adaptable standards as set out in the Building Regulations. Of these, 16 dwellings would meet the Part M4(2) of the Building Regulations (Accessible and adaptable dwellings), and 2 dwellings would meet Part M4(3) of the Building Regulations (Wheelchair User dwellings).
- 6.35 The affordable dwellings are detailed to comprise both flat blocks and eight nearby houses. Whilst forming a cluster, the design and appearance of these dwellings would not be distinguishable from the other houses in the development and in this case are considered acceptable as a cluster. The housing mix would be as follows:

#### **Affordable Rented (70% / 16 units):**

8 x 1-bed [4no. meeting Part M4(2)] and [2no. meeting Part M4(3)]  
7 x 2-bed [7no. meeting Part M4(2)]  
2 x 3-bed  
1 x 4-bed

#### **Shared Ownership (30% / 8 units):**

2 x 1-bed [2no. meeting Part M4(2)]  
2 x 2-bed [2no. meeting Part M4(2)]  
4 x 3-bed

Additionally, 1x2-bed unit meeting the needs of Part M4(2) would be provided within the Open Market units however this is not considered sufficient to promote opportunities for older residents looking to downsize, as required by the allocation policy. A suitably worded condition is therefore advised to secure a more proportionate split and subsequent retention of these units as per meeting Parts M4(2) and M4(3) of the Building Regulations.

- 6.36 The delivery of the mix of affordable housing, including their respective split between affordable rented and shared ownership, would be secured by way of a s106 agreement. Subject to completion of the s106 agreement, the proposed development would provide for an appropriate level of affordable housing in accordance with HDPF policy 16 and Neighbourhood Plan Policy ASH10 (i, ii and iii).

## **Biodiversity and Ecology and Protected Species**

- 6.37 Green infrastructure and landscape character are expected to be maintained and enhanced as a result of appropriate development, as set out under HDPF policies 2, 25, 31, and paras 174 and 179 of the NPPF. Paragraph 174 of the NPPF also looks to improve net gains for biodiversity, remediating despoiled, derelict and degraded land and seeking to improve local environmental conditions, such as water and air conditions, whilst the protection and enhancement of biodiversity and protected species is secured under para 179 of the NPPF.
- 6.38 In support of this application the applicant has provided a professionally conducted Ecological Impact Assessment, which identifies the proposal as having the potential to impact on the habitat of the Hazel Dormouse and Bats, as well as for breeding / nesting birds.
- 6.39 The submitted document includes the provision of mitigation measures including new native species-rich hedgerows (some 470 linear meters) and an increased amount of species-rich native scrub (some 2,600sqm). There will be additional creation of wildflower grassland within the site and aquatic / sub-aquatic planting within the SuDS pond (some 115sqm of pond edge mix). Some 38 new trees will be planted within the site which compensates for the trees which would be removed to facilitate the development. These are assessed as category B or C trees, including a hedgerow of Leyland Cypress which have been hard pruned and have failed to regenerate, a group of multi-stemmed Goat Willows, an Ash tree showing signs of decay, an overshadowed English Elm, a Willow and Weeping Pear.
- 6.40 It is considered that the trees being removed are not in themselves of high amenity value and would not represent a substantive loss of trees within the site, with the trees having been considered suitable for removal as part of the previous appeal scheme. The Council's tree officer has been consulted and has raised no objection to their removal. For the avoidance of doubt though, a condition is recommended to secure final details of the trees to be removed, those to be retained, and suitable protection for all retained trees on and adjacent to the site.
- 6.41 The submitted DEFRA Biodiversity Metric reveals that despite the loss of grassland within the site, there would be the potential for increased beneficial natural habitat across the site and in hedgerow creation, new trees, wildflower and pond margins, amounting to a net gain of some 10.06%.
- 6.42 The Council's Ecology Consultant has raised no objections and has advised that to ensure no adverse harm to protected species, the applicant / developer will need to secure appropriate dormouse and bat licenses, or provide Natural England with required statements. Appropriate conditions are therefore advised to secure these requirements.
- 6.43 Overall, although some loss of habitat is acknowledged, the compensatory mitigation measures would achieve a beneficial impact on habitat and species following development. It is considered that the above-mentioned ecological and biodiversity enhancements and measures outlined within the submitted Ecological Appraisal are capable of being secured by way of appropriately worded conditions, and that the development would, therefore, satisfy the requirements of HDPF policy 31 and paras 174 and 179 of the NPPF. Overall, the proposed development is anticipated to deliver site-specific biodiversity net gains and habitat improvements.

