



TO: Planning Committee

BY: Head of Development and Building Control

DATE: 22nd July 2025

DEVELOPMENT: Outline planning application for up to 79 Dwellings (including affordable homes) with all matters reserved except for access.

SITE: Land at 508967 124469, Marringdean Road, Billingshurst, West Sussex

WARD: Billingshurst

APPLICATION: DC/24/1581

APPLICANT: **Name:** Mr Asher Ross **Address:** Wates House, Station Approach, Leatherhead, KT22 7SW

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

The proposal represents a departure from the Local Plan.

RECOMMENDATION: To approve outline planning permission subject to appropriate conditions and subject to the completion of the necessary section 106 agreement within four months of the decision of this Committee, or such longer period as is agreed by the Director of Place acting reasonably and properly.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks outline planning permission for up to 79 dwellings and associated infrastructure, with all matters of detail reserved for future consideration except for access, as detailed within the development description above. The application submission has been screened out of EIA development.
- 1.2 The submission is supported by a suite of documents that have informed the assessment of the proposal, including visual and landscape, ecology and flood risk impacts. Whilst matters of appearance, landscaping, layout and scale would be reserved for future determination, the application is accompanied by parameter, access, and drainage strategy plans which

model the maximum impact of the development, the site access to serve the development (but excluding internal access), and a Design and Access Statement (DAS). Subsequent Reserved Matters and the delivery of the development would be required to demonstrate substantive compliance with key design principles, including the broad extent of the proposed residential development and the broad location and nature of open space provision. The application is also accompanied by an Illustrative Masterplan which given all matters are reserved except for access, is indicative of how the proposal could ultimately be configured.

- 1.3 The parameters plans identify residential development to be located across the site and to the north of the existing dwellings along the north side of Marringdean Road. Building heights would range up to two and half storey maximum. Key design principles set out in the parameter plans include:
- Provision for allocated open space comprising natural and semi natural green space, amenity green space, and an equipped play area (a Locally Equipped Area of Play (LEAP) in the southwest site corner).
 - With exception of some roadside hedgerows and tree removal to provide the proposed site access, existing trees and hedgerows around the site perimeter would be retained and reinforced, as part of the provision of structural and biodiverse landscape buffers around the site edges. The buffers are to achieve an appropriate screening between the development and adjacent countryside.
- 1.4 As this application is outline, the exact type, mix and tenure of the housing will be based on an assessment of local housing need at the time of reserved matters. Nonetheless, there is an anticipated mix for dwellings, tabled later in this report, expressed on the Illustrative Masterplan as predominately detached and semi-detached typologies with larger flatted buildings on the north end of the site, with parking in garages /driveways, in parking courts and on street. The affordable housing package would equate to an overall provision of 35%.
- 1.5 The application is supported by foul and surface water drainage and water neutrality strategies. To address water neutrality, the proposal seeks to use water trading credits from a proposed borehole at Sumners Pond in Barns Green in Horsham district.
- 1.6 Negotiations between Officers and the applicant have secured changes to the proposal including the reduction in extent of residential development (cul-de-sac to southwest site removed); reduction in maximum indicative building scale (from 3 to 2.5 storey); upgrade of on-site play space provision; alternative pedestrian and cycle site access arrangements and active travel strategy with off-site highway works, as well as updated ecology and biodiversity, landscape, drainage, and water neutrality technical matters. These are detailed in later sections of this report. The submission is accompanied by Heads of Terms to be secured by legal S106 agreement, for various works and financial contributions, that meet the CIL Regulations tests, to mitigate and compensate for impacts and harms and to deliver benefits.

Access

- 1.7 The proposed vehicular site access would be taken directly off from Marringdean Road, a classified 'C' road, along the north side of the road, and south of the existing junction serving Kingsfold Close. The access is in the form of a priority junction, 5.5 metres wide with 6 metre radii.
- 1.8 As the immediate stretch of the north side Marringdean Road does not have a pavement, separate shared use 3 metre pedestrian/cycle access directly to/from the site would be constructed south of the proposed vehicular access, to link into an existing uncontrolled crossing point (incorporating a raised table with tactile paving) and 3 metre wide shared foot/cycle path on the south side of Marringdean Road, which is presently routed behind the roadside hedgerow. This shared use path is lit and was introduced as part of planning

permission DC/15/0896 (Policy SD11 Strategic Policy: Land South of Billingshurst) and provides a south-north pedestrian and cycle route into Billingshurst.

- 1.9 Both proposed points of access are designed in line with national design guidance; the Transport Assessment (TA), submitted in support of the application, identifies a speed limit reduction from 40mph to 30 mph along the stretch of Marringdean Road that includes both access points (in the form of repeater markings of the speed limit and road markings on red coloured surfacing), to be delivered via a Traffic Regulation Order (TRO).
- 1.10 While not necessary for the new access (both vehicular and pedestrian/cycle) to be judged safe and suitable, the TRO works are enhancement measures to promote a 30mph speed limit along the site frontage following negotiations with Officers. Separately, a gateway feature has also been secured via planning permissions for development on land west of Marringdean Road (ref: DC/10/0939 & DC/15/0896), which emphasises the speed limit change from 40mph to 30mph. Additional off-site highway measures involve:
- minor carriageway realignment to minimise impact on roadside trees and hedgerow, and vegetation cut back within visibility splays to achieve visibility.
 - provision of dropped kerbs and tactile paving at the junction of Kingsfold Close.
 - an Active Travel Improvement Package comprising approx. £15k financial contribution to highway measures along Key Movement Routes from the development site to Billingshurst centre, via the train station. Discussions are ongoing but include further dropped kerbs and tactile paving, bus stops improvements on Lower Station Road, and secure and sheltered cycle parking at the train station. Members will be updated at Committee.
- 1.11 The submitted TA demonstrates how these various proposals will integrate with the local highway network and how the access arrangements have been designed with satisfactory entry/exit and forward visibility splay requirements; and subject of swept path analysis to ensure emergency and services vehicles can access the site and a Stage 1 Road Safety Audit undertaken with the issues raised to be mitigated at the detailed design stage.
- 1.12 The original access proposals involved a 1.5 metre footway to be provided on the north side of Marringdean Road, between the application site and Kingsfold Close. This footway width is only the minimum acceptable standard set out in guidance (Inclusive Mobility at para 3.1) and the proposed footway was subject to further localised narrowing to only 1 metre for a length of 0.6m within the minimum root protection area of 14 no. good quality English Oaks along the north side of Marringdean Road. On your Officer's advice, this did not offer acceptable pedestrian access into Billingshurst, and an alternative 3-metre-wide link into the existing 3 metre width shared pedestrian /cycle link on the south side of the road has been negotiated instead.

DESCRIPTION OF THE SITE

- 1.13 The site (4.20 hectares) comprises several gently sloping irregular-shaped grass crop fields, bounded by mature hedgerows and trees and within Flood Zone 1, land with very low probability of fluvial or tidal flooding. The site is adjacent to an archaeological notification area to the north.
- 1.14 Located on the south edge of Billingshurst, on the north side of Marringdean Road, the site is some 0.8km south of Billingshurst railway station (approx. 10-minute walk or 3-minute cycle ride) and 1.6km from Billingshurst centre. Nearest bus stops are on Natts Lane, approx. 750 metres and 870 metres from the site, served by bus service 100, which provides hourly services between Horsham and Burgess Hill. Bus service 69 can be accessed from Stane Street (adjacent to Natts Lane).

- 1.15 The site context holds both rural and residential qualities. The wider landscape context can be described as heavily wooded and rural in nature, comprising a strong field pattern defined by hedgerow and hedgerow trees, interspersed by large areas of woodland and ancient coppices. Daux Wood - Ancient Woodland, an irreplaceable habitat and priority habitat - abuts the north boundary and northeast site corner, and agricultural fields lie adjacent to the east boundary. Rosier Wood is a Local Wildlife Site comprising ancient and lowland mixed deciduous woodland.
- 1.16 Scattered built form is found southeast of the site and a single dwelling to the north. Northwest of the site is Kingsfold Close, a residential cul-de-sac of 12 no. detached, two storey dwellings, set on spacious plots with landscaped front gardens. Opposite the site on the south side of Marringdean Road is a completed 87 dwelling housing development (DC/15/0896) pursuant to HDPF site allocation policy SD11 (together with a smaller area of land to the west).
- 1.17 North of this, planning permission DC/10/0939 (which was allowed on appeal in 2011) granted 150 dwellings (now built-out). As part of that scheme, the developer was required to introduce traffic calming features in the form of an enhanced gateway feature on Marringdean Road, together with the introduction of priority arrangements to reduce traffic speeds on the highway. A further 50 no. new residential units were approved to west/ northwest at rear of Grade II Listed Great Gilmans Farm in 2013, under planning reference DC/13/2379. Northeast of the current site and on the north side of Marringdean Road, planning reference DC/13/0147 (which was also allowed on appeal) granted consent for 46 no. residential properties, together with new access onto Marringdean Road. This is built out. Beyond this development, permission reference DC/11/2385 granted consent for a further 46 no. dwellings, accessed from eastmost end of Daux Avenue. The consent included alterations to the Natts Lane/Marringdean Road/Lower Station Road/Daux Avenue junctions to improve visibility.
- 1.18 Marringdean Road is a two-lane carriageway subject of a varied speed limit. Most of highway stretch immediately outside of the site is subject of a 30-mph speed restriction, however, this increases to 40 mph at the south end of the site, as vehicles drive out of Billingshurst. Multiple public right of ways (PRoWs) are in close proximity to the site, however those that offer glimpse views onto site include PRoW 1932 running north-south along the east boundary. The Sussex Diamond Way Long Distance Path shares the above route, turning northwest once at Marringdean Road and running along the south site boundary. Harefold unlicensed Aerodrome is located some 800 metres southwest of the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.
Section 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 9 - Employment Development
- Policy 15 – Housing Provision

Policy 16 – 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

Horsham District Local Plan (2023-40) (Regulation 19)

Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

Billingshurst Neighbourhood Plan 2019 - 2031 (June 2021)

Policy BILL 1 – Billingshurst Built up Area Boundary
Policy BILL 2 – Housing Design and Character
Policy BILL 3 – Energy Efficiency and Design
Policy BILL 4 – Provision of leisure and recreation facilities
Policy BILL 12 – Protection and Enhancement of Key Movement Routes
Policy BILL 14 – Residential Parking Provision
Policy BILL 16 – Multi-use Sustainable Drainage Systems

West Sussex Joint Minerals Local Plan (2018, Revised 2021)

Policy M9 - Safeguarding Minerals

West Sussex Waste Local Plan (2014, Reviewed 2019)

Supplementary Planning Guidance:

HDC Planning Obligations and Affordable Housing Supplementary Planning Document (2017)

HDC Community Infrastructure Levy (CIL) Charging Schedule (2017)

WSCC Supplementary Planning Guidance (September 2020) - revised county parking standards and transport contributions methodology

Revised county parking standards and transport contributions methodology (September 2020)

Other Guidance:

HDC Sports, Open Space and Recreation Assessment (2014)

HDC Open Space, Sport & Recreation Review (2021)

Air Quality and Emissions Mitigation Guidance for Sussex (2020)

HDC Planning Advice Note: Biodiversity and Green infrastructure (2022)

HDC Planning Advice Note: Facilitating Appropriate Development (2022)

Parish Design Statement:

Billingshurst Parish Design Statement

PLANNING HISTORY AND RELEVANT APPLICATIONS

Adjacent (southwest) to Application Site

HDPF Policy SD11 Strategic Policy: Land South of Billingshurst

Two parcels of land located to the south of Billingshurst are allocated for housing development and associated infrastructure to accommodate around 150 dwellings. This land comprises the area west of Marringdean Road to the south of Blackthorn Avenue and land to the west of the recently approved A2 Dominion site.

Development of this area will be required to deliver the necessary infrastructure, facilities and services to meet the needs of the community. The development will be designed at an appropriate density and layout which relates to the existing settlement and provides convenient links to existing facilities and services. The development shall be programmed in order to enable its completion by 2031.

