



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 21st November 2023

DEVELOPMENT: Erection of 35 dwellings with associated engineering operations and works.

SITE: Land at Brook Hill, Cowfold, RH13 8AH

WARD: Cowfold, Shermanbury and West Grinstead

APPLICATION: DC/22/1815

APPLICANT: **Name:** Abingworth Developments Ltd **Address:** c/o Agent D+M Planning

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 proposal is a departure from the Local Plan.

RECOMMENDATION: To approve full planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. If 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 Full planning permission is sought for the erection of 35 dwellings, comprising a mix of 1 to 4 bed dwelling types (the greater proportion being 3 bed at 40%), of which 35% (12no units on site) would be for affordable housing. Officers have engagement with the applicant to secure changes to the original proposal, including evidence documents such as updated species survey and a revised Water Neutrality Strategy, and amendment to the plan layout to further safeguard trees on site and increase on-site parking provision. These changes are detailed out in later sections of this report.

- 1.3 These dwellings would be located within the southern section of the site (2.8Ha) with a density of around 12 dwellings per hectare. The north of the site would be put over to an area of public open space (1.8Ha) to include play equipment, with the intention that this would transfer to the Parish or a nominated third party. The first 7no. of the dwellings are served by a spur off the main access road, and the remaining dwellings served by a loop road, within the western part of the site. Arranged either in a perimeter block with back-to-back rear gardens or a cul-de-sac, the development of largely 2-storey detached dwellinghouses exhibits a suburban character with landscape buffers to the edge of the development site. The plan layout has been amended, during the course of the application, so that the mature north-south tree belt is now removed from the curtilages of private gardens. Within the scheme, seven different house types (and some differing building typologies) are proposed, with architectural detailing said to reference local vernacular.
- 1.4 Primary site access would be via a vehicular and pedestrian access from the A281 Brook Hill located to the south of the existing driveway serving The Vicarage, which would be closed. Some hedgerow and two trees removal are required to facilitate this priority junction with a bellmouth width of 5.5 metre and a kerb radius of 6 metres. A 30mph speed restriction would be imposed along the A281 north of the site access, reduced from the current 60 mph, with roundel road marking with coloured surfacing and count down markers. Access to the existing property 'The Vicarage' would be taken directly from the new access road.
- 1.5 Within the scheme itself, a footway is proposed to the south side of the access road and a pedestrian crossing at the site entrance with dropped kerbs and tactile paving. 103no. car parking spaces are proposed (40no. garage spaces, 51no. driveway spaces, and 12no. visitor spaces), with each dwelling provided with an electric vehicle charging point. Pedestrian links from the site to Public Right of Way 1744 (along the west site boundary) are also proposed.
- 1.6 The strategy for drainage of the development proposes use of sustainable drainage techniques (ponds (existing and new), swales, permeable paving, filter drains). At present, surface water from the south of the site flows towards a ditch along the south site boundary. Surface water will be directed to a new attenuation pond on the south boundary which would pump collected water to the existing pond central in the site, for discharge to the wider ditch network that leads to Cowfold Stream to the east. Water attenuation within the site would allow for a 1 in 100-year storm event and accounts for climate change. Foul water will discharge into the existing public sewer.

DESCRIPTION OF THE SITE

- 1.7 The site (around 4.6Ha) is located west of the A281 and north of Thornden in the village of Cowfold. The Built-up Area Boundary of Cowfold runs adjacent to the south site boundary, with the site itself outside the defined settlement boundary. The site boundaries comprise mature hedge and tree screening, with a tree belt running north-south through the middle of the site. The site, comprised of fields, is relatively flat at its southern end but slopes down in a northerly direction. From within the site, long distance views are available to the north, and towards the South Downs, as well views of the church and spire of Grade II* Listed St Hugh's Monastery near Partridge Green. Several tree groupings within the site are positive contributors to landscape character: the cluster around the existing pond, the treeline along the west boundary and the mature north-south tree belt central on the site (a field boundary).
- 1.8 The site is visible from Public Right of Way 1744, which runs adjacent along the west site boundary in a north/south direction. A pond exists within the centre of the site. The nearest dwellings to the site are Thornden to the south; 'The Vicarage' and 'The Old Vicarage' to the south-east, and 'But N Ben' to the east. Some of these dwellings are viewable from the site.
- 1.9 The Cowfold Air Quality Management Area (AQMA) and Cowfold Conservation Area (including Grade I Listed St Peter's Church) are some 170 metres south of the site. Other

heritage assets in proximity to the site include Grade II Barrington House and The Red House, both east of the A281. The Vicarage is not formally listed but is judged to qualify as a non-designated heritage asset.

- 1.10 Existing facilities in Cowfold include a primary school, convenience shop, village hall and recreation ground. The village is served by existing bus services. Cowfold is defined as a Medium Village in the Horsham District Planning Framework (the second category in the Policy 3 hierarchy); a settlement having a moderate level of services and facilities and community networks proportionate to its size, together with some access to public transport.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (NPPF, 2021)

Horsham District Planning Framework (HDPF, 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 39 - Strategic Policy: Infrastructure Provision

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 41 - Community Facilities, Leisure and Recreation

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Supplementary Planning Guidance - revised county parking standards and transport contributions methodology

Air Quality and Emissions Mitigation Guidance for Sussex (2020)

Sports, Open Space and Recreation Assessment (2014)

Open Space, Sport & Recreation Review (HDC June 2021)

Planning Advice Notes:

Biodiversity and Green Infrastructure Planning Advice Note (HDC October 2022).

Facilitating Appropriate Development document (HDC October 2022).

2.3 RELEVANT NEIGHBOURHOOD PLAN

The Cowfold Neighbourhood Plan (CNP) was subject to Examination in February 2021. The Examiner's Report was published on the 19 April 2021 and recommended that (subject to some minor amendments) that the plan should proceed to Referendum. The Council's Decision Statement was published on 23rd September 2021 and concluded that all recommended amendments are accepted and that the plan can proceed to Referendum. A date for a Referendum has not been announced yet. Despite not being formally 'made', the CNP has been through the relevant public consultation phases and independent Examination (confirming the plans meets the 'basic conditions') and is therefore considered to carry significant weight in decision making.

The application site is included as an allocation for housing in the emerging CNP under draft Policy 11 (CNP01: Brook Hill).

Policy 11: Brook Hill, CNP01 – see Policies Map

i. Development proposals for up to 35 residential units on land at Brook Hill, as shown on the Policies Map, will be supported where:

- a. the housing density reflects the character and setting of the site and its surroundings;
- b. proposals provide safe and suitable access for vehicles, cyclists and pedestrians;
- c. proposals provide traffic calming, as necessary, at the junction of the access with the A281;
- d. proposals protect the landscape character of the ridgeline along the northern boundary of the site;
- e. proposals allow for the retention and enhancement of existing mature trees and hedgerows within the setting of the site and its surroundings.
- f. proposals provide a robust soft landscape buffer to protect the character of the area, particularly on the western and open northern boundary of the housing area;
- g. there is no unacceptable adverse impact on the Bakers Shaw LGS;
- h. the amenity of all existing residential properties bordering the site is protected;
- i. proposals provide public open space, as detailed on the Policies Map, that is to be transferred to the ownership of the Parish Council or other specially created trust;
- j. proposals allow for a high quality, illuminated, all weather, nonvehicular access to the existing PRow to the west of the site.

Other relevant Policies in the emerging CNP are:

- Policy 1: Ground Water and Surface Water Flood Risk
- Policy 2: Green Infrastructure
- Policy 5: Open Space
- Policy 7: Youth Facilities
- Policy 9: Residential Development Principles
- Policy 13: Housing Mix
- Policy 15: Communications
- Policy 16: Car Parking Provision

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

None

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.1 **HDC Environmental Health:** No Objection subject to conditions and comment

Proposed Private Water Supply

Now satisfied the risk assessing, testing and maintenance of the private water supply can be secured through conditions.

Recommended conditions: proposed private water supply; private water supply management plan; water sampling verification before occupation; risk assessment compliant with private water supplies.

Contaminated Land

Reviewed Phase 1 Desk Study and satisfied with preliminary assessment of the risk to future site users. Agree with report recommendations that limited site investigation and generic quantitative risk assessment (GQRA) should be undertaken to confirm ground conditions and to quantify risks to future site users. Satisfied to request through conditions.

Recommended conditions: ground contamination measures, remediation verification, No importation of soils.

Construction Phase

During site clearance, preparation and construction potential adverse impacts from noise, dust and construction traffic movements should be minimised and controlled by the developer and a construction environmental management (CEMP) plan recommended as condition.

Air Quality

CEMP should draw upon typical mitigation measures for a high-risk site as outlined in Air Quality Assessment report (AQA). Cannot accept air quality mitigation plan detailed in AQA. Part S of Building Regulations requires all new dwellings to have at least one charge point, therefore duplication of Building Regulations.

3.2 **HDC Conservation Officer:** No Objection

Will not directly or indirectly affect Listed Buildings, so content proposal will not lead to harm. The Edwardian Vicarage survives and can be considered a non-designated heritage asset. Pleased the proposal retains a sufficient buffer around the Edwardian vicarage and the access road is free of buildings.