## **Flood Risk, Drainage and Contamination**

- 6.44 The site's previous horticultural uses are noted, leading to the need to establish potential for ground contamination requiring remediation prior to residential use. However, it is considered that this could be addressed by way of a planning condition to submit a suitable risk assessment and any subsequent verification reports as may become necessary, thereby complying with Policy ASH10xi.

- 6.45 The site has not been designated as an area at risk of flooding, and therefore standard drainage principles would apply. Furthermore, the overall development would implement the SuDS hierarchy, whereby surface water run off would be managed by way of an attenuation pond in the southeast corner and then controlled discharge into to the ditch watercourse. Attenuation tanks are also to be provided further within the site to minimise the amount of attenuation required at the southeast point of the site.

### **Safety and Security**

- 6.46 The proposal includes new connections from the scheme to footpath 2607. As stated in the highway section above this connection is encouraged by Policy ASH10vii and the Rights of Way Team at WSCC as it will help encourage sustainable transport and promote healthy communities. This connection of the site to the PROW network would be at various points along the eastern boundary, with upgrading works to the footpath also to be secured by way of a s106 agreement.
- 6.47 Although part of the eastern boundary would be defined by enclosed gardens to the proposed new properties, around half of the overall length of the eastern boundary would remain open and offer enhanced natural surveillance over the route of the PROW, along with new lighting, compared to existing, which is an improvement over and above the existing route. Furthermore, the pedestrian route through the development site offers an alternative walking route which would be enhanced by way of the pavement and street-lighting.

### **Climate Change / Air Quality Impact**

- 6.48 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.
- 6.49 As part of the proposal, the use of PV panels has been set out, along with efficiency measures achieved by using a 'fabric-first' approach to increased insulation. Furthermore each dwelling is to be provided with one EV charge point, whilst the flatted units would include charge points within the unallocated parking court.
- 6.50 As part of the wider desire to improve overall air quality, the increased take-up of EV vehicles is seen as a beneficial contributor, and so the provision of EV charge points to each dwelling is welcomed. Therefore, the proposal to install at least one EV charge point at each dwelling served by its own allocated parking spaces would accord with policy expectations and Part S of the Building Regulations. However, Part S also expects remaining parking spaces to be provided with cabling to anticipate future EV points, which have not been shown.
- 6.51 Within the development site, there would be 14 dwellings within two flatted blocks, served by some 17 unallocated parking spaces. Details submitted show a total of 6 EV charge points to support these spaces / dwellings, with no details included to show passive ducting. Therefore, a condition is advised to secure an appropriate level of active EV charging and passive ducting, along with measures to secure appropriate
- 6.52 The submitted Air Quality Assessment calculates a damage cost of £15,147, based on Sussex Air guidance (2021) and DEFRA Damage Cost guidance, arising from increased vehicular movements associated with the scheme. Onsite mitigations proposed include EV charge points, use of solar panels (to decrease potential CO2 emissions), implementation of Travel Plan, and secure cycle storage to promote non-car based travel., which are stated to exceed the calculated damage cost. The use of EVs already required under Part S of the Building Regulations, solar panels and provision of a travel plan and cycle parking are not

considered to be appropriate means to offset air quality impacts as they represent normal policy compliance only. A condition is required for an alternative scheme to deliver the necessary mitigations.

- 6.53 Therefore, in line with paragraph 186 of the NPPF, sufficient opportunities have been incorporated as part of the proposal to seek to reduce adverse Air Quality impacts arising by way of the proposed development. These measures also accord with the priorities set out in the Council's 2022 Air Quality Annual Status Report, and HDPF policy 24.