DC/15/0896

Residential development of 87 dwellings, including 30 affordable units, together with associated open space, landscaping and the creation of a new vehicular access from Marringdean Road

Permitted 09-09-2016

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 Housing:** (subsequent to earlier consultations) No Objection
[Summary] Support as delivering much needed affordable rented homes in line with current local demand.
- 3.4 **HDC Landscape Architect:** (subsequent to earlier consultations): Advice
[Summary] Welcome improvements to concept layout, including change in location and provision of LEAP and connection to existing site across road. From landscape perspective better outcome than proposed footpath along Marringdean Road, as more vegetation and consequently, character of area, would be adversely affected. Nevertheless, do not agree with some areas marked as delivering on definition of amenity green space.

- 3.5 **HDC Parks:** (subsequent to earlier consultations): No Objection
[Summary] Revision of plans welcomed: more substantial area of amenity open space; full-size area for play (LEAP); pedestrian link to Longhurst Drive Open Space and footpath.
- 3.6 **HDC Tree Officer:** (subsequent to earlier consultations) Advice
[Summary] Access requires two points of tree removal along Marringdean Road. Additional engineering impacts with rooting areas of retained roadside trees, including mature oaks, dependant on specific engineering solutions utilised.
- 3.7 **HDC Environmental Health:** (subsequent to earlier consultations): Advice
[Summary] Further information required in relation to proposed offsite private water supply (offsetting borehole). Information in relation to noise, land contamination and managing construction impacts can be secured through conditions.
- 3.8 **HDC Archaeology Consultant:** No Objection
[Summary] Secure work with archaeological condition
- 3.9 **HDC Ecology Consultant:** (subsequent to earlier consultations): Recommended Approval subject to conditions.
[Summary]: in accordance with Ecological Appraisal; approval of works which will impact breeding/resting place of hazel dormouse; construction environmental management plan for biodiversity; reptile mitigation strategy; Biodiversity Enhancement Strategy; updated surveys if required.
- 3.10 **HDC BNG Ecologist:** (subsequent to earlier consultations): No Objection
[Summary] Amendments and clarifications welcome. BNG proposals on-site adequate and feasible. To meet 10% off-site options will need to be sought.
- 3.11 **HDC Waste and Recycling:** No Objection
- 3.12 **HDC SNOWS:** Comment
[Summary] Unable to add to SNOWS register
- OUTSIDE AGENCIES
- 3.13 **Natural England:** (subsequent to earlier consultations): No Objection, subject to appropriate mitigation being secured
[Summary] Mitigation measures proposed in the Habitat Regulations Assessments should be secured.
- 3.14 **District Licensing (Newt) Officer:** Advice
Secure submission of the mitigation statement
- 3.15 **Environment Agency:** Consulted - no response received.
- 3.16 **Southern Water:** (subsequent to earlier consultations): Advice
[Summary] Adequate capacity in local sewerage network to accommodate foul flow.
- 3.17 **WSCC Local Lead Flood Authority:** (subsequent to earlier consultations): No objection
[Summary] No objection subject to conditions.
- 3.18 **WSCC Minerals and Waste:** (subsequent to earlier consultations): No Objection
- 3.19 **WSCC Fire and Rescue Services:** Advice
[Summary] Requirement of additional fire hydrant(s) by condition

- 3.20 **WSCC Public Right of Way:** Advice
[Summary] Seek improvements to right of way network as mitigation for additional footfall
- 3.21 **WSCC Highways:** (subsequent to earlier consultations): No Objection
[Summary] Would not result in 'unacceptable' residual impact on adjoining highway network in accordance with Paragraph 116 of NPPF. Any approval subject to conditions: Access (provided prior to first occupation); Construction Management Plan; Travel Plan (to be approved).
- 3.22 **WSCC Education:** Consulted - do not wish to make comment.
- 3.23 **Sussex Police** (Local Policing Service Improvement & Engagement): Comment
[Summary] Direct applicant to Secured by Design
- 3.24 **Sussex Police and Crime Commissioner:** Advice
[Summary] In absence of developer contributions towards policing infrastructure will raise objection

PUBLIC CONSULTATIONS

- 3.25 **Billingshurst Parish Council:** Objection
[Summary] - Highway Access and Parking
- Overdevelopment
- 3.26 28 no. representations received in total, including from CPRE Sussex. This figure includes multiple submissions and recience from individuals of the same household. When these are excluded, representations have been received from 15 no. individual property addresses. This is broken down into:
14 no. objections (all from Billingshurst)
1 no. neither objecting nor in support (address outside of the district).
- 3.27 The grounds of the **objections** received are summarised as follows:
- Principle and Infrastructure*
- Greenbelt, hayfield adjacent to Ancient Woodland. Not allocated in district plan (adopted/emerging) or Neighbourhood Plan and Outside Built-Up Area Boundary. Contrary to Billingshurst Neighbourhood Plan. Does not prioritise brown/greyfield above greenfield. Appeals dismissed even though Horsham's housing target not fulfilled. Development plan is legal basis for sound and sustainable developments. Cannot understand how water neutral.
 - Further strain to already overstretched medial services (doctors/dentists/surgeries); worsen health and wellbeing. Schools at capacity/ demand increasing rapidly. Few leisure facilities. Without providing benefits, playgrounds/ bus stops. Guaranteed cost of affordable to buy?
- Drainage*
- Surface water drainage and sewage system already at capacity. Ditch has downstream capacity issues, overflows regularly. Effluent in ditch. Natts Lane and Marringdean Road have drainage issues No clarity on foul water to main sewer at Kingsfold Close. Surface water run-off will flood adjacent properties in Kingsfold Close; will sue. Safety hazard as forced to walk in road to avoid overflow. Need to avoid contaminates. Every property needs water harvesting.
 - Claim to reduce flow rates disregards local factors. Full FMEA be conducted. FRA relies on Flood Estimation handbook. Fails to provide accurate comparisons. Excludes runoff from areas. Baseline overlooks natural attenuation. Flow into ditch may intensify scouring, destabilise soil. Shifts accountability to Southern Water and WSCC. Contrary to Policy BILL 16.

Highway Matters

- Distance from amenities will lead to car journeys, increased traffic through high street and surrounding area and increased traffic flow and congestion at peak times on Marringdean Road. Will worsen already congested Staine Street and Five Oaks Road and cause environmental degradation. Will worsen parking; insufficient parking at/ near station, lack of short-say high street parking. Data not true traffic flow: taken during school half term over weekend and data logger placed well beyond Woodcroft, Honeysuckle and Longhurst Drive.
- Despite requests, footpath, shared road space or traffic calming, pedestrian crossing point not deemed necessary by WSCC. Needs physical measures to slow vehicle traffic. Residents must walk along road with no pavement. Just sporadic and congested narrow foot/cycle paths with dead-ends and narrow, long blind dangerous bends where visibility limited, with inclines, dangerous for cycling. No safe crossing points on road nor easy walks to bus stop (nor adequate bus or train service). Traffic does not adhere to speed limit and dangerous. Await pedestrian collision. Proposed footpath be reconsidered; existing footpath already on opposite side of road, providing safe passage for pedestrians and cyclists without necessitating removal of scrub and trees. Honeysuckle Drive has vehicle capacity problem. Roads should be wide to allow parked car and fire engine or other emergency vehicles to pass. Honeysuckle Drive had manned traffic controls because roads too narrow.

Design and Character

- Marringdean Road is only characterful country lane out from Billingshurst. Ribbon Development will alter character; already three estates. Loss of charm of grassed triangle and 1950s junction signpost (Natts Lane and Lower Station Rd). Not in keeping / disregards integration with properties and design in Kingsfold Close, character, or housing distribution of Marringdean Road. Felling of many trees. Focus on maximising housing density. Overdevelopment not conducive to good neighbourhood. Not all about crowding houses. Do not want ghettos. Contrary to BNP Policy Bill 2. Each house should have parking for minimum of two cars and additional visitor parking.
- Landscaping poor and not minimum standards. Dwelling sizes small when 3-bed houses required. Garden sizes unreasonable. No allowance for affordable housing, nor any partnership. Separated off 'close' of 4+ bed executive homes. No idea of building scales. Not aware of any site in Billingshurst having blocks of flats. Flats should be to top of hill near road / southeast edge not immediately on garden hedge. Open space insufficient for children. Like open space in middle. Would like a new boundary wall not fence.

Residential Amenity

- Adverse impact on neighbours and detrimental to health and wellbeing. Will overlook properties in Kingsfold Close and remove privacy and feel overly imposing. Must comply with BS8233:2014. HGV traffic, noise, pollution and disruption. Light pollution. What landscaping will be carried out to protect privacy of neighbouring occupied land.

Ecology

- Adversely impacts adjacent habitats, Daux and Rosier Ancient Woodland. Pollutants Adverse impact on bats, squirrels, foxes, frogs, birds (including swifts, buzzards, sparrow hawks, red kites, herons, owls, skylarks, nightingales, peacocks). Deer use field to access water; 10 metre north boundary strip be left.
- Incomplete evaluation of habitat for protected birds. Surveys claim no evidence of bat roosts, despite foraging (more than 10 a time, summer months). Concerns on adequacy and timing of survey methods. Can reports be produced about this. Hedges confirmed host dormice trimmed/removed. Mulberry House pond has newts. Should ban cats. Why TPO if cannot protect wildlife.

Hadfold Farm Airstrip (GB-0748)

- Site under flight path to local small aircraft airfield just south of Marringdean Road. Planes pass under 500ft on descent. What study made to ensure safety? If flight path changed, no consultation.

Procedure and Ethics

- Submission without thought or care. Small, insidious development allows council and developers to profit without adding to infrastructure. Without notice to neighbours, additional information added on Council website. Documentation poor quality and lacks information. Would like specialist reports. Southern Water will say they can cope; want more customers for income.
- Applicant leaflet dropped some residents, given only 72 hours to respond. Hardly amended proposal despite objections. Billingshurst disadvantaged being outside South Downs National Park. No easement agreement with affected parties. Developer should be held accountable for infringement of water control with fines payable and compensation.
- Application not accepted in 2023, rejected by Parish council. Hope Horsham Council finally support its constituents and refuse unsound application.

THE COUNTRYSIDE CHARITY SUSSEX (CPRE) [Summary]:

- Question presumption that application be approved because Council does not have supply of deliverable sites as required by national policy. Court of Appeal rulings show even where development plan policies out of date by housing shortfall, these remain relevant to tilted balance. Decision-makers not legally bound to disregard development plan policies when applying tilted balance. Demonstrated in Horsham District by appeal.
- Archaeological and Heritage Assessment and Lighting Plan should be provided. Application without. Lighting Plan should include construction phase and detailed modelling of cumulative light spill. Design and Access Statement (DAS) acknowledges site character predominantly rural.
- Wildlife Friendly Lighting Strategy should be secured by condition. DAS makes no mention of lightspill and need for mitigation. Shadow Habitats Regulation Assessment, confirmation of need for sensitive lighting scheme.
- Barbastelle bats. DAS potentially misleading where states relatively low levels of bat activity recorded across site, with majority being for common and widespread species, omitting to mention Barbastelle were among bat species recorded. Relative to what and where? Barbastelle bats detected and recorded on site in April, May, June, July, August and September 2023.
- Natural England's 'Guidance Wild Birds: advice for making planning decisions', a material planning consideration ignored. Omission of specific on-site bird surveys to determine whether birds listed in Schedule 1 of the Wildlife and Countryside Act, birds listed in Section 41 of Natural Environment and Rural Communities Act 2006, and Red and Amber list birds of conservation.
- Water Neutrality and Affordable Housing. Not enough detail so unable to add to SNOWS register. No mention of affordable housing provider/ split of affordable rented units. Would scheme meet community's needs for affordable homes, including affordable social renters?

3.28 The **neutral representation** received is summarised as follows:

- As former and last field owner, confirm field never designated as "hayfield" nor an emergency landing field for aircraft of any type, nor designated as such on any approach plan.

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and

family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

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

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

- 5.1 Given that this is an outline application, the proposal does not include fixed details of the scheme. As such, Sussex Police are not able to provide detailed comments on the proposal at this stage, referring the applicant to guidance on crime prevention and 'secured by design' measures outlined in their website.
- 5.2 Nonetheless, the Joint Commercial Planning Manager at Sussex and Surrey Police has requested capital infrastructure funding and, in the absence of this developer contribution towards the provision of policing infrastructure reports the Sussex Police and Crime Commissioner would raise Objection, as the additional strain placed on their resources would have a negative impact on policing of both the development and force-wide policing implications within the district. This is addressed later in this report at paragraphs 6.118 and 6.119.

