



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st August 2023

DEVELOPMENT: Outline application for the erection of up to 73 new dwellings (up to 100% affordable housing) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highway infrastructure works, including vehicular access from Shipley Road, with all matters reserved except for access.

SITE: Woodfords, Shipley Road, Southwater, Horsham, West Sussex, RH13 9BQ

WARD: Southwater South and Shipley

APPLICATION: DC/21/2180

APPLICANT: **Name:** C/O Agent c/o Agent **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: Application deferred from April Planning Committee North for further information.

RECOMMENDATION: To approve outline planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within four 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 This outline application was considered at the April Planning Committee North meeting. The April committee report is attached as an addendum It forms part of the assessment of this application, and should be read alongside this report. The application was deferred from April the meeting for the following reasons:

- To seek technical guidance on rainwater harvesting (e.g. can they be installed in the roofs of the dwellings).
- To seek legal advice regarding the monitoring and enforcement of the water neutrality off setting measures. Reassurance was required that the measures could be put in place and were enforceable in perpetuity.
- To review the speed limit on Shipley Road in light of new WSCC guidance.

- 1.3 Following the meeting, confirmation on the monitoring and enforcement of the water neutrality off setting measures has been confirmed, whilst further details on the rainwater harvesting system have been provided. WSCC Highways have also responded to the query regarding the speed limit on Shipley Road.
- 1.4 Since the April committee, the applicant has requested that there is flexibility in the application to allow for the delivery of up to 100% affordable housing units on the site. The applicants are currently in discussion with potential end developers of the site, some of whom are affordable housing providers. The applicant is seeking flexibility under the legal agreement to allow for a maximum of 73 affordable housing units (100%), with the tenure of the units to be agreed under requirements set out in a legal agreement.

DESCRIPTION OF THE SITE

- 1.5 The application site is located to the east of Shipley Road, directly to the south of the village of Southwater, but within the Parish of Shipley. The site is approximately 1 mile (1.6km) from the centre of Southwater (Lintott Square). The 4.1Ha site is formed of two relatively flat fields dissected roughly in the middle by a row of trees (including one large mature Oak). The existing site comprises a main dwelling known as 'Woodfords' which is not listed, but is thought to date back to the seventeenth century (therefore considered to be a non-designated heritage asset); and other associated but more modern buildings.
- 1.6 The site boundaries are largely defined by mature landscaping including dense hedgerows and mature trees. The trees along the northern boundary are protected under TPO/1436. An area of ancient woodland is located approximately 40m to the north east of the site (at its nearest point). The site is relatively tranquil in nature and semi-rural in character, although influences such as noise from Shipley Road to the west and the visibility of existing houses directly to the north of the site, give the site a suburban influence, particularly towards the northern end. The site has an existing vehicular access point from Shipley Road. The site within a bat sustenance zone.

2. INTRODUCTION

2.1 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/2564	Outline application for the erection of up to 73 new dwellings (C3 use) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highways infrastructure works, including vehicular access from Shipley Road with all matters reserved except access.	Application Refused on 29.04.2021. Appeal dismissed.
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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
- 3.2 The consultation responses below are in addition to the responses outlined in the original committee report attached as an addendum.

INTERNAL CONSULTATIONS

- 3.3 **HDC Ecology:** No objection to updated ecology reports subject to conditions.

PUBLIC CONSULTATIONS

3.4 **Shipley Parish Council:** Objection
Refer to objection registered previously

3.5 In addition to the **49** objections originally received, a further **10** objections have been received to this proposal. The grounds of objection are as follows:

- The matter of water neutrality by a process of off setting in perpetuity remains outstanding.
- The offer of 'up to 100% affordable housing' is meaningless
- The previous objections relating to inadequate infrastructure still stand.
- The constant submission of applications for this site is stressful.
- The proposal would result in an unacceptable impact on traffic in the area.
- The proposal would result in the loss of valuable green space which acts as a natural border to the village.
- Southwater is already overdeveloped.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 This outline application for 73 dwellings was considered by the Planning North Committee in April 2023. The application was deferred for consideration of the following:

- To seek technical guidance on rainwater harvesting (e.g. can they be installed in the roofs of the dwellings).
- To seek legal advice regarding the monitoring and enforcement of the water neutrality off setting measures. Reassurance required that measures are in place and enforceable in perpetuity.
- To review the speed limit on Shipley Road in light of new WSCC guidance.