### **Water Neutrality**

- 6.54 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.55 The proposal falls within the Sussex North Water Supply Zone. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide strategic water neutrality solution. The existing baseline of water consumption at the site has been evidenced by way of a dated metered water bill and a signed tenancy agreement, along with a Statutory Declaration from the current nursery tenants, attesting to the level of use within the site since their occupancy in May 2020.
- 6.56 Officers have reviewed the submitted Water Neutrality Statement (WNS), which uses the metered water supply data for the existing horticultural nursery (and storage uses at the site) to establish a baseline for the site, against which the proposed development is calculated.
- 6.57 The horticultural use of the premises, (by Big Plant Nursery) was reinstated in May 2020, and there is a persisting storage use for caravans / mobile homes which was in place prior to the nursery use re-commencing at the site. Metered water bills are available from October 2018 with the latest reading available ending October 2022. Taking account of the limited growing season each year, the annualised water use increases from 13,257 l/p/d to a higher amount of 17,704 l/p/d over a period of three years as the nursery business has increased its stock on site.
- 6.58 In terms of the proposed water consumption from the 74 dwellings, the WNS states that each dwelling would incorporate water efficiency measures to establish an average water use of some 100.6 litres per person per day, equivalent to some 16,277 litres per day across the whole development.
- 6.59 Whilst it is clear that use of the site for horticultural purposes has only recently recommenced, and that water consumption has further only recently risen above the level of consumption likely from the proposed development, at face value the development is water neutral. The horticultural use of the site has clearly expanded over the last two years and the metered evidence is clear as to the amount of water being used from the mains, factoring in seasonal changes. Officers are therefore satisfied that the proposed development would demonstrate water neutrality, with a headroom of some 1,414 litres per day.
- 6.60 It is acknowledged that Natural England raised concerns with the Appropriate Assessment, in that water butts had been included as part of the overall 'efficiency' measures creating

consumption of 95.6 litres per person per day. However, the above calculations represent the correct position which excludes water butts from forming part of the mitigation, with external water consumption therefore into account as part of the overall mains water consumption.

- 6.61 It is therefore concluded that the evidence supports that the proposed development would achieve a water neutral development, and therefore accords with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Subject to conditions to secure the measures set out within the WNS there is no clear or compelling evidence to suggest that the proposal would result in an adverse impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180, or the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

### **Conclusion and planning balance**

- 6.62 The site is allocated for approximately 75 dwellings within Policy ASH10 of the Ashington Neighbourhood Plan subject to a number of criteria which are all considered to have been met by the development proposals. The development is considered to be of a scale, design, character and layout which would enable a cohesive extension to Ashington and which would reflect the adjacent scale and nature of residential developments. Associated landscape-led enhancements within and alongside the site edges, such as the upgrading and improvements to the PRow would ensure a good overall environmental quality of the development and connectivity to the wider village. The proposal would deliver a policy-compliant level of affordable housing as required by HDPF policy 16 with additional CIL moneys secured to contribute towards the Community Infrastructure projects identified in the Ashington Neighbourhood Plan (policy ASH8).
- 6.63 The proposals are therefore considered to be in accordance with HDPF policies 4, 25, 31, 32, 33, 35, 36 and 37, as well as policies ASH1, ASH5, ASH8 and ASH10 of the Ashington Neighbourhood Plan, and is recommended for approval subject to the conditions below, and subject to the completion of the necessary s106 legal agreement to secure the affordable housing and PRow upgrades.

### 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.

**It is considered that this development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
Residential	6,591.1	0	6,591.1
		<b>Total Gain</b>	6,591.1
		<b>Total Demolition</b>	5,076

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## 7. RECOMMENDATIONS:

- 7.1 To approve full 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 be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

### Conditions:

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

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

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

- (a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.

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

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015) and policy ASH10(xi) of the Ashington Neighbourhood Plan.

- 4 **Pre-Commencement Condition:** The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and

approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

- An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location, 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;

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

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

- 5 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).

- 6 Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

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

- 7 Pre-Commencement Condition:** No development shall commence until a plan detailing all trees and planting to be removed, and all trees to be retained on and adjacent to the site, including means for their protection during construction work, has been submitted to and approved, in writing, by the Local Planning Authority. Development shall be carried out in accordance with the approved details and no trees or hedges shown to be retained shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and policy ASH5(B) of the Ashington Neighbourhood Plan.

- 8 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 ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015)

- 9 Pre-Commencement Condition:** Prior to the commencement of development details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities (such as those required for street lights and EV charge points), and required ground excavations therefor, shall be submitted to and approved, in writing, by the Local Planning Authority. These details shall coordinate with the landscape scheme pursuant to condition 14, and with existing trees on the site. All such underground services shall be installed in accordance with the approved details.