6. PLANNING ASSESSMENT

- 6.1 Outline planning permission is sought for the development of the site for up to 79 dwellings and associated infrastructure, as described in detail above. An outline application allows for an assessment of the general principles of how a site can be developed, with full details of the proposal to be submitted under subsequent reserved matters, if outline permission is granted.
- 6.2 For this proposal, matters relating to appearance, layout, scale and landscaping are reserved for subsequent reserved matters applications. The matter of access is included for assessment under this outline proposal. Access relates to the accessibility of site for vehicles and active travel (walking, wheeling and cycling) in terms of the positioning and treatment of the access and how it fits into the surrounding highway and footpath/bridleway network.
- 6.3 Under this application, considering the quantum of development proposed, the areas for consideration are Principle of Development (Existing and emerging Local Plan, 5 year housing supply, Neighbourhood Plan and Facilitating Appropriate Development guidance); Housing Mix and Affordable Housing; Site Masterplan and Parameters; Landscape Impact Highways Impact, Access, Active Travel and Parking; Impact on Residential Amenity; Drainage and Flooding; Ecology; Water Neutrality; Climate Change; Hadfold Aerodrome; and Legal agreement. From these, given the application is outline, the main issues are:
- whether the proposed development would provide a suitable location for housing with particular reference to the spatial and locational strategies in the development plan.
 - the effect of the development upon the character and appearance of the area; and
 - if harm arises, whether this is outweighed by other material considerations, including whether the Council can demonstrate a five-year supply of deliverable housing sites.

Principle of Development

Development Plan and planning policy context

- 6.4 The Development Plan for the application site area comprises the Horsham District Planning Framework (HDPF, 2015) and the Billingshurst Neighbourhood Plan (BNP, 2021), and the West Sussex Joint Minerals Local Plan (2018). In accordance with planning law, these documents are the starting point for the assessment of the development proposals.
- 6.5 HDPF Policies 2 and 3 seek to achieve a sustainable distribution of development in the district, and maintenance of the district's rural character, and this is partly achieved by focusing new development within defined Built up Area Boundaries (BUABs). The site is located outside of the BUAB of Billingshurst and is currently not allocated for residential development in the HDPF. As a result, insofar as HDPF Policies 4 'Settlement Expansion' and 26 'Countryside Protection' set out criteria for consideration of development in such cases, the proposal would not be in conformance to these policies.
- 6.6 The Billingshurst Neighbourhood Plan 2019 - 2031 (BNP) was formally 'made' on 23 June 2021. The Neighbourhood Plan controls windfall development outside the Built-up Area Boundary (BuAB) under the provisions of Policy BILL 1: *Billingshurst Built Up Area Boundary*. This policy defines the extent of the Built-up Area Boundary for Billingshurst. Policy BILL 1A requires development in Billingshurst parish to be focused within the built-up area boundary of Billingshurst. Policy Bill 1B supports development outside of the BUAB only where this would accord with the development plan policies on appropriate uses in the countryside, would relate to necessary utilities, represent appropriate tourism facilities which meets the requirements of BILL11, or is on an allocated site as set out in the HDPF or its successor states. Consequently, the principle of housing on this unallocated site would run contrary to Policy BILL 1B of the BNP.
- 6.7 Where a proposal is not in accordance with the locational strategy for housing in the Development Plan, it is necessary to consider if any material considerations would otherwise justify the grant of planning permission. In this regard there are such material considerations that may justify the grant of planning permission, namely:

5 Year Housing Supply Position (5YHLS)

- 6.8 Firstly, the Council is unable to demonstrate a 5YHLS (the supply being no better than just 1 year as of April 2025). National Policy dictates that, at para 11d of the framework, the absence of a 5YHLS engages the 'tilted balance' presumption in favour of sustainable development in the determination of this application, provided the proposal would not breach any Footnote 7 matters (such as heritage, habitat or flooding policies), or unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.9 Allied to this is that the Council has failed its most recent Housing Delivery Test; an updated Housing Delivery Test was published in December 2024. It demonstrates that HDC only delivered 62% of its housing target in the preceding three years. This itself triggers the presumption in favour of sustainable development under para 11d irrespective of a Council's 5YHLS position.

Facilitating Appropriate Development Document (FAD)

- 6.10 Secondly, given the current Local Plan settlement strategy is over five years old and based on dated housing numbers and the Council is unable to demonstrate a 5YHLS, the Council has prepared a Facilitating Appropriate Development document (FAD, Oct 2022) for use in assessing proposals, including those outside BUABs. The FAD does not form part of the development plan but instead comprises guidance to be taken into consideration. Its use is

however clearly intended to indicate where flexibility in relation to the location of development could be appropriate.

6.11 For development proposals located outside the defined BUAB, the FAD (at paragraph 5.7) echoes the requirements of HDPF Policy 4 and states that applications will be considered positively if all the following criteria are met:

- The site adjoins a BUAB;
- The level of expansion is appropriate to the related settlement;
- The proposal meets local housing needs;
- The impact does not prejudice long term development;
- The development is within an existing defensible boundary

6.12 In your Officer's view this proposal would meet the criteria of the FAD. The application site adjoins the BUAB of Billingshurst on its southwestern edge, provides for housing to help meet local need, does not prejudice long term development of the town, and is within an existing defensible boundary.

6.13 The level of expansion is judged commensurate with the scale and infrastructure provision of Billingshurst (which is defined as a 'Small Town and Larger Village' within the HDPF Policy 3 settlement hierarchy), being well located for access to its good range of local facilities and services. Primary schools and the Weald Secondary School are within a relatively level 10 minute walk, with the high street and medical facilities up to 2,000 metres walking distance farther north. It is noted that these facilities are a similar distance from the nearby site allocated within the HDPF Policy SD11: Land South of Billingshurst for 150 homes which, at its furthest southern extent, is of comparable distance to Billingshurst centre as the application site. The train station is also within 800 metres (approx. 10 minute walk and 3 minute cycle ride), with bus stops on Natts Lane some 750 metres and 870 metres from site.

Summary on Principle

6.14 The proposed development is in conflict with HDPF Policies 4 and 26 and BNP Policy BILL 1 as the site falls within the countryside on a site not allocated for development. However, the absence of a 5YHLS and compliance with the FAD are material considerations that weigh in favour of the principle of development on this site and are capable of outweighing this conflict. Whether these considerations outweigh the harm afforded by the conflict with these policies is addressed in the overall planning balance at the end of this report, following the consideration of all other material matters relevant to this application.

Housing

6.15 HDPF Policy 16 requires a mix of housing sizes, types and tenures to meet the needs of the district and local communities and of the number of dwellings as proposed, that 35% of the provision be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure. Affordable homes would be integrated throughout the development and be of a visually indistinguishable design.

6.16 The proposal is for an indicative mix of housing sizes and types to meet the needs of the district's communities as evidenced in the latest Strategic Housing Market Assessment. As this application is in outline, the exact type, mix and tenure of the housing will be based on an assessment of local housing need at the time of approval of reserved matters. However, based on the submitted indicative masterplan in the scenario that all 79 dwelling units are progressed at Reserved Matters stage, a possible breakdown of housing is 9 no. 1 bed apartments; 3 no. 2 bed apartments; 3 no. 2 bed bungalows; 20 no. two bed houses; 39 no. three-bed houses, and 5 no. four bed houses.

Affordable Housing

- 6.17 The Council's housing register in Billingshurst currently has 246 households waiting for housing of which is broken down to 62 households (25%) in need of a 1-bedroom unit, 39 households (16%) in need of a 2-bedroom unit, 116 households (47%) in need of a 3-bedroom unit and 29 households (12%) in need of 4 or more bedrooms.
- 6.18 Notwithstanding the above, in the planning statement accompanying this application, there is submitted an indicative break down of affordable provision in the scenario, below, that all 79 units (the maximum quantum applied for) were built out; 9x1 bed, 3x2 beds, 13x3 beds, 3x4 beds as affordable housing in the scenario of 35% (28) of the 79 homes as affordable, with 71% of the total to comprise social or affordable rent (up to 20 units) and 29% (up to 8 units) intermediate or shared ownership. HDC Housing Officers agree with your Planning Officers that this is a good reflection of current local demand, the largest number of units being affordable rent 3-beds, in particular.

Unit size	Affordable Rent	Shared Ownership	Total
1 bed	7	2	9
2 bed	2	1	3
3 bed	9	4	13
4 bed	2	1	3
Total	20	8	28
Percentage	71%	29%	

- 6.19 In this scenario, the development is demonstrated it has the capacity for 35% affordable housing at the required tenure split to meet local need, therefore the development is compliant with HDPF Policy 16. However, the final details of the market and affordable housing mix are to be secured at reserved matter stage and through the accompanying s106 agreement to this outline application.

Heritage Impacts

- 6.20 The application is adjacent to an Archaeological Notification Area and so an appropriate Historic Environment desk-based assessment has now been supplied that suggests that the site has an apparent low/uncertain archaeological potential for most periods and that further archaeological investigations may be required to clarify the nature, extent and significance of any archaeological deposits. In this case it would be reasonable to secure the work with a condition. Designated and non-designated above ground heritage assets are sufficiently distant from the application site with intervening landscape and built form interventions to avoid harmful impact upon their significance, including their respective settings. The proposal is therefore compliant with policy 34 in this regard.

Landscape and Design Quality

- 6.21 HDPF Policy 25 seeks to preserve, conserve and enhance the landscape and townscape character of the district, considering individual settlement characteristics. HDPF Policy 26 states that, outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. HDPF Policy 32 requires development to complement locally distinctive character and contribute a sense of place. BNP Policy BILL2 states development should be guided by the Billingshurst Parish Design Statement and incorporate criterion into the overall design.
- 6.22 Whilst Officers recognise the site fields provide an outlook and countryside setting to the existing housing at this edge of Billingshurst, the site is not covered by any national landscape designations and not a 'valued landscape' in the NPPF context. Nevertheless, given its landscape features (the existing tree belt and surrounding ancient woodland, which encloses the site, perceived by users of the public right of way, including from within the

ancient woodland), the site contributes positively and distinctively to the semi-rural character at the settlement edge of Billingshurst.

Landscape character

- 6.23 The first step is to consider the baseline character of the area, in turn informing the condition and intactness of the landscape and the extent to which it is representative of the key characteristics of the relevant landscape character area (LCA).
- 6.24 The proposed site falls within J1 – Billingshurst and North Heath Farmlands (LCA) as defined by the Horsham District Landscape Character Assessment (2003). Key relevant characteristics of J1 experienced within the site and contextual landscape include gently undulating landform; small to medium size fields enclosed by frequent hedgerows, copses and small to medium sized woodland blocks; and many mature field trees following hedgerows and lanes. Relevant biodiversity features include many ancient coppice woodlands, and the area's overall sensitivity to change is identified as moderate, reflecting moderate intervisibility and moderate intrinsic landscape qualities. Key sensitivities are to any large-scale housing or commercial development and Planning and Land Management Guidelines state to conserve the mostly rural character of the area; conserve existing woodlands, shaws and mature hedgerow trees; and integrate with the surrounding landscape by setting it within the existing pattern of small native woodlands, hedgerows and shaws.
- 6.25 The Horsham District Landscape Capacity Assessment (2014) locates the proposed site within Local Landscape Character Area (LLCA) 47: Land to the Southeast of Billingshurst. Landscape Character Sensitivity is identified by the following key relevant traits: a mostly gently undulating landscape with a small-scale irregular field pattern; pasture fields are enclosed by wooded shaws and woodland; the extensively wooded ridge of Rosier Wood is a prominent feature and provides a very attractive backdrop to adjoining fields; and mostly unspoilt rural, pastoral character and the landscape is generally in good condition. Visual sensitivity is moderate reflecting some enclosure provided by woodlands and shaws. In regard to Landscape Value, LLCA 47 describes the following for relevant qualities in regard to Landscape Value: Rosier and Daux wood forms an important wooded backdrop to south eastern edge of Billingshurst; ecological interest of hedgerows and ancient woodland (Rosier Wood - Local Wildlife Site) and Parbrook; some scenic qualities – Rosier Wood on the ridge in particular; and amenity value of views from rights of way which are well used by local people.
- 6.26 In terms of Landscape Capacity, the LLCA concludes that: *'The area is considered to have no or very limited capacity for development due to its high landscape character sensitivity, which arises from the unspoilt rural and heavily wooded character, landscape good condition and moderate to high landscape value.'*
- 6.27 The applicant has submitted a Landscape and Visual Appraisal (LVA) as a means of methodically assessing the effects of the proposal on the character and visual amenity of the area. The LVA provided has been reviewed by the Council's Landscape Architect following the Landscape Institute's Technical Guidance Note (2020) and has been found to be compliant and therefore can be used to guide assessment. The Council's Landscape Architect concurs with the LVA conclusion that visual effects would be limited in scale and extent beyond the immediate vicinity of the site. In addition, the Council's Landscape Architect agrees landscape mitigation proposals may be successful in reducing the adverse visual effects identified from receptors within the footpath network, however there is concern that the well-treed character of the site, particularly along the south boundary, will be significantly reduced and have an adverse effect on the existing wooded character of J1, LLCA 47 and the local area. It is also the Council's Landscape Architect judgement that identified adverse landscape effects have not been entirely mitigated.

