



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th April 2023

DEVELOPMENT: 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 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:** Reside Developments Ltd **Address:** The Dutch House Dorking RH4 1BG

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

The application represents a departure from the Local Plan.

RECOMMENDATION: Subject to any further representations resulting from a re-consultation of adjacent residents on the water neutrality report which may raise material planning considerations which have not already been considered.

To approve outline planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place 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 is proposed in Outline for the re-development of the site to provide up to 73 dwellings, with detailed permission sought for a new vehicular access point from Shipley

Road. The submitted illustrative site plan shows the development of 73 units which comprise an indicative mix of 1, 2, 3 and 4-bed houses and flats, with 29 of the units (40%) proposed to be affordable. The proposal also includes four (5%) custom build / self build plots. The design and layout of the site is only shown indicatively, but proposes areas of public open space, water attenuation basins, a pumping station and a play area in the central section of the site.

- 1.3 A 'trim trail' is proposed around the perimeter of the site. A new pedestrian access point is shown at the north-west corner of the site, which includes the provision of a new section of pedestrian footway along the eastern side of Shipley Road. The indicative layout shows two 'character areas' within the site, with a denser and more urban character to the north, and more of a 'farmstead' character to the south. The scheme includes the retention of the existing farmhouse known as Woodfords. An internal road would lead from the new access point into the site, enabling access to the southern parcel. Most existing trees within the site are to be retained, and landscaping at the site boundaries would be enhanced.

DESCRIPTION OF THE SITE

- 1.4 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.
- 1.5 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 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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

2.3 **National Planning Policy Framework**

2.4 **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 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

2.5 **West Sussex Joint Minerals Local Plan (2018)**

Policy M9 - Safeguarding Minerals

2.6 **Supplementary Planning Guidance:**

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

2.7 **Parish Design Statement:** Shipley Parish Design Statement

2.8 **Planning Advice Notes:**

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

2.9 RELEVANT NEIGHBOURHOOD PLAN

Shipley Neighbourhood Plan (2019-2031).

- Policy Ship HD1: New Housing Development
- Policy Ship HD2: Housing Mix
- Policy Ship HD3: High Quality Design
- Policy Ship TT1: Active Travel
- Policy Ship C03: Broadband and Mobile Reception

2.10 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.

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Landscape:** Comment. Overall, in landscape terms the site has capacity to accept a level of development, but the urbanising influence of this proposed residential development will have some impact on the existing rural character. The retention of the existing farmhouse is welcomed. Consideration should be given to the expansion of the site perimeter green corridor.

3.3 **HDC Heritage:** Comment. The retention of the non-designated heritage asset is welcome. However, there will be some adverse impact to its setting. The public benefit of housing needs to be weighed against this harm.

- 3.4 **HDC Environmental Health:** Comment. Air quality mitigation measures for this proposal needs to be outlined in a detailed mitigation plan. Conditions are recommended in relation to the submission of a CEMP and land contamination details to be submitted for approval prior to commencement of development.
- 3.5 **HDC Ecology:** No objection subject to conditions.
- 3.6 **HDC Drainage:** No objection subject to conditions requiring the submission of a drainage strategy (foul and surface water drainage) and a SUDs verification report. The applicant is also advised that this application requires an Ordinary Water Consent for any discharge to the local watercourse.
- 3.7 **HDC Archaeology:** No objection subject to conditions.
- 3.8 **HDC Housing:** Support. The proposal is supported as it offers 45% affordable housing (above the policy requirement of 35%). [Nb the actual affordable offer is 40%]

OUTSIDE AGENCIES

- 3.9 **WSSC Highways:** No objection.
- 3.10 **WSSC Fire & Rescue:** Comment. Condition recommended requiring the submission of details showing the location of proposed fire hydrants.
- 3.11 **WSSC Flood Authority:** No objection.
- 3.12 **Southern Water:** No objection subject to conditions.
- 3.13 **Natural England:** No objection subject to the appropriate mitigation being secured.