Water Neutrality

6.2 As outlined in the April committee report (appended), this proposal is considered to achieve water neutrality and would not result in an adverse impact on the integrity of the Arun Valley sites. Water neutrality is achieved through the implementation of measures to the new dwellings to reduce their demand for water, and offsetting elsewhere within the Sussex North Water Supply Zone. The efficiency measures proposed within the new dwellings include the use of efficient fixtures and fittings, and a rainwater harvesting system.

Rainwater harvesting

- 6.3 In relation to rainwater harvesting within the new dwellings, the harvesting systems are required to provide 35 days storage capacity specifically to allow for periods of drought. 35 days is considered a suitable timeframe to reflect recent drought periods in the district and is a timeframe endorsed by Natural England. Recommended condition 14 requires the submission of evidence that the water neutrality requirements for the new dwellings has been implemented in full prior to their first occupation. This includes evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. These tanks are typically installed underground.

Monitoring and enforcement of the offsetting measures

- 6.4 To make the scheme water neutral, some 9,712.58 litres of water is required to be offset per day (equivalent to 3.55 million litres per year). As set out in the April committee report (paragraph 6.50 onwards), the applicants are proposing to offset this volume of water by retrofitting 187 of the 227 homes in Crawley that are managed by the Raven Housing Trust. The Raven Housing Trust ("Raven") housing stock consists of 92x 1-bed, 100x 2-bed, 34x 3-bed and 1x 4-bed homes. All 187 homes to be used for offsetting this development are located within the same Sussex North Water Supply Zone and are itemised in the submitted water Neutrality Statement. The applicants have undertaken a full surveyed assessment of the fixtures and fittings within all 187 properties, and Part G water calculators have been provided for each property. The calculators evidence that the current water demand of all 187 properties is 39,992.20 litres per day.
- 6.5 The proposal seeks to replace the toilets and basin taps within all 187 properties, and install a flow regulator into the shower inlet. Based on the Part G water calculators, this makes for a cumulative saving of 11,992.05 litres per day, at an average of 64 litres per day per property. This saving is some 2,279.47 litres per day more than is required to offset the proposed development.
- 6.6 Natural England have been consulted on this mitigation strategy and have raised no objection subject to the mitigation measures being secured. In accordance with the requirements of the Habitats Regulations an appropriate assessment has been completed which concludes that subject to securing the above mitigation, the development proposals would not result in an adverse impact on the integrity of the Arun Valley sites, in accordance with Policy 31 of the HDPF and paragraph 180 of the NPPF.
- 6.7 At the April Planning Committee, concern was raised by the councillors regarding the enforceability of these water neutrality offsetting proposals. Members discussed the importance of ensuring that the Water Neutrality Statement was legally robust and deliverable, and they were concerned that proposals to offset water-use by retrofitting properties in Crawley Borough would be difficult to monitor, especially as the installed measures could be reversed.
- 6.8 Since the April committee, the applicants have provided further information setting out how the Raven Housing Trust properties can be suitably monitored and enforced against, whilst legal officers have been drafting the legal mechanism for securing the mitigation. The applicant has confirmed that the mitigation is retrofitting existing rental housing stock that is owned, controlled and managed by Raven Housing Trust (Raven). The proposed retrofitting has been specifically chosen to ensure a good flow of water whilst the products to be used are all market available systems and are already being used by the public. Raven have confirmed that any changes to the fixtures and fittings within their properties cannot be made without their permission.
- 6.9 In order to secure the mitigation a legal agreement is required which, in this case, will be pursuant to section 106 of the Town and Country Planning Act 1990 (1990 Act) and other statutory powers. The agreement will include appropriate measures to secure the

implementation, ongoing maintenance, monitoring and enforcement of the mitigation measures at the Raven properties. The measures can be summarised as follows:

6.10 *Securing Implementation of Offsetting Measures*

- As the Raven properties are not within the Council's administrative area, it is not possible for the Council to directly require Raven to install the offsetting measures using section 106 of the 1990 Town and Country Planning Act as would normally be the case.
- Instead, the legal agreement will secure the initial installation of the mitigation works at the Raven properties against the developer. This means the developer will need to evidence the installation of the mitigation measures at the Raven properties before being able to undertake an agreed level of construction work at the development site.