- 6.28 Nonetheless, the Council's Landscape Architect welcomes the improvements that have been made to the concept layout, including the change in location and provision of a LEAP and the pedestrian connection to the existing site across the road, considered beneficial to the local needs. Nevertheless, there is disagreement with some of the areas marked as delivering on the definition of amenity green space, in particular the central 'triangle' area with the SuDS feature which the Council's Parks team assumes can be used as a kickabout space yet is also subject to delivery of on-site Biodiversity Net Gain with implications to grass management. Additionally, the dry basin cannot be counted towards the quantity standard (but can be incorporated into it as additional land) and, as it stands, amenity areas are also identified within the 'Land Use parameter plan' as use class C3 with no safeguard for significant open space within the layout. These and other identified inconsistencies highlight the issue that the open space strategy needs to be reviewed at Reserved Matters stage to inform a future scheme submission that delivers on accommodating the required standards of amenity space provision. This is now the key concern of the Council's Landscape Architect with the scheme, as although the Council's tree officer's comments (detailed below) with regards the potential issues with the construction of the pedestrian access and existing trees, from a landscape perspective are noted, this is a better outcome than the proposed footpath along the Marringdean Road, as more vegetation and consequently, the character of the area, would have been adversely affected.

Trees

- 6.29 HDPF Policy 31 and BNP Policy BILL2 set out support for proposals that maintain and enhance existing green infrastructure. The Council's Tree Officer has reviewed the submitted tree survey and is satisfied it recognises the significance of the Ancient Woodland (Daux Wood, subject of Tree Preservation Order ref: TPO/0850) that borders the site to the North. A minimum recommended buffer of 15 metres is annotated within the constraints plan for the schematic layout. There are no incursions proposed into this Ancient Woodland, nor into its associated 15m minimum buffer zone; and consequently, the proposals will not result in any loss of Ancient Woodland, will avoid any potentially harmful effects on the woodland, and will comply with current UK Planning and development guidance in this regard.
- 6.30 To accommodate the development, 4 no. trees and 2 no. groups of trees are to be removed (either because they are situated within the footprints of proposed structures or surfaces, or because they are too close to these to enable them to be retained). An additional 2 no. groups of trees and one hedge are to be partially removed to facilitate the proposals. All the specimens to be removed, except Horse chestnut tree no. 771, are category 'C' or 'U' trees that are either of low quality, low value, or short-term potential. The category 'B' horse chestnut no. 771 is a suppressed semi-mature specimen with a small trunk diameter and canopy height.
- 6.31 As originally devised, the site access required the direct loss of an early mature oak tree and impacted on the future health and life expectancy of 14 other roadside mature oak trees, all of good visual amenity value/ significant contribution to landscape character. Additionally, the 4 no. dwelling cul-de-sac initially proposed at the site entrance also required tree removal, with post-development pressures to increase space and light also considered likely. Whilst the new access arrangement also has some impact (the foot/cycle way requires tree nos. 770 and 771 to be removed), this is significantly less than the previous outcomes with new planting to compensate for tree loss. The LEAP relocation also reduces potential tree impacts, whilst other design solutions to the southeast boundary wall would reduce significant tree injury further still.
- 6.32 To reduce potential root impacts on the remaining trees, the Council's Tree Officer recommends specialist construction which can be secured by condition, and otherwise does not raise objection to the proposals. In your Planning Officer's view, taking account of all the above and numbers, sizes, and locations of the trees to be retained, including those off-site,

the extent of impact now represents only a partial alteration to the treed features of the site, with Officers considering that planning conditions can address any outstanding matters.

Open Space

- 6.33 The Council's Open Space, Sport and Recreation Review (2021) sets the total requirement of open space for all new developments. The 2021 Review identifies Billingshurst has deficiencies in natural and semi-natural open space, and multi-functional green space, along with slight deficiency in open space, sports and recreational provision for young people. In reviewing the accessibility of local areas for play, there is a deficiency in the provision of play areas for younger children in this part of Billingshurst. The closest large play area appropriate for primary age children is at Lower Station Road. This is a walk of 724 metres. The Review advises that new dwellings should be within 400 metres walking distance to a LAP (Local Area of Play) or a LEAP (Local Equipped Area of Play). There is a dispersed play trail to the west of the development (Longhurst Drive), but this is more geared to older children and does not provide the important features such as roundabout, toddler swings, slide and playhouse which help younger children.
- 6.34 Following officer negotiations, a full-size equipped play area (LEAP) is now provided on-site at the entrance to the development instead of the small LAPs as originally proposed. At detailed design stage this should be at least five play types and demonstrate buffers of at least 20m from its edge to the boundary of the nearest dwelling; additionally, new woodland within the site would perform the function of natural and semi-natural open space; and the inclusion of a pedestrian link between this development and the access onto Longhurst Drive Open Space gives continuity of the open space.
- 6.35 Notwithstanding these proposals, the Council's Landscape Architect notes the size and layout of the land identified as 'amenity greenspace' would not meet with the 2021 Review quality requirements as it is woodland or woodland edge and in part subject to on-site biodiversity habitat creation (Amenity Greenspace should have minimum size of 0.05 ha, with minimum dimension in length or breadth of 20m; possess specific tidy cared for appearance, with minimum of 80% hard wearing mown grass); and SuDS schemes will not be counted towards the quantity standard but may be incorporated into it as additional land).
- 6.36 Nonetheless, with final details still to come forward at Reserved Matters stage, there is opportunity to ensure appropriate compliance with the 2021 Review as the size of the site demonstrates capacity to incorporate the required elements as set out under BILL2, including the provision of a large area of green public open space and play area, alongside the *up to* quantum, and therefore the proposals would accord to the expectations of HDPF policies 32, 33 and 43.

Site Capacity and Design Qualities

- 6.37 The exact layout and precise design (building types, heights and densities) is not under consideration at this stage but under future reserved matters. Nonetheless, the expectation is this would be undertaken in substantive accordance with the parameter plans submitted at this stage, which indicate broad extent and scale of development and associated infrastructure on site. The indicative layout illustrates one way in which site could be developed. It has adopted the principles of urban design, comprising perimeter blocks ensuring outward facing frontages and permeability through a street hierarchy, whilst providing for on-site open space and landscape buffers. Policy Bill 2 of the BNP concerns housing design and character and includes criteria to assist with determining the detailed design and layout of a housing scheme. As the proposal is in outline, Policy Bill 2 is not directly relevant to the main issues to be determined at this stage.
- 6.38 The evidence presented, including the applicant's LVA, demonstrates achieving a successful transition from the urban context of Billingshurst into surrounding countryside is feasible,

contingent upon further refinement of layout, scale and landscaping at reserved matters stage. On what is presented, the site boundaries would be enhanced with planting and soft edges, with the development set away from the site edges. The LVA conclusions that views into the site from the wider landscape and footpath network are limited on account of topography, development, and surrounding woodland and vegetation are not in dispute. These conclusions are reached whilst also having acknowledgement to the harms that would arise from the erosion of the semi-rural character and urbanisation of this part of the settlement edge by the presence of a large housing estate when viewed from local receptors, including from public right of ways and Marringdean Road, and from the visual interruption of continuity of planting along the lane and the traffic increase along the lane. In these terms, your Officers acknowledge the proposal would result in some identifiable adverse landscape harm at a local level, eroding the rural character and fringe around Billingshurst. This is notwithstanding that Longhurst Drive already has a notable and inescapable presence and influence. On this basis, your planning officer are unable to conclude that the scheme would meet with the policy tests in the HDPF that require development to protect, conserve and enhance the landscape character of the area. In the specific ways described, the scheme would represent some, albeit minor, conflict with Policies 25, 26, 31, 32 and 33 of the HDPF.

- 6.39 Regarding development density, this is judged relatively moderate; it is acknowledged that this density would not reflect Kingsfold Close, however that is very low for a modern estate, and the proposed scheme density is not out of character relative to Longhurst Drive. The proposed density is judged a trade-off to making efficient use of land (as required by Paragraph 129 of the NPPF) given the site is visually well contained due to its topography and existing landscape features, including the ancient woodland to the north and west and mature trees and structural landscaping south and east. Accordingly, views of the development would be localised.
- 6.40 In summary on landscape and design matters, your Officers are satisfied that the issues identified by consultees at this outline stage can be adequately addressed at Reserved Matters stage. The information provided demonstrates that the site has the capacity to deliver up to 79 homes in a layout capable of integrating graduated building heights and massing sympathetic to the site context, alongside the necessary associated infrastructure provision (landscape buffers, drainage and play space). This is in recognition that, in doing so, the resultant landscape harms at a local level would not be eliminated completely resulting in some minor conflict with Policies 25, 26, 31, 32 and 33 of the HDPF.

Environmental Protection

- 6.41 HDPF Policy 33 requires development is designed to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land.

Contamination

- 6.42 The Council's Environmental Health team have reviewed the RSK Environment Limited Phase 1 and Phase 2 Geo-environmental Assessment, dated December 2021, and are satisfied no elevated levels of contaminants were detected. However, amongst other commentary it is noted topsoil containing fragments of ash has not been subject to chemical analysis and there is a gap in soil data coverage. To fully quantify these risks and others to future site users, Environmental Health recommend a site investigation and quantitative risk assessment, with remediation as necessary, to be secured via planning condition.

Construction Phase

- 6.43 In accordance with HDPF Policy 33 it is acknowledged the construction phase of the development has the potential to impact receptors through noise, dust, and lighting. It is considered that, should the application be approved, potential impacts to the amenity of neighbours that might arise during the construction phase could appropriately managed

through a Construction Environmental Management Plan ('CEMP'), which can be secured via a suitably constructed planning condition.

Air Quality

- 6.44 The application site is not located within or close to any of the district's defined Air Quality Management Areas (AQMAs). However, in support of the application, and as required by the Council for any development classed as 'major', an Air Quality Assessment has been submitted. The District's Air Quality Specialist has reviewed the Air Quality assessment material and not objected, and the results of the damage cost calculation given by the applicant are accepted. There remains outstanding technical aspects on the submitted material (for instance, on responding to the interim planning guidance on PM 2.5 target in planning decisions published in October 2024 and how the proposed mitigation measures are over and above of what is considered policy-compliant requirements (in order to avoid duplication of measures normally required through other regimes such as travel plan, EV charging and cycle parking)).
- 6.45 However, as the application is outline (and the number of dwellings is not presently fixed), the EHO Officer is satisfied these matters can be addressed by condition requiring an updated air quality mitigation plan submitted for approval. The air quality mitigation plan should contain measures equal in value to the calculated environmental damage cost of £9,240 and include (but not be limited to) the measures detailed in *Section 7.2 Operational Phase* Mitigation of the RSK Air Quality Assessment (Jan 2025). Note, the Council is not challenging the methodology employed by the applicant's consultant in the assessment material (which worked on the worst-case scenario of 79 dwelling units), nor is the damage cost calculation in dispute.