PUBLIC CONSULTATIONS

- 3.14 **Shingley Parish Council:** Objection:
- The Shingley NP has relevance because the proposed site is within the designated plan boundary. Policy Ship HD1 of the Shingley Neighbourhood Plan requires development to be in accordance with the spatial strategy for the District. The Shingley NP resists development on greenfield land. This site falls within the countryside, therefore contrary to Policy 26 of the HDPF.
 - Due to the site's location outside the Built up Area Boundary and on a site not allocated for development within the HDPF, or an adopted Neighbourhood Plan, is unacceptable, and conflicts with Policies 2, 3, 4 and 15, 26 and 17 of the HDPF, and does not support any one of the four criteria set out at paragraph 4.5 of the Shingley Neighbourhood Plan.
 - The proposal does not meet the requirements of the SHELAA.
 - The proposal has not addressed the Water Neutrality issue.
- 3.15 **49** representations have been received objecting to the application on the following grounds:
- Highways/traffic impact on Shingley Road;
 - Noise during construction;
 - Loss of privacy, noise pollution and light;
 - Impact on wildlife/ecology;
 - Lack of local facilities (such as schools) and local infrastructure;
 - Lack of employment opportunities;
 - Overdevelopment of Southwater;
 - Visually inappropriate.
 - Pollution;

- Impact on protected trees;
- Contrary to Neighbourhood Plan;
- Contrary to HDPF development strategy;
- Woodfords is a 'non designated heritage asset'.
- Lack of legal agreement.
- Cumulative impact in association with appeal approval at the Rascals site.
- This application has not addressed the previous reasons for refusal.

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

Background:

- 6.1 This application follows an identical scheme on this site for 73 dwellings, which was refused in April 2021 and then subsequently dismissed at appeal in August 2022 (ref: DC/20/2564) on the grounds of insufficient information in relation to water neutrality impacts. In considering the appeal scheme, the inspector concluded that, notwithstanding the benefits of the proposal, as the scheme was not water neutral it would result in an adverse impact on the integrity of the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. This current scheme is identical to the scheme which was dismissed at appeal, but now includes additional evidence to demonstrate that water neutrality has been achieved.
- 6.2 The previous appeal decision is a material consideration, of considerable weight, in the determination of this proposal for the same proposal. The Appeal decision is attached at Appendix A. The main issue with the current proposal is whether the reason for refusal relating to water neutrality has been sufficiently addressed. Consideration is also given to any changes in circumstances, since the appeal decision in 2022, including any new national or local planning policies.

Principle of Development:

- 6.3 The site is adjacent to but outside of the defined built-up area boundary of Southwater, and is therefore within the countryside in planning policy terms. It is not allocated for development in the Local Plan or the Shipley Neighbourhood Plan and is not essential to its countryside location. In these circumstances, the location of the development within the countryside is contrary to the spatial strategy, and would conflict with Policies 2, 3, 4 and 26 of the HDPF.
- 6.4 Under the appeal decision for DC/20/2564, the inspector assessed the principle of development and concluded that, while the proposal would be contrary to Policies 2, 3, 4 and 26 of the HDPF, having regard to its position within the countryside and the spatial strategy for the District, there are material considerations which mean that the development would provide a suitable location for housing. This took into account the lack of identified harm in respect of matters including landscape, highways, neighbouring living conditions, air quality, trees, flood risk, or heritage assets, and the policies within the Shipley Neighbourhood Plan. The Inspector commented that this site would allow future occupiers to have access to a range of local services, facilities and employment in Southwater, as well as a nearby public transport links.
- 6.5 Moreover, the Inspector noted at the appeal stage that the Council was not able to demonstrate a five year housing supply of deliverable housing sites, which at that time was a supply position of around 4 years. The supply position has since diminished to a position of 3 years. In accordance with footnote 8 of the NPPF, the policies that are most important for determining the application are therefore deemed out of date, and the presumption in favour of sustainable development outlined at paragraph 11(d) of the Framework is engaged. This provides that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 6.6 In the case of the appeal, the lack of a sufficient water neutrality solution for the 73 dwellings provided for a clear reason to refuse permission under limb i) above of paragraph 11d, and consequently resulted in the dismissal of the appeal. This ecological impact on protected areas was considered to carry significant weight and the proposal was precluded from proceeding, in accordance with regulation 63(5) of the Habitat and Species Regulations 2017.
- 6.7 The recently published HDC Facilitating Appropriate Development document lists criteria for development proposals outside the BUAB to be considered positively against, and this proposal is considered to accord with all the main criteria listed. Overall, since the appeal decision, there have been no material changes in national or local planning policy regarding the principle of development of this site. The Inspector concluded that the principle of development of this site for housing was appropriate, and officers advise that there are no reasons to justify an alternative conclusion in this regard.