Reason: As the matter is fundamental to protect roots of important existing trees and hedgerows on the site and future trees identified in the approved landscaping strategy in accordance with Policies 25, 32, 33 & 34 of the Horsham District Planning Framework (2015) and policy ASH5(B) of the Ashington Neighbourhood Plan.

- 10 Pre-Commencement Condition:** No development, which has the potential to impact on the breeding / resting place of Hazel Dormouse and Bats, shall commence until the Local Planning Authority has been provided with either:



- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998, and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 11 Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998, and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 12 Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials and details used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and policy ASH10(iv) of the Ashington Neighbourhood Plan.

- 13 Pre-Commencement (Slab Level) Condition:** Notwithstanding the submitted details, no development above ground floor slab level of any part of the development hereby permitted shall take place until a layout of the development has been submitted to and approved in writing by the Local Planning Authority, showing the location and tenure of the dwellinghouses which are to comply with Building Regulations Part M4(2) and M4(3) in a more proportionate split amongst open market and affordable dwellings. Once agreed, the specified units shall be provided and retained permanently thereafter

Reason: As this matter is fundamental to in order to improve the sustainability of the development and to ensure homes are fit for all ages in accordance with Policy 37 of the Horsham District Planning Framework (2015) and Policy ASH10(ii) of the Ashington Neighbourhood Plan.

- 14 Pre-Occupation Condition:** Notwithstanding the submitted plans, no part of the development hereby permitted shall be first occupied until full revised details of all hard and

soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained as required under Condition 7
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of cycle storage provisions and refuse / recycling bin locations
- Details of all boundary treatments
- Ecological enhancement measures set out in (The Ecology Co-Op, December 2021)
- Co-ordination with the utilities layout as required under Condition 9

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and policy ASH5(B) of the Ashington Neighbourhood Plan.

- 15 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas, including Public Open Spaces, provision of outdoor gym equipment and the buffer zone along the southern boundary, has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be provided, 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 Policy 33 of the Horsham District Planning Framework (2015).

- 16 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following:
- a) 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 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: 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).

- 17 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme 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: 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).

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

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

- 19 Pre-Occupation Condition:** Prior to the first occupation of any part of the flatted development hereby permitted, a scheme to show active EV charge spaces within the communal parking area, and passive ducting to provide for future EV charge points / upgrading within the wider site, with a timeline for the implementation of such works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved details.

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

- 20 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).

- 21 Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Design Stage Water Neutrality Report By Melin Rev E). 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 strategy for 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, including all water butt provision as detailed in the approved water neutrality strategy, 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).

- 22 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces and EV charging points (including garages and car-ports where applicable) necessary to serve it have been constructed and made available for use in accordance with approved drawing number [Proposed Site Layout 7071 PL-03 Rev C]. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 23 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage, car port, side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 24 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details have been submitted to and approved in writing for the refuse / recycling store and bicycle store to serve the flatted units 9-22. The approved facilities shall thereafter be implemented in accordance with the approved details and retained for the designated use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 25 Pre-Occupation Condition:** No dwelling hereby approved shall be first occupied until the cycle parking facilities serving it have been provided within the garage, car-port, side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 26 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).

- 27 Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a scheme to show the passive ducting to provide for future EV charge points / upgrading within the site to serve the flatted development, along with a timeline for the implementation of such works, shall be submitted to and approved in writing by the Local Planning Authority. The means for charging electric vehicles shall be retained as such thereafter.

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

- 28 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access and numbered 104333-T- 001 rev D.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 29 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the Applicant has implemented the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

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

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).

- 30 Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (The Ecology Co-Op, December 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance Protected and Priority species and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework.

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

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

- 33 Regulatory Condition:** The first-floor east side windows to Plots 01 and first floor west side windows 66 shall be fitted with obscure glass and shall be retained as such thereafter.

Reason: To protect the amenities of adjoining residential properties (Chanctonbury Lodge and Chanctonbury House) from loss of privacy and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 34 Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Class B of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of Plots 56-58, and 63-67 of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to potential increased and elevated overlooking of Chanctonbury House and in accordance with Policy 33 of the Horsham District Planning Framework (2015).