3.3 **HDC Housing:** Support

Policy compliant. Encourage mix of affordable units to meet current need in Cowfold. Urge applicant to clarify and confirm tenure split.

3.4 **HDC Tree Officer:** No Objection

Overall design takes reasonable account of existing tree features. Revised layout plan is benefit to longer term integrity of retained hedgerow tree line. Still remain some pressure to

lop/fell, particularly on the dominant oak. If minded to approve, recommend conditions: Services; Tree Protection; Arboricultural Method Statement; Tree Retention and Planting.

3.5 HDC Drainage Engineer: No Objection

No overall objections to surface water drainage strategy. Recommend suitable drainage Conditions. Require evidence to show agreement in place for ongoing maintenance of SuDS systems.

3.6 Landscape Consultant: Comments

Support principle of development, but recommend further information to ensure suitable size, scale, design, landscaping, and layout and ensure landscape and visual harm is appropriately mitigated and opportunities taken to enhance landscape and visual resources.

Recommendations include restrictive covenants for trees in private curtilages; enhanced planting along east boundary; natural play features in public open space; provision of PROW entrance from north-west corner; use of native planting, consideration of tree spread/shading; retention of mature hedge lines, woodland shaws, and trees on site; minimise urban influences; increase biodiversity value (e.g., grassland with bulbs / flowering lawns).

3.7 Ecology Consultant: No Objection

Dormouse Survey (May 2023) notes European Protected Species Mitigation Licence required, therefore recommend copy of this is secured by condition. No further surveys for bats, GCNs or Reptiles required. Mitigation measures identified should be secured by condition. Recommended conditions: Accordance with Ecological Appraisal Recommendations, Submission of copy of EPS Licence for Hazel Dormouse, CEMP for Biodiversity, Biodiversity Enhancement Strategy, Landscape and Ecological Management Plan (LEMP), Wildlife Sensitive Lighting Design Scheme.

OUTSIDE AGENCIES

3.8 Natural England: No Objection

A test borehole has been drilled and sufficient yield identified. Submitted information shows the borehole is not hydrologically connected to either the Wealden Greensand semi-confined aquifer or any other water dependant sites. If your authority is satisfied the boreholes can be secured in perpetuity, the development will not have an impact on the Arun Valley SPA, SAC and Ramsar site. Concur with Appropriate Assessment conclusions, providing mitigation measures appropriately secured.

3.9 WSCC Highways: No Objection

The LHA does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts, therefore is not contrary to NPPF. Therefore, no transport grounds to resist this proposal. Conditions: Access to be constructed, Visibility splays to be provided with no obstructions, Vehicle parking and turning, Cycle parking, Construction Management Plan.

Access in line with MfS standards, visibility splays achievable along both sides of A281. Police safety data reveals single incident of 'Slight' injury category in last 5 years, indicating site access operates in safe manner in its present form. Stage 1 Road Safety Audit: No concerns raised except for visibility splays kept free from overgrown vegetation (by condition). Swept path analysis demonstrates large vehicles can enter site, turn, and exit in forward gear. Parking sufficient to prevent overspill parking. Cycle parking provision. Trip Generation not anticipated to cause detrimental impact on operation of local highway network. Site is considered sustainable.

- 3.10 **WSSC Rights of Way:** No Objection
Link to footpath 1744, providing access to Cowfold and wider PROW network welcomed. Will increase footfall along PROW, therefore contribution sought to upgrade 230 metres of FP1744 to 2 metre all-weather surface. Resurfacing within Root Protection Zone so no dig construction required, and specification agreed under S278 Agreement.
- 3.11 **WSSC Local Lead Flood Authority:** Comment
Surface water flood risk very low. Area of proposed development at negligible risk from groundwater flooding. Works affecting flow of an ordinary watercourse will require ordinary watercourse consent. No records of historic surface water flooding within confines of site. Confirm storage calculations account for existing pond and proposed new pond.
- 3.12 **WSSC Fire and Rescue:** No Objection
Condition to show required fire hydrant(s)
- 3.13 **Archaeology Consultant:** No Objection
As site largely undeveloped, any below ground archaeological remains should be relatively undisturbed. Condition: submission of Archaeological Written Scheme of Investigation.
- 3.14 **Environment Agency:** No Objection
Subject to conditions: scheme to secure acceptable means of water supply and to secure foul water disposal, no borehole construction using penetrative methods unless agreed.
- 3.15 **Southern Water:** No Objection
Can facilitate water supply to site. Connection to water supply required.
- 3.16 **Sussex Police:** No Objection
Active frontage and natural overlooking. Parking off street on driveways with garages. Cycle stands recommended. Pedestrian routes be designed to prevent crime. Ground planting no higher than 1 metre. Site should be well lit.
- 3.17 **Cowfold Parish Council:** Comment
Neutral return. Expect requirements of Cowfold Neighbourhood Plan would be met, with reference to paragraph A281 access/egress. Policy 11 includes requirements for traffic calming measures and pedestrian/cycle access, with expectation of high quality, all weather illuminated walkways.

PUBLIC CONSULTATIONS

- 3.18 Representations have been received from a total of 36 separate addresses.

34 no. representations received in objection to the proposal, including a petition of 72 named individuals (but with no addresses or signatures provided), citing the below (summarised):

Principle

- Nothing short of madness. Under siege. Solar farms, Rampion and now housing. Cowfold should stay a village. Not aware of any apparent much needed local new homes. Overdevelopment. Sets precedent. SHELAA SA076 says 'NOT Currently Developable'. Preferable sites were SA609/SA610 and SA611.
- Potters is perfect instead. Neighbourhood plan defunct as made prior to water neutrality and should not be considered. Understand need for housing but first sort out traffic.
- No longer enjoy walking the village. Community space not easily accessible and will be an area of antisocial behaviour as no supervision. Focus should be on improving existing recreation space.

Landscape and Visual and Heritage

- Development creep. Harmful visual impact at edge of village. Reduces openness north around village. Detracts from rural character. Negatively affects wider setting of Conservation Area, Grade II Listed Red House, Barrington Cottage, Brookhill Cottage, and Brookhill. Little space between dwellings.
- Removal of trees, including subject to Preservation Order. Visibility at access would require substantial removal of trees and other vegetation. Architecture not historic to area. All buildings the same. Not countryside or Sussex style housing.

Traffic and Transport

- Will exacerbate already excessive and dangerous amount of traffic in village and local highway network causing horrendous delays. Transport Statement has no detail of assessing site specifically. Access onto A281 is dangerous, will add 70 cars using unsafe sharp turn as no roundabout is proposed, onto a congested racetrack on top of a hill with no visibility.
- Please do not underestimate how dangerous this is. Accident waiting to happen. We have not taken risk of turning north out of our driveway for many years. Will add to length of the rush period queues (southbound). 30 mph limit on Brookhill is rarely obeyed at this point. Moving 30 mph speed limit further north will have little/no impact. A281 junction with A272 is dangerous and congested particularly during peak hours. Not safe to walk into village as footway is 1 metre wide and rarely maintained with trees that do not get cut back due to 'greening' Cowfold.
- Footpath not suitable route during winter. Lack of lighting. Lack of parking in area. Parking in scheme inadequate. Tandem parking not practical. Cycle provision questionable. Thornden used as a rate run and school car park.

Air Quality

- Proposal will exacerbate already high air pollution with European Directive being broken. Contributes to people's poorer health. Will affect stonework of Listed Building. Traffic smell is horrible.

Biodiversity and Conservation

- Presence of wildlife, (deer, foxes, birds, buzzards, brown long eared bats, owls). Disturbance to natural pond. Goes against greening Cowfold. Destruction of habitats, including ancient woodland.

Inadequate village services

- Exacerbates existing overburdened GP surgery (closed to new patients, takes 4 weeks to get an appointment, shares staff with Partridge Green) and school. Limited services and facilities. Why are you building yet more houses in an area that 'cannot handle them'.

Drainage and Water Neutrality

- No flood risk assessment. If large pond on site is drained, flooding will substantially increase. Pond risk to children. Increased risk of flooding from surface water run-off onto Thornden, which has already happened (2019) and is susceptible (nos. 27 and 21 as ditch along boundaries gets waterlogged during heavy rain). Pond is on public land, who is responsible for maintenance?
- Unrealistic and will not be adhered to. Existing vegetation will be removed but not reseeded. Connected to same sewage system. Sewage came out from a manhole. Developer should be liable to damages. Water Neutrality is unresolved in district and should be determined by Natural England. If a power cut for the pumping station, what then?

Amenity

- Reduction in privacy to The Old Vicarage and properties along Thornden. Loss of natural light into gardens. Windows 10 metres from living room.

Procedure

- The Church stated this land is not for sale in Feb 2022 and kept everything secret. Someone from planning should visit and walk it themselves. De-values properties. No visualisations. Drawings generic.

1 no. representation received neither objecting nor supporting, content summarised below:

- School below average intake in recent years. Pubs and cafes would welcome new families. Subject to road safety improvements and footpath upgrade, would not object.