6.11 *Securing Ongoing Maintenance of the Offsetting Measures*

- To be satisfied that the development will remain water neutral, the offsetting measures on the Raven properties need to be maintained on an ongoing basis for the lifetime of the development, or as long as the development is required to be water neutral.
- Such obligations cannot be sufficiently secured against the developer of the application site because, once the development is built out and occupied, the developer may not have an interest in the site and will not necessarily be able to access the Raven properties.
- As such, the ongoing obligations need to be secured against Raven. As a section 106 agreement cannot be used given the Raven properties are not within Horsham district, the Council needs to secure the obligations using its other powers under section 111 of the Local Government Act 1972 combined with section 33 of the Local Government (Miscellaneous Provisions) 1982 Act. Under such provisions, the Council is able to execute an agreement with another person to regulate the use of, or otherwise connected with, land outside of the Council's area in which the other person has an interest.
- The final legal agreement will therefore include obligations by Raven made pursuant to section 33 of the Local Government (Miscellaneous Provisions) 1982 Act to operate, maintain and keep in good repair the installed measures and not to remove or replace them (unless with those of an equivalent or more efficient water standard). Such provisions are considered to "regulate the use of" or "otherwise be connected with the land" and are therefore enforceable against Raven under section 33 of the 1982 Act. Under section 33(2) of the 1982 Act, an agreement under section 33(1) runs with the land and is therefore enforceable against successors in title. As such, if the land were to be sold, the Council would also be able to enforce that any successor in title to the Raven properties complies with the measures.

6.12 *Securing Ongoing Monitoring of the Offsetting Measures*

- Under the legal agreement the Council is afforded a right to access the Raven properties when it requires (with reasonable notice) to satisfy itself that the water neutrality measures are being complied with. As Raven own and control all the properties being retrofitted, they will be hands-on with the management of the homes and their fixtures, fittings and appliances. Raven has confirmed that changes to the newly installed fixtures, fittings and appliances cannot be made without their permission, and that this will not be given for any replacement that would be of a lower water performance than those fitted for the mitigation.

- In respect to the monitoring of the proposed mitigation, the applicant is happy to commit to submitting an annual report, for the first five years and thereafter every five years, demonstrating the mitigation is still in place and functioning. With respect to inspections, in principle, Raven have no objection to properties being inspected. Whilst an individual occupier may refuse entry, this is stated to be a rare occurrence and the applicants have advised that all 187 homes have been accessed in order to survey their fixtures and fittings demonstrating that refusal of entry will be unlikely. There are further opportunities to inspect when properties become void (with an average 8% voids per year), whilst Raven have indicated that the council are welcome to join them on their annual inspections to spot check if necessary.

6.13 *Securing Enforcement of the Offsetting Measures*

- In the event officers identify that the installed mitigation within the Raven properties has been replaced with more inefficient fixtures and fittings, and reasonable negotiation between officers and Raven to resolve the matter has then failed to remedy the breach, the above covenant made under section 33 of the 1982 Act is enforceable by the Council by way of direct action. This allows the Council to go onto the land to take the required steps to remedy the breach, and thereafter to recover expenses reasonably incurred in doing so from the person who should have complied with the obligation (i.e. Raven). As enforcement against Raven cannot be secured in the normal way by way of s106 of the Town and Country Planning Act, the right for the Council to instead seek an injunction against Raven does not exist. Direct action is therefore the only means of enforcing Raven retain the mitigation measures.
- Officers advise that undertaking direct action could potentially impose a significant burden on the Council as it would have to expend resources to rectify or remove any works in breach of the covenant, and further resources thereafter seeking repayment. In this case, officers consider the risk of needing to take direct action to enforce the mitigation measures is low. This is because:
 1. In order to reach a point of needing to take direct action, negotiation with Raven would have needed to first fail.
 2. The offsetting scheme delivers a headroom of some 2,279 litres per day, meaning around 35 Raven properties would need to fail to return all of their efficient fixtures and fittings to their previous water consumption rate for the development not to be water neutral.
 3. The replacement of basin taps and shower flow regulators would be inexpensive, whilst it is highly unlikely any of the new toilets would be replaced as they are industry standard in their performance, with the financial saving on water bills a further incentive not to replace them with less efficient replacements.

Conclusion

- 6.14 In order to secure the offsetting mitigation within the Raven properties, the final legal agreement for this planning application will need to be made jointly under section 106 of the Town and Country Planning Act 1990, section 111 of the Local Government Act 1972, and section 33 of the Local Government (Miscellaneous Provisions) 1982 Act, with the landowners for the development site and Raven Property Trust signatories. The legal agreement would secure:
- The developer to evidence the implementation of the water efficient measures within the Raven properties within an agreed timescale no later than first occupation. This could be in a phased approach.
 - Raven (or any successors in title) to ensure the maintenance and retention of the installed measures thereafter at the same or better water performance.

