



PLANNING COMMITTEE REPORT

TO: Planning Committee South
BY: Head of Development and Building Control
DATE: 23rd January 2024

DEVELOPMENT: Outline application for the demolition of existing buildings and the erection of up to 65 dwellings, of which 35% will be affordable, with associated public open space, landscaping, with all matters reserved except for access.

SITE: Greendene, Stane Street, Codmore Hill, Pulborough, West Sussex, RH20 1BQ

WARD: Pulborough

APPLICATION: DC/21/2466

APPLICANT: **Name:** Castle Properties Ltd and Huntstowe Greenacre
Address: C/O Agent RH20 1RL

REASON FOR INCLUSION ON THE AGENDA: The proposed development represents a departure from the development plan.

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.

By request of Councillors Campbell, Clarke and Ellis-Brown

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

In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place 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 Outline planning permission is sought for the erection of up to 65 dwellings with all matters reserved except for access. The proposal also includes the demolition of all existing buildings on the site, including the existing 4-bed bungalow 'Greendene' and its outbuildings, as well as the nursery buildings in the south western part of the site.
- 1.3 Vehicular access to the site would be taken off the A29 / Stane Street incorporating a bell-mouth construction and a new right-turn lane within the A29 carriageway, following the removal of a traffic island. The existing access to Greendene through the adjacent Sainsbury's car park, would be stopped up and removed. The submitted details indicate that pre-application discussions were held with the Highways Authority (WSCC), informed by a Design Audit. A TRICS assessment, Road Safety Audit and Transport Statement accompany the application.
- 1.4 The proposal would include the provision of 35% on-site affordable housing, with the following proposed housing mix (based on the submitted indicative layout):

Open Market (42 units):
2 x 1 bed (4.76%)
12 x 2 bed (28.5%)
17 x 3 bed (40.4%)
11 x 4 bed (26.1%)

Affordable housing (23 units):
10 x 1 bed (43.4%)
5 x 2 bed (21.7%)
6 x 3 bed (26%)
2 x 4 bed (8.6%)
- 1.5 Whilst the scale, landscaping, appearance and layout of the proposal are reserved, the application is accompanied by a Design and Access Statement and illustrative street-scenes and plans. The indicative layout has been amended during the course of the application to retain a number of trees and tree belts within the site and to ensure increased separation distances to the retained tree belt which runs through the centre of the site, leading to a reduced quantum of dwellings across the site, which was originally 70 dwellings. The layout would accommodate a change in levels of around 18m between the A29 road level and the southern-most corner of the site adjacent to the Arun Valley rail line.
- 1.6 Further amendments have been made to the western area of the indicative layout to show units 10-14 being re-orientated so that the private gardens face south and the communal parking area lies adjacent to the raised delivery yard to the Sainsburys site.
- 1.7 The indicative layout proposes a single arterial central street leading off Stane Street / A29, with a number of cul-de-sacs and parking courts to each side. Indicative street-scenes show traditionally proportioned houses following the site's topography with a palette of materials and roof-forms. The plans indicate a mix of brick faced detached, semi-detached and terraced housing of varying design, including some attached and detached garaging.
- 1.8 The indicative layout provides for two Local Areas of Play (LAP) spaces (each @ 100sq.m) and a Local Equipped Area of Play (LEAP) play space (400sq.m) in the centre of the site.
- 1.9 The indicative plans also show potential footpath connections through to the adjacent development to the south, where PRoW_2330 runs north-south over the railway line.
- 1.10 Landscape details are also reserved but indicative plans show the retention of a number of trees and tree belts within the site, along with existing hedgerows, such as that running

alongside the railway line on the south-eastern boundary. Many of these trees are shown for retention within the communally managed areas of the proposed layout.

DESCRIPTION OF THE SITE

- 1.11 The site comprises some 3.52ha of land that is currently occupied by a single chalet bungalow 'Greendene' in the north, a former plant nursery to the south west, and open pasturelands to the south and east, where the site adjoins the Arun Valley mainline railway line (running north-south). The application site adjoins the public highway (A29 / Stane Street) to the north-west of the site, and adjoins the Sainsbury's site on three sides, where vehicular access to the existing site is provided from the customer car park. The existing chalet bungalow 'Greendene' is set some 50m back from the A29 highway boundary, and its prominence in the street-scene is currently very modest owing to its height and bulk, the sloping site levels which drop away from the road, and the bank of unbroken vegetation across the site's full frontage. The application site adjoins the Sainsbury's supermarket site along part of the boundary, with the service yard and car park sitting on an elevated platform above the natural ground levels, and where the retaining walls to the elevated delivery bay are around 4m above the natural ground levels at the application site.
- 1.12 A number of trees within the site are subject to a recently applied Tree Preservation Order (TPO/1549), and mature hedgerows and historic field boundaries define the site's southern and northern boundaries and run through the site to the east, effectively separating a section of the land that runs alongside the railway line from the remaining site. The closest heritage asset lies some 90m on the opposite side of the A29 / Stane Street to the north. Although not designated as an Archaeological Area of Interest itself, the site lies adjacent to the line of the ancient Roman Road Stane Street and north-east of an Archaeological Notification Area (DWS8562).
- 1.13 The site falls within Flood Zone 1, however there is an identified low, medium and high risk from surface water flooding at the site's lowest point along the south-eastern boundary with the railway line. There are no PRow crossing the land itself, but PRow FP_2330 runs close to the southern corner of the site and then crosses the mainline railway by way of an uncontrolled crossing point. The applicant has also identified a mains water line running parallel to the south-western boundary.
- 1.14 The site lies largely outside of the Built Up Area Boundary (BUAB) of Pulborough / Codmore Hill, however the residential property at 'Greendene', and the neighbouring Sainsbury's site are included within the BUAB. The wider site falls into Landscape Character Area F1 (Pulborough, Chiltington & Thakeham Farmlands), which is defined as an undulating mixed landscape of arable and horticulture with small areas of pasture. The area skirts around the north of Pulborough and includes a number of settlements and roads, sunken lanes (droveways) and woodland blocks. The urbanisation along the A29 at Pulborough is a noted key issue for the character area, along with an increase in traffic and pressure arising from larger scale housing developments.
- 1.15 The adjoining Sainsburys supermarket was subject to planning consent granted in May 1999 (PL/119/97). There are restrictive conditions which remain in place, covering the opening times, external illumination and delivery times (between 07:00 - 23:00hours only). There are also restrictive conditions which prevent the car park from being used for boot sales, fairs or other public entertainment, the overnight parking of lorries running refrigeration or charging units, and no mechanical sweeping of the car park overnight. In January 2008, permission was granted for an extension to the supermarket and for a new car parking deck with some 43 additional spaces (DC/07/1285). A new enclosed area to the unloading bay was added following consent under DC/08/0271, which was subsequently amended from the approved brick elevations to a profiled steel sheet cladding under DC/08/1586.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (Dec 2023)

Horsham District Planning Framework (HDPF 2015)

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

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 3 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

RELEVANT NEIGHBOURHOOD PLAN

The Pulborough Parish Neighbourhood Plan (PPNP) has progressed through independent examination stage and is awaiting further progress. The progress has temporarily stalled

owing to ongoing Water Neutrality issues. As from 8th June 2023, the draft Neighbourhood Plan is considered to have a status of a 'Non-Statutory Planning Advice Note', with the policies contained within deemed to carry significant weight being in accordance with the NPPF. The following policies are relevant to this application:

Policy 1 – Spatial Plan for the Parish
Policy 15 - Design

Parish Design Statement:

Pulborough Parish Design Statement (SPD) – May 2013

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)

WSCC Parking Guidance (Sep 2020)

Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** Comments following amendments to layout Amended layout addresses most of the previous concerns. Some residual concerns:
- The LEAP needs to provide for the required space and buffers
 - Revised layout to move dwellings alongside railway line is positive and will protect the tree belt which is key to maintaining the existing landscape character
 - Ensure conditions are applied: levels, landscape strategy, LMMP, coordinated plan for underground services and landscape and site boundaries to deliver early mitigation measures
- 3.3 **HDC Environmental Health (Noise and Contaminated Land):** No Objection following revised layout and additional information:
- Following review of Acoustic Associates Sussex Ltd Noise Impact Assessment dated 15.08.23, Issue 1 + Addendum, conditions can be applied to secure suitable noise mitigation
 - Following review of the Albury SI Phase 1 Desk Study dated 11.07.23 it is concluded that ground investigation works are required to fully quantify the risks to future users of the site and that suitable conditions can be applied
- 3.4 **HDC Environmental Health (AQM):** Objection
- Missing emission mitigation plan
 - Measures should avoid duplication of measures such as EV charging, cycle shelters as these are required under related policies and strategies
- 3.5 **HDC Waste Services:** No Objections