Landscape Impact and Site Layout:

- 6.8 In landscape terms, the site is not located within a protected or designated landscape. The site comprises a main residential dwelling (Woodfords) which is surrounded by private equestrian uses (including stables, a riding arena, and paddocks etc), and other associated buildings clustered in the central part of the site. The site enjoys a sense of enclosure due to the existing boundary vegetation which includes strong tree lined hedgerows and dense woodland shaws along all boundaries. Several mature Oak trees are present along the northern boundary which are protected by TPO's. A fragmented band of trees (including one very large Oak tree) runs through the centre of the site, which is likely to be remnant of a historic field boundary. These trees have the effect of separating the site in two, creating a

slightly larger 'northern' section, and a smaller 'southern' section. The site is relatively flat, but falls slightly from north to south by around 10m. The site is predominantly rural in character albeit subject to some urban influence from glimpses of houses visible along the northern boundary (Rascals Close), as well as the influence of traffic noise from Shipley Road to the west. The southern parcel is more closely associated with the rural countryside beyond.

- 6.9 As with the previous scheme, the application has been supported by a Landscape and Visual Assessment with Impact Overview (LVAIO) which considers the likely physical and visual impacts arising as a result of the proposed residential development on this site. The LVAIO has been reviewed by the Council's Consultant Landscape Architect who agrees that the assessment has been carried out appropriately and includes viewpoints previously agreed prior to the assessment being undertaken.
- 6.10 In terms of landscape impact, the LVAIO states that the development will have an adverse effect upon the landscape character, but "primarily where semi improved grassland is replaced by new homes and associated public realm". However, there will also be positive impacts "notably through species enrichment to some areas of grassland and the retention and enhancement of the wooded frameworks". On review, the Landscape Architect agrees that a landscape-led approach to development on this site has been applied, with the illustrative scheme layout and design being led by the existing landscape character including the majority of existing trees on site which are shown for retention.
- 6.11 As a whole, the enclosed and relatively flat nature of the site affords it a good level of screening which would help to soften the development from most viewpoints. The site, once developed, is unlikely to be seen in long-distance views, but would still be partially visible in shorter views (i.e. from Rascals Close and from Shipley Road). However, when seen from these closer views, it is likely to be seen (and associated with) the more urban context of Southwater to the north, and its presence would not therefore be wholly uncharacteristic or unexpected.
- 6.12 The proposed layout of the site shows the development parcels set back slightly from Shipley Road to the west, allowing space for the retention and enhancement of dense boundary vegetation, and a pedestrian walkway. Notwithstanding the new access point, and the development within the site (which is accepted will be noticeable), the retention of the existing dwellinghouse (Woodfords) on the eastern edge of the site will help to maintain an elements of the existing character when viewed from Shipley Road. The urbanising influence of the development when viewed from Shipley Road would still be notable when passing, but the setting-back and retention/enhancement of the existing house and existing tree screening along this boundary will help to minimise this impact.
- 6.13 Internal access roads are shown along the northern, eastern and southern boundaries which is welcomed. The positioning of these access roads further help to set the development parcels back from the sensitive peripheries of the site, as well as helping to ensure that the existing mature trees are able to thrive, and are not put under undue pressure from felling or pruning from future occupants. Notwithstanding this, the Consultant Landscape Architect has advised that if Officers are minded to approval the Outline proposal, they have recommendations to improve its visual impact. Officers are of the view that if the Outline application were to be approved, these recommendations could be secured at Reserved Matters stage, either upfront, or by condition.
- 6.14 It is considered that by virtue of its urbanising influence, the proposed residential development of this site is likely to result in adverse harm to the landscape character of the area when compared to its existing open rural character. Despite this, the relatively enclosed, flat and well screened nature of the site, coupled with existing residential development to its immediate north and road to its west, is also acknowledged, and has led to the conclusion that the site has some capacity for sensitively designed development. Officers are of the view