Residential Amenity

- 6.46 The indicative site layout plan demonstrates the maximum quantum of development could be accommodated within the developable area whilst providing for and retaining a good standard of amenity for all existing and future occupants of land and buildings of the proposed development (including distance that meets the Council's standards between nearest dwelling from a locally equipped play area to avoid adverse disturbance). The impacts arising from the precise location and orientations of the proposed buildings onto neighbours is a matter for a later stage (Reserved Matters), however at this stage based on the submitted indicative layout plans, no appreciable concerns are identified. This includes consideration of the amenity impacts of the new development onto the properties to the north in Kingsfold Close. Whilst it is accepted that the proposals could alter the outlook from the first floor windows of the closest properties in this cul de sac, in light of the separation distances, intervening landscaping, and the orientation of the properties, it is not considered that the proposed development will have a harmful impact on the residential amenity of the occupiers of these dwellings in terms of loss of light, outlook or privacy (noise from comings and goings being residential in nature). These outcomes could be realised by condition requiring approval of the layout of the development as part of the reserved matters.

Noise

- 6.47 The application is supported by a Noise Impact Assessment (RSK Acoustics dated 18.07.24) which the Council's Environmental Health (EHO) have reviewed. The EHO notes the absence of assessment of potential noise impacts of the 'pumping station' proposed in the northwest part of the site and air or ground source heat pumps but is satisfied these could be addressed by condition. With the omission of the cul-de-sac plots to the west of site closest to Marringdean Road, the submitted RSK Assessments concludes that external noise from road traffic to all remaining residential facades not to be an issue. The Environmental Health team have not disputed this and raise no objection given this, and the fact that final layout has yet to be confirmed and that internal noise levels in many plots could be achieved

without any form of active ventilation systems, so Officers are satisfied that noise levels can be addressed a detailed design stage.

Light pollution

- 6.48 The Council's Ecologist recommendation to minimise the impact of lighting for ecological mitigation (see paragraph 6.78 below) would benefit neighbouring amenities also. Practical measures to reduce light pollution, such as removal and/or reduction of rooflights, is a matter for detailed design stage.

Summary

- 6.49 Overall, and subject to the recommended conditions being applied, the proposed development would have an acceptable impact on the amenities of adjacent residents in accordance with HDPF Policies 32 and 33.

Highway Matters - Access, Parking and Highway Safety

- 6.50 HDPF Policy 40 states that development will be supported if it is appropriate and in scale to the existing transport infrastructure, including public transport; is integrated with the wider network of routes, including public rights of way and cycle paths, and includes opportunities for sustainable transport. HDPF Policies 40 and 41 promote development that provides safe and adequate access, suitable for all users. Nationally, the NPPF at paragraphs 109, 110 and 115, 117 seeks to ensure that appropriate opportunities to promote sustainable transport modes.
- 6.51 BNP Policy BILL12 identifies a network of Key Movement Routes and requires development proposals to take account of these routes, and, where necessary, provide a strategy to mitigate the impact of additional traffic movements on the safety and flow of pedestrian access. BILL12 identifies one way of doing this is the provision of physically separate walking and cycling routes away from traffic, whilst ensuring that disabled users and users of mobility scooters can access the Key Movement Routes, and development provides safe pedestrian and cycle access. The route from Marringdean Road at Kingslea Farm north to (the station) and the high street is identified as Key Movement Routes W, J and H under Policy BILL12.
- 6.52 The application proposal is accompanied by a Transport Assessment, which has considered the capacity and safety of the local highway network, in dialogue with WSCC in its capacity as Local Highway Authority (LHA).

Active Travel Amendment

- 6.53 Your Officers requested that a shared use pedestrian and cyclist link be formed to the Key Movement Route W, as defined in the BNP. In response to concerns raised by your Officers on design (footway width) and harms (loss of rural and verdant street character and harm to trees) the applicant agreed to remove the footway on the north side of Marringdean Road in favour of introducing a crossing south of the vehicular site access to connect into the pedestrian / cycle route on the other side of the road, onto the Longhurst Drive open space that runs off carriageway, away from the road.
- 6.54 In addition, the proposed 30mph marking has been relocated to the south of the crossing, so that there are measures on both approaches to the crossing. The crossing will be entirely within the 30mph speed limit, recently extended along Marringdean Road following consultation on a Traffic Regulation Order alteration in 2024.
- 6.55 The applicant has submitted a revised Technical Note (TN) with these updates and a revision to the Stage 1 Road Safety Audit (RSA) submitted in support of the original access strategy.

Drawing ITB13322-GA-0 Rev A has been submitted, which details the changes now proposed.

- 6.56 The updated arrangement details the proposed alterations. The drawings provide the link as a 3m shared use, which provides for cycle connectivity as well as a pedestrian link, with the crossing being uncontrolled with raised table. The revised RSA has been reviewed and all the areas raised by the Auditor have been satisfactorily addressed by the Designer in the Designers Response.

Road Safety

- 6.57 A Stage 1 Road Safety Audit has been commissioned, with the 3 no. problems raised within the Audit addressed within the Designer's Response.
- 6.58 The applicant has undertaken a speed survey on Marringdean Road which demonstrates that speeds are lower in both directions than the posted 40 mph. On that basis visibility splays of 2.4 by 59 metres and 2.4 by 45 metres have been demonstrated on submitted drawings which are in accordance with the 85th percentile road speeds within the speed survey.
- 6.59 WSCC confirms the access and visibility splays proposals are safe at 40 mph and is satisfied with the arrangements. Submitted plans show all site access works can be undertaken either using highway land and/or land in their control.
- 6.60 Nonetheless, it is proposed to extend the 30-mph limit to a position on the southern extent of the development site boundary. Consultation has taken place with the LHA and in principle this is supported by the LHA. These works would be subject to a Traffic Regulation Order as part of the 278 process.

Internal Layout and Parking, Construction Phase

- 6.61 The proposal is outline only; therefore, limited information is provided on the site's internal arrangements. Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator, although the outputs from this are not provided, this will be agreed at a latter reserved matters stage. A construction management plan will be necessary to minimise disruption to traffic flow and safety during the construction phase, to be secured by condition (the HDC template of which differs slightly from that recommended by the LHA and excludes construction routing as this is not enforceable).

Trip Generation/ Traffic Modelling/ Junction Capacity

- 6.62 Traffic flow information has been provided within the TA, this has been provided by the applicant on what vehicular activity currently exists at the site. This information considers the permitted and proposed uses. The traffic flow generation is based upon the use of TRICS. TRICS is a database containing surveys of other completed and occupied developments. The database can be refined to use comparably located site uses to forecast potential traffic generation. TRICS is an accepted means of determining traffic generation. Using this data, the proposals could generate up to 44 am two-way movements and 48 pm two-way movements. In November 2024 the LHA requested additional junction testing scenarios for the future years of 2031 and 2040. The TA has been updated to now include TEMPro. This has been used to derive future traffic forecasts for these assessment years, which has been applied to the baseline traffic flows. Additional capacity modelling has been undertaken using Junctions 10 software which demonstrates that the proposed development will not have an adverse residual cumulative impact on the performance of these junctions, and the junctions will continue to operate well within theoretical capacity. Having assessed the latest capacity data, the LHA is satisfied with the latest information proposed.

Travel Plan

- 6.63 A travel plan has been submitted as part of the application. This accords with the requirements of the LHA. The Travel Plan sets out a range of measures and initiatives, including; promotion and publicity of walking, cycling and use of public transport in Resident's Travels Pack; and travel vouchers to the sum of £150 be made available to all households should the trip rate reduction target not be met (and, at request of WSCC, to be used flexibly for a choice of purchase – bicycle, bus tickets, train ticket and not limited to network saver ticket, which was the applicant's original suggestion)

Sustainable Access

- 6.64 'Active Travel' comprises walking, cycling and wheeling. The existing footway network currently terminates at Kingsfold Close where the current footway from the junction ends. As originally envisioned it was proposed to extend the footway at 1.5 metres from this point into the application site, with street lighting placed along the footway. With appropriate alternative pedestrian and cycle accessibility now secured via the road crossing to link to the footpath (Route W) on the south side of the road, it is judged by your Officers that the site is well located to encourage travel by sustainable modes including the use of walking, cycling and public transport.
- 6.65 The nearest bus stops are located on Natts Lane and are within short walking distance from the site (circa 750 metres and 870 metres from the centre of the site) providing access to the Compass Travel 100 service. There is also the Compass Travel 69 service can be accessed from Stane Street (adjacent to Natts Lane). Billingshurst Railway Station is around 800 metres to an approximate 10-minute walk or 3-minute cycle ride. The station does have secure and covered cycle parking.

- Additional Enhancements

- 6.66 This comprises several highway improvements to improve Active Travel access and facilities along the Key Movement Routes as identified in the BNP (e.g. dropped kerbs, tactile paving at Kingsfold Close and a £15k financial contribution for additional crossing points, bus stop improvement, and secure and sheltered cycle parking at Billingshurst train station. WSCC does not consider additional modelling work has, or needs to be, undertaken for these works, which can be carried out within highway land.
- 6.67 The request from the WSCC Public Right of Way Team to seek improvements to footpath 1932 to the east of site as part of any agreement and as mitigation for the additional footfall generated by the site is noted. Also noted is their comment that the local rights network is popular with recreational users and the community.
- 6.68 However, no proposed link to access onto footpath 1932 from the site is proposed, and none has been sought by your Officers has part of negotiations. This is for several reasons; firstly, the applicant does not own the land between the site and the footpath, so the delivery of such a link is beholden upon third party; secondly, footpath 1932 offers only convoluted off-road active travel journey into Billingshurst centre compared to the more direct route via Longhurst Drive; thirdly, this footpath routes through Ancient Woodland (Daux Wood) and physical improvement works and increased usage would disturb this Priority Habitat. Finally, there is no continuous footway along Marringdean Road between the site and the point where footpath 1932 comes off Marringdean Road, and this means future occupiers of the proposal could not access footpath 1932 with ease to use it.
- 6.69 Therefore, in your Officer's view, journeying by footpath 1932 by future occupiers of the site development is not necessary in order to make development sustainable and nor is it expected future site occupiers would use footpath 1932 for recreational pursuit to the extent that mitigation or enhancement would be necessary to make the development acceptable in planning terms.

Summary on Highway matters

- 6.70 Whilst revised access arrangements mean residents and visitors would need to cross Marringdean Road for walking journeys, Officers consider the new arrangement beneficial for reasons previously set out. The LHA have accepted the new arrangement, judging it safe and suitable without need for highway infrastructure beyond that already secured. Taking all relevant evidence into consideration, your Officers endorse the conclusions of the LHA that this development suitably delivers sustainable transport choices and would not result in 'severe' residual impact on the highway network (as opposed to resolving existing problems) or safety issues, subject to securing the mitigations and the Active Travel enhancements via condition and S106 legal agreement. The proposal is therefore considered to accord with national and local policy (HDPF Policies 40 and 41 and the BNP) in these respects.

Ecology

- 6.71 HDPF Policy 31 states development proposals will be required to contribute to enhancement of existing biodiversity and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites.
- 6.72 No statutory or non-statutory sites are located within the site boundary. Several such sites are located within the wider area. The application is supported by surveys carried out. Principles of a mitigation strategy have been provided within the proposal, as well as habitat design and management.
- 6.73 This evidence relating to the likely impacts of development on habitats and species - particularly hedgerows, breeding birds, bats and reptiles, and the identification of proportionate mitigation has been reviewed by the Council's consultant ecologist, who is satisfied sufficient ecological information is available for determination and for the Council to demonstrate compliance with its statutory duties and recommends approval subject to conditions. This is subject to the mitigation measures identified in the being secured and implemented in full by condition, as well as additional measures. These include a Construction Environmental Management Plan for Biodiversity (with details of any lighting proposed during the construction period and details of when an Ecological Clerk of Works will be required during construction) and a Wildlife Sensitive Lighting Design Scheme (to prevent operational impacts to bats and other light-sensitive species). A Landscape and Ecological Management Plan (LEMP) would ensure retained and created habitats are managed favourably.

Protected & Priority habitats

- 6.74 Surveys concluded the habitats present within the site are of negligible / local ecological importance. Habitats of negligible importance within the site will be lost because of the proposals, but most habitats of local importance – particularly hedgerows - will be retained, protected, and enhanced.
- 6.75 In accordance with planning practice guidance, mitigations include the provision of a 15-metre buffer strip between the proposed development and the adjoining ancient woodland. Accordingly, no adverse impacts to any statutory or non-statutory designated sites are anticipated because of the development.
- 6.76 The Council's BNG Ecologist is resistant to introduction of a pedestrian link from the development onto the adjacent public footpath, given concerns as to the impact of trampling as a result of increased pedestrian access to the woodland, which is not double-fenced from the footpath. The ancient woodland comprises hazel coppice, and it can therefore be reasonably assumed that hazel dormice (as found on site) rely on this woodland, given the

direct hedgerow connections. The introduction of a footpath will sever the existing connections between the hedgerow and ancient woodland for hazel dormice.