3.6 **HDC Arboriculture:**

6th June 2023 comments: No Objections

- Revised layout addresses previously raised objections in relation to proximity between development and position of trees.
- Condition advised to secure full compliance with the submitted AA and AMS reports, and associated implementation of tree protection measures

13th Feb 2023 comments: Advice

- Revised layout makes some positive changes, however concerns remain in relation to location of some dwellings / plots and post-development pressure

14th Feb 2022 comments: Objection

- The Council has recently served a Tree Preservation Order(TPO) upon 19 individual trees at the site, mostly Oak and Field maple and one group of Silver birch; Ref TPO/1549
- Potential that current layout would lead to a number of gardens being overshadowed during afternoons, leading to pressure to fell to improve sunlight into gardens
- Concern that a number of trees in the eastern part of the site adjacent to the railway line have not been provided with the required 15m RPA considering their veteran status
- Concern that proposed layout would lead to root of retained trees being damaged by landscaping works within residential gardens

3.7 **HDC Housing:** No Objection

3.8 **HDC Drainage:** No Overall Objections

- It is noted that the FRA should be revised to reflect the latest guidance on Climate Change allowances
- Proposed Drainage Strategy layouts in Appendix J should be amended to reflect the recently submitted landscape strategy

OUTSIDE AGENCIES

3.9 **WSCC Highways:** No Objection

- Pre-application discussions engaged with the LHA in Sept 2020 supported by Stage 1 Road Safety Audit (RSA), as submitted within the Traffic Assessment (TA).
- The LHA have since approved proposed access arrangements / junction on Stane Street (with a turning lane to be provided), which would afford appropriate access for vehicles, HGV and refuse vehicle
- Site is highly accessible with nearby services and facilities in close proximity to the site: bus stops, foodstore, railway station
- Trip generation would not lead to 'unacceptable' impact on existing highway network
- Parking allocation within the site would provide for garages (30), visitor spaces (8) and standard spaces (121) - (144 overall)
- Internal access suitable for 11.2m long refuse vehicle
- Conditions advised: access, CEMP

3.10 **Archaeology:** No Objection

- Heritage Environment Record indicates proximity of the site to the line of the Roman Road / Stane Street and ANA (DWS8563)
- Archaeological and Heritage Appraisal Submitted
- Conditions advised to secure a Written Scheme of Investigation and Programme

3.11 **Network Rail:** No Objection

9th Jan 2024 comments: No Objection / flooding

Discussions have taken place between Network Rail and the applicant's flood consultant with the following measures now agreed:

- NR concerns addressed if any outline consent includes a condition to locate the foul pumping station outside the 20m Network Rail easement (BAPE)
- NR satisfied with positions of soakaways as they are located outside of BAPE
- Clarification that small areas of SUDS permeable paving within the BAPE are designed to drain to the soakaways outside of the BAE, and as they are shallow / 400mm deep pavement structures equivalent to standard pavements they do not cause concern to NR

8th August 2023 comments: Objection / flooding

Potential serious implications on Network rail's infrastructure remain and the following is requested from the Lead Local Flood Authority:

- To state who is maintaining the pumping station and the soakaways
- To demonstrate a lifecycle of maintenance for the soakaways and the pumping station
- To produce exceedance mapping in a 1 in 100 year storm event
- To provide exceedance mapping for the pumping station failure
- To state the exact meterage from all the soakaways to Network Rail land
- To provide the invert level measurements of the soakaways and ensure they are in correlation with the trial hole depths as some within the strategy are not clear.

Once the information has been gathered, our team would like to have a meeting with the LLFA to discuss the above.

20th July 2023 comments: Infrastructure contributions / crossing

- £500,000 considered reasonable, based on the size of the development compared to the 170 dwellings approved at New Place Farm (contributing towards full funding of a stepped footbridge)
- The provision of a fully accessible (ramped) footbridge is unlikely to be possible at the New Place Farm crossing, on account of significant structure and funding required
- In the event that a footbridge is not provided, the proposed development (at Greendene) should contribute towards the cost of a new Miniature Stop Light system to mitigate increased use of / risk at the crossing point
- In the event that the bridge is provided, it is suggested that the funds being sought should be directed to improvements at the level crossing point Forty Steps which is part of a circular walking route, thus contributing to improvements to the PRoW network

13th June 2023 comments: No Objections / Crossing

- Network Rail is working with adjacent developer to deliver the stepped pedestrian crossing point at New Place Farm (where funding for the bridge was secured by way of the s106 agreement)
- Given majority of Pulborough's amenities lie south of the railway, the proposed development is likely to generate new trips and increased risk at the crossing point, so proposal should contribute towards financially towards improvements at the crossing
- However, pooling the contributions would provide risk to the delivery of the footbridge in the event that one of the two developments does not proceed

22nd April 2022 comments: Comments / Crossing

- 'New Place Level Crossing Development Impact Assessment' concludes that the proposal would significantly increase the risk at New Place Footpath Level Crossing with local facilities noted south of the railway line – alternative route along the A29 would require crossing at two locations (no footpath on south side of Pigeon Gate bridge)
- Risk assessment notes 130 trains / day running 24 hours, with available sightlines less than required for the measured crossing time (with some 51 pedestrians using the

crossing over a surveyed 9-day period, and 1/5th of users deemed 'vulnerable' e.g. elderly, children, 'encumbered' users)

- Options to mitigate the risk have been explored:
 - Miniature Stop Lights (MSLs) would require an integrated system at a cost of around £800,000
 - Stepped footbridge at a cost of around £1,200,000
 - Closing the level crossing completely: diverting PRoW 2330 over Pigeon Gate bridge, or constructing a stepped footbridge at the current crossing site

3.12 **Ecology Consultant:** No Objection

22nd Dec Comments: No Objection

- The Emergence Survey Report (Spatial Ecology, September 2022), Proposed Indicative Site Plan Drawing P101 C (OSP Architecture, June 2022), Response to Comments (LUC, March 2022) and Ecological Appraisal (LUC, October 2021) have been reviewed, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation
- Some severance to the flightlines of foraging or commuting bats, but mitigation proposed would be sufficient to maintain habitat connectivity within the site – no Adverse Effect on Integrity of the SAC
- Now satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.
- Proposed reasonable biodiversity enhancements are included, biodiversity net gains achieved, wildlife-friendly and native planting
- HRA Appropriate Assessment in relation to bats carried out concluding avoidance and mitigation measures are appropriate to avoid adverse effects
- Conditions advised / Bat licence required

5th Dec Comments: Objection

- The Ecological Assessment is considered to be satisfactory in its methods and conclusion for all ecological constraints except for those in relation to bats – site is less than 4km from The Mens SAC and so within the conservation area for that site's population of Barbastelle bats. Also, a workshop building with moderate potential for roosting has not been surveyed
- The proposed break in the central tree line has not been accurately assessed or recorded. Mitigations have been proposed, but should be effective during construction as well as operation

3.13 **Southern Water:** No Objection

9th Jan 2024 comments in relation to capacity

Following further investigations into local capacity issues, SW sewer teams have confirmed that the London Road hydraulic overload issues have been caused where the sewer is inundated with surface water as well as foul flows. The issues reported on Stane Street historically have been contributed to by blockages and a collapsed sewer, which have been attended to by SW and rectified.

21st Dec 2023 comments in relation to capacity

The modelled additional sewerage requirements of 0.65l/s could be accommodated within the existing network capacity, with surface water discharged to SUDS. Serious issues which are of concern to local members will be passed to the Operations Team to discuss, review and take any necessary action

2nd Dec 2021 comments: No Objection

- Siting of water main to be determined prior to development layout being finalised (see guidance on planting adjacent to rising mains/ water mains)

- In the event of a new off-site drainage and pumping station for adoption, design and construction would need to be in accordance with Southern Waster Services Ltd specification, including a secure compound of at least 100sq.m and a 15m buffer to nearest habitable windows
- Southern Water can accommodate foul sewerage run off disposal to the development
- Southern Water can facilitate water supply to the service the proposed development
- Conditions/ informatives advised

3.14 **WSSC Fire and Rescue:** Comment

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

3.15 **WSSC Local Lead Flood Authority:** No Objection

1st Dec 2023 comments: No Objection

Additional information has been provided and reviewed – conditions advised

8th Nov 2023 comments: Objections

Objections in relation to the absence of an acceptable Drainage Strategy relating to local flood risk of the development and non compliance with the NPPF / PPG, specifically with regard to infiltration rates, rainfall parameters, and appropriate easements

1st Dec 2021 comments: Advice

More Information required to confirm that consultation has been undertaken with Network Rail in relation to the proximity between the railway line and the soakaways

3.16 **Natural England:** No Objection

8th Aug 2023 comments: No Objection following submission of further information

Subject to the appropriate mitigations being secured by way of appropriate planning conditions and / or planning obligations to deliver the on-site water efficiency measures, and off-site offsetting measures to be delivered at the Hepworth Brewery.