therefore, that the development as shown on the illustrative layout would not result in a wholly uncharacteristic change to the receiving landscape, and the harm would not be considered significant.

- 6.15 The detailed design and layout of the site is a matter that would be reserved for subsequent approval should the application be successful at Outline stage. It is considered that the indicative masterplan demonstrates that a detailed design proposal can be generated that would avoid unacceptable harm to the wider landscape and character and local amenity, whilst still allowing flexibility in determining the detailed design of a scheme at Reserved Matters. It should be noted the illustrative masterplan is the exact same as that considered under the previous application and appeal for this site, which was considered appropriate by both officers and the appeal inspector. The design of this development would need to be appropriate for this area taking into account the guidance set out in the Shipley Parish Design Statement. This would be secured in any Reserved Matters application.

Trees:

- 6.16 In support of the application, an Arboricultural Implications Assessment has been submitted (with tree protection plan, tree schedule, and Arboricultural method statement enclosed). An 'area' Tree Preservation Order (TPO/1436) is in place for the belt of trees that run along the site's northern boundary. None of the trees protected by TPO are proposed to be removed as part of this application. The indicative site layout shows an internal access road along the northern boundary of the site which has been placed in order to avoid private gardens being located close to the trees, thereby helping to safeguard the trees from further surgery which could be damaging to their growth and survival.
- 6.17 The mature trees that are located within the site are also proposed to be retained (and incorporated into an area of open space) which is welcomed. Of the 49 trees, hedges and groups surveyed on site; 17 are proposed to be removed wholly or in part in order to facilitate the development. The main removal is to facilitate the access and pedestrian footway on the western boundary. The proposal also includes new trees and planting to the proposal, to be secured through Reserved Matters.
- 6.18 Given the majority of the site's existing boundary vegetation is to be retained (and enhanced), the removal of a section of trees and vegetation along the western boundary is not considered to be significantly detrimental to the overall amenity of the wider area and is therefore accepted.

Highways Impact:

- 6.19 The application is supported by a Transport Assessment, as well as a Stage 1 Road Safety Audit, Speed Surveys for Shipley Road, and various details plans showing visibility splays, swept paths, and pedestrian refuge/footway designs. It is considered that subject to conditions (including the re-submission of a Travel Plan), the Highway Authority is satisfied that the proposal would not result in any severe highway impact in terms of capacity, and would not result in highway safety concerns. The Highways Authority do not identify any issues with the proposed access to the site or visibility splays. As such, it is considered that the access arrangements and impact on the surrounding highway network are in accordance with Policy 40 of the HDPF and paragraph 109 of the NPPF, and are acceptable.
- 6.20 WSCC as the Highway Authority has commented that the submitted Transport Assessment has been updated to reflect the 73 homes proposed through DC/20/2564 and also now identifies DC/20/0695 (100 units dwellings at Rascals Farm granted on appeal) as a committed development.
- 6.21 This application includes a number of pedestrian enhancements that are duplicated within the current application. These enhancements mainly comprise dropped kerbs and widening

existing refuge islands in the nearby surrounding area. WSCC recommend that these continue to form part of the current application. The proposal also indicates WSCC policy compliant parking standards for the development to be outlined in the Reserved Matters stage. Overall, as in the previous scheme, subject to conditions, no highway objections are raised to this proposal. Officers concur that no highway safety or capacity impacts would arise from these proposals, the same conclusion previously reached by officers and by the appeal inspector.