1 no. representation received in Support, content summarised below:

- Will boost the economy and open pedestrian access along Brook Hill

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

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 ASSESSMENT

Principle

6.1 Policies 2 and 3 of the Horsham District Planning Framework 2015 (HDPF/the Local Plan) seek to achieve a sustainable distribution of development in the district, and maintenance of the district's rural character, and this is partly achieved by focusing new development within defined Built up Area Boundaries (BUABs). The application site is located outside of the BUAB of Cowfold and is currently not allocated for residential development in the Development Plan. Insofar as Local Plan Policies 4 'Settlement Expansion' and 26 'Countryside Protection' set out criteria for consideration of development in such cases, the proposal would not be in conformance to these policies.

6.2 Where a proposal is not in accordance with the locational strategy for housing in the Development Plan, it is necessary to consider if any material considerations would otherwise justify the grant of planning permission. In the case of this development proposal, there are material considerations that your Officers judge as significant in justification to grant permission.

6.3 Firstly, Cowfold Parish Council has allocated the application site in its forthcoming Cowfold Neighbourhood Plan (CNP, 2019-2031); the south of the site for development for up to 35

residential units (draft Policy 11) and the north for community space. The CNP has been through the required rigger of public consultation and independent Examination in early 2021, which recommended that (subject to some minor amendments) the plan proceed to referendum (April 2021). In his Report, the Examiner of the Neighbourhood Plan judged the selection sites were modest and can be sensitively incorporated into the fabric of the village general and respect its heritage assets in particular (para 7.57). The Council's Decision Statement (September 2021) confirmed the plan can proceed to referendum which, unfortunately, has been delayed until the strategic offsetting solution to water neutrality is resolved. Despite not yet being formally 'made', Officers are of the view that, given its advanced stage, significant weight should be afforded to the policies and allocations contained with the CNP (including the allocation of this site) in decision making.

- 6.4 Secondly, the current Local Plan settlement strategy is over five years old and based on dated housing numbers, with the Council currently unable to demonstrable a 5-year supply of deliverable housing sites (5YHLS). The Council has therefore prepared a Facilitating Appropriate Development document (FAD, Oct 2022) for use in assessing proposals, including those outside BUABs. The FAD does not form part of the development plan but instead comprises guidance to be taken into consideration. Its use is however clearly intended to indicate where flexibility in relation to the location of development could be appropriate. In assessing the proposals against the FAD, the application site adjoins the BUAB of Cowfold on its southern edge and is reasonably well located for access to some local facilities. The locale and quantum of development proposed is judged commensurate with the scale and infrastructure provision of the scale and size of the village and its function (as the Examiner agreed in his report on the Neighbourhood Plan). It is considered the proposal therefore meets the criteria listed in the FAD.
- 6.5 Thirdly, the Council is unable to demonstrate a 5YHLS (the supply being 3 years as of Dec 2022). National Planning Policy (NPPF/the framework) dictates that this diminishes the weight afforded to Policies 4 and 26 of the Local Plan in decision making. National Policy also dictates that, at para 11d of the framework, the absence of a 5YHLS engages the 'tilted balance' presumption in favour of sustainable development in the determination of this application, provided the proposal would not add to the existing adverse impact of water abstraction on the wildlife sites in the Arun Valley (i.e., it is water neutral).
- 6.6 Some objectors refer to the site's identification as 'not developable' in the Strategic Housing and Economic Land Availability Assessment (SHELAA) with concerns expressed regarding the ridgeline; the proposal seeks to address this. The SHELAA is a process carried out to find possible land for development. The SHELAA does not preclude future allocation for development, or development coming forward if otherwise acceptable in all other regards. The allocation of sites for future housing development are identified through the Local Plan or Neighbourhood Plans. All planning applications continue to be considered against the appropriate policies and any other material considerations. It is noted that as part of the evidence base for the Local Plan Review, the site was identified with potential to mitigate identified 'unfavourable impacts' (Regulation 18 Site Assessment Report Feb 2020). At that time, the site had been identified by Cowfold Parish Council as part of its Neighbourhood Plan preparation work.
- 6.7 The Neighbourhood Plan Examiner agreed with Horsham District Council that the overall allocation of housing in the CNP was in proportion to the scale and size of the village and its function. This establishes a range from 40-70 new dwellings. Collectively, the two site allocations in the CNP will deliver these new housing numbers with any additional housing being met through windfall developments. The Examiner was satisfied that the approach to site selection was evidence-based and robust and underpinned by a professionally prepared assessment of housing needs. As a result, the applicant's proposal for 35 dwellings on this site is considered proportionate to the evidence base that supported this site's allocation for housing development. The Neighbourhood Plan Examiner in his Report was satisfied that the allocation of the site would constitute sustainable development (para 7.64); it is within

walking distance of the principal community and commercial facilities in the village and in the view of the Examiner, the policy itself includes a series of factors which will result in the sensitive and high-quality development of the site, with the following matters particularly noteworthy:

- that the vehicular access of Brook Hill provides traffic calming measures (criterion c);
- the site respects the ridgeline to the north of the proposed built development (criterion d);
- the package of measures to retain existing planting, to introduce new landscaping and to retain the trees in the proposed Bakers Shaw LGS to the immediate north and west (criteria e/f/g); and
- the provision of associated open space to the immediate north of the development part of the site (criterion i).

6.8 In summary, whilst the future site allocation currently does not form adopted Council policy, the weight afforded to the emerging Cowfold Neighbourhood Plan (and to the draft allocation) carries significant weight given its advanced stage having passed through examination. Further, the absence of a 5YHLS means the conflict with Policies 4 and 26 is diminished and that the tilted balance (NPPF Para 11d) towards a presumption in favour of sustainable development is engaged, provided water neutrality is demonstrated. Additionally, there is compliance with the FAD.

6.9 As such, the principle of development on the site is acceptable, subject to the detailed considerations as set out below to any site-specific constraints, and the detail of the scheme – including how it demonstrates accordance with the criterion of emerging CNP Policy 11.

Housing Mix and Affordable Housing

6.10 HDPF Policy 16 and emerging Cowfold Neighbourhood Plan (Policy 13) require a mix of housing sizes, types and tenures to meet the needs of the district and local communities and of the number of dwellings as proposed, that 35% of the provision be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure. The proposal is for on-site delivery of 12no. affordable housing units split at a ratio of 70:30 in favour of affordable rent, which is policy compliant.

6.11 The Council's Strategic Housing Market Assessment (SHMA, 2019) recommends an open market mix of 1, 2, 3 and 4-bed dwellings, at a target split of 5%, 30%, 40% and 25% respectively. The overall housing mix proposed, set out below, follows the recommended mix as outlined in the SHMA (2019) (1 bed 5.7%; 2 bed 28.5%; 3 bed 40%, 4 bed 25.7%) and is therefore acceptable. Emerging CNP Policy 13 is nonprescriptive on housing mix, reflecting the work carried out on housing needs in Cowfold parish (the Cowfold Housing Needs Report).

6.12 The proposed affordable provision equates to 4 units (33.3%) as intermediate tenure and 8 (66.6%) as affordable rented (12 in total as 35%). The unit breakdown of this is 2 x 1 bed, 4 x 2 bed, and 6 x 3 bed. The Council's Housing Officer has confirmed the affordable mix includes smaller units and broadly accords with the current demand figures on the Council's Housing Register for affordable provision. As of April 2023, the Housing Register for Cowfold comprises 132 households looking for homes in the village. According to the Housing Register, 1-bed and 3-bed homes are the most in demand in Cowfold. Policy 13: Housing Mix. The HDC Housing Officer supports this application.

6.13 As such, the proposed housing mix is judged compliant with HDPF policy 16. A Section 106 legal agreement has been drafted to secure this on-site affordable provision and tenure, and the registered provider who will take on the units, as per the requirements of HDPF Policy 16 and the accompanying Planning Obligations and Affordable Housing SPD.