30th June 2023 comments: Further information

More details needed in relation to the offsetting measures in order to secure measures in perpetuity. References to the reference to the new canning facility extension have not been adequately supported to explain the increase in water savings and should be subject to Building Regs part G or BREEAM calculations to support the figures totalling 3,365m³.

3.17 **Pulborough Parish Council:** Objections

Request that this is taken to HDC Committee, for the following reasons:

- Concerns regarding access to local services – school children and others accessing St Mary's primary school from the proposed housing would have to cross the A29 twice and use the narrow path south of Pigeon Gate Bridge;
- Concerns regarding lack of infrastructure – sewerage and drainage systems serving that area are problematic;
- Concerns regarding road access safety – the road exit from the site onto the A29 has very poor visibility to traffic coming from the north;
- The site is not allocated within Pulborough Neighbourhood Plan, which has passed independent examination and therefore carries considerable weight in planning consideration.

PUBLIC CONSULTATIONS

3.18 12 letters have been received, objecting to the proposed development on the following grounds:

- Large development outside local plan, ribbon development, not allocated in NP, site rejected by NP Steering Group on account of lack of infrastructure, road safety and pedestrian access, overburdened sewerage system, no safe ped access from here to St Marys primary school, children would have to cross A29 twice to access school, narrowness of pavement at Pigeon Gate Bridge, difficult to access by road from A29
- Should not be considered by HDC as site not allocated in NP following rejection by the steering group
- Overdevelopment, creeping urbanisation, development too large and goes beyond ex site boundaries of Greendene
- Destruction of Pulborough as a village over last 10 years
- Site has not been allocated in NP – therefore no development should be allowed on this site – what is the point of NP otherwise, public lack of faith in NP
- NP deemed no development north of Pigeon gate to be acceptable as there are no facilities for residents aside from Sainsbury, butcher and greengrocer, poor links between Codmore Hill and Pulborough
- Increase in traffic, congestion of existing roads
- Need to secure infrastructure in village – safe route to Primary School, improved drainage and sewerage system and safe road access to A29
- Traffic danger from new access onto A29, three accesses within short stretch of A29 – would need significant highways works to make safe – previous refusals for Codmore Garage on access grounds
- Over-stretched local services, cannot cope with 70+ new residents, no planned village infrastructure
- Sloping site and threat to railway (ex problems with flooding at Riverside)
- Nothing to address steep climb along PROW 2330, despite intentions to add a stepped footbridge as part of New Place Nurseries development – no cycleways connections – contrary to Community Aims of NP
- Applicants have seen yet ignored NP – set precedent for other developments and undermine integrity and work behind NP
- Removal of trees and vegetation, loss of wildlife habitat and biodiversity features, loss of rural farmland views

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.

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

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

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

6. PLANNING ASSESSMENTS

Policy Context

- 6.1 The Government published an update to the National Planning Policy Framework (NPPF) on 19th December 2023, and any changes arising from this revision which are relevant to decision-making on this planning application took immediate effect from the day of its publication.
- 6.2 Furthermore, at a meeting of full Council on 11 December 2023 Horsham councillors approved the draft Horsham District Local Plan 2023 - 2040 and recommended that it proceed to Regulation 19 stage.
- 6.3 Although the emerging policies contained within the draft Reg 19 document carry limited weight at the current time, the following are new policy directions which are noted:
- Policy 39 (Affordable Housing): On Greenfield sites, a minimum of 45% affordable housing should be provided, whilst on brownfield / previously developed land, this requirement falls to 10%. In this instance, a broad calculation, given that around 10% of this site is brownfield, yields an affordable housing contribution of 26 dwellings (proposal includes 23 affordable dwellings)
 - Policy 24 (Sustainable Transport): specific reference to prioritising cycle and walking access routes to / from and within development sites
- 6.4 Officers consider that other policy directions set out in the emerging Reg 19 draft would become relevant at the subsequent reserved matters applications in the event of an approval, and are also likely to carry more weight as the Reg 19 process advances.

The Principle of the Development

- 6.5 The majority of the site, with the exception of around 0.4ha of the overall 3.52ha site area, is located outside any of the district's defined built-up area boundaries (BUAB's). The Codmore Hill BUAB extends to the east side of the A29 only insofar as the residential curtilages fronting the A29, including the host dwelling on the site 'Greendene', and abuts the site again at its southernmost point. The wider site, therefore, is located in the countryside in policy terms, with the wider characteristics of the site being predominantly of an open and undeveloped rural location, albeit one with built development immediately to its west and south, and the Arun Valley rail line to its east.
- 6.6 The site is not allocated for development within the Horsham District Planning Framework (HDPF) a 'Made' Neighbourhood Development Plan, or an adopted Site Allocations DPD. As a result, residential development on this majority greenfield site would conflict with the requirements of Policies 2 and 4 (Settlement Expansion) of the HDPF. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location. Consequently the proposed development of this site for housing conflicts with the adopted development plan for the District.
- 6.7 The Pulborough Neighbourhood Plan (PNP) is at post examination stage awaiting referendum and does not allocate this site for development, with the Plan's identified housing need being met by other sites allocated within the Plan. Whilst the PNP does not yet form part of the development plan for the District, it nevertheless carries significant weight in decision making given its advanced stage of preparation and as of 8th June 2023, is adopted as a non-statutory Planning Advice Note (PAN). The PNP does not though benefit from the protections afforded by paragraph 14 of the NPPF as it does not yet form part of the development plan for the district.

- 6.8 The site was promoted for inclusion in the PNP as part of two adjoining sites (PPNP22 - Greendene, and PPNP23 - Puttocks Farm). In Appendix E: Site Assessment Conclusions, of the Site Assessment Report 2019 (published as part of the PNP background documents), both sites remain Amber: *'Sites which are potentially suitable as site allocations if identified issues can be resolved or mitigated'*. However, these two sites were considered unsustainable for purposes of inclusion within the PNP by the Steering Group, with reasons citing the increased risk from fumes to pedestrians who, in order to access a number of village services and facilities which are south of the railway bridge, have to walk alongside the A29, designated as being part of the 'Major Road Network', thus carrying high levels of traffic, with the resulting need for two safer crossings across the railway:
- New footbridge close to southern side of Pigeon Gate Bridge (which carries the A29 across the railway). Although monies from s106 have been set aside for this, no action has yet been taken
 - New footbridge across the level crossing at PRoW_2330 to enable pedestrians from Codmore Hill to avoid walking and cycling next to A29 when accessing the school and other parts of the village to the south – requiring a new bridge over the railway and replacement steps up the hillside with a sloping path.
- 6.9 As a consequence the site has not been allocated for housing development within the PNP. The associated Pulborough village built up boundary remains as currently drawn in this location, resulting in the site remaining mostly outside the defined BUAB in policy terms.
- 6.10 The site is also not allocated for development within the Regulation 19 Horsham District Local Plan 2023-2040 (HDLP), albeit this emerging Plan carries limited weight at this stage.
- 6.11 The HDPF is now over 5 years old, whilst the Council cannot currently demonstrate a 5 year housing land supply with the latest supply calculated at 3 years. This triggers the presumption in favour of sustainable development (the 'tilted balance') in decision making and reduces the weight to be attached to the above HDPF policies.
- 6.12 In response to the Council's current lack of a 5-year housing land supply, the Council formally adopted the Planning Advisory Note 'Facilitating Appropriate Development' (Oct 2022), which forms a material consideration in the assessment of this application. The 'Facilitating Appropriate Development' (FAD) sets out the criteria by which development outside of settlement boundaries may be considered acceptable when applying the presumption in favour of sustainable development. The FAD identifies that proposals which meet all of the following criteria will be considered positively:
- The site adjoins the existing settlement edge as defined by the BUAB;
 - The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
 - The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
 - The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
 - The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.
- 6.13 In this instance the proposed development adjoins the BUAB of Codmore Hill as explained above. The proposed development of up to 65 homes is of a scale that is appropriate to the scale and function of Pulborough and Codmore Hill, which is collectively defined as a small town / large village within the HDPF policy 3 settlement hierarchy, where there is a good range of services and community facilities, local employment and some connections to public transport. The proposal, as explained below, would provide for a range of housing including affordable housing, to help meet local needs, whilst there is no evidence the development of this site would prejudice any comprehensive long-term development in this area. Finally, the

application site is contained within an existing defensible boundary and the indicative layout plans illustrate that the landscape character features can be suitably maintained and enhanced, as discussed below. Accordingly, the development of this site would accord with the requirements of the FAD document.