Affordable Housing and Housing Mix:

- 6.22 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.
- 6.23 Policy Ship HD2 of the Shipley Neighbourhood Plan states that applications for new housing in Shipley Parish should respond to the most up to date local housing need wherever possible, including two and three-bedroom homes as well as new affordable housing, contributing to a balanced mix of housing in the Plan area.
- 6.24 The application proposes 40% affordable housing with the required 70/30 tenure split. This is above the required 35% and would be secured through a legal agreement.
- 6.25 This scheme includes 4 self / custom build units. This equates to just over 5% of the housing provision. As this proposal is for outline permission, the exact location and design of the units will be assessed under a reserved matters application. The provision of these units is welcomed and would also be secured through a legal agreement.
- 6.26 In terms of market housing mix, the application proposes a range of market housing sizes including 1, 2, 3, 4 and 5 bedroom houses. The exact mix of market housing would be secured under a Reserved Matters application in accordance with the latest Strategic Housing Market Assessment. The proposal is therefore in accordance with Policy 16 of the HDPF.

Heritage Impact:

- 6.27 Whilst it is not subject to a statutory or local listing, the existing farmhouse located within the site ('Woodfords') appears on the 1st edition O.S. as 'The Vagers' and then on the 2nd edition. The Council's Senior Conservation Officer is of the view that parts of it date back to the early seventeenth century, with additional sections added throughout the eighteenth and nineteenth centuries. As such, this building has a local heritage interest. The Conservation Officer is satisfied that the interest of the house would not likely meet the criteria for statutory listing, but is of the view that it has sufficient local interest and should therefore be considered a non-designated heritage asset.
- 6.28 The applicant's Heritage Statement also acknowledges that this building is considered to be a non-designated heritage asset (albeit it is not included in a local list). As proposed in the previous scheme, this building is to be retained as part of the current proposal. The Council's Conservation Officer advises that the level of harm resulting from the proposed surrounding development will be minor to the historic setting of the house. As such, the effect on the significance of this non-designated heritage asset has been taken into account, with a balanced judgement reached on the scale of any harm as required by paragraph 197 of the NPPF. Having regard to this impact, and taking into account the public benefits of additional housing, the impact on the setting of Woodfords is considered appropriate and the proposal is considered to accord with the requirements of HDPF Policy 34 and NPPF paragraph 197.

Amenity Impact:

- 6.29 Given the site's location, the main impact on privacy that could arise is likely to be upon existing residents in Rascals Close to the north of the site and upon residents of the existing farmhouse (Woodfords) which is proposed to be retained as part of the development. Whilst several dwellings in Rascals Close back onto the northern boundary of the application site, it is not considered that the privacy of these dwellings would be directly impacted due to the presence of the existing dense tree-lined boundary (all protected under TPO), and the separation distance (of around 30m) between the rear of the nearest dwellings and the front of the proposed dwellings (as shown on the indicative Site Plan).
- 6.30 The internal access road that runs alongside the northern boundary of the site assists with this separation, and will help to prevent actual or perceived overlooking. Despite this, one element that may be at a heightened risk of privacy impact is the block of flats shown indicatively to the north-east corner of the site (units 19-24) as this block sits closer to the northern boundary. Given this application is Outline, it is not clear how many storeys this building would be (although it is presumed it would be 2-storey), and no details of elevations have been submitted. As such, if the application was to be successful at Outline stage, a detailed assessment of the layout, orientation and appearance of this block (particularly the positioning of windows etc) would need to be considered before detailed approval is granted.
- 6.31 The outlook currently experienced by Woodfords will change as a result of the development, but subject to the retention of a good-sized curtilage and appropriate boundary treatments (which the illustrative site plan suggests would include a walled garden) it is considered that the privacy and general amenity of residents in this dwelling can be satisfactorily protected from significant harm. The private access road to this house will help to maintain a sense of separation from the rest of the development, which is welcomed.
- 6.32 Other existing residential dwellings in proximity to the application site include three properties located on the opposite side of Shipley Road. Given the set-back position of these dwellings, and the presence of the road, it is not considered that the amenity of these dwellings would be adversely harmed by the proposed development on this site. Due to ground levels, the drainage strategy explains that the site is not expected to be able to be drained by gravity, therefore a foul water pumping station is proposed to be located in the north-east corner of the site, opposite units 25/26. It is understood that the pumping station would be set underground, with perimeter fencing surrounding it. It is noted that the pumping station is over 15m from any dwellinghouse, which is welcomed.
- 6.33 It is also noted that all dwellings within the site are proposed to be heated by air source heat pumps. Whilst the use of this energy source is also welcomed, if the application was to be approved, an assessment of the acoustic impact arising from the operation of the proposed air source heat pumps would be secured by condition to ensure there would be no adverse noise impact upon future occupants.
- 6.34 The central location of the proposed play area and open space (as shown on the indicative layout plan) is appropriate, however it is close to other dwellings within the site. If the application was to be considered acceptable at Outline stage, the proximity of this facility to dwellings would need to be assessed in more detail at Reserved Matters stage to demonstrate that they will not have a detrimental impact on the amenity of future occupants of the nearest units.
- 6.35 Overall, the scheme is considered to be acceptable in relation to its impact on the amenity of adjacent properties in accordance with Policies 32 and 33 of the HDPF.