Protected & Priority species

- Bats

- 6.77 The site supports information submitted regarding the potential of the site to support foraging and commuting bats (including Barbastelle). The potential impacts of the development on the Men's Special Area of Conservation (SAC) has been appropriately considered and appropriate avoidance and mitigation measures formulated.
- 6.78 As there is a potential for habitat fragmentation from light spill of potentially functionally linked land for Barbastelle bats, the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application is supported (Ecology Solutions, 24th Jan 2025) to avoid impacts from light disturbance. This should be secured by a condition and summarise measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals).
- 6.79 The Council has undertaken a Habitats Regulations Assessment (HRA) Appropriate Assessment to record its decision and Natural England raise concurs with its conclusion. Those mitigation measures proposed in the Habitats Regulations Assessment (HRA) include the implementation of an ecologically sensitive lighting scheme, retention of woodland and hedgerows where possible, and the planting of new areas of native deciduous woodland.

- Dormouse

- 6.80 Hazel Dormouse was found onsite during surveys. It is noted a licence for Hazel Dormouse will be required before commencement of any works (Ecology Solutions, 24th Jan 2025) and it is recommended copy is secured by condition.

- Reptiles

- 6.81 There are populations of Common Lizard, Slow Worm and Grass Snake onsite (Ecology Solutions, Sept 2024). The Council's ecologist therefore supports the recommendation for a reptile mitigation strategy (Ecology Solutions 24th Jan 2025), which should be secured by condition.

- Great Crested Newts

- 6.82 The applicant's ecological report (Ecology Solutions, Sept 2024) identifies the nearest ponds and records to the site and highlights the suitable habitats in the landscape that provide potential for sustaining great crested newt (GCN) populations. The report concludes that a licence is the most appropriate route for the site given the number of records of GCN in the landscape. The applicant seeks to pursue to European Protected Species Licensing route via Natural England. As decision makers need to be confident that the development would achieve a license, submission of a mitigation statement should be secured by condition.

Biodiversity Enhancements

- 6.83 The proposed reasonable biodiversity enhancements are supported and should be outlined within a Biodiversity Enhancement Layout secured by condition. This will enable the Council to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Biodiversity Net Gain

- 6.84 The Biodiversity Net Gain (BNG) proposals are considered adequate and feasible, and the Council's BNG ecologist raises no objection. There is a current net gain of 21.48% for hedgerow habitats and a net loss of -33.66% for area habitats. As such, to meet the statutory requirement for a 10% net gain, the applicant proposes a mix of habitat creation onsite and some off-site offsetting. Following a review of options for the off-site element, the applicant anticipates the purchase of units from a third party provider will be used, and states that a review of local availability has identified a number of suitable providers. Ideally a provider in the local area will be used in order to ensure that offsetting is provided in close proximity to the impacts associated with development, however should this not be possible national habitat banks can provide units with the spatial risk multiplier ensuring that a proportionate level of offsetting is provided such that an overall betterment is delivered. The on-site BNG proposals will in any event require a legal agreement to secure and monitor the progress of the habitats over a minimum of 30 years.
- 6.85 The applicant has detailed out measures to how the BNG target habitats and conditions are to delivered in a Habitat Management and Monitoring Plan (HMMP) (which will help inform the Landscape and Environment Management Plan at future Reserved Matters stage). This includes measures to ensure the required habitats are maintained to their necessary condition when also used as open space. These include include, for example, mown paths to minimise disturbance across the wider vegetated areas and, if this is not sufficient, then fencing can be undertaken to avoid footfall and trampling. The Council's BNG ecologist's recommendation is for further clarification and potentially further deterrent measures to ensure the successful delivery of post-development habitat shown on plan submitted in the applicant's Biodiversity Net Gain Report (Ecology Solutions April 2025) alongside the necessary open space requirements for the development. For example, this could include fencing around neutral grassland not allocated for amenity and appropriate signage/fencing with footpaths laid or mown for the central area of grassland. Whilst the Council's BNG ecologist has requested that the HMMP be finalised before signing the s106 legal agreement to inform any future Reserved Matters submission, this is not a strict requirement at this stage as an updated HMMP would be required in any event to be submitted prior to development commencing via the s106 agreement.

Water Neutrality

- 6.86 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone (the Zone) that it cannot be concluded existing water abstraction in the Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises developments in the Zone must not therefore add to this impact, and one way of achieving this is to demonstrate water neutrality (the use of water in the supply area before the development is the same or lower after the development is in place).
- 6.87 The Applicant is proposing a Water Neutrality Strategy which comprises a mix of avoidance and mitigation measures to be provided in perpetuity through i) reducing on-site water consumption to 1/p/d by the use of water-efficient fixtures and fittings to be secured via planning condition and evidenced by utilising the latest Part G water use calculation; and ii) offsetting the proposed additional water demand by utilising existing and proposed water reduction savings at Sumners Pond, Barns Green, within Horsham District. This offsetting is to be secured via a Section 106 Agreement. The strategy is summarised below.

Existing baseline water consumption

- 6.88 Existing water demand associated with the agricultural activities has been ignored therefore the existing baseline is nil.

Proposed water consumption (including onsite mitigation)

- *Proposed water demand (baseline)*

- 6.89 The Census data (2011) recommended in the Horsham District Council methodology guidance, has been used to present the most robust calculation for average occupancy of the up to 79 dwellings. Using the Building Regulations water use figure of 125 litres per person per day and a population size of persons, it is estimated total water usage per day would be 21,423.75 litres per day.

- *Proposed water demand (adjusted)*

- 6.90 To minimise the proposed water demand from the proposed development water efficient fixtures and fittings will be incorporated, which will reduce water usage to less than the optional standard for building regulations. This has been evidenced utilising the latest Part G water use calculation. The Part G calculation confirms all dwellings will achieve a water consumption of 84.45 litres per person per day, which includes an allowance of 5 litres per person per day for external water usage. Therefore, the water usage with on-site water reduction measures would equate to 14,474,71 litres per day.
- 6.91 Additionally, rainwater harvesting systems will be installed to the proposed development. Two options are considered: either individual harvesting tanks on each dwelling with one shared tank for the apartment block, or a communal rainwater harvesting system for all dwellings. The harvesting system will be grey water (flushing toilets and washing machine), while other uses will be mains water fed. The tanks will be sized appropriate to demand and provide at least 35 days of storage for periods of drought. 27.99 litres per person per day will be supplied by harvesting systems.
- 6.92 With these measures, there will be a net increase in mains water demand of 9,677.62 litres per day. This is the amount that requires off-setting to achieve 'neutrality'.

Offsite mitigation

- 6.93 It is proposed to offset the development's increased water demand via an offsetting scheme at Sumners Pond, Chapel Road, Barns Green. Sumners Pond is a working farm, tourist and leisure facility with waters supplied from five metered mains supplies. Its water supply provides for agricultural uses and farm buildings, including watering of cattle; camping and caravanning pitches, with associated washing, shower and sanitary blocks; holiday lodges and similar; café/restaurant; other dwellings on site for holiday rental/on-site staff accommodation. Under planning permission DC/21/2697, the site's averaged daily water consumption was determined (the quantity of water used at each of the metered supplies was monitored) to be 26,900 litres per day. Water saving measures and offsetting of 6,691 litres per day were agreed under planning permission DC/21/2697. These measures have been implemented leaving a residual consumption of 19,999 litres per day (accounting for a 210 litres per day deduction from consumption given one impractical meter connection). Overall, this leaves 19,999 litres per day available for offsetting which is the equivalent of 19,999 credits.
- 6.94 As set out above, this development would consume some 9,677.62 litres per day, thereby requiring a minimum of 9,678 credits to be water neutral. In order to be precautionary, the application states that this development has been formally allocated a maximum of 10,671 credits from the Sumners Pond offsetting scheme to enable water neutrality. This allocation is balanced with the other developments that are also using the scheme to offset their mains water demand.

Is the mitigation sufficient?

- *On site Water Consumption and harvesting*

6.95 The calculation of water demand is robust and accords with HDC/Natural England endorsed methodology (Census-derived occupancy rates; Part G water Calculator; harvesting tank sizing), with no objection raised by Natural England. The Council's Environmental Health has reviewed the submitted rainwater harvesting details, given the system is to supply drinkable water to the development. The harvesting system is to incorporate suitable treatment to ensure suitable water quality however the Environmental Health team recommends further details for agreement on the management and maintenance of the system via condition.

- *Water Consumption and Borehole at Sumners Pond*

6.96 The Sumners Pond offsetting scheme includes an on-site borehole supply to provide drinkable supply to all but a small section of the site and generate a daily mains water saving of 19,999 litres/day which will be available to offset the demand of housing development. The on-site borehole was tested in October and November 2023 and an EA abstraction Licence (number SO/041/0023/005) was issued in June 2024 permitting the abstraction of up to 30 cubic metres/day (30,000 litres). Currently the borehole is not in use.

6.97 Existing supply and calculated water consumption at Sumners Pond site has been subject to the full rigour of Habitat Regulations Appropriate Assessment, accounting for consistency tracked across a suite of planning permissions (DC/21/2697/ DC/22/1977 and DC/23/0242). Details of the local hydrogeology and impact on protected sites, the borehole design and its ongoing maintenance, and of the testing undertaken, is all included in a Hydrogeological Impact Assessment, and the borehole is evidenced capable of providing a sustainable supply of 30 cubic metres per day. Implications to the extent of any contaminated soils on the commercial side of the site has been accepted by the Council's Environmental Health team, who have reviewed the submitted evidence, including the technical detail provided in the support of a reverse osmosis (RO) treatment system as an option once the concentrations of all likely parameters have been identified in the underlying groundwater (chloride and sulphate testing is outstanding). Your Officers have sought independent technical advice on the RO system so there can be sufficient confidence that the groundwater at this location can be treated to a potable standard. Members will be updated at Committee.

Summary

6.98 The Council has completed the HRA exercise, and its Appropriate Assessment concludes that subject to conditions and obligations to be secured in a legal agreement, the project will not have an Adverse Effect on the Integrity of the Arun Valley Sites, either alone or in combination with other plan and projects. Natural England concurs with the findings and conclusions of the Council, subject to all mitigation measures being appropriately secured, and raises no objection on this basis. On this basis the development complies with s.70 of the Conservation of Habitats and Species Regulations 2017 as well as with Policy 31 of the HDPF and paragraph 193 of the NPPF.

Drainage and Flooding

6.99 Neither the Environment Agency (EA) nor the Local Lead Flood Authority (LLFA) have objected to the proposal, subject to the imposition of conditions. The entire site is within Flood Zone 1 as defined in the Environment Agency flood maps. This means the site has a '*less than 1 in 1,000 annual probability of river or sea flooding*' (the lowest risk of flooding). Whilst the applicant's submitted Flood Risk Assessment pre-dates the latest flood risk mapping issued by the Environment Agency (March 2025), the consequential change is limited to only an increase in extent of land at surface water flood risk of 1 in 1,000 years, this being restricted to the west and north landscape buffer boundaries outside of built development, including access or escape routes, land raising or other potentially vulnerable elements. Accordingly, per paragraph 175 of the NPPF a sequential test is not required.