Affordable Housing and Housing Mix

- 6.14 Policy 16 of the HDPF requires that residential development should provide a mix of housing sizes, types and tenures to meet the needs of the district's communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). Policy 16 also requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure.
- 6.15 The application includes a commitment to 35% affordable housing (23 units) within an overall indicative housing mix comprising the following breakdown:

Open Market (42 units)	Affordable housing (23 units)
2 x 1 bed (4.76%)	10 x 1 bed (43.4%)
12 x 2 bed (28.5%)	5 x 2 bed (21.7%)
17 x 3 bed (40.4%)	6 x 3 bed (26%)
11 x 4 bed (26.1%)	2 x 4 bed (8.6%)

- 6.16 The Council's Housing Officers support the application as it stands on account of being compliant with HDPF policy 16. The developer will need to reach an agreement with a housing provider in order to confirm tenure type and split, and to ensure the layout accords with the provider's requirements.
- 6.17 The delivery of the mix of affordable housing, including their respective split between affordable rented (70%) and shared ownership (30%), which would be secured by way of a s106 agreement. The proposed housing mix is considered to broadly comply with the Council's expectations for a residential development of this quantum and is therefore considered in accordance with Policy 16 of the HDPF and the latest SHMA assessment, subject to the completion of the necessary s106 agreement.

Trees and Landscaping

- 6.18 As has already been established, the application site lies largely within an open and undeveloped rural area, bounded on one side by the BUAB, a supermarket set on the rising land levels, and residential development alongside the A29 / Stane Street. To the south is a residential development (Riverside) set on a sloping site that sits between the A29 / Stane Street and the railway line.
- 6.19 The prevailing landscape character of the site, as categorised in the Council's 2003 Landscape Character Assessment, is noted as having an undulating mixed farmland landscape (area F1 / Pulborough, Chiltington and Thakeham Farmlands). The area is noted as having a declining condition on account of increasing traffic and introduction of suburban features along the A29. One of the key issues facing this landscape area arises from the potential of large-scale housing developments.
- 6.20 A Tree Preservation Order was first served in February 2022 and includes a number of Oak trees, a group of Sliver Birch, and Field Maples across the site (TPO/1549). It is noted that the site can be split into 4 distinct parts, comprising the residential property of 'Greendene', the former nursery site, an open central pasture field and a linear field alongside the railway. Clusters of trees, boundary vegetation and hedgerows define these areas, and in particular,

the field boundary that separates the linear field from the central part of the site is a strong feature within the landscape.

- 6.21 The Council's Landscape Architect has reviewed the proposal and its amendments, and has visited the site, noting that the development to the south (Riverside) dates from 2004 and was formerly a concrete works site, thus having had a quasi-industrial impact on the landscape without any notable landscape qualities. By contrast, the application site abuts the rural edge of Pulborough on the north and eastern sides and retains strong visual connection to the wider rural landscape. The linear area alongside the railway line is considered to be a particularly sensitive and visually prominent valley side.
- 6.22 In response to the original iteration of the scheme, the Landscape Architect expressed concern that the submitted Landscape Appraisal (LA) failed to acknowledge the effects arising as a result of the proposed layout on the landscape character and landscape features, noting that the development proposal would necessitate the removal of part of the existing strong tree corridor. Furthermore, the layout shown on the indicative plans, albeit having been revised to provide more separations to the retained trees, would put remaining trees across the site at risk of future pruning or felling.
- 6.23 The revised 3rd iteration of the proposed layout would address previously raised concerns relating to the proximity between the retained trees at the site and the proposed housing layout, setting the tree lines within the common management areas for the wider site and clear of any residential gardens.
- 6.24 The Council's Tree Officer has reviewed the revisions which take account of earlier concerns having been raised in relation to the proximity between the retained mature trees and residential gardens. It is considered that the indicative layout now provides a level of certainty that the site can accommodate the quantum of development proposed without compromising the future retention of significant trees on the site. The revised layout now incorporates a potential for greater separations to the trees, boundary vegetation and site boundaries.
- 6.25 The revised layout now presents 17 residential properties backing onto the eastern railway line, retaining the important tree line alongside the boundary with the rail line. The wider layout of the development site achieves a greater landscape-led potential and provides for an enhanced internal layout with green spaces, retained landscape features and reinforced boundary planting, which should be secured by way of a management plan condition.
- 6.26 Furthermore, the revisions to the layout at the northern part of the site, where the proposed vehicular entrance off the A29 / Stane Street is located, have also been subject to a landscape-led approach, with the development set back from the road. As a result, the proposal would create an inviting and well-integrated approach that would not unduly intrude on the peripheral village location.
- 6.27 Although acknowledged to be reserved for future approval, the indicative layout presented is considered to be capable of achieving the desired landscape protection and sensitive integration as required under HDPF policies 2, 25, 32 and 33, whilst ensuring that the existing green infrastructure of the site can be preserved and enhanced as set out under HDPF policy 31.

Layout and Amenity Impact

- 6.28 Policy 25 of the HDPF seeks to protect the townscape and landscape character of the District, including the landform and development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.

- 6.29 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.
- 6.30 The detailed layout of the site is a matter that would be reserved for subsequent approval should this outline application be permitted, therefore it is not for consideration now. However, Officers are of the view that the proposal for up to 65 units on this site including appropriate orientations, amenity space, play areas, parking, landscape buffers, open space, internal linkages, and water attenuation - can be satisfactorily accommodated on the site without causing unacceptable harm to the wider landscape character or local amenity. Overall, Officers are of the view that the indicative layout of the site is acceptable for the purpose of this Outline proposal.
- 6.31 The indicative layout has taken into consideration the key site constraints which is welcomed. The key sensitivities of this site include the rising topography towards the northern corner, the proximity of the railway line to the east, the presence of existing mature vegetation with the site and at the site boundaries, and the presence of existing residential development to the north. The proposed play areas are located where they would be accessible for all future occupants as well as being accessible by neighbouring residents.
- 6.32 The order to address the proximity of units 10-15 with the elevated Sainsburys delivery bay, a revised layout has re-worked this western part of the site to achieve dwellings with a communal parking forecourt facing the delivery bay and retained vegetation, with south-easterly facing gardens. It is noted that delivery times for the supermarket remain restricted by way of planning conditions, with no deliveries taking place between 23:00 – 07:00hours. However, the revised layout would satisfactorily maintain a suitable level of amenity for the prospective occupants of these units with the Council's Environmental Health satisfied with the resulting noise impact assessment submitted.

Open Space

- 6.33 According to the latest Open Space, Sport and Recreation Review (2021) Pulborough has deficiencies in natural and semi-natural open space; amenity open space; children's play space; and multi-functional green space. The development is over the distance threshold for amenity open space and for local children's play, and there is a requirement for this to be addressed on-site.
- 6.34 The proposal includes three areas of designated open play space: two of which are LAPs (intended for the under 6s, each providing over 100sq.m of area), and a central LEAP (providing a min of 400sq.m). Furthermore, the development can provide in excess of 7000sq.m of multifunctional open space that can perform various functions: landscaped and provided with seating, or left in a natural or semi-natural state. The proposals therefore have the ability of according to the expectations of HDPF policies 32, 33 and 43.
- 6.35 Officers also consider that suitable landscaping and layout details secured by way of a landscaping condition and subsequent Reserved Matters would also assist in providing beneficial screening and noise dampening to this western area of the site.
- 6.36 In summary, subject to an appropriately designed layout at Reserved Matters stage, it is considered that an acceptable development on this site can be achieved without undue impact on the surrounding landscape or neighbouring residential amenity and the amenities of future occupiers.

Design and Appearance

- 6.37 It is noted that detailed matters of design, appearance and the final layout would be reserved for subsequent approval should the Outline application be approved, and therefore it is not subject to considerations at the current time. Officers consider that the indicative palette of materials suggested in the Design and Access Statement and the indicative street-scenes could ensure that the development is sympathetic to this location, with details to be secured by condition.
- 6.38 Officers also note the densities, orientations, amenity spaces, play areas, open spaces, parking, internal linkages and landscape buffers shown on the indicative revised site plan, and consider that these could satisfactorily be accommodated on the site without causing unacceptable harm to the wider landscape character and local amenity.

Heritage Impacts

- 6.39 Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting. Chapter 16 of the National Planning Policy Framework (NPPF) follows this statutory provision and seeks to positively manage changes to the historic environment to ensure sufficient flexibility whilst conserving the important and irreplaceable nature of the designated asset. Chapter 16 requires decision-makers to consider whether a development proposal would lead to 'substantial' or 'less than substantial' harm to a designated heritage asset, and if so, describes how decisions should be steered in order to preserve the asset whilst allowing some flexibility for change, where appropriate.
- 6.40 The site does not adjoin or contain any designated heritage assets, nor are there any conservation areas adjoining the site. The closest listed building lies some 90m to the north of the site, Stane Street Hollow, which is not visually or functionally linked to the application site and would not be impacted. Although no Archaeological Notification Areas have been identified at the site itself, the site lies alongside the line of the ancient Roman Road Stane Street. Heritage records within the submitted Archaeological and Heritage Appraisal reveal archaeological deposits previously discovered to the west of the site, on the opposite side of Stane Street.
- 6.41 In assessing the submitted Archaeological and Heritage Appraisal, the Council's Archaeologist is satisfied with the details submitted at this stage of the outline application, recommending a more detailed Written Scheme of Investigation condition be secured in the event of approval, satisfying the criteria of HDPF policy 34 and NPPF para 200 in relation to heritage assets.