Landscape Effects

- 6.14 The Council's Landscape Capacity Assessment (2021) identifies the landscape and visual sensitivities of the ridgeline and slopes within the site due to the prominence of the elevated landform and views northwards from them over the High Weald Area of Outstanding Natural Beauty (AONB). Existing woodland copses and field pattern tree belts are judged to have potential to provide some screening for new development, provided the development is located close to the existing settlement edge. The Council's assessment concludes the site has 'Low-Moderate' landscape capacity for small-scale housing, without resulting in unacceptable adverse landscape and visual impacts.
- 6.15 Aligned with this, emerging Policy 11 of the Cowfold Neighbourhood Plan requires a robust landscape buffer be provided to protect the character of the wider area, particularly to the west (wooded area and Public Right of Way), and to the north (open character defined by elevated ridgeline).
- 6.16 The proposed development would occur at the fringe of the village. Built form and land use interventions are evident strung out along the Brook Hill frontage in the vicinity of the site so the edge to the village is less marked at this point. The layout of the proposed scheme with its substantial set back of buildings would not add to this, albeit there would be a degree of sub-urbanising effect from the priority road junction and consequential vegetation removal (although this impact is tempered by opportunity for hedgerow reinstatement in closing up of the existing access).
- 6.17 Change in character of the land within the site (the existing open fields) would be perceivable from filtered views from the adjacent public right of way footpath. Remaining site boundaries are well screened, by trees and hedgerows, reducing intervisibility with the countryside beyond. These were some of the judgements of the applicant's Landscape and Visual Impact Assessment (LVIA) submitted in support of the proposal. The Council's Landscape Consultant does not dispute these nor the overall conclusions of the LVIA. There is agreement that, given the site typology and vegetated buffers, views of the proposal are limited if development is restricted to the lower areas of the site.
- 6.18 The submitted illustrative material is suggestive the public open space at the north end of the site is intended to function as a natural greenspace (as defined in the HDC Open Space, Sport and Recreation Review) with the majority of the land being retained as open pasture, rather than a manicured landscape, with new areas of wildflower grassland and a native species community orchard created towards the south boundary, and the historic field boundaries and hedgerows retained. There would impact on the natural landscape by way of paths, signage, interpretation boards, litter/dog waste bins and play areas, which may be necessary to meet the quality and accessibility standards for this type of open space. However, all this could be located at the entrances to the open space, filtered in the key views by the existing boundary landscaping. The play area is illustrated as a natural feature, against the southwest boundary of the open space, where it would be unlikely to be visually intrusive. As such, in relation to landscape impacts, the public open space could be provided, whilst respecting the natural qualities of the existing landscape.
- 6.19 In summary, the Council's Landscape Consultant does not object to the development subject to appropriate mitigations of negative landscape and visual effects and opportunities secured to enhance the landscape and visual resources. Precise details of several recommendations are subject to future agreement by condition or in the terms of the legal agreement. This includes planting schedule in the development itself and along the east site boundary; natural play features and seating in the public open space; and provision of a public right of way entrance from its north-west corner. It also includes restrictive covenants for those trees currently forming the central tree belt dividing the fields, and which would now be located outside of dwelling plots but still with canopy overhang into private gardens. The applicant has agreed to this as a clause within the legal agreement should planning permission be

forthcoming. Whilst the precise clause is to be finalised, the intention is to require future title holders of the properties to require the consent of a third party (in this case, the Management Company) to the carrying out of certain tree work, including branch removal and canopy cut back. This offers an additional layer of control to appropriate management of future works in safeguarding the amenity value of the trees.

- 6.20 As such, it is considered overall the landscape impact of the proposed development can be mitigated to an acceptable level and there is therefore accordance with emerging CNP Policy 11 and HDPF Policy 25 which seeks to protect landscape against inappropriate development, taking account landscape importance and individual settlement characteristics.

Highways and Access

- 6.21 Policy 11 of the emerging Cowfold Neighbourhood Plan requires development of the site to provide for safe access for pedestrians, cyclists and vehicles; traffic calming where necessary at the junction with the A281; illuminated, all weather, non-vehicular access to PROW 1744.

Construction Phase

- 6.22 West Sussex County Council in its capacity as the Local Highways Authority (LHA) confirms short term highways impacts during the construction phase can be minimised and controlled by the developer through the imposing of a Construction Management Plan. Some of the measures set out in the recommended condition can be addressed under separate legislation and/or are not enforceable so will not be carried forward by HDC officers. This includes the details of traffic construction routeing to and from the site.

Trips

- 6.23 A total of 17 two-way vehicle trips in the AM peak, 15 two-way trips in the PM peak and a total of 152 two-way trips are calculated as generated from the development throughout a typical day. The LHA confirms this level of trip generation is not anticipated to cause a detrimental impact on operation of the local highway network.

Access, Visibility and Turning

- 6.24 The primary site access accords with Manual for Streets standards, with visibility splays of 43 metres achievable along both sides of A281. The LHA consider that due to the unbalanced traffic flows along the A281 a roundabout junction is unlikely to be an appropriate access solution. The access solution that is proposed (a priority junction) has been subject to a Stage 1 Road Safety Audit which raised no concerns except for obstruction to visibility for drivers exiting. As such, the visibility splays must be kept free from overgrown vegetation. This can be controlled by condition. The internal layout provides direct access to all 35 dwellings, and swept path diagrams demonstrate large vehicles, including refuse, can enter the site, turn and exit in forward gear. Police safety data reveals a single incident of 'Slight' injury category caused in the last 5 years, indicating the site access operates in a safe manner in its present form. No objection is raised by the Local Highways Authority regarding safety related to the new site access.
- 6.25 Traffic calming measures at the junction with the A281 (Brook Hill) includes extension of the existing 30mph zone to the north of the site access by 230m, erection of new speed signage, countdown markers on the road surface of the southbound approach to the extended 30mph speed limit, and 'Slow' markings and coloured surface treatment on the road surface. The implementation of these measures would be secured through a s278 highways agreement with WSCC. The measures are considered sufficient to meet the criterion test of emerging CNP Policy 11.

Pedestrian Links and Sustainability

- 6.26 A pedestrian footway is provided along the south side of the new access road, which connects to the existing footpath running alongside the A281 south towards existing services and facilities within Cowfold village (school etc). Bus stops (serving route 17 between Brighton and Horsham) are located approximately 250 - 300 metres of the site. As such, the LHA has confirmed the site is sustainably located in transport terms.
- 6.27 The proposal involves new pedestrian links to Public Right of Way (PROW) 1744 at two separate points, providing access from the development to the village services and facilities of Cowfold and wider countryside pursuits. There is commitment to a third pedestrian link (details to be agreed) from the public open space onto the PROW 1744 secured by condition. The provision of these links accord with the requirement of emerging Policy 11 of the CNP and are welcomed by the PROW Team at WSCC. Design details of the links can be secured by condition to ensure these are designed with all-weather surfacing and illuminated. Additionally, given a likely increase in footfall along this route, the applicant has agreed, as required by WSCC PROW, to the surface of a 230m stretch of PROW 1744 being upgraded to a 2m width.

Parking

- 6.28 A total of 91 allocated parking spaces would serve the 35 dwellings, with an additional 12no spaces for visitor parking (a total of 103 spaces). This is an increased provision compared to the original proposal of 79 spaces, accompanied without detriment to the design merit of the scheme. The latest provision is in excess of the requirements of the WSCC Guidance Parking at New Developments, which seek to prevent parking overspill onto nearby roads and no objection is raised by the LHA.
- 6.28 It is acknowledged 103 spaces is short of emerging CNP Policy 16 which seeks provision above the WSSC minimum (requiring 122 spaces in total). These higher standards are evidence-based to the satisfaction of the Neighbourhood Plan Examiner and meets the basic conditions applied to Neighbourhood Plan examination. However, the WSCC parking guidance is equally evidence-based and last updated 2020. Using the WSCC parking demand calculator, the site lies within Parking Behaviour Zone 1 (devised from expected levels of parking demand in 2033 for different sizes of dwelling in the site location and context) and the recommended parking provision would be 75.1 spaces serving all 35 units.
- 6.29 On balance, your Officers judge the proposed provision sufficient as it exceeds the WSCC standards, and the LHA raises no objection. There is no evidence that a parking provision that meets the County standard is unsafe for the purposes of the NPPF test for 'severe' cumulative impacts (i.e. in respect of resultant parking overspill onto the highway network). This includes having consideration of parking demand generated by people accessing the new public open space by car. Likewise, cycle and EV provision, which would be secured by planning condition, are acceptable.

Summary

- 6.30 The LHA does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts, therefore it is not contrary to NPPF paragraphs 110 -113. Therefore, there are no transport grounds to resist this proposal. This is subject to recommended conditions, including access to be constructed, visibility splays to be provided with no obstructions, vehicle parking and turning, cycle parking, and construction management details. The applicant is also required to enter into a s278 agreement with WSCC to secure detailed design for the A281 traffic calming measures and required improvement works to PROW 1744. Officers have no reason to disagree with this conclusion and recommend that the proposal therefore accords with Policies 40 and 41 of the HDPF.

Heritage

- 6.31 Recent fieldwork in the wider area has demonstrated potential for unexplored areas to contain significant archaeological deposits and as the site is largely undeveloped since historic mapping began, the Council's Consultant Archaeologist recommends a condition be imposed to secure submission of an Archaeological Written Scheme of Investigation (WSI) to ascertain whether any remaining deposits are likely on site and if so, the method by which they will be investigated.
- 6.32 The site does not contain or lie within the setting of designated heritage assets. This includes Cowfold Conservation Area. Barrington House and The Red House, both Grade II listed, on the east side of the A281, are over 100 metres distant from site. The Council's Conservation Officer identifies no heritage harm to these assets (directly or indirectly) arising the proposed development.
- 6.33 'The Old Vicarage' lies west of the proposed development. This Edwardian building is judged by the Council's Conservation Officer to be a non-designated heritage asset due to its 'middling' architectural and historic interest. National Policy requires decision makers to consider the significance of a non-designated heritage assets and their settings. The proposal has responded to its setting by retaining a respectful space around the curtilage of the vicarage and avoiding new build along the access road, to retain a sense of openness. As such, the Council's Senior Conservation Officer raises no objection to the proposal on heritage grounds.
- 6.34 In summary, subject to condition securing an Archaeological WSI, the proposed development is not considered to result in harm to the historic environment or to any nearby heritage assets and accords with Policy 34 of the HDPF and the requirements of Chapter 16 of the NPPF.