- 6.100 It is a requirement that development of the site does not result in run-off rates greater than those currently experienced on this greenfield site, including making an allowance for climate change. As per NPPF, development of the site should not increase the risk of flooding elsewhere. In this regard the scheme is accompanied by a site-specific Flood Risk Assessment (FRA) which proposes to incorporate a sustainable urban drainage system (SUDS), as encouraged by national planning policy. The technical evidence at this outline stage demonstrates that sufficient attenuation basins could be accommodated to hold the forecasted surface water volumes on site and release them at an appropriate rate so as not to overwhelm the receiving drainage network. The precise locations and form of the drainage system would be matters of detail for separate determination at a later stage. In principle, there is a feasible and acceptable approach to surface water supported by the Local Lead Flood Authority, which could be secured by condition. Consequently, the proposed SUDS solution would significantly reduce flows from the site compared to the current situation, including during higher category storm events.
- 6.101 Southern Water confirms there is currently adequate capacity in the local sewerage network to accommodate a foul flow for the above development. A drainage and pumping station is proposed to serve the development. This infrastructure investment in the system capacity is to the satisfaction of the sewerage undertaker (Southern Water). There is no persuasive evidence that the existing sewer network or water treatment works do not have sufficient capacity to accommodate the appeal proposal. Ultimately there was no objection from Southern Water to connect the development into the foul sewage network subject to a condition requiring further details.
- 6.102 No objection is raised by the drainage authorities, subject to planning conditions ensuring the development is carried in accordance with the submitted flood risk assessment. Therefore, the development can be satisfactorily accommodated without increasing flood risk elsewhere in accordance with the NPPF and HDPF Policy 38.

Minerals Safeguarding

- 6.103 The proposal is within the Weald Brick Clay Mineral Safeguarding Area (as defined in the WSCC Joint Minerals Local Plan JMLP). The applicant has confirmed in its Mineral Resource Assessment that mineral extraction would be unviable on account of the small size of the site and the proximity of neighbouring residents.
- 6.104 Given the 'low priority' attributed to the necessity to safeguard brick clay resources on this site, it is considered that it would be unreasonable to prevent development in this location for which there is an overriding need, for the purpose of safeguarding an abundant resource (and therefore there is concluded to be compliance with Policy M9 of the JMLP). As such, sterilisation of minerals is not justified as a reason for refusal in this instance.

Climate Change

- 6.105 HDPF Policies 35, 36 and 37 require development mitigates the impacts of climate change, in reflection of Chapter 14 of the NPPF. The Energy and Sustainability Statement which accompanies this application includes further details on the sustainable design measures incorporated at this stage and to be considered during the detailed design of the development. The development is accessible by means other than the motor car. The proposed new buildings incorporate Environmental Performance measures (including material sourcing) to reduce energy use in construction, as well as energy efficiency and reduction in the building fabric, glazing and low energy design, and fully electric heating strategy with use of air source heat pumps. The headline is that the proposed development has the potential to achieve an 80% reduction in carbon emissions over the current Building Regulations Part L 2021 standard for the whole site.

- 6.106 It has therefore been sufficiently demonstrated that local plan policies requirements related to energy use and sustainable construction (HPDF Policies 36 and 37) have been complied with, and appropriate measures could be secured by planning condition.

Hadfold Aerodrome

- 6.107 The potential impact of development on operations at the unlicensed Hadfold aerodrome (Hadfold Airfield, Hadfold Farm, Stane Street, Adversane, Billingshurst- a single private grass runway 650 metres long located some 800m southwest of the site) is a material planning consideration. Impacts cover both noise and safety from planes taking off and landing over part of the site. In a recent certificate of lawfulness approved by the Council (DC/24/0293 refers), the applicant's activity logs evidence that the runway is used a total of 1,105 days over 10 years (average over that period being 110 days per year), which take place over a limited number of months of the year due to weather and ground conditions being less suitable in the winter. There are a number of businesses and residential properties that are closer to the airstrip than the proposed development and the Council's Environmental Health team has no evidence that complaints have been made about noise. It is noteworthy that the owners/operators of the aerodrome have not made objection to this application.

- Safety

- 6.108 Safeguarding refers to the process of consultation between Local Planning Authorities and aerodromes aimed at ensuring safe flight of aircraft while taking off and landing or flying in the vicinity. No 'Airfield Safeguarding Procedure' document was included in the 2024 certificate of lawful use of Hadfold Aerodrome (DC/24/0293). No formal record is held by the Council that any safeguarding procedure is agreed.
- 6.109 In assessing physical safeguarding (the physical objects that might infringe the area known as Obstacle Limitation Surface), Hadfold Aerodrome is unlicensed and so does not need to adhere to the 'gold standard' criteria set out in the Civil Aviation standards document CAP 168 Licensing of Aerodromes. The submitted scale parameter plan drawing indicates the building scale to be 2 and 2.5 storey (typically some 10 metres at highest). The building storeys would be secured in the parameters plans to be complied with as part of any reserved matters application.
- 6.110 Engine failure soon after take-off does also need to be considered by aerodrome operators and pilots alike. There would remain other areas to the east and north of the application site on the opposite side of Marringdean Road that pilots could consider in the event of a failed take-off.

- Noise

- 6.111 In such circumstance, the key issue is the level of activity on the application site. Officers recognise that outdoor space could not be protected from aircraft noise. However, Environmental Health Officers have reviewed flight data/logs submitted under application DC/24/0293 and it is noted that usage of the aerodrome is very low. Given this, the type of aircraft using the aerodrome, small fixed-wing propeller driven aircraft, and the distance between the aerodrome and the application site Environmental Health judge that aviation noise associated with aerodrome is likely to have negligible impact on residential amenity.
- 6.112 Accordingly, whilst there will be several days in the year when such effects may occur, this does not prohibit residential development of the site. It is also not considered that the day-to-day environment for occupiers of the development would be significantly disrupted in any meaningful, intrusive or prolonged manner by noise from aircraft, or that any such disturbance would amount to a matter that would require separate controls over activity at the aerodrome.

- *Future capacity*

- 6.113 Whilst there are no planning constraints that would prevent Hadfold from increasing movements or rotary craft flying, it is necessary to consider what may drive this. The aerodrome's capacity is largely limited by its hanger capacity, and the average level of flying undertaken by them. The trend of decline seen at other comparable unlicensed aerodromes in the district (for example, at Slinfold Aerodrome) is typical of the wider declines in recreation flying seen at smaller unlicensed aerodromes and grass strips, spurred by rising costs and older pilots retiring. Any significant future growth at Hadfold is unlikely.

Summary

- 6.114 In summary, the impact from aircraft on future residents (and any associated safety risk arising from and to the operation of the aerodrome) is not considered significant or sufficient to prohibit residential development of the site in principle, with Reserved Matters to be informed by these matters.

S106 Heads of Terms

- 6.115 In the event that planning permission is approved, HDPF Policy 39 requires new development to meet its infrastructure needs. Negotiations on the legal agreement are at early drafting stage and at the current time such an agreement is not yet in place. The draft S106 agreement would include obligations required in relation to:
- On-site open space provision and ongoing maintenance, including a LEAP;
 - On-site 35% affordable housing - 70(affordable rented)/30(shared ownership) tenure split
 - Off-site highway access works along Marringdean Road, including TRO works if TRO is not implemented;
 - Off-site Active Travel improvements comprising dropped kerb and tactile paving at Kingsfold Close and a £15k financial contribution to off-site active travel improvements along Key Movement Routes within Billingshurst from the development site to the High Street via the train station;
 - On-site Biodiversity Net Gain; and
 - Off-site water neutrality scheme

Community Infrastructure Levy (CIL)

- 6.116 HDPF Policy 37 expects the provision of high-speed broadband access for new homes, which could be secured by condition. No evidence has been submitted to indicate a requirement for the mitigation of impacts on other forms of local infrastructure, such as education or healthcare facilities. However, 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. This would comply with expectations of Policy 39 of the HDPF.
- 6.117 Community Infrastructure Levy (CIL) funds raised by the new development shall be used to support the delivery of projects identified in the District Council's Infrastructure Delivery Plan (IDP) (July 2024). The IDP is identified as a key document forming part of the evidence base in Local Plan preparation that assesses the quality and capacity of infrastructure within a local planning authority area and sets out the infrastructure likely to be required to support new development across Horsham District. This includes emergency services such as the Sussex Police Service (current provision/ planned provision/ key issues and future considerations). As the BNP is adopted, a proportion of the CIL funds will pass direct to the Parish Council to spend to help address demands that development has placed in its area.

This, alongside the Active Travel infrastructure improvements as part of the submission package, ensures compliance with BNP Policy BILL 12: Protection and Enhancement of Key Movement Routes.

Sussex Police comments

- 6.118 Sussex Police are seeking a financial contribution to the capital 'cost' of policing new growth equating to £15,975.34 (including to fund additional officers/staff; vehicles, and a fixed ANPR camera on Marringdean Road). The justification for this contribution appears premised on it being required in part to mitigate the increased population resulting from the development and in part to subsidise a reduction in grant funding for Sussex Police in recent years.
- 6.119 The Council's IDP and CIL Charging Schedule sets out that emergency service funding is covered by CIL in Horsham district, rather than individual contributions from individual development sites. As such services can be funded directly via CIL, it is not reasonable to oblige the applicant to provide this additional funding for Sussex Police via the s106 agreement. Furthermore, there is no direct evidence that this particular development proposal will increase the risk of crime or disorder such that this bespoke contribution is necessary. As such, the request is not deemed necessary to mitigate the impact of the development, is not considered directly related to the development, or fairly and reasonably related in kind to the development, thereby failing to meet the tests for a planning obligation set out at paragraph 58 of the NPPF and at Reg 122 of the CIL Regulations.

Planning Balance and Overall Conclusions

- 6.120 The Council's housing land supply position stands at just 1 year which represents a significant shortfall and means the Council is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, the Local Plan policies which are the most important for determining this application are deemed out of date and the presumption in favour of sustainable development in Paragraph 11 d) ii is engaged. The presumption requires the granting of permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Overall Scheme Benefits

- 6.121 The proposal would meet identified local housing needs by delivering a sizeable contribution to the supply of market and affordable housing (policy compliant 35%), which attracts significant weight in favour. This housing quantum will be delivered on a site well located on the edge of an existing settlement, which is a second-tier settlement on the Council's development hierarchy, as set out within the HDPF, and well related to local services in Billingshurst. Occupiers of the development would have a genuine choice of transport modes to access local services and employment opportunities.
- 6.122 The highway network is evidenced to not be severely impacted, with weight afforded to the proposed off-site highway network works along the Key Movement Routes W and J as identified in the BNP, which would result in public benefit in enhanced Active Travel accessibility into Billingshurst town centre and the train station beyond simply mitigation. The proposal would also bring economic benefits, including spend and employment in the construction phase, which are attributed moderate weight.
- 6.123 The application has demonstrated that the is capable of meeting and, in the provision of equipped child play space in the form of a LEAP exceeding, relevant Council guidance, whilst providing a satisfactory standard of amenities. Such provision weighs in favour as the open

space will be to the benefit of new and existing residents, and positively contributes to addressing a current deficiency in equipped child play space in Billingshurst.

Overall Scheme Adverse Impacts

- 6.124 The introduction of housing into this countryside location beyond the settlement boundary would inevitably result in a degree of visual harmful intrusion and irreversible change. Whilst the submitted parameter plans and allied control documents demonstrate mitigations to reduce the landscape harm, there will still be residual impact that would cause harm to the character and appearance of the area. Nonetheless, given the localised nature of these visual and landscape character harms, this represents only limited negative weight. Much of this moderate harm to the character and appearance of the area would be to the site itself, which will be an inevitable consequence if countryside is to be released for housing, as is necessary.
- 6.125 Harm is also caused by the proposal's conflict with HDPF Policies 4 and 26 and BNP Policy BILL 1 as the site falls within the countryside on a site not allocated for development. However, given the Council is unable to demonstrate a 5 year housing land supply, the 'tilted balance' at Paragraph 11d of the NPPF is engaged meaning these policies can only attract diminished weight in decision making. Whilst it is noted that the BNP is under 5 years old, it nevertheless does not benefit from the protections afforded by Paragraph 14 of the NPPF as it does not allocate sites to meet the identified housing need of the area. As such, the tilted balance remains engaged. Having regard to these matters, Officers advise that the conflict with the above spatial policies only attracts moderate weight against the grant of planning permission.

Overall Neutral (Mitigated) Impacts and matters.