Highways Impacts

- 6.42 Access arrangements are not a reserved matters and therefore must be considered in full now. The submission includes a Transport Statement (TS), which sets out that pre-application discussions were held with WSCC Highways, accompanied by a Design Audit. The application site is located on the southern side of the A29 / Stane Street, just within the 30m.p.h zone. The entrance to the Sainsbury supermarket site lies some 70m south, whilst some 50m to the north is a garage forecourt selling cars. Immediately on the opposite side of the application site is the vehicular entrance to the Coombelands racing and equestrian facilities.

Vehicular Access

- 6.43 The A29 is part of the designated national Major Road Network and accordingly carries a significant volume of traffic through the District and beyond. To address the location and proposed development, a new access would be created off the A29 by way of a new two-way priority junction with pedestrian footways to each side, afforded with visibility splays and

a new right-turn access lane within the hatched area in the north-bound lane of the A29. To facilitate the works, an existing traffic island in the A29 would need to be removed, additional lane markings would be needed on the south-bound lane, and vegetation cut back to ensure the visibility splays are achieved and maintained.

- 6.44 The dimensions shown in the submitted plans in respect of carriageway widths and junction radii reflect the relevant pre-application discussions held with WSCC Highways and are considered by the Highways Authority to be acceptable. The new priority junction and access land on the A29 would be subject to a separate s278 agreement with the Highways Authority.
- 6.45 The application is supported by a TRICS assessment, which predict the development would generate some 31 movements each at AM and PM peak hours. These are not considered to lead to an unacceptable impact on the highway network.
- 6.46 A number of objections are noted as part of the neighbour and Parish Council representations, citing the perceived danger arising from the development and the proposed access to the site from the A29, including concerns over diminished visibility to the north given vegetation grown along the verge. However, the Highways Authority have reviewed the submitted details and are satisfied that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal therefore is not considered to be contrary to Paragraph 115 of the NPPF, and there are no transport / movement grounds to resist the proposal. Highways conditions have been recommended in the event that permission is granted, including implementation of the access and the submission of a Construction Management Plan.
- 6.47 Officers agree with the Highways Authority's assessments therefore the proposal complies with HDPF policy 40 in terms of highway access and safety.

Road Layout and Parking

- 6.48 The internal road layout is only shown indicatively at this stage as full details will be required as part of any Reserved Matters approval. WSCC Highways have confirmed that the general principles as shown on the illustrative site layout are acceptable.
- 6.49 Parking provision would be expected to accord with the WSCC Parking Standards, including the provision of an appropriate number of visitor spaces, and spaces for disabled users, with garages accounting for 0.5 space if they meet the minimum internal dimensions of 3m x 6m. At this stage, the indicative parking provisions would meet the WSCC guidance, with cycle parking provided in sheds to each garden.
- 6.50 The provision of electric vehicle charging points is expected to be in accordance with the minimum standards as set out in Approved Part S of the Building Regulations, which requires one active space per dwelling and passive ducting to other spaces.
- 6.51 In summary, the Highways Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to NPPF (paragraph 115), and that there are no transport grounds to resist the proposal.

Access by Sustainable Modes

- 6.52 There are a number of local facilities within reasonable walking and cycling distance of the site, including shops, a primary school, health services, bus stops, and eating establishments. Pulborough Railway Station is around 1.9km from the site. Access along footpaths which follow the road network would be over the narrow Pigeons Gate Bridge.
- 6.53 There is a PRoW (FP_2330) that runs close to the southern site boundary and over the unsignalled crossing over the Arun Valley railway line, and connects to a wider PRoW

network, the primary school and recreation ground, as well as the village amenities along Lower Street.

- 6.54 At the point of the crossing, train speeds can reach up to 60mph northwards and 75mph southwards, with some 8 trains in each direction during peak hours. The steep and stepped terrain to both sides of the crossing presents difficulties for any users with mobility issues, including buggies and prams, which are currently not suited for transversing the crossing and use of the PRow.
- 6.55 The Network Rail consultation has identified that the proposed development is likely to introduce additional users of this PRow and crossing point, which has been assessed as having deficient sighting distances to enable 'safe' crossings. On the Risk Score between 1(very high) - 13 (zero risk), the crossing scores a value of 4. The increased risk to Network Rail posed by the development arises from the additional footfall likely to occur at the crossing and the user's behaviour, with various factors such as age, mobility, being 'encumbered' (with dogs, shopping, pushing bicycles, prams, parents with children) increasing this risk, and resulting in a higher Risk Score value of 3. The consultation response notes that members perceive the risk of crossing a railway line as lower than the risk of crossing a busy road, with the alternative route to the village amenities necessitating two crossings of the A29 / Stane Street to access Pigeon Gate Bridge.
- 6.56 The issues of Pigeon Gate Bridge have been highlighted in the Pulborough Neighbourhood Plan, which notes that pedestrians along this route are placed in danger on account of their proximity to the heavy traffic using the national trunk route and fumes / emissions from vehicles. Emerging Policy 16 of the Pulborough Neighbourhood Plan (PNP) seeks to create a more accessible path along the FP_2330 to accommodate bikes, mobility scooters and pushchairs.
- 6.57 The proposed development would therefore be expected to contribute towards the provision of mitigation to reduce the risk posed by increased use of this un-signalised crossing point, with Network Rail seeking to install a footbridge at this location. Officers are aware that funding towards the provision of this footbridge have been secured from another recently approved development to the south of the railway line (DC/21/2321 – New Place Farm), with Network Rail constructing the bridge to their own specification, and delivery of the bridge expected at a specified trigger point.
- 6.58 However, it is also recognised that there is an element of uncertainty in the delivery of this footbridge in the event that the adjacent development does not take place (at New Place Farm). Therefore, Network Rail have sought to secure financial contributions in this event towards the implementation of miniature stop lights at the crossing point, acknowledging that the proposed development would give rise to increased foot traffic across this unmanned railway crossing, which provides a route to St Mary's Primary School, the village recreation ground / sport facilities and other village amenities. In the event that the new footbridge is delivered at the crossing point via the New Place Farm planning permission, then the necessary risks have been addressed and improvements made to the crossing point such that the financial contribution from this development would no longer be required. In this scenario Network Rail have advised that the at grade rail crossing point some 400m to the north of the site could be upgraded as an alternative. However, given the distance to this crossing point and the absence of a specific destination to the other side beyond general countryside, it is not be considered that a requirement to upgrade this crossing point meets the relevant tests for securing infrastructure contributions to remedy an existing deficiency directly related to the development.

Ecology

- 6.59 The application site is not subject to any statutory or non-statutory ecological designations. The nearest statutory sites for ecological importance are Marehill Quarry Site of Special

Scientific Interest (SSSI) located around 1.2km to the south-east (although this is only allocated for geological interest); Pulborough Brooks SSSI located some 1.4km to the south which also forms part of the Arun Valley Special Area of Conservation (SAC) and Special Protection Area (SPA). The Mens SSSI and SAC is located 3.6km to the north-west of the site which is designated for its Barbastelle bat population. Owing to its proximity to the Mens SAC, the Council is required to prepare an HRA Screening Report regarding effects on flightlines for Barbastelle bats.