Flooding:

- 6.36 The application site falls within Flood Zone 1 as defined in the Environment Agency flood maps. This means the site has a 'less than 1 in 1,000 annual probability of river or sea flooding'. The site has been assessed as being low (or very low) risk of flooding from all sources, except for surface water flooding where it is considered to be at 'medium' risk. The submitted Flood Risk Assessment notes that the existing site is mainly greenfield, and currently drains into existing ordinary watercourses located along the northern, eastern and southern boundaries.
- 6.37 It is proposed that surface water within the development will be attenuated and discharged into the existing ordinary watercourses at restricted rates. Permeable paving is proposed to be laid for all roads and parking areas within the site to allow drainage into the watercourses. Additional attenuation in the form of swales and basins are also proposed in the north east and south east corners of the site.
- 6.38 A pumping station is proposed to be included at the north-east of the site to deal with foul water generated from the development. The Council's Drainage Engineer has reviewed the submitted FRA and (subject to conditions and an informative to advise the applicant that Ordinary Watercourse Consent will be required) has not raised an objection to the drainage strategy proposed. As such, subject to the submission of a detailed drainage strategy for foul and surface water, and SuDS verification report the proposal is considered appropriate.

Ecology:

- 6.39 The site is located approximately 12.3km from the Mens Special Area of Conservation (SAC), therefore a Habitats Regulations Assessment (HRA) screening report was required to be undertaken by the Council in order to ensure that the development would not affect protected habitats. The HRA was undertaken, and concluded that as no Annex II species were identified onsite, and mitigation for foraging and commuting bats has been included, there was no requirement to proceed to Appropriate Assessment.
- 6.40 In support of the application a suite of ecology documents have been submitted, including: a Preliminary Ecological Appraisal (PEA), an Ecological Impact Assessment (EIA), a Great Crested Newt eDNA Report, a Bat Activity Survey Report, a Bat Roost Assessment, a Dormouse Survey Report, and a Biodiversity Net Gain Calculation Assessment. The Biodiversity Metric Calculator results show a 32.41% gain in habitat units and a 33.27% gain in hedgerow units. The submitted ecology information has been reviewed by the Council's consultant Ecologist, who has confirmed that enough information is available for the application to be determined and that the details submitted are appropriate, subject to conditions.
- 6.41 The mitigation measures specified in the ecology reports include: retaining 99% of existing mature treelines and underlying scrub, layouts to avoid gardens backing onto edge habitats, recommended good-practice working, works on bat or dormouse habitats to be undertaken under Natural England licence, planting of new scrub and native trees etc, provision of bird bat and dormouse boxes, provision of reptile habitats, provision of hedgehog access through garden fences, provision of ponds, use of a sensitive lighting strategy, and landscape strategy. These measures are welcomed and are to be secure by appropriate conditions.