- Raven (or any successors in title) to allow entry into any property within its itemised stock for Council officers to check that the agreed measures have been installed and have been retained.
- Horsham officers to be able to take direct action in the event breaches have been identified and negotiation to remedy the breaches with Raven (or any successors in title) has failed.

6.15 Having regard to the above, it is considered that the concerns of the members regarding the monitoring and enforcement of the water neutrality off setting measures have been addressed.

Shipley Road speed limit

6.16 In response to the concern raised regarding the speed limit on Shipley Road, WSCC Highways have confirmed that the proposal has been assessed in accordance with the latest standards taken from the Design Manual for Roads and Bridges. In relation to the speed limit on Shipley Road, the scheme does not include the alteration or extension of the 30mph speed limit. WSCC Highways have commented that this is not something that is necessary to make the development acceptable in planning terms.

6.17 In their comments, the Parish identified a comment within the Stage One Road Safety Audit regarding the relocation of the 30mph speed limit as a potential means of mitigating the identified forward visibility issue. It is not correct to say that this was a requirement though and the applicant demonstrated that adequate forward visibility could be achieved based on recorded traffic speeds. Whilst the concerns of the Parish are acknowledged, the proposed access is designed to accord with existing vehicle speeds and is not reliant in any way on the extension of the 30mph speed limit. Notwithstanding the above, the applicant has offered a contribution to be secured under the legal agreement to amend the traffic regulation order (TRO) to increase the 30mph speed limit further south. This would require amending the TRO and moving the existing 30mph sign.

Other Matters

Ecology:

6.18 Since the April committee, the applicant has submitted an Update Walkover survey. This was required as the original surveys submitted with the application were out of date, being now over three years old. The new surveys include an assessment of changes since the original surveys were undertaken in 2019 & 2020. The Council's Ecologist has commented that Updated Walkover Survey is acceptable and that there have been no material changes since the last habitat survey was undertaken. As before, no objection is raised to the proposal subject to conditions to secure the mitigation proposed. The Ecologist has also undertaken a Habitat Regulations Assessment screening report for this application, given the proximity of the site to The Mens SAC, referencing in particular any significant impact or severance for to flightlines for Barbastelle bats. As no Barbastelle species have been identified onsite, and mitigation for foraging and commuting bats has been embedded in the proposals, no Appropriate Assessment of the proposals is required.

Affordable Housing:

6.19 Policy 16 of the HDPF requires that residential development should provide a mix of housing sizes, types and tenures to meet the needs of the District's communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). Policy 16 requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure.

- 6.20 As originally proposed, the application includes 40% affordable housing with the required 70/30 tenure split. This was already above the required 35% required by the HDPF and would be secured through a legal agreement.
- 6.21 Since the April committee, the applicant has requested that there is flexibility in the application to deliver up to 100% affordable housing units on the site. The applicants are currently in discussion with potential end developers of the site, some of whom are affordable housing providers. Given the need for affordable housing in the District, the provision of a scheme delivering 100% affordable housing is supported. The original scheme included the provision of 5% custom build, however with the provision of up to 100% affordable housing the custom build provision has been removed from this proposal. This is considered appropriate given the overriding need for affordable housing in the district.
- 6.22 It should also be noted that a scheme providing 100% affordable housing is capable of meeting the requirements of Policy 17 (Exceptions Housing Schemes) of the HDPF, which allows the development of limited amounts of greenfield to be released for 100% affordable housing schemes. In this case the weight to be given to this policy is limited as it is not confirmed that the development will definitely comprise 100% affordable housing.
- 6.23 An important consequence of any development providing more than policy compliant levels of affordable housing is the loss of CIL receipts, which are only payable for the market housing element of a development. In this case the precise CIL receipts for the development at the initially proposed 40% affordable housing are unknown as the final floor areas would not be known until reserved matters stage. However, by estimate based on the remaining 60% housing comprising some 44 dwellings at an estimated average floor area of 75sqm, would amount to a loss in the region of £550,000 of CIL monies based on the 2023 charging rate, of which 25% (some £140,000) would have been passed direct to Shipley Parish Council.
- 6.24 It is important therefore to consider whether the benefit of the potential 100% affordable housing (some 44 additional affordable homes of unknown tenure) would outweigh the loss of these CIL receipts. Given the need for affordable housing in the district, coupled with the reduction in housing delivery as a result of the requirement for all new development to be water neutral, officers recommend that the benefit of the additional affordable housing stock would outweigh the loss of CIL receipts.