- 6.60 The application is accompanied by a Biodiversity Net Gain Metric, Emergence Survey Report (Spatial Ecology, September 2022), Proposed Indicative Site Plan Drawing P101 C (OSP Architecture, June 2022), Response to Comments (LUC, March 2022) and Preliminary Ecological Appraisal (LUC, October 2021).
- 6.61 The Council's Ecology consultant has reviewed the submitted reports and survey and, subject to adequate avoidance, mitigation and enhancement measures secured via suggested conditions, does not object to the proposed development. The proposal will require a European Protected Species Mitigation License for bats prior to any commencement of works and it is therefore advised that a copy of this license be required as part of a suitably worded condition. Suitable mitigation will also be required during construction works as the central tree line will be breached to form the new estate road through the site (such as sensitive lighting), as well as the proposed post construction mitigation. It appears that linear features will be retained, protected and enhanced, the species-rich hedgerow with trees and the two mature treelines will be strengthened through native tree and shrub planting, and an additional species-rich hedgerow with trees will be created along the south-eastern boundary of the site (Ecological Appraisal (LUC, October 2021). Future tree removal works should also be subject to roost assessments.
- 6.62 Having undertaken an Habitats Regulations Assessment in relation to bats, it is considered that the proposed avoidance and mitigation measures set out as part of the proposal, including a new species-rich hedgerow along the south-east boundary, wildlife sensitive lighting, and additional species rich planting to ensure habitat connectivity for Barbastelle bats will be retained, protected and enhanced.
- 6.63 Accordingly, the proposal is therefore considered to satisfy the criteria of HDPF Policy 31 and regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Climate change

- 6.64 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- Consideration of solar panels, Air Source Heat Pumps, solar hot water panels
 - Efficient building fabric
 - Water efficiency measures
- 6.65 Under Part S of the Building Regulations, each new dwelling is expected to be provided with an EV charge point.
- 6.66 Subject to the implementation of these measures (either within the design of the site at Reserved Matters stage or secured by condition); the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Water Neutrality

- 6.67 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.68 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.69 The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide water neutrality strategy.
- 6.70 As a starting point, the baseline water consumption figures of the existing site have been provided by the applicant. These refer to an existing 4-bed bungalow, a 1 bed mobile home and a flock of 11 sheep that graze the land, citing an existing overall water use for the site of 564 litres per day (l/p/d). Officers have raised a dispute over the credibility of the flock of grazing sheep on site, having no evidence in recent time of the land being used for active pasture, as well as the position in relation to the claimed mobile home, for which there is no planning history or evidence.
- 6.71 The only certainty is the existence of the 4-bed bungalow on the site, which is still occupied. As there are no metered water bills available for this property, the existing baseline water use has been calculated using the 2011 Horsham census data of an occupancy rate of 2.86 (people) and a rate of 135 litres per day per person, arriving at an existing baseline water use of 390 l/p/d.
- 6.72 Applying Census data, occupancy level across the site from 65 homes based on the housing mix set out above would be some 141.79 persons. Therefore, applying the Part G2 (optional standard) water use of 110 l/p/d (per person), and subtracting the existing consumption from the house at Greendene, the proposed water budget of the development would be **15,600 l/day**. Mitigating this quantum of mains water use will therefore require onsite efficiency measures as well as the likelihood of off-site mitigations.
- Onsite mitigation:*
- 6.73 As a first-step, the applicants Water Neutrality Statement (WNS) sets out efficiency measures in respect of low-flush and efficient fittings which would reduce the water use to 100 l/p/d. Further on-site measures are promoted including rainwater harvesting or greywater harvesting, which would secure re-use for WC flushing. The submitted details envisage this further reduction will reduce the daily water use to 63.4 l/p/d (or **8,989 l/day** site-wide). Although the final details would be subject to planning conditions, there are several domestic GWH systems that fit into residential properties and 'harvest' water directly from source, treat and store ready for re-use within the home for WC flushing and washing machines that can meet the anticipated savings.
- Off-site mitigation:*
- 6.74 The applicant's Water Neutrality Statement (WNS) has been revised during the course of the application to omit reference to offsetting measures at Kinswood Eggs given the closure of this facility following an outbreak of avian flu in 2022. All offsetting measures are to now be located at the Hepworths Brewery site further along the A29 Stane Street to the north

opposite Brinsbury College. The statement sets out various water saving and reduction measures across the Hepworths Brewery site, using the 2022 baseline of metered water use at the Brewery, and taking account of the uplift in production during the first half of 2023.

- 6.75 When permitted in 2015 (under DC/13/2328) the Hepworths Brewery building was not subject to an upper limit on the amount of product brewed at the site, but anticipated the building to be able to accommodate increased capacity in future years. Officers recognise that the brewing process is quite water intensive, requiring more water input than product output. As the brewing process requires potable water for the product itself, the potential savings and water efficiency measures are to be delivered in the cleaning processes of the equipment used in the brewery and would present a saving over and above the existing / ongoing brewery use at the site.
- 6.76 From the submitted documents, it is understood that the brewery is currently operating below its potential capacity, with the documented production output for 2022 at some 60% of the site's capacity. In the first half of 2023, there was an uplift in the production at the site of some 10.9%. The figures below therefore represent the potential savings based on the 2022 production, and later will refer to the uplift.
- 6.77 The following areas have been identified for water recovery and reduction opportunities:
- Bottle Rinse – re-use of internal rinse water for external bottle rinse, currently utilises fresh water:
 - Internal bottle rinse uses 200ml of water per bottle at 20,000 bottles per day – 800,000 litres / year
 - External bottle rinse uses 50ml of water per bottle at 20,000 bottles per year – 200,000 litres / year
 - Savings delivered by using the internal rinse water for the external bottle rinse, thus reducing water use by 200,000 litres / year (549 l/day)
 - Rinse water recovery from bottle filler and keg washer sterilisation operations – water can be recovered and re-used for the next cycle:
 - Currently each bottle filler sterilisation process uses 2,500 litres of water per overnight cycle uses 500,000 litres / year
 - Each keg racker sterilisation process uses 1,500 litres of water per overnight cycle uses 225,000 litres / year
 - 100% of this water could be captured for re-use, leading to the saving of 725,000 litres / year (1,986 l/day)
 - CIP (Cleaning in Place) wash system and water recovery – currently all CIP cycles use fresh water after each brewing batch is completed and is manually carried out:
 - Based on 343 brews per year, each CIP cycle uses around 18,658 litres
 - By installing an automated system, which uses a consistent amount of water / chemicals and heat for the CIP system, savings can be delivered over and above the existing water use of around 25% (or 1,600,000 litres / year) (4,383 l/day)
 - Ancillary water use – currently all using fresh water:
 - Boiler make up water Currently requires some 1,200 litres per day (300,000 litres / year)
 - Floor washdown uses around 180,000 litres / year
 - Vehicle washing uses around 80 litres / vehicle with 3 vehicles washed each month requires around 2,900 litres per year
 - By using rainwater harvesting for these cleaning processes there would be a potential saving of some 480,000 litres / year (1,315 l/day)
- 6.78 The proposed water recycling and re-use measures would be capable of delivering water savings within the brewery, used in the existing cleaning and sterilisation processes. Based on the 2022 production levels of cleaning, sterilisation, brewing cycles and vehicles being

cleaned throughout the year, the above would deliver savings of some 8,233 l/p/d. This is below the 8,989 l/day (8,599 l/day when including the existing dwelling on site) required to offset the proposed development.

- 6.79 According to the submitted figures, the 2022 production at the brewery yielded 343 brew cycles, producing some 4,000,000 bottles of beer. Figures derived from the submitted Water Neutrality Statement reveal that each brew cycle uses some 18,600 litres of water (6,379,800 litres / year), all of which is currently supplied from the mains. The 10.9% uplift in production during 2023, taken forward for a full year, would lead to an increase in brew cycles to 380 per year, leading to an additional water demand of 688,200 litres / year (overall 7,068,000 litres year). The uplift in production experienced in 2023 would therefore lead to a reasonable annualised increased water demand at the brewery of 1,885 l/day (10,108 l/day total).

Overall water budget

- 6.80 By discounting the existing baseline water use of the bungalow on the application site (390 l/p/d) from total calculated water budget arising from the proposed development (8,989 l/p/d), there would remain a total of 8,599 l/p/d to be offset before the proposal would achieve a water neutral position.
- 6.81 Officers have reviewed the documents submitted in relation to the WNS and have run the calculations separately from those presented in the WNS. Based on the submitted information, the water offsetting measures, to be achieved by way of water capture, re-use and rainwater harvesting, along with efficiencies derived from automated cleaning processes, would realistically achieve a saving at the brewery of 10,108 l/p/d based on 2023 production levels continuing, this is higher than the calculations presented in the submitted WNS, which arrives at a potential daily saving of 9,131 l/day. This would achieve a headroom in the figures of some 532 l/day.
- 6.82 Following the submission of the above information, the potential water savings have been clarified and re-assessed by Natural England, who have raised no objection subject to the implementation of the stated measures prior to any occupation of the proposed development, to be secured by way of an appropriate legal agreement. Accordingly there is certainty that the proposal would not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such circumstances there would be the required certainty as by policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters:

Air Quality

- 6.83 The application site is not located within or close to any of the district's defined Air Quality Management Areas (AQMA's), however, on account of the quantum of development, comprising a 'major' development, an Air Quality Assessment (AQA) has been submitted.
- 6.84 Officers note that provision of EV chargers is now part of Building Regulations under Part S, and covered by the WSCC standards, so a robust AQA must go over and beyond the standards in place under other legislations. The AQA arrives at a total damage cost arising from the proposed development over 5 years as £14,736, but does not include a Mitigation Plan, which reflects in the Environmental Health department's objection on this ground.
- 6.85 The developer will therefore need to review the proposed mitigation strategy to ensure that the mitigation measures are effective and to ensure that they are not already covered by other legislation or other requirements to make the application acceptable in planning terms (for example, the provision of cycle storage and broadband). Given the provision of a

damage cost, officers consider that a suitable Air Quality Mitigation Plan can be secured under a planning condition.