Design and Amenity

- 6.35 Land uses of the proposed scheme are distributed across the site in full accordance with the allocation of the site in Policy 11 of the emerging CNP, as shown the Policies Map; the north is put over to public open space and play equipment whilst housing and supporting infrastructure (road and drainage) is confined to the south.
- 6.36 Public accessibility to the open space to the north end of site is promoted with new pedestrian links to the nearby Public Right of Way, circular walks (mown paths through the meadows), a community orchard, and naturalistic play equipment. Full details of these provisions and the transfer arrangements for the long-term management and maintenance plan of this public open space to the Parish Council or their nominated body would be secured via a s106 agreement (as required by Policy 11 (part i)). This plan should demonstrate the open space would qualify as the natural and semi-natural greenspace as defined and prescribed in the accessibility and quality standards in the HDC Open Space, Sport and Recreation Review (OSR). The plan should, at a minimum, demonstrate integration of landscape, biodiversity and arboriculturally considerations; include aims and objectives; a description of landscape components; management prescriptions; details of maintenance operations and their timing; details of the parties/organisations who will maintain and manage the site, and a timetable for its implementation.
- 6.37 The extent of developable area at the south end of site has been informed by the constraints and opportunities imposed by existing landscape features (built and natural). The scheme layout is judged a positive responsive to these. Landscape buffers of appropriate nature and size and locations are proposed, including the north-west corner, thereby avoiding unacceptable adverse impact on the prospective Baker's Shaw Local Green Space. Existing mature trees and hedgerows are incorporated sympathetically into the scheme, including the

mature tree belt dividing the two fields. In this regard, the proposal complies with emerging CNP Policy 2 which sets to safeguard existing green infrastructure and supports proposals for new green infrastructure.

- 6.38 In terms of how the proposed scheme integrates with the development pattern of the existing village, based on the southern area of 2.8Ha, the overall development density would be around 12 dwellings per hectare (dph). Existing housing to the south at Thornden is around 9dph. The accentuated loop road in the new development does reflect the street curvature of Thornden. Whilst plot sizes and shapes in the new development would differ compared to the generous gardens of the individualised properties comprising Thornden, the proposed development does reflect the tighter suburban character and layout of the more modern estate housing at the southern end of the village. In part, this is a response to Government dictate to making efficient use of land as instructed by National Policy.
- 6.39 The architectural approach to the new development, including materials and finishes of the house types, is reflective of the existing character of Cowfold and of certain attributes of local vernacular, although further opportunity for refinement has been identified by your Officers. This is not to seek to fundamentally change building types, which are acceptable, but improve upon the current aesthetic on minor matters such as fenestration and door arrangements to add interest to certain public facing elevations of prominent dwelling units, and the applicant has agreed to further negotiation on such detailing and embellishment by condition. Solar panels are shown to rear roof slopes and their inclusion is supported.

Amenity

- 6.40 Across the range of sensitive receptors, adverse impacts from the construction phase of the development (noise, dust etc) can be minimised and controlled by the developer through a condition requiring construction site setup details. Noise and disturbance at operational phase (occupation of the dwellings) arising from coming and goings associated with development would be within tolerance.
- *But-n-Ben; The Vicarage and Old Vicarage*
- 6.41 These dwellinghouses are sufficiently distant from the new development to negate adverse overbearing and overshadowing and although new mutual overlooking would arise from the new cul-de-sac properties onto The Vicarage, given the orientation of this property (flank to rear relationship) and the garden-to-garden distance, the resultant degree of overlooking onto the occupiers of all three properties would not be unacceptable and not untypical of suburban tolerance.
- *Thornden*
- 6.42 Northerly outlook for existing dwellings in Thornden would change resultant of the development but impacts onto the amenities of these neighbours (overbearing and overshadowing) would not be adverse or unacceptable (overlooking and loss of privacy). This applies to those neighbouring properties with the most sensitive relationship to the new development to the new dwellings (Plot 7/No.11 Thornden and Plot 35/Nos. 27 & 29 Thornden), whereby the combined effect of separation distances (around 25 metres), building orientations and boundary treatments, and intervening vegetation screening, are sufficient to negate intrusive intervisibility.
- *Future Occupants*
- 6.43 Each new property benefits from private amenity space and allocated parking. The layout of the proposed dwellings is appropriate with regards to their impact on each other's living conditions, including mutual intervisibility.

- *Public Open Space*

- 6.44 As submitted, the intended function of the children's play equipment and the open space is not explicit in referencing compliance with the standards in the HDC Open Space, Sport and Recreation Review (OSR) (2021). However, the naturalised play equipment is suggestive of Local Area of Play (LAP) with illustrative material of the north of the site is reflective of natural greenspace and semi-natural open space. The development site taken as a whole is large enough to accommodate open spaces of sufficient size for each function in line with the standards, as part of a detailed layout that could be conditioned for agreement as part of the Management and Maintenance Plan for the Public Open Space. This space is large enough to make a sizeable contribution to this type of open space in Cowfold, including rectifying any existing deficiency. This would offset the absence of any formal parks and gardens space within the proposed development, which the OSR standards would otherwise expect (but may not be acceptable from the perspective of landscape impacts).

Trees

- 6.45 No trees on the site or close to its boundaries are subject to Preservation Order. The access road will necessitate loss of some existing hedgerow along the A281 Brook Hill. Several trees will be removed (T20, T22, T25, T50), all Ash and judged susceptible to failure.
- 6.46 The Council's Tree Officer is satisfied the new roads respect the minimum root protection areas (RPA) of existing trees, except for T59 (Oak) as the footway encroaches partially into its RPA. Following amendment to the plan layout, the large Oak (T57) previously identified as under pressure to fell owing to its large canopy and position over three gardens, is now outside of private curtilage. This tree, and those others that form this mature tree belt, has now been allotted suitable and satisfactory space to allow its continued expansion in size, as well as offering respect to its high level of amenity value.
- 6.47 Existing trees along the south boundary are to be retained, and the proposed attenuation pond respects their minimum RPA. Footpath construction above existing ground levels along the west site boundary can avoid undue harm to the western tree belt.
- 6.48 Whilst minor RPA encroachments and future pressures are identified, the Council's Tree Officer raises no overall objection, subject to conditions to ensure trees are protected and retained where necessary.

Summary

- 6.49 With the preceding paragraphs in mind, the proposed development is not considered to result in adverse harm to the amenities of the existing neighbouring and future occupants, in accordance with HDPF Policy 33. The proposal would increase access to open space within the countryside and provide new opportunities for the local community and visitors to experience views of the High Weald AONB. As such, the public open space would represent a significant public benefit, and the proposal accords with emerging CNP Policies 5 and 7 by providing informal open space to enhance new facilities for young people, including children's play areas.
- 6.50 In summary on design matters, subject to conditions to continue negotiations on refinement of architectural detail and control the precise specifications of the materials to be used, the development achieves good design and of high quality to accord with the development principles set out in Policies 32 and 33 of the HDPF, and Policies 9 and 11 of the emerging Cowfold Neighbourhood Plan. It satisfies NPPF requirements at Chapter 12 (well-designed places).

Ecology

Protected and Priority Habitats and Species

- 6.51 A suite of ecology material supports this application, including an Ecological Impact Assessment (April 2021), Preliminary Ecological Appraisal (Updated January 2023), and species surveys for Hazel Dormouse, Great Crested Newts, Reptiles, and Bats.
- 6.52 The Council's Consultant Ecologist is satisfied with the survey work conclusions, supporting the submitted reptile enhancement strategy and (noting the dormouse presence on site (Dormouse Survey May 2023)), recommending copy of the required European Protected Species Mitigation Licence for Hazel Dormouse. The recommendation to maintain and enhance habitats for bats, and to implement a wildlife friendly lighting scheme across the site are also supported. These outcomes can be secured by recommended conditions: Accordance with Ecological Appraisal Recommendations, Submission of copy of EPS Licence for Hazel Dormouse, CEMP for Biodiversity, Biodiversity Enhancement Strategy, Landscape and Ecological Management Plan (LEMP), and Wildlife Sensitive Lighting Design Scheme.
- 6.53 The Ecologist is satisfied the proposals secure reasonable biodiversity enhancement. -. In this regard, the proposal complies with emerging CNP Policy 2 which sets out delivery of a net gain in Biodiversity. To be clear, achieving 10% net gain is not a policy or national requirement currently. The proposal has been assessed by the Council's consultant Ecologist who has raised no objections subject to conditions. The ecologist's suite of recommended conditions includes the submission of a Biodiversity Enhancement Strategy which will require the Applicant to submit details of enhancement measures in accordance with the Council's Biodiversity and Green Infrastructure Planning Advice Note which requires Biodiversity net gain improvements.
- 6.54 Subject to inclusion of the necessary planning conditions to secure biodiversity protection and enhancement measures across the site, the proposal is in accordance with Policy 31 of the HDPF and paragraphs 174 and 180 of the NPPF.