Water Neutrality:

- 6.42 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve

this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

- 6.43 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habitats site. Section 63 of the Regulations sets out the process by which an HRA must take place.
- 6.44 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 6.45 The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.46 In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone that is likely to increase water consumption (such as additional housing units) must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley. Until a wider offsetting strategy is developed to address this issue (which is not expected to be in place until next year and is likely to only apply to sites allocated in the new local plan), all new development must demonstrate that it can be water neutral in its own right.
- 6.47 Using a precautionary principle any existing use has not been carried forward in the calculations for water usage and the baseline water consumption on this site has therefore been taken as zero.
- 6.48 Using the census data, the population of the proposed development is estimated to be 163.62. A water calculation in accordance with Building Regulations Part G has been carried out and confirms that the proposed development will achieve a water consumption rate of 92 litres per person per day through efficient fixtures and fittings, which includes an allowance of 5 litres per person per day for external water usage. Using the Part G water consumption figure of 92 litres per person per day and a population size of 163.62, it is estimated that the total water usage per day for the proposed development would be some 15,053.04 litres per day (163.62x92).
- 6.49 To further mitigate the increase in water demand it is proposed to incorporate rainwater harvesting into the proposed development. A rainwater harvesting tank will be included on each house and a shared tank will be used for the blocks of flats saving some 5,726.7 litres per day from use serving toilets and washing machines. Once rainwater harvesting has been incorporated into the proposals there will be a deficit of 9,326.34 litres per day (15,053.04 per day minus 5,726.7 litres per day), which will require further offsetting to ensure that the development proposals are water neutral.

- 6.50 The applicants are proposing to offset their development by retrofitting 227 homes that are managed by the Raven Housing Trust located within Crawley and within the Sussex North Water Supply Zone. The Raven Housing Trust housing stock consists of 92 1-bed, 100 2-bed, 34 3-bed and one 4-bed homes. Based on the housing mix and the occupancy rates set out in the submitted statement, this equates to 396.28 people across Raven Housing Trust's available housing stock. The applicants have undertaken a full surveyed assessment of the fixtures and fittings within these properties, of which 187 were fully within Raven's control. This demonstrates that the current water demand of all 187 properties is 39,992.20 litres per day. The existing water demand of the Raven Housing Trust housing stock is therefore 39,992.20 litres per day.
- 6.51 It is proposed to reduce the water consumption of each home by retrofitting the properties with water efficient fixtures and fittings. A copy of the proposed fixtures and fittings to deliver has been submitted. In all, the 187 homes can achieve water savings of 11,992.05 litres per day.
- 6.52 As only 9,712.58 litres per day needs to be mitigated, there is more than sufficient capacity for this development through the proposed off-setting of these Raven Housing Trust properties. Therefore, the Water Neutrality Statement demonstrates that the scheme at Woodfords can be fully mitigated by the proposed offsetting scheme within the stock held by Raven Housing Trust. Water neutrality has been demonstrated. The off-setting measures would be secured through appropriately worded conditions and provisions set out in a legal agreement, with appropriate agreements with Crawley Borough Council to ensure the mitigations are enforced. Natural England have commented that they concur with the assessment conclusions and, subject to the provision of the mitigation measures, have no objection to the proposal. 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.

Other Matters:

Air Quality:

- 6.53 The application site is not located within or close to any of the District's defined Air Quality Management Areas (AQMAs). However, in support of the application, and as required by the Council for any development classed as 'major', an Air Quality Assessment (supported by an Air Quality Emissions Mitigation Plan) has been submitted. The assessment notes that the development will generate additional traffic on the local road network, but concludes that that future residents of the proposed development will experience acceptable air quality, with the effects judged to be 'not significant'. As is required for all major developments, the air quality damage costs resulting from the development have been calculated, and requires a damage cost of £20,308 (as outlined in the Emissions Mitigation Plan).
- 6.54 Appropriate mitigation will be required to offset these costs in accordance with Sussex Air Quality Partnership's 'Air quality and emissions mitigation guidance for Sussex' (2020). The mitigation measures proposed in the submitted Emissions Mitigation Plan, bus ticket provision, provision of E-bike/E-scooter shelter, use of air source heat pumps, and other provisions to encourage sustainable transport to be presented in a Travel Plan.
- 6.55 As such appropriate (and costed) air quality mitigation measures would be required to be included within the development, the details of which can be secured by condition. Provided these measures are implemented, it is considered that the development would accord with the requirements of Policy 24 of the HDPF, and Paragraphs 170, 180 and 181 of the NPPF.