Minerals Safeguarding

- 6.86 Under the West Sussex Joint Minerals Local Plan (JMLP July 2018) the site falls within a Building Stone and Brick Clay Mineral Safeguarding Area and would occupy some 3.52ha of land. A Minerals Resource Assessment has been submitted to identify whether economically viable mineral resources are present on site, and whether prior extraction is practicable.
- 6.87 Policy M9 (iii) of the West Sussex Joint Minerals Local Plan requires that for non-mineral development (such as residential development), the decision maker must determine whether the overriding need for the development outweighs the safeguarding of the mineral. In addition, the applicant must demonstrate that prior extraction is not practicable or environmentally feasible. It is acknowledged that there is a relative abundance of Brick Clay in the south east, therefore its safeguarding is a lower priority than other more scarce minerals such as Horsham Stone. In this instance, the area present for Brick Clay is around 150m x 150m in size and presents a potential site for extraction. However, given the location of the resource it may present planning-related constraints such as noise or transport movements.
- 6.88 The submitted Minerals Resource Assessment sets out that the Building Stone resource (Hythe Formation) may be economically viable, it comprises a relatively small and narrow formation within the site (located close to the site's northern boundary and the trees subject to preservation orders. It is stated that the extraction methods required would render this resource economically unviable for extraction. As such, WSCC Minerals and Waste Team has confirmed that no objection is raised to the proposal. Furthermore, the Council's housing supply position at present means that the need for more housing units carries significant weight in decision making. The proposal therefore satisfies the requirements of Policy M9 (iii) of the West Sussex Joint Minerals Local Plan.

Drainage / Flooding

- 6.89 The Environment Agency Flood Map shows that the application site is located within Flood Zone 1, indicating that it is at a very low risk from river flooding. In terms of surface water flood risk, the EA mapping data shows a low to high risk along the south-eastern boundary alongside the railway line, where the land levels are the lowest. It is in this location that the rear gardens of units 61 – 65 are indicatively located, along with an indicative pumping station.
- 6.90 The Local Lead Flood Authority (LLFA) has reviewed the additional information submitted and is satisfied that conditions can be applied to ensure suitable flood mitigation measures are put in place.
- 6.91 Network Rail requested further details in relation to the proximity of the sewage pumping station to the tracks, given the location of this part of the site within a surface water flood risk zone, and needing to ensure that the pumping station and soakaways would not impact on Network Rail infrastructure. More recently, Network Rail have confirmed that they have been in discussions with the applicant and their drainage engineer to address these concerns. Agreement has now been reached in terms of the soakaways and pumping station locations being outside of the 20m NR easement zone. Officers are satisfied that these details could be adequately required as part of a suitably worded condition, particularly noting that the layout of the site is currently only indicative, and would be subject to finalisation under a subsequent reserved matters application.

- 6.92 With regards to foul drainage, Southern Water have re-confirmed that they would be able to facilitate foul sewerage disposal to service the proposed development, with the additional modelled 0.65 litres per second generated by the development not impacting on the existing network capacity. Surface water would be discharged to SUDS. The connection to the Southern Water system requires a separate formal application to the sewerage undertaker by the developer / applicant.
- 6.93 Southern Water have also responded to the wider capacity issues experienced locally and report that some issues with the foul capacity experienced at Stane Street have been attended to and resolved and arose following blockages and a sewer collapse. These issues along London Road tend to result when the sewer becomes inundated with surface water as well as the anticipated foul flows. The suggested conditions include the requirement for surface water drainage schemes to be submitted to and approved by the LPA in conjunction with the LLFA, dealing with the temporary site construction works and the ongoing permanent site details, which should alleviate such sewer inundations being caused by the proposed development, with the development managing its surface water onsite and not increasing the risk of flooding elsewhere.
- 6.94 Officers consider that there is sufficient flexibility in the final layout of the site which would be submitted under reserved matters, to secure satisfactory details of these two matters by way of condition.

S106 Agreement and Community Infrastructure Levy (CIL)

- 6.95 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. This development constitutes CIL liable development. In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.
- 6.96 HDPF Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. The provision of affordable housing must be secured by way of a Legal Agreement, as would contributions to infrastructure and off-site improvements including sustainable transport commitments and air quality mitigation measures.
- 6.97 It is noted that Network Rail initially placed a holding objection on the proposal relating to the increased pedestrian movements likely over the at grade crossing / PRoW in order to gain access to the local facilities including the primary school. Following officer discussions with Network Rail and a site visit to assess the crossing point, financial contributions have been sought to remedy the issues experienced at the existing at grade crossing point, thus removing the holding objection.
- 6.98 Therefore, officers would advise that the legal agreement include a relevant trigger point for the provision of funding for the miniature stop lights at the relevant crossing point only, and then only in the event that the new footbridge is not delivered under application DC/21/2321.
- 6.99 Furthermore, the s106 should also include the provision of a new footpath / cycle path within the development site and up the site's southern boundary so that links can potentially be achieved through to PRoW 2330, with land secured to provide a similar link to the north of the site to 'future-proof' for prospective site connections.
- 6.100 A s106 legal agreement to secure the obligations necessary to make this application acceptable in planning terms is currently being drafted. The headline obligations are to include the following:
- 35% Affordable Housing (60 units)
 - Provision of funds towards new miniature stop lights at the at grade crossing on PRoW 2330 (sum of £500,000) to be used in the event of the new railway footbridge not being completed

- Provision of a new cycle/ footpath within the site up to the southern boundary best endeavours to complete the link to the PRoW 2330 on the adjacent land
- Provision of land, and retention thereof in perpetuity to achieve a cycle / footpath connection to the north if needed
- Water neutrality matters to provide offsite offsetting measures as stated at Hepworths Brewery within the district

Conclusions and Planning Balance

- 6.101 In any planning decision, the starting point for the assessment is to consider whether or not it accords with the provisions of the adopted development plan (in this case the HDPF) and the NPPF (updated December 2023).
- 6.102 Within the NPPF, a newly added para 70 now sets out support for small and medium sized sites coming forward for housing development.
- 6.103 Otherwise, it is considered that the latest version of the NPPF has not raised any new matters which are material in the considerations of this application.
- 6.104 In this case the majority of the site lies outside of the BUAB of Codmore Hill, with only 4 of the proposed 65 dwellings indicated as likely to fall within the BUAB. The site is not allocated for development within the HDPF, or in a made neighbourhood plan, or in a site allocations DPD. Therefore the development of this site for housing runs contrary to Policies 1, 2, 4, and 26 of the HDPF and conflicts with the development plan as a whole.
- 6.105 In addition, the site has not been allocated for housing development in the post-examination Pulborough Neighbourhood Plan, and is not allocated within the Regulation 19 Horsham District Local Plan 2023-2040 (HDLP), albeit the weight to be attached to the HDLP is limited at this stage.
- 6.106 Of note is that Horsham District Council now has an emerging local plan at Regulation 19 Stage and as a consequence, must now demonstrate only a four-year housing land supply (as opposed to five years) for a period of two years from publication of the updated NPPF (paragraph 226). However, further clarification provided at footnote 79 of Annexe 1: Implementation, reveals that this criteria should only be applied to applications made on or after the revisions of the NPPF (19th Dec 2023). Therefore, in considering the current application, it is the 5 year housing land supply position that is relevant, and so the NPPF does not change the weighting applied to the housing land supply in the district.
- 6.107 The Council is unable to demonstrate a 5 year housing land supply with current supply calculated as being only 3 years. The failure to demonstrate a 5 year housing land supply triggers the presumption in favour of development at paragraph 11d of the NPPF in the determination of this application. This means policies 2, 4 and 26 of the HDPF, which are the most important policies when considering this application, must be considered out of date. In such circumstances paragraph 11d requires that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (paragraph 11d(ii)). In assessing this proposal, officers conclude that matters in relation to designated habitats sites / water neutrality, heritage assets, archaeology and flooding can all be satisfactorily addressed and therefore do not present any clear footnote 7 reasons for refusing the development in the alternative (paragraph 11d(i)).
- 6.108 Whilst the Pulborough Neighbourhood Plan has passed through examination and allocates other sites to meet its identified housing need, it does not yet form part of the development plan for the district. Consequently the protections afforded by paragraph

14 of the NPPF, which in effect disapply the presumption in favour of sustainable development, cannot be taken into consideration.