Water Neutrality

- 6.55 Horsham District is supplied with water by Southern Water from its Sussex North Water Resource Zone. This supply is sourced from groundwater abstraction in the Arun Valley, including Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site (the 'Arun Valley Sites') at Hardham (near Pulborough). Natural England has advised water abstraction for drinking water supplies is having a negative impact on the Arun Valley Sites and that any new development must not add to this negative impact, and one way to achieve this, is to demonstrate water neutrality.
- 6.56 Decision makers must, as competent authority, ensure compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). This is reflected in national policy (NPPF para. 180).
- 6.57 To demonstrate water neutrality (the use of water in the supply area before the development is the same or lower after the development is in place), the applicant has evidenced a suite of submitted material, including their Water Neutrality Statement (D+M Planning Updated June 2023), accompanied by a Flood Risk Assessment and Water Neutrality Assessment (Price & Myers, September 2022) which contains at Chapter 8 a Water Neutrality Assessment and Appendix E a Borehole Feasibility Study (SWECO, June 2022). Additional evidence pertaining to the proposed treated borehole system was received June this year; letters and email responses 24th March 2023 and 4th Nov 2022; Private Water Supply at Brook Hill Site – Borehole Water Treatment System Conceptual Design, Operation &

Maintenance – Rev A 22/06/23 by Invicta Water Treatment; and SAMPLE ANALYSIS CERTIFICATE by Portsmouth Water Ltd).

- 6.58 This suite of technical evidence reflects the applicant's engagement with your planning and Environmental Health Officers to seek to secure an acceptable strategy, informed by advice from Natural England. The robustness of the evidence presented by applicant has been the subject of scrutiny by your Officers, which resulted in removal of a suggested domestic greywater recycling system to supply water from an onsite pond from the strategy. The applicant has also had to submit details of the water treatment system following drill testing data results for assessment by an independent expert consultant, Membrane Consultancy, under instruction from the Council.

Applicant's Water Neutrality Strategy

- *Fixtures and fittings and water reuse*

- 6.59 The baseline water usage of this greenfield site is nil. Without mitigation, the proposed water consumption for 35 dwellings is calculated at 11,037 litres per day. Water efficient fixtures and fittings in each dwelling would reduce water consumption to 85 litres per person per day, resulting in a reduced consumption of 6,949 litres per day.

- *Borehole*

- 6.60 The residual water demand of 6,949 litres per day would be supplied by water abstracted from a private borehole on-site. This treated borehole, located to the north of the proposed access road, would drill into a Secondary A Aquifer that is hydrologically separate from the Primary Aquifer that serves the Hardham abstraction point. The borehole would have capacity to yield around 60,000 litres (60 cubic metres) per day. This yield would far exceed the residue 6.9 cubic metres per day required to make the development water neutral, and results in a significant surplus.

Council's Appropriate Assessment

- 6.61 The Council, as competent authority under the Habitat Regulations, has assessed the applicant's water neutrality proposal. As required it has completed an HRA Appropriate Assessment (AA), with favourable conclusion. To successfully pass through AA the applicant has been required to provide further precise and definitive findings and conclusions to ensure no reasonable scientific doubt as to the effects of the proposal. Vague, incomplete or ambiguous data will not have been sufficient.
- 6.62 Reduction of water usage through water efficient fixtures and fittings to each dwelling is an acceptable approach to towards achieving water neutrality. Appropriately worded conditions will secure evidence of installation in perpetuity.
- 6.63 Private boreholes can provide a suitable source of water (drinking and non-drinking) to achieve water neutrality. The applicant has engaged with your Officers to provide the significant level of survey work required to support such a proposal. Any measures proposed to achieve water neutrality must be certain and secure to avoid any risk of impact on the designated sites, and the applicant has followed the Council's guidance prepared in consultation with the Environment Agency and Natural England.

- *Groundwater Resources*

- 6.64 It has been evidenced the on-site borehole would be sunk into a Secondary A Aquifer, and therefore not affect the Primary Aquifer serving Hardham, with sufficient evidence that the abstraction of water from the borehole would not be hydrologically connected (directly or indirectly) to take water from the Arun Valley sites. The on-site borehole would be required

to be drilled to a depth below ground level to reach the Upper Tunbridge Wells Formation which is evidenced to have good water quality.

- *'Headroom' Yield*

6.65 To demonstrate this, the applicant has submitted borehole testing results (drilled August 2022 striking water at 57m depth and abstracted 2.5 cubic metres an hour, for 2 hours) which demonstrates sufficient yield in the Secondary A Aquifer to serve the residue requirements of the development reliably year-by-year, even in the driest months of the year.

6.66 This submitted evidence demonstrates the borehole would yield a much greater volume of water than the residue demands the development requires. This significant surplus volume water increases certainty that the precautionary principle in HRA procedure is addressed and adds to credibility of the water neutrality measures.

- *Groundwater Quality*

6.67 The quality and safety of private water supplies is controlled by the Private Water Supplies (England) Regulations 2016 (as amended) and is regulated by the Council's Environmental Health team. The applicant has undertaken a water quality assessment from the test borehole and the measures to ensure the water quality is acceptable for drinkable consumption has been provided. The applicant's proposal is to install a reverse osmosis (RO) treatment system for the supply since the source water is too saline for drinking water use. Under instruction from the Council, an independent expert consultant, Membrane Consultancy, has assessed the submitted evidence of this proposal, and reported his conclusions to the Council (Membrane Consultancy Associated Ltd 'Review of a Water Source Proposal for Brook Hill Borehole' dated 24.10.23).

6.68 The consultant concludes that RO is a suitable technology for Brook Hill and that the applicant has engaged an experienced RO system supplier and has proposed a credible and potentially effective system. Through planning conditions proposed by the Council's Environmental Health officer details of long-term management, maintenance and monitoring of the private water supply will be required, including responsibility for maintenance, servicing, and cleaning of the infrastructure and steps taken in event of equipment failure to ensure continuity of supply. Having sought the advice of the external consultant, the Council's Environmental Health officer (who ultimately is responsible for regulating this private water supply) is of the view that the risk assessing, testing and maintenance of the private water supply can be secured through conditions and as such raises no objection. The borehole would require the creation of Source Protection Zone, and it can be conditioned that the applicant evidence that all affected landowners have been notified of this.

- *Summary*

6.69 The Council has completed the HRA exercise and its Appropriate Assessment concludes that subject to conditions and obligations to be secured in a legal agreement, the project will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects. Natural England concurs with the findings and conclusions of the Council, subject to all mitigation measures being appropriately secured, and raises no objection on this basis.

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

Other Matters

Drainage and Flood Risk

- 6.71 WSCC in its capacity as Local Lead Flood Authority (LLFA) confirms the site is in an area of low flood risk (Environment Agency Flood Zone 1), is at very low risk from surface water flooding, negligible risk from groundwater flooding, with no records of historic surface water flooding. Southern Water has advised that both a foul water connection and a water supply can be facilitated at the site (subject to an application to formally connect).
- 6.72 Both the Council's Drainage Engineer and LLFA have raised no overall objection to the proposed drainage strategy in the submitted Flood Risk Assessment and Drainage Strategy, subject to further evidence that discharge of surface water to the existing pond is fit for purpose (including water storage calculations accounting for the existing pond and proposed new pond). As such, a condition securing detailed drainage design and such calculations will be imposed in event of approval. The development can therefore be satisfactorily accommodated without increasing flood risk elsewhere, in accordance with Chapter 14 of the NPPF, HDPF Policy 38, and emerging CNP Policy 1 which supports sustainable drainage techniques, subject to planning conditions.

Contamination and Source Protection Zone

- 6.73 A Phase 1 Preliminary Ground Assessment has been submitted. The Council's Environmental Health is satisfied with the recommendations that a further site investigation be undertaken to fully quantify the risks to future site users, to be secured by condition.
- 6.74 The submitted Flood Risk Assessment & Water Neutrality Assessment (Revision 2, Price & Myers, dated 20th September 2022) has provided the Environment Agency with confidence that it will be possible to suitably manage risks posed to groundwater resources by the proposed development (which is particularly sensitive in this location as the site is located within Secondary Aquifer A). The Environment Agency is satisfied with the proposal subject to imposing of conditions to secure acceptable means of water supply and foul water disposal and requiring penetrative methods to the future borehole construction.

Air Quality

- 6.75 The site is located around 130m to the edge of the Cowfold Air Quality Management Area (AQMA). Having regard to the Air Quality and Emissions Mitigation Guidance for Sussex (2021) the development's effects on air quality must be considered. To that end, the applicant has submitted an Air Quality Assessment (AQA) identifying the main source of emissions from the development to be from construction vehicles and dust and traffic during the operational phase. The AQA calculates a damage cost from the development of £3,327.
- 6.76 Mitigation measures set out in the AQA for the construction phase are acceptable to Environmental Health (including dust suppression equipment). In mitigation at operational phase, the AQA proposes EV charging points or alternative measures, including bike purchase vouchers and public transport subsidies to residents. In assessing the acceptability of such, duplication of measures normally required through other regimes should be avoided. Given the Building Regulations Approved Document S already requires onsite EV charging, the use of EV charging points to address air quality is not recommended unless these are offsite to support the EV Charging Network and Delivery Plans for the local area. Similarly, cycle parking and shelters are not supported. Your Officers continue to negotiate on acceptable measures at operational phase, and it is proposed an Air Quality Management Plan be secured by condition to secure precise and costed mitigation.

