Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/22/2010
15 - 18 Fairfield Cottages, Cowfold, Horsham, West Sussex, RH13 8BL

DESCRIPTION:
Demolition of existing bungalows and erection of 4no 1 bed maisonettes and 4no 2 bed houses with associated external works and landscaping.

RELEVANT PLANNING HISTORY:

DC/21/1108	Fell 1 x Oak	Application 17.09.2021	Permitted on
DC/06/0832	Erection of 1 dwelling and formation of 3 car parking spaces	Application 23.05.2006	Refused on

SITE AND SURROUNDS

The site extends to approximately 0.17 hectares and is located within the built-up area boundary of Cowfold. Cowfold is a settlement classified as a 'Medium Village' in Policy 3 of the Horsham District Planning Framework (HDPF, 2015) meaning it has a moderate level of services and facilities, and some access to public transport.

The existing site comprises two pairs of semi-detached cottages, two of which are vacant and two are occupied by housing association tenants. The pairs of bungalows are separated by a large area of hard surfacing. The site is largely flat and has a small cluster of trees in the north-eastern corner. Due to subsidence issues to neighbouring properties, a large Oak tree located at the centre of the site was felled in 2021 (as approved under application DC/21/1108). The site back onto Cowfold Recreation Ground (designated as Local Green Space LGS04), separated by an existing hedgerow and a footpath (PROW 1749).

The wider area is characterised by pairs of 1940s semi-detached 2-storey housing, set back from the roadside with small front gardens. Existing properties mainly comprise red brick, with chimney features, arched doorways, and picket fencing/hedging. The site is located outside of (but close to) the Cowfold Conservation Area. No listed buildings are located within the immediate vicinity of the site.

The boundary of the Cowfold Air Quality Management Area (AQMA) is located around 45m to the west of the site. The site is located within the Minerals Safeguarding Zone for Horsham Stone and Brick Clay (as defined by the West Sussex Joint Minerals Local Plan, 2018).

The site is located within Flood Zone 1 as identified by the Environment Agency Flood maps. The site is identified as being within a high risk area 'Red Zone' for Great Crested Newts.

DETAILED DESCRIPTION

The application has been submitted in Full and proposes the demolition of the 4no. existing semi-detached bungalows and the erection of 8no. new dwellings with associated parking. The development

is proposed to comprise 4no. 1-bedroom maisonettes, and 4no. 2-bedroom houses. The application is being proposed by Saxon Weald (a local housing association), and as such, all 8 units would be offered as affordable housing, with the 4no. 1-bed units as affordable rent, and the remaining 4no. 2-bed houses as shared ownership tenure.

The 8no. dwellings are proposed to be built in four sets of semi-detached pairs, orientated to face the street frontage with a small set back. Parking for 15 cars is proposed, and each dwellings is provided with a private garden space overlooking the playing fields to the south. Existing trees are to be retained, and new tree planting is proposed, including a new semi-mature tree on the south-west corner of the site to replace the felled Oak tree.

The materials palette for the dwellings and the surrounding hard surfacing would comprise red multi-stock brick, artificial grey slate roof tiles, and dark grey vertical cladding. Architectural detailing includes chimney features and cat-slide roof elements. Solar PV roof panels are proposed.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF, 2021)

Horsham District Planning Framework (HDPF, 2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 – Parking

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

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making. All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

West Sussex Joint Minerals Local Plan (2018)
Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance / Planning Advice Notes:

Facilitating Appropriate Development (FAD, 2022)
Biodiversity and Green Infrastructure (2022)
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Cowfold Neighbourhood Plan (CNP)
The Cowfold Neighbourhood Plan (CNP) was subject to independent Examination in February 2021. The Examiner's Report was published on the 19 April 2021 and recommended that (subject to some minor amendments) that the plan should proceed to Referendum with the view of adoption. The Council's Decision Statement was published on 23rd September 2021 and concluded that all recommended amendments are accepted and that the plan can proceed to Referendum, now scheduled for 30 January 2025. Despite not being formally 'made', the CNP has been through the relevant public consultation phases and independent Examination (confirming the plans meets the 'basic conditions') and is therefore considered to carry significant weight in decision making.

Policies and Aims within the emerging CNP that are relevant to this proposal, include:

Policy 1: Groundwater and Surface Water Flood Risk
Policy 2: Green Infrastructure
Policy 4: Conservation Area
Policy 9: Residential development Principles
Policy 10: Windfall Housing
Policy 13: Housing Mix
Policy 15: Communications
Policy 16: Car Parking Provision
Aim 1: Air Quality Management
Aim 2: Sustainable development
Aim 5: Heritage Assets
Aim 8: Electric Vehicle Charging
Aim 10: Affordable Housing
Aim 13: Road Safety
Aim 15: Pedestrian and Cycling Environment

REPRESENTATIONS AND CONSULTATIONS RESPONSES
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

CONSULTATION RESPONSES

Cowfold Parish Council: Support
[Summary]: Cowfold Parish Council supports this application to address the requirements for additional one and two bedroom affordable housing units in the village. However, emphasises the need for the developer to offer the existing/remaining resident of the four bungalows the opportunity to relocate within Cowfold.

HDC Drainage Engineer: No Objection (subject to conditions)
[Summary]: No overall objection, but the applicant should ensure the discharge rates on this brownfield site comply with current LLFA policy (i.e. greenfield run-off rates, or no more than 2l/s/ha). Also, further information should be provided to show that the proposed local drainage network (the culvert crossing) is fit for purpose. If the development is permitted, standard drainage conditions should be imposed.