Conclusion

- 6.25 As outlined above, the concerns of the April committee in relation to enforcement of the water neutrality off-setting measures, rainwater harvesting and the speed limit have all been adequately addressed. The scheme now also includes the potential for a 100% affordable housing scheme which is considered by officers to outweigh the consequential loss of CIL receipts. The application remains recommended for approval subject to the conditions set out below and the completion of a s106 agreement to secure:
- Delivery of a minimum of 40% affordable housing with an appropriate mix.
 - A contribution of £1,500 for WSCC travel plan auditing fee.
 - A contribution to amend the traffic regulation order to increase the 30mph speed limit further south.
 - Delivery of proposed off-site transport improvements.
 - Delivery of the water neutrality off-setting mitigation measures.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

7. RECOMMENDATIONS

7.1 To approve planning permission, subject to the conditions set out below and a s106 legal agreement to secure the following:

- Delivery of a minimum of 40% affordable housing with an appropriate mix.
- A contribution of £1,500 for WSCC travel plan auditing fee.
- A contribution to amend the traffic regulation order to increase the 30mph speed limit further south.
- Delivery of proposed off-site transport improvements.
- Delivery of the water neutrality off-setting mitigation measures.

Conditions:

1 **Standard Plans Condition:**

2 **Outline Permission:**

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

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

3 **Pre-Commencement Condition:** No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the method of access and routing of vehicles during construction
- the parking of vehicles by site operatives and visitors
- the loading and unloading of plant, materials and waste
- the storage of plant and materials used in construction of the development,

- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
- An indicative programme for carrying out of the works
- The arrangements for public consultation and liaison during the construction works
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- ecological and biodiversity mitigations (see informative)

Reason: In the interests of highway safety and the amenities of the area, ecological and biodiversity interests, and in accordance with Policies 24, 33(2) and 40 of the Horsham District Planning Framework (2015).

- 4 **Pre-commencement Condition:** No development shall take place until a Biodiversity 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.
 - i) Details of any lighting required

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

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

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

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

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

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

- 7 **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) An intrusive site investigation scheme, based on the Leap Environmental Ltd Phase 1 Desk Study and Site Reconnaissance Report, 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.
 - (b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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).

- 8 **Pre-Commencement Condition:** No development shall commence on site until the following has been submitted to and approved in writing by the local planning authority in relation to hazel dormice:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998) and Policy 31 of the Horsham Development Framework.

- 9 **Pre-Commencement Slab Level:** No development shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species has been 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 and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with and Policy 31 of the Horsham District Planning Framework (2015).

- 10 **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 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) and Policy 31 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access and associated works serving the development has been constructed in accordance with the approved planning drawings J32-4384-005 Rev H, J32-4384-011, J32-4384-012, J32-4384-015, J32-4384-016 Rev A and J32-4384-017.

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

- 12 **Pre-Occupation Condition:** No part of the development shall be first occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

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

- 13 **Pre-Occupation Condition:** No part of the development shall be first occupied until full details of the proposed new footway along the eastern side of Shipley Road have been submitted to and approved by the local planning authority. The approved details shall be provided prior to the first occupation of the development and thereafter retained.

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

- 14 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement. 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 evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained as such thereafter.

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

- 15 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme of air quality mitigation has been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

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).

- 16 **Regulatory Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 124 metres north and 61 metres south have been provided at the proposed site vehicular access onto Shipley Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed

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

- 17 **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 (September 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the 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) and Policy 31 of the Horsham Development Framework.

- 18 **Pre-Occupation Condition:** Prior to the occupation of any dwellings hereby permitted, a programme for the delivery of fire hydrants for all of the development shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented in accordance with the approved details and thereafter retained as such.

Reason: To ensure fire hydrants are provided for fire safety in accordance with Policy 32 of the Horsham District Planning Framework (2015).

- 19 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings has been submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

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

- 20 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 21 **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 megabits 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).

- 22 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a contamination verification plan shall be submitted to and approved, in writing, by the Local Planning Authority. The verification plan shall provide details of the data collected in order to demonstrate that the works set out in Condition (7) are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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).

- 23 **Regulatory Condition:** No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing

and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority

Reason: To ensure that no contaminated material is brought on to the site in the interests of public safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

- 24 **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).

- 25 **Regulatory Condition:** Any Reserved Matters application shall include a Landscape and Ecological Management Plan. The plan 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

Reason: To conserve and enhance 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) and Policy 31 of the Horsham Development Framework.