- 6.109 Therefore, applying paragraph 11(d) of the NPPF, the Council is directed to grant planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 6.110 This report has established that (subject to conditions and a legal agreement) key matters including impact on highways, landscape, neighbouring amenity, ecology / trees, heritage/archaeology, drainage / flood risk, air quality, minerals and sustainability / climate change are judged to be acceptable, or are capable of being acceptably mitigated for by way of subsequent reserved matters and conditions. Whilst in outline form, the submitted plans have shown that the quantum of housing proposed can be accommodated appropriately within the site boundary taking into account of landscape sensitivities and neighbouring amenity. The provision of three areas of dedicated children's play spaces as well other areas of open amenity space, offer benefits to the scheme that would create a pleasant place for new and existing residents, and adds weigh in favour of the proposal. In addition, the application proposes a policy compliant number of affordable units (23no.) which will be beneficial to those on the housing register in in Pulborough, and to those who cannot afford to buy or rent at market prices. This also adds weigh in favour of the proposal.
- 6.111 Although the site is not allocated for development in the adopted local plan (the HDPF), not allocated in the post-examination PNP for housing, nor allocated in the Reg 19 Local Plan, Officers consider the proposal complies strongly with the requirements of the FAD document which, coupled with the Council's current lack of a 5-year housing land supply and the associated application of the tilted balance, leads to the conclusion that the benefits of the 65 market and affordable dwellings in this location would outweigh the conflict with the HDPF and the post-examination PNP.
- 6.112 In reaching this conclusion Officers acknowledge that the site was promoted through the neighbourhood plan process but discounted from allocation on account of the stated deficiencies for pedestrians in accessing village amenities, thus placing an expectation in the community that any development of this site would be resisted. However, the identified difficulties in reaching facilities south of the rail line have been largely addressed by securing upgrades to the rail crossing, whilst the site otherwise sits in a sustainable location close proximity to existing development, sustainable transport routes and facilities such as the adjacent supermarket. The conflict with the post-examination PNP is fully acknowledged and significant weight has been attributed to this, however the PNP does not yet form part of the development plan for the district therefore it does not benefit from the protections afforded by paragraph 14 of the NPPF. As a consequence, the benefits of the provision of housing in this location are considered to significantly outweigh the conflict with the post-examination PNP, HDPF and the draft Regulation 19 Horsham District Local Plan when applying the presumption in favour of sustainable development and considering the NPPF as a whole.
- 6.113 Officers therefore recommend that, subject to the conditions listed below and the completion of a s106 legal agreement to secure 23no. affordable housing units, off-site water neutrality measures and other obligations including provision for a safe rail crossing, this application for up to 65no. dwellings on this site should be granted outline planning approval.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
Residential	5876.5	258	5618.5
	Total Gain		5618.5
	Total Demolition		258

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

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

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

7. RECOMMENDATIONS:

- 7.1 To approve Outline planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement.
- 7.2 In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place 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. List of Approved Plans

Name of Document/Plan	Reference	Date Received by HDC
Proposed Site Access (as part of the Transport Statement)	1803075-03 Rev A	10/11/2021
Location Plan	20052 S101 Rev A	02/11/2021

2. Regulatory (Time) Condition:

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

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

3. **Pre-Commencement Condition:** No development, including any demolition, shall 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: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).

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

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

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

5. **Pre-Commencement Condition:** Any works which will impact the breeding / resting place of Bats 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

6. **Pre-Commencement Condition:** Notwithstanding previously submitted information, no development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery, or materials onto the site, until the tree protection fencing has been erected in the position as indicated in drawing Ref: MW.20.0821.TPP.RevB [attached to Mark Welby Arboricultural Consultancy Arboricultural Assessment & Method Statement Revision B issued 2023.04.17]. Once in place the person(s) responsible for supervising the works must meet the Arboricultural Officer of the Local Planning Authority, on site, so the Arboricultural Officer can supervise that condition x attached to planning permission is fully complied with.

Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

7. **Pre-Commencement Condition:** No development, including demolition pursuant to the permission granted, shall commence until the following components of a scheme to deal with the risks associated with contamination (including asbestos contamination) has been submitted to and approved in writing, by the Local Planning Authority:
 - a) 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 (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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

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

8. **Pre-Commencement Condition:** No development, including demolition of the existing buildings on the site, shall commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall

provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015), and in accordance with paragraphs 171, 173 and 175 of the National Planning Policy Framework (Dec 2023).

9. Pre-Commencement Condition:

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

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

10. Pre-Commencement Condition: No development, other than the demolition of the existing buildings on the site, shall commence until detailed designs of a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the submitted FRA and Drainage Strategy (Final B, Motion, 27.10.23) and drawings 1803057-0500-01 Rev B 13.10.23, 1803057-0500-02 Rev B 13.10.23, 1803057-0500-03, 1803057-0500-04 Rev B 13.10.23, and shall incorporate details to address the following matters:

- a) Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration features, or if infiltration is proven to be unfavourable then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. These post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% annual probability. The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.
- b) Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).
- c) Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.
 - 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- d) The design of any drainage structures will include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface

water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event. This will include surface water which may enter the site from elsewhere.

- e) Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- f) Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- g) A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015), and in accordance with paragraphs 169, 173 and 175 of the National Planning Policy Framework (Dec 2023).

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

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

12. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Appraisal (LUC, October 2021), has been submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

13. **Pre-Commencement (Slab Level) Condition:** Notwithstanding the details submitted in the Michael Bull & Associates Air Quality Assessment (dated 19 July 2023), no development above ground floor slab level of any part of the development hereby permitted shall take place until an appropriate damage cost mitigation strategy has been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document. The identified mitigation measures shall be implemented in accordance with the agreed damage cost mitigation strategy prior to first occupation of the approved development.

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).

14. **Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (Water Environment, received 04.05.2023) have been submitted to and approved in writing by the Local Planning Authority. The rainwater harvesting system shall include suitable storage tanks to provide a minimum 35 days storage capacity.

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

15. **Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence until a scheme for protecting the proposed development from noise has been submitted to, and approved in writing, by the Local Planning Authority. The proposed scheme shall be undertaken in accordance with the Outline Plan Ref 20052 / SK14D, the internal layout as detailed in Section 10 (Addendum) of Acoustic Associates Sussex Noise Impact Assessment dated, 15.08.23 and supplementary information received dated 21.09.23, and shall achieve the following noise levels:
- Internal day time (0700 - 2300) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with windows open)
 - Internal night time (2300 - 0700) noise levels shall not exceed 30dB LAeq with individual noise events not exceeding 45dB L_{Amax} (bedrooms and living rooms with windows open).
 - The level of attenuation achieved for all habitable rooms will be a minimum of 11dB on the 50Hz frequency.
 - Garden/external amenity spaces should not exceed 55 dB LAeq, 16hr,

The approved scheme for each dwelling shall be implemented prior to first occupation of that dwelling and shall thereafter be retained and maintained.

If it is predicted that the internal noise levels specified above will not be met with windows open for any of the dwellings, the proposed mitigation scheme shall assume windows would be kept closed, and will specify an alternative rapid/purge ventilation system, to reduce the need to open windows. As a minimum, this will usually consist of a mechanical heat recovery ventilation system with cool air by pass or equivalent.

The development shall thereafter be carried out in accordance with the approved details.

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

16. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 7 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 7 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).

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

The LEMP shall have regard to the requirements set out within the Horsham District Council 'Biodiversity and Green Infrastructure' Planning Advice Note (October 2022) to seek to achieve a measured 10% net gain in biodiversity. The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

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

18. **Pre-Occupation Condition:** Prior to the first occupation or use of the development hereby permitted, site-wide Landscape Management and Maintenance Plan (including long term design objectives, management responsibilities, a description of all hard and soft landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all parts of the site (existing and proposed) shall have been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policies 25, 31 and 33 of the Horsham District Planning Framework (2015).

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

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

20. **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing 1803075-03 Revision B. The access shall be thereafter retained as such.

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

21. **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in condition 15.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

22. **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, details of the rainwater harvesting system installed including a minimum 35 days storage capacity, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

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

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

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

24. **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

25. **Regulatory Condition:** No works or activities relating to the implementation of the development hereby permitted (including deliveries of materials and equipment) shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public holidays

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

26. **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Emergence Survey Report (Spatial Ecology, September 2022) and the Ecological Appraisal (LUC, October 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

27. **Regulatory Condition:** The foul pumping station and any soakaways will be located outside of the 20m Network Rail easement zone.

Reason: To 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) and in accordance with paragraph 173 of the National Planning Policy Framework (Dec 2023).

28. **Regulatory Condition:** The development hereby approved shall be carried out in strict accordance with the approved documents (Mark Welby Arboricultural Consultancy Arboricultural Assessment & Method Statement Revision B issued 17.04.2023).

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

29. **Regulatory Condition:** No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority. 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. The verification report shall be submitted and approved, in writing, by the Local Planning Authority.

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