WSCC Highways: No Objection (subject to conditions)
[Summary]: The new access points proposed afford suitable visibility in both directions. A highways licence mut be obtained to undertake the access works. No injury accidents within the past 5 years have been recorded within the vicinity of the site. The proposed development would not exacerbate an existing safety concern. Trip generation data suggests that the development would generate 31 two-way daily

movements - the LHA is satisfied that this number of trips can be accommodated into the local highway network. 15no. car parking spaces are proposed, which is in accordance with the WSCC Car Parking Demand Calculator. The proposed parking bays are suitably sized and laid out. Given the recent changes to Building Regulations, the LHA has no comment to make regarding the EV charging provision. Whilst on-site turning does not appear achievable the submitted swept path diagrams demonstrate that this can be achieved safely within the highway. Cycle sheds to store 2x cycles per plot are proposed, in accordance with WSCC Standards.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to NPPF (paragraph 111), and that there are no transport grounds to resist the proposal. Suggested conditions include: (1) Car parking spaces to be provided, and (2) Cycle parking to be provided. Informative suggested to remind the applicant to apply for vehicle crossover approval from WSCC.

Southern Water: No Objection (subject to conditions)
[Summary]: No objection. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant. Ongoing management details for the SuDS should be provided. Proposed means of foul and surface water disposal should be provided.

HDC Conservation: No Objection

HDC Housing: No Objection
[Summary]: The number of affordable housing units proposed is policy compliant. The Housing Register in Cowfold currently has 158 households waiting for housing, including: 47 households in need of a 1-bedroom unit, 31 households in need of a 2-bedroom unit, 53 households in need of a 3-bedroom unit and 27 households in need of 4 or more bedrooms.

HDC Landscape Consultant: No Objection (subject to conditions)
[Summary]: The application is not supported by a Landscape and Visual Appraisal (LVA) though given the urban context and redevelopment of a previously developed site; we are of the judgement that the proposal would not have an adverse impact on the landscape character. It is considered that proposed development will cause minimal harm to visual amenity and landscape character. A number of design recommendations are proposed if minded for approval. Conditions for full hard and soft landscape details, and a landscape management plan are recommended.

HDC Ecology Consultant: No Objection (subject to conditions)
[Summary]: The Bat Survey Report concluded that bats are unlikely to be roosting in the bungalows. However, we support the recommendation for precautionary measures prior to demolition which should include hand removal of all features suitable for use by bats undertaken under the supervision of a Bat Licensed Ecologist. There are ponds within 500m of the site and the terrestrial habitat could support GCN, we support the recommendation for a two-phase cut to the grassland before any works commence to prevent impact to GCN. The mitigation measures identified in the Bat Survey Report and Bat Scoping Report and Preliminary Ecological Appraisal should be secured by a condition and implemented in full. We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application, as well as the proposed reasonable biodiversity enhancements, to secure net gains for biodiversity.
Conditions suggested including: (1) action in accordance with ecology recommendations, (2) Biodiversity Enhancement Layout to be submitted, (3) Wildlife Sensitive Lighting Design Scheme to be submitted.

HDC Tree Officer: No Objection (subject to conditions)
[Summary]: A mature protected Oak tree was felled in 2021. There is a requirement to replace the tree under the condition applied to the consent for its removal (Ref: DC/21/1108). The development proposal includes a replacement tree, positioned in the SW corner of the site. Of the remaining trees, only the mature oak in the NE corner is a site constraint. Sufficient rooting volume of this tree can be retained within the garden area and playing field for the tree to be safeguarded, subject to implementation of appropriate tree protection measures. A reasonable amount of new tree planting is shown. To enhance public visual amenity, I recommend that trees on the frontage include one or two species of larger future

stature. If minded to approve, a condition for details of underground services is recommend to protect retained trees.

WSCC Waste and Minerals: No Objection
[Summary]: The application site in question does not meet the criteria for consulting WSCC as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a no comment to the proposed development.

HDC Environmental Health: Comments (and suggested conditions)
[Summary]:
Air Quality - The mitigation measures proposed are generic and generally fall within the remit of other regulatory regimes. The applicant is now required to secure the provision of ev charging in line with the requirements of Part S of the Building regulations.

Water Re-Use - Rainwater and greywater harvesting schemes can be highly contaminated, so should such a scheme be proposed a detailed private water supply management and maintenance plan will be required.

Ground Contamination - We are satisfied with the preliminary assessment of the risks from contamination and with the site investigation works undertaken to date. We note that elevated levels of poly-aromatic hydrocarbons (PAHs) and lead were detected, so further ground investigation and chemical testing of soils is required in areas of the site covered by buildings and hardstanding. A formal remediation method statement (RMS) will then need to be produced which can be secured by condition.

Conditions suggested include: (1) contamination investigation/ proposed remediation, (2) contamination remediation verification, (3) Construction Environmental Management Plan.

Natural England: No Objection (subject to appropriate mitigation being secured)
[Summary]: The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured. The delivery and management / maintenance of measures identified in the Water Neutrality Statement are required to be secured via appropriate planning condition or obligation attached to any planning permission.

NatureSpace: commented that:

'The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.'

PUBLIC CONSULTATIONS

Seventeen (17) letters have been received in connection with the application. 2 x 2 letters were from the same household. 8 letters were received outside of the 21-day neighbour notification period (in October 2023). There were 7 letters of objection received in connection with the application from 7 different households. All letters object to the proposal, citing the following (summarised) reasons:

- Disappointment at removal of protected Oak tree
- No consideration of current residents of the bungalows / unfair eviction process
- The proposed maisonettes are not suitable for elderly or disabled people
- Overdevelopment of the site

- Gardens are small, and not in keeping with neighbouring properties
- No visitor parking
- Insufficient parking provision (15 spaces)
- Development of this site will remove available parking for visitors to the playing fields
- No