- 6.126 No substantive evidence has been put forward which demonstrates the proposal would place harmful pressure on local infrastructure, including school places, the doctor's surgery and dentist. Nevertheless, the development at Reserved Matters stage would be liable for a CIL payment, which can be used by the Parish and District Council to deliver infrastructure improvements which may or may not relate to the impacts of this development site.
- 6.127 The Local Highway Authority (the 'LHA') has assessed the proposal and raised no objection, subject to the provisions of highway access and offsite works. Your Officers see no reason to disagree with the LHA in respect of this and are satisfied it has been sufficiently demonstrated that the proposal would not be prejudicial to highway safety, nor would a severe impact on the capacity of the local highway network arise.
- 6.128 Environmental Protection impacts (such as of construction noise and air pollution) including on the living conditions of residents, would be appropriately managed through mitigation secured via planning condition or at the appropriate time (Reserved Matters). Planning conditions which deal with protected and priority species and habitat, and flood risk from surface water and drainage, would secure appropriate mitigation of impacts on these matters. Specialist consultees, including the Local Lead Flood Authority, have assessed the proposal and raised no objection. The proposal would satisfy the statutory requirement for a minimum 10% net gain in biodiversity (HDPF Policy 31) but this is legislative compliance thereby attracting only neutral weight.

Overall Planning Balance

- 6.129 Drawing all conclusions together, in applying Section 38(6) and the material considerations detailed above, your Officers conclude the site would be a suitable and a sustainable location on the edge of an existing settlement for the quantum and type of development proposed, which would help meet identified housing need. In addition, it is found that occupiers of the development would have a genuine choice of transport modes to access local services in

Billingshurst and employment opportunities indicating that the site is sustainably located. In applying the Paragraph 11d presumption in favour of sustainable development, officers advise that the identified adverse impacts of granting permission identified above would not significantly and demonstrably outweigh these benefits when assessed against the policies in the NPPF when taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Officers therefore recommend that this application be approved.

7. RECOMMENDATIONS

7.1 To approve Outline planning permission, subject to the completion of the legal agreement and conditions set out below:

1. Approved Plans Condition

2. Outline Permission:

(a) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") for each phase shall be submitted to, and approved in writing by, the local planning authority before any development takes place on the relevant phase and the development shall be carried out as approved.

(b) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

(c) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

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

3. Submission of Reserved Matters:

(a) The submission of reserved matters applications pursuant to this outline approval shall demonstrate substantial compliance with the following Parameter Plans submitted as part of the Outline approval to fix the development principles:

21087-RFT-00-00-DR-A-0133 REV P02 Parameter Plan - Access & Movement

21087-RFT-00-00-DR-A-0130 REV P02 Parameter Plan - Building Heights

21087-RFT-00-00-DR-A-0132 REV P02 Parameter Plan - Land Use

21087-RFT-00-00-DR-A-0131 REV P01 Parameter Plan - Density

Reason: To enable the Local Planning Authority to control the development in detail to ensure Reserved Matters compliance with development principles fixed at outline and to comply with Section 92 of the Town and Country Planning Act 1990.

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

(a) An intrusive site investigation scheme to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing

details of what data will be collected in order to demonstrate that the remedial works are complete.

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

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

- 5. Pre-commencement Condition:** As part of each reserved matters application, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment and the Surface Water Drainage Strategy by RSK 680210-R1(5)-FRA ISSUE REV R1(5) dated 26th June 2024. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development.

The submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters.

This shall include the following information:

- Demonstrates that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration.
- Demonstrates that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015) and Policy 16 of the Billingshurst Neighbourhood Plan (2021).

- 6. Pre-Commencement Condition:** The development hereby approved shall not commence until the following demolition and construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:

- (a) Details of site management contact details and responsibilities;
- (b) A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
 - i. location of site compound,
 - ii. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
 - iii. site offices (including location, height, size and appearance),
 - iv. location of site access points for construction vehicles,
 - v. location of on-site parking,
 - vi. locations and details for the provision of wheel washing facilities and dust suppression facilities
- (c) 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;
- (d) Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

All demolition and construction activities shall thereafter be carried out in accordance with the details and measures approved.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 24, 33 and 40 of the Horsham District Planning Framework (2015).

- 7. Pre-commencement Condition:** As part of each reserved matters application and prior to commencement of development, a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy shall include the following.
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Where appropriate timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
 - i) Where appropriate details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham District Planning Framework (2015).

- 8. Pre-commencement Condition:** As part of each reserved matters application and prior to commencement of development, any works which will impact the breeding / resting place of Hazel Dormouse, shall not in any circumstances 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) authorising the specified activity/development to go ahead; or b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and Policy 31 of the Horsham District Planning Framework (2015).

- 9. Pre-Commencement Condition:** As part of each reserved matters application and prior to commencement of development, including demolition pursuant to the permission granted, a Great Crested Newt Mitigation Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newts during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve Protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework.

- 10. Pre-commencement Condition:** As part of each reserved matters application and prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be 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 Local Planning Authority 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) in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 12. Pre-commencement Condition:** No development shall commence for each dwelling until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of the development have been submitted to, and approved in writing by, the Local Planning Authority for that dwelling. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact in accordance with Policies 25, 32, 33 of the Horsham District Planning Framework (2015) and Policy BILL 2 of the Billingshurst Neighbourhood Plan (2021).

- 13. Pre-commencement Condition:** i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

ii) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

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

- 14. Pre-commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing on a plan all trees/hedgerows on site and adjacent to the site to be retained during construction works,

and measures to provide for their protection throughout all construction works, has been submitted to, and approved in writing by, the Local Planning Authority, and until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention in the approved Arboricultural Method Statement, as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction – Recommendations' (2012).
- 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 fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.
- Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 25, 31, 32, 33 of the Horsham District Planning Framework (2015) and Policy BILL2 of the Billingshurst Neighbourhood Plan (2021).

- 15. Pre-commencement Condition:** No development shall commence unless and until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any dwelling shall take place until the approved works required to facilitate that dwelling have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015) and Policy BILL 16 of the Billingshurst Neighbourhood Plan (2021).

- 16. Pre-commencement Condition:** Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected and to comply with Policy 38 of the Horsham District Planning Framework (2015) and Policy BILL 16 of the Billingshurst Neighbourhood Plan (2021).

- 17. Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater harvesting system required by the approved water neutrality strategy have been submitted to and approved in writing by the Local Planning Authority. The rainwater harvesting system details shall include a management and maintenance plan for the rainwater harvesting systems has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include the following details:
- suitable storage tanks to provide a minimum 35 days storage capacity

- Detail on the likely contaminants associated with the rainwater harvesting system, including contaminants associated with the components of the proposed system.
- Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
- Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
- Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- Detail on the continuity of supply during dry periods extending beyond 35 days.
- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management plan shall be implemented without the written approval of the Local Planning Authority.

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

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

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 25, 31, 32, 33 of the Horsham District Planning Framework (2015) and Policy BILL 2 of the Billingshurst Neighbourhood Plan (2021).

- 19. Pre-commencement (slab level) Condition:** As part of each reserved matters application and prior to slab level of any development, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

- 20. Pre-Occupation Condition:** No dwelling shall be first occupied until an air quality mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The air quality mitigation plan should contain measures equal in value to the calculated environmental damage cost of £9,240 and include (but not be limited to) the measures detailed in *Section 7.2 Operational Phase Mitigation* of the RSK Air Quality Assessment (Jan 2025).

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

- 21. Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular/pedestrian/cycle site access serving the development has been constructed in accordance with the details shown on the drawing titled ITB13322-GA-009 REV B SITE ACCESS ARRANGEMENT - OPTION 2.

Reason: In the interests of road safety in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015) and Policy BILL 12 of the Billingshurst Neighbourhood Plan (2021).

- 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. Prior to Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the contamination remediation scheme required and approved under the provisions of condition 4 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 4, 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) and Policy BILL 16 of the Billingshurst Neighbourhood Plan (2021).

- 24. Prior to Occupation Condition:** As part of each reserved matters application and prior to the first occupation of any dwelling, a Landscape and Ecological Management Plan (LEMP) must have been submitted to, and be approved in writing by, the local planning authority

prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures and future maintenance responsibilities and prescriptions for all areas of land including a plan showing parties responsible for the maintenance of different areas and their contact details including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility.

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 and 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 and the development shall thereafter be maintained in accordance.

Reason: To allow the Local Planning Authority 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) in accordance with Policy 31 of the Horsham District Planning Framework (2015) and Policies BILL 2 and BILL 4 of the Billingshurst Neighbourhood Plan (2021).

- 25. Prior to Occupation Condition:** As part of each reserved matters application and prior to first occupation of any dwelling, a lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light and shall have been designed by a suitably qualified person in accordance with the recommendations.

The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the Local Planning Authority 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 (as amended) and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 26. Prior to Occupation Condition:** Prior to the first occupation of any dwelling/unit forming part of the proposed development the developer will, at their own expense, install the required fire hydrants in locations to be submitted to and approved by the Local Planning Authority to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

- 27. Prior to Occupation Condition:** No dwelling shall be first occupied until Electric Vehicle Charging spaces have been provided for that respective dwelling in accordance with plans and details to be submitted to and approved in writing at Reserved Matters by the Local Planning Authority.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019) and Policy BILL 14 of the Billingshurst Neighbourhood Plan (2021).

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

- Details of all existing trees and planting to be retained;
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details; and to adhere to the following specifications to tree sizes at key corridors/important links and to reinforce street hierarchy:
- Details of all hard surfacing materials and finishes;
- Details of all boundary treatments;

The approved soft landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. The approved hard landscaping shall be fully implemented as approved following first occupation of the development.

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

Reason: To ensure a satisfactory development that is sympathetic to the landscape and character of the surroundings and in the interests of visual amenity in accordance with Policies 30, 31, and 33 of the Horsham District Planning Framework (2015) and Policy BILL 2 of the Billingshurst Neighbourhood Plan (2021).

- 29. Prior to Occupation Condition:** No part of each phase of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved at Reserved Matters in writing by the Local Planning Authority for that phase. No dwelling shall be first occupied until the

facilities serving the respective dwelling has been provided. Once provided the facilities shall thereafter be retained for use at all times.

Reason: To ensure that adequate and satisfactory provision is made for refuse and recycling storage clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015) and Policy BILL 14 of the Billingshurst Neighbourhood Plan (2021).

- 30. Prior to Occupation Condition:** No dwelling shall be first occupied until the car parking, turning, and access facilities serving the respective dwelling has been constructed in accordance with plans and details to be submitted to and approved at Reserved Matters in writing by the Local Planning Authority. Once provided the car parking spaces, turning and access facilities shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015) and Policy BILL 14 of the Billingshurst Neighbourhood Plan (2021).

- 31. Prior to Occupation Condition:** No part of the development shall be first occupied until details of the communal estate road(s), footways, cycle ways serving that development have been provided in accordance with plans and details to be submitted to and approved at Reserved Matter stage by the Local Planning Authority.

Reason: To ensure safe and suitable access in accordance with Policy 40 of the Horsham District Planning Framework (2015) and Policy BILL 12 of the Billingshurst Neighbourhood Plan (2021).

- 32. Prior to Occupation Condition:** No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved at Reserved Matter stage by the Local Planning Authority.

Reason: To ensure that adequate and satisfactory provision is made for cycle parking in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015) and Policies BILL 12 and BILL 14 of the Billingshurst Neighbourhood Plan (2021).

- 33. Prior to Occupation Condition:** No dwelling shall be first occupied until the necessary in-building physical infrastructure and necessary external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection serving the respective dwelling has been provided.

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

- 34. Prior to Occupation Condition:** The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include: I. a timetable for its implementation, II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect, III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015) and Policy BILL 16 of the Billingshurst Neighbourhood Plan (2021).

- 35. Prior to Occupation Condition:** The development hereby approved shall not be first occupied until a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015) and BILL 16 of the Billingshurst Neighbourhood Plan (2021).

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

Reason: To promote sustainable transport in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

- 37. Regulatory Condition:** If the outline application hereby approved does not commence within one year from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to: I. establish if there have been any changes in the presence and/or abundance of protected species and II. identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the erection of up to 79 Dwellings (including affordable homes). Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To allow the Local Planning Authority 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 (as amended) and Policy 31 of the Horsham District Planning Framework (2015).

- 38. Regulatory Condition:** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Consultation Responses – Further Information (Ecology Solutions, submitted 24th January 2025) and Ecological Assessment (Ecology Solutions, September 2024) 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 protected and Priority species and allow the Local Planning Authority 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 (as amended) and Policy 31 of the Horsham District Planning Framework (2015).

- 39. Regulatory Condition** All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment, this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015) and BILL 16 of the Billingshurst Neighbourhood Plan (2021).

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

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

BNG statutory condition