Minerals Safeguarding:

- 6.56 The proposal is within the Weald Brick Clay Mineral Safeguarding Area (as defined in the WSCC Joint Minerals Local Plan (JMLP), 2018). The applicant has not provided an assessment of how the residential development of the site would impact access to this identified safeguarded resource. Despite this, given the limited extractable size of the site, it's locality on the edge of the built-up-area, and the relative abundance of the safeguarded brick clay resource throughout the county; the safeguarding of the resource in this particular instance is considered a low priority. It is considered that it would be unreasonable to prevent development in this location for the purpose of safeguarding an abundant resource with a low priority to safeguard.

Energy/Climate Change:

- 6.57 Policies 35, 36 and 37 of the HDPF 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.
- 6.58 Whilst the application is only submitted in Outline, several measures are proposed within the proposal, which seek to build resilience to climate change and reduce carbon emissions, including:
- Orientation of buildings to maximise solar gain;
 - Energy efficient building envelopes (including thermal glazing, air tight building fabric);
 - Use of appropriate glazing to control overheating risk;
 - Use of energy efficient lighting and A+/A++ rated appliances;
 - Install high efficiency Air Source Heat Pumps for heating and hot water;
 - Install Waste Water Heat Recovery units where feasible;
 - Water saving - low/dual flush WCs, low capacity baths, taps with low/aerated flows;
 - Provision of rain water butts;
 - Integration of SUDS and green infrastructure to manage flood risk;
 - EV charging points on at least 50% of units (and ducting on remaining for future connection);
 - Cycle storage for every property;
 - Provision of secure storage for E-Scooters and E-Bicycles;
 - Provision of dedicated home working area for all 2-4 bed houses;
 - Submission of Travel Plan, and implementation of recommendations;
 - Minimising construction and demolition waste (use local suppliers where possible, re-use of materials);
 - Consider opportunities for on-site re-use of materials where feasible;
 - Provision of accessible bin storage to facilitate recycling;
 - Homes to be M4(2) compliant and 5% for M4(3) (to facilitate future adaptation); and
 - Enhancements to biodiversity as recommended in the Ecological Appraisal and Protected Species Reports.
- 6.59 Officers welcome the proposed measures, and the inclusion of these measures within the final details of the scheme is to be secured by condition in order to suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusion:

- 6.60 As addressed in the previous scheme and appeal, the scheme does not result in any identified harm in respect of matters including landscape, highways, neighbouring living conditions, air quality, trees, flood risk, or heritage assets. In addition, the principle of development is considered appropriate in this location, having regard to the appeal

inspector's conclusions in the recent appeal decision for the identical development of this site and taking into account the current lack of a five year housing supply and an up-to date local plan.

- 6.61 Under the previous appeal scheme, the Inspector dismissed the proposal due to the lack of an appropriate water neutrality statement. The current scheme has addressed this impact with a revised water neutrality statement. The water demand of the 73 proposed units is addressed through on site mitigation measures (including rain harvesting) and retrofitting 227 homes at Crawley with water reduction measures such as WC dual flush toilets, water restrictors to taps and shower regulators. These measures would result in a water neutral development and have the support of Natural England subject to being suitably secured.
- 6.62 As such, the reason for the dismissal of the former appeal on this site (for exactly the same application) has been addressed and there are no other planning grounds with which to resist this proposal.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.63 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 legal agreement to secure the following:
- Delivery of 40% affordable housing with an appropriate mix.
 - Delivery of 5% custom / self build units.
 - A contribution of £1,500 for WSCC travel plan auditing fee.
 - 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.