Minerals Sterilisation

- 6.77 The site is in the Mineral Safeguarding Area for Weald Clay (Brick Clay) and Building Stone (Horsham Stone). The application is supported by a Minerals Resource Assessment. This concludes that given the site proximity to residential housing, mineral extraction is not practicable or environmentally feasible. West Sussex County Council in its capacity as Minerals Authority does not object to the proposal if the overriding need for the development outweighs the importance of safeguarding the minerals.
- 6.78 Owing to the limited site area and relatively low priority of the Weald Clay resource, your Officers are satisfied the overriding need for housing development outweighs the importance of safeguarding the brick clay mineral. Building Stone is less abundant and of importance for historic building repairs and local vernacular styles in new builds. The applicant's Minerals Resource Assessment has not ruled out presence of Building Stone so it would be reasonable to secure written assessment of the extent, volume, and practicability for incidental extraction of Horsham Stone, based on detailed ground investigations; and a methodology for any extraction (An 'Incidental Extraction Plan'). With this secured by condition, your Officers are satisfied there is policy compliance.

Climate Change

- 6.79 HDPF Policies 35, 36 and 37 require development contributes to mitigating the impacts of climate change through measures including improved energy efficiency. This application is accompanied by an Energy Efficiency Feasibility report detailing measures in the design of the site. Predicted energy performance calculations for each dwelling type demonstrate all are predicted with a 'B' rating for energy efficiency. All will have solar panels. As such, the application will suitably accord with local and national policy.

Infrastructure and S106 Legal Agreement

- 6.80 HDPF Policy 37 and emerging CNP Policy 15 expects the provision of high-speed broadband access for new homes, which could be secured by condition. The development would be liable for a payment under HDC's Community Infrastructure Levy Charging Schedule, which would contribute to the improvement of local infrastructure, such as education or healthcare facilities. To ensure all proposed dwellings are within 150 metres of a fire hydrant for the supply of water for firefighting, WSCC Fire and Rescue has requested fire hydrant(s) detail by condition. This would comply with the expectations of HDPF Policy 39.
- 6.81 The various obligations/contributions discussed in the preceding paragraphs are the minimum required to mitigate the development impact on infrastructure under Policy 39 (as supported by the Planning Obligations SPD). A s106 legal agreement is currently being drafted and will include obligation on the owner to provide the provision of 35% affordable housing (12no units) at an agreed tenure split between Shared Ownership units and Affordable Rent units to reflect local need; upgrades to Public Right of Way 1744; and transfer of the public open space to the Parish Council or their nominated body, together with details of its management and maintenance.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
Erection of 35 dwellings with associated engineering operations and works	4,596m ²	0m ²	4,596m ²
	Total Gain		4,596m²
	Total Demolition		0m²

- 6.83 Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change. Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development. In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Conclusion and Planning Balance

- 6.84 The Council's housing land supply position stands at 3 years which represents a significant shortfall and means the Council is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, the Local Plan policies which are the most important for determining this application are deemed out of date. In such circumstances, as the development has demonstrated water neutrality, paragraph 11d)(ii) of the Framework indicates that permission should be granted unless 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.
- 6.85 In light of this, the provision of 35 dwellings would make a notable contribution to the district's housing needs. The scheme would provide a housing mix in line with the needs of the area and there is no reason why the scheme could not be deliverable in the short term. As such, the benefits of housing in this case carry very significant weight.
- 6.86 The provision of affordable housing would be in line with planning policy requirements. Moreover, recent affordable housing delivery has been significantly below the area's need. The proposed children's play area and public open space would also provide wider community and recreational benefits beyond serving just the needs of the development. The emerging Cowfold Neighbourhood Plan prescribes no alternative means by which this public open space will be delivered other than coming forward in association with development of the site. Granting permission now in association with this proposal would bring forward its delivery. Overall, these social benefits carry significant weight in favour.
- 6.87 Environmental benefits in this case include enhancement and long-term management of the buffer zone adjacent to the Public Right of Way. As a result of these measures, along with other landscaping within the housing portion of the site, there would be biodiversity enhancements. These environmental benefits weigh significantly in favour of the scheme.
- 6.88 The benefits to the economy during construction and indirectly through an increase in local spending by future residents of the scheme carries moderate weight in favour. The proposal would provide suitable living conditions for future occupiers of the development. This matter attracts limited weight in favour.
- 6.89 Improvements of the existing Public Right of Way and traffic calming measures on the A281 is proposed. These improvements would address the requirements of the Framework by promoting walking and public transport and would result in moderate benefits. Their weighting reflects the fact these benefits would be secured in advance of adoption of the CNP whereby at which time they would be mere compliance with policy.
- 6.90 The Highways Authority is satisfied the site would be safely accessed without harm to the operational use of the highway network. Appropriate ecological mitigations for protected and

priority habitats and species are agreed by the Council's Ecologist. No resultant adverse risks are identified related to drainage of the scheme. All these outcomes are afforded neutral weight.

- 6.91 Turning to harms, whilst the development would cause some harm to the area's character and appearance if only, due to its sympathetic layout and design and secured mitigations, by reason of permeant and irreversible change to the countryside. Whilst there is harm arising from non-conformance with current local plan policies relating to the site being located outside the settlement boundary, the development would be reasonably well located for access to the local facilities. This consideration carries some weight, as there is a need to find a suitable location for housing development and the harm with non-conformance carries diminished weight due to the Council's deficient housing land supply position. Importantly, none of these harms are judged by your Officers to be significant and demonstrable as required for decision-taking under para. 11d of the NPPF.
- 6.92 Having regard to material considerations that would justify the grant of planning permission, significant weight must be given to the allocation of this site within the emerging Cowfold Neighbourhood Plan (CNP), which has passed through examination. The proposed development is in full compliance with the draft allocation for housing and the policies of the CNP (except for minimum local parking standards) and the CNP taken as a whole. The proposal also accords with the criterion of the Facilitating Appropriate Development (FAD) advice note which also carries weight in favour of the proposal.
- 6.93 Officers therefore recommend that, subject to the conditions listed below and the completion of a s106 legal agreement, the application should be granted planning approval.

7. RECOMMENDATIONS

- 7.1 To approve full planning permission subject to the conditions listed below and the completion of a Section 106 Legal Agreement.
- 7.2 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.

Conditions

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

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

3. **Pre-Commencement Condition:** The development hereby approved shall not commence until the following construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following measures:
 - i. Details of site management contact details and responsibilities;
 - ii. A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
 - a. location of site compound,
 - b. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
 - c. site offices (including location, height, size and appearance),
 - d. location of site access points for construction vehicles,

- e. location of on-site parking,
 - f. locations and details for the provision of wheel washing facilities and dust suppression facilities
- iii. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
 - iv. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

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

Reason: To conserve protected and Priority species in accordance with Policy 31 of the Horsham District Planning Framework 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).

4. 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).

5. Pre-Commencement Condition: No development shall commence until a scheme for the incidental extraction of the safeguarded mineral resources underlying the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to:

- i. an assessment of the extent, volume and practicability for incidental extraction, which shall be based on detailed ground investigations; and,
- ii. the methodology for which any identified incidental mineral extraction would be carried out, which shall include a detailed programme/phasing of extraction, the recording and monitoring of any safeguarded resource extracted and details of the proposed destination/use of the mineral.

Reason: To ensure the incidental extraction and recovery of any underlying safeguarded mineral resource, where practicable, in accordance with Policy 24 of the Horsham District Planning Framework and Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP) and the National Planning Policy Framework.

6. Pre-Commencement Condition: No development shall commence until a mitigation scheme, undertaken by a suitably qualified and competent consultant, has been submitted to and been approved in writing by the Local Planning Authority that demonstrates how the water from the borehole(s) will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall implement the recommendations detailed in the Membrane Consultancy Associated Ltd 'Review of a Water Source Proposal for Brook Hill Borehole' dated 24.10.23 and shall ensure that the components of the proposed treatment system are

compliant with Regulation 31 of The Water Supply (Water Quality) Regulations 2016 (or subsequent superseding equivalent) and Water Regulations Approval Scheme (or subsequent superseding equivalent). The mitigation scheme shall be implemented in full prior to first occupation of any dwelling and shall be retained and maintained at all times 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).

7. Pre-Commencement Condition: No development shall commence until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the Local Planning Authority. The PWSMP shall include, but not necessarily be limited to, the following information:

- Detail on the sampling and testing regime, undertake in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), with detail on how any failure of any samples will be investigated and managed.
- Confirmation that a Regulation 6 risk assessment (or subsequent superseding equivalent), undertaken by a suitably competent and experienced person in accordance with relevant guidance and statutory requirements, shall be undertaken before the private water supply is brought into use and at least once every five years thereafter with the findings of the risk assessment submitted to the LPA.
- Detail on the maintenance, servicing and cleaning of the pump, pumphouse, water treatment equipment, tanks, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of use.
- Full specifications and details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, maintenance and for making these records available to Local Authority officers when reasonably requested.
- A named person for residents to contact (24/7) in an event of a failure or issue with the private water supply (to be approved in writing by the Local Planning Authority);

The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority.

Any necessary changes to the management plan shall be agreed in writing by the local planning authority and the premises shall operate in accordance with the revised management plan 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).

8. Pre-Commencement Condition: No development shall commence until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the

application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

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

- 9. Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10. Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:
- i. All trees on the site shown for retention on approved Tree Protection Plan drawing 1689-KC-XX-YTREE-TPP01 Rev 0, as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
 - ii. Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
 - iii. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site and to ensure a satisfactory development that is sympathetic to the landscape character of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11. Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

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

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

- 12. Pre-Commencement Condition:** Any works which will impact the breeding / resting place of Hazel Dormouse shall not commence unless the Local Planning Authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

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

- 13. Pre-Commencement Condition:** No development shall commence until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- Purpose and conservation objectives for the proposed enhancement measures;
 - Detailed designs to achieve stated objectives;
 - Locations of proposed enhancement measures by appropriate maps and plans;
 - Persons responsible for implementing the enhancement measures;
 - Details of initial aftercare and long-term maintenance (where relevant).

The works shall have regard to the Horsham District Council 'Biodiversity and Green Infrastructure' Planning Advice Note (October 2022) -. The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

- 14. Pre-Commencement Condition:** No works related to external lighting shall commence 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: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 15. 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 in consultation with the

Environment Agency, Southern Water and Local Lead Flood Authority. The means of disposal shall be informed by the submitted Flood Risk Assessment & Water Neutrality Assessment (Revision 2, Price & Myers, dated 20th September 2022) and secure an acceptable means of water supply and secure foul water disposal and include a maintenance programme of the facilities to be provided.

As part of the details required, a Surface Water Drainage Scheme should be submitted (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) which should demonstrate how surface water run off would be disposed of with storage calculations to account for the existing pond and proposed new pond. The development shall be fully implemented and subsequently maintained in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development, including groundwater abstraction, does not harm the water environment in line with paragraph 174 of the National Planning Policy Framework and Position Statement N5 of the Environment Agency's approach to groundwater protection, to ensure the development is properly drained, and to prevent increased risk of flooding, in accordance with Policies 24 and 38 of the Horsham District Planning Framework (2015).

- 16. 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 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).

- 17. Pre-commencement (Slab Level) Condition:** Notwithstanding the plans hereby approved, no development above ground floor slab level of any of the buildings hereby permitted shall take place until revision to the house type designs have been submitted to and approved in writing by the local planning authority and works must not be executed other than in complete accordance with these approved details. The revisions shall include architectural detailing to reflect local distinctiveness in relation to roof ridge, hips, valleys, eaves, verges, bargeboards; chimneys; samples or specifications of external materials and surface finishes including walls, windows, roofs and doors.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and local distinctiveness in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 18. Pre-Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of

condition 17(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 17(b), unless otherwise agreed in writing by 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).

- 19. Pre-Occupation Condition:** No dwelling shall be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from the tap within the dwelling(s) has been a) sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies, b) has been analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and c) meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent).

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).

- 20. Pre-Occupation Condition:** No dwelling shall be occupied until a risk assessment compliant with regulation 6 the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent) undertaken by a suitably competent and experienced person has been submitted to and approved in writing by the Local Planning Authority.

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).

- 21. Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- i. Details of all existing trees and planting to be retained
- ii. Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details.
- iii. Details of all hard surfacing materials and finishes including surface treatments to differentiate street hierarchy and reduce extent of kerbing.
- iv. Detail of re-alignment of plot demarcation of plots 7 and 17 for enhanced landscaping to attenuation pond and mature tree belt
- v. Details of all proposed play equipment
- vi. Details of any street furniture, including benches, bins, signage etc.
- vii. Details of all external lighting
- viii. Details of the design of the attenuation ponds to achieve multi-functional purpose (including gradients, planting, etc)
- ix. Details of the design of the pedestrian links to Public Right Of Way 1744, including proposed all-weather surfacing, and illumination.

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

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

- 22. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 23. Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until a 10-year landscape management and maintenance plan for the Public Open Space (as shown on drawing (01)010 Rev D Proposed Site Plan) has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate public open space compliance to natural and semi-natural greenspace standards (as defined in the HDC Open Space, Sport and Recreation Review (OSR) or equivalent amendment or re-enactment of the same) and full integration of landscape, biodiversity and arboricultural considerations, and include:

- i) aims and objectives;
- ii) details and design principles of landscape components including the following; seated viewpoint to the High Weald Area of Outstanding Natural Beauty, a pedestrian link to Public Right of Way 1744 via the northwest corner of the open space, circulation paths, interpretation boards, community orchard; naturalised play equipment
- iii) details of hard and soft landscape proposals and implementation of the landscape components and aftercare management prescriptions;
- iv) details of maintenance operations and their timing;
- v) details of the parties / organisations who will maintain and manage the site, including a plan delineating the area(s) that each is to be responsible for; and
- vi) a timetable for its implementation.

The public open space laid out in accordance with the approved scheme and 25 year Plan shall be implemented as approved.

Reason: To ensure a satisfactory functional public open space and development that is sympathetic to the landscape and townscape character, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 24. Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until a Landscape and Ecological Management and Maintenance Plan (LEMMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMMP shall include the following:

- i. Description and evaluation of features to be managed.
- ii. Ecological trends and constraints on site that might influence management.
- iii. Aims and objectives of management.
- iv. Appropriate management options for achieving aims and objectives.
- v. Long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility for all communal landscape areas
- vi. Prescriptions for management actions.
- vii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- viii. Details of the body or organisation responsible for implementation of the plan.
- ix. Ongoing monitoring and remedial measures.

The LEMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

- 25. Pre-Occupation Condition:** No dwelling unit hereby permitted shall be first occupied until provision for the storage of refuse and recycling related to that dwelling unit has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The refuse facilities shall thereafter be retained as such for their designated use.

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

- 26. Pre-Occupation Condition:** No dwelling unit hereby permitted shall be occupied until covered and secure cycle parking spaces related to that dwelling unit have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles as an alternative travel option to use of the car in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 27. Pre-Occupation Condition:** No dwelling unit or the public open space hereby permitted shall be first occupied and/or used until the car parking spaces (including visitor spaces, and garages where applicable), and turning and access facilities related to that dwelling unit and/or public open space have been constructed and made available for use in accordance with details submitted to and approved by the Local Planning Authority. The car parking spaces, turning and access facilities hereby permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking and turning space for the use in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

- 28. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the access arrangement serving the development, including stopping up of the existing vehicular access to the site, has been implemented in accordance with the details shown on plan drawing 17036-002 REV B Option one proposed priority junction and associated visibility splays in the TRANSPORT STATEMENT 17036HO – Brook Hill, Cowfold 30 SEPTEMBER 2021 by Vision Transport Planning, and shall be thereafter retained as such.

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

- 29. Pre-Occupation Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto the A281 Brook Hill in accordance with the approved drawings in the TRANSPORT STATEMENT 17036HO – Brook Hill, Cowfold 30 SEPTEMBER 2021 by Vision Transport Planning. 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).

- 30. Pre-Occupation Condition:** Prior to the first occupation or use of any part of the development hereby permitted, a revised scheme of air quality mitigation measures shall have been submitted to and been approved in writing by the Local Planning Authority. The measures shall be to the value of the damage cost in the submitted AIR QUALITY ASSESSMENT LAND AT BROOK HILL, COWFOLD Final 06 March 2023 by WSP No: 70106077, and have regard to the air quality and emissions mitigation guidance for Sussex (2021) or equivalent as amended. The approved scheme of air quality mitigation shall be implemented in accordance with the approved details.

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

- 31. 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).

- 32. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until fire hydrant(s) to BS750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

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

- 33. Pre-Occupation Condition:** The relevant dwelling unit hereby permitted shall not be occupied unless the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection has been provided to the related dwelling unit.

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).

- 34. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed on the site. The verification report shall be submitted and approved, in writing, by 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).

- 35. Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours of the same day 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).

- 36. Regulatory Condition:** Repair and maintenance of the borehole using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed borehole construction does not harm groundwater resources in line with Policy 24 of the Horsham District Planning Framework and paragraph 174 of the National Planning Policy Framework and Position Statement N7 of the Environment Agency's approach to groundwater protection.

- 37. Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Dormouse Survey 2022-2023 (The Ecology Partnership, May 2023), Update Preliminary Ecological Appraisal (The Ecology Partnership, January 2023), Reptile Survey (The Ecology Partnership, January 2023), Bat Activity Surveys Report (The Ecology Partnership, December 2022) and Great Crested Newt eDNA Testing (The Ecology Partnership, July 2022). This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 38. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any proposed building which fronts onto a

highway without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenities of the locality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 39. Regulatory Condition:** The garages hereby permitted shall be made available for the parking of vehicles and not for other purposes other than incidental to the use of the related dwelling.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 40. Regulatory condition:** Prior to first use of the borehole system, details of the Source Protection Zone for the borehole shall be provided to the Local Planning Authority and Environment Agency, alongside evidence that all landowners within the Source Protection Zone have been notified of the borehole and their responsibilities to avoid contamination of the borehole supply.

Reason: To ensure the quality of water is maintained and 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).

- 41. Regulatory condition:** No dwelling unit hereby permitted shall be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the borehole system. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency measures set out in the management and maintenance plan agreed under condition 8 until such time as the system is fully operational. The occupiers of each dwelling shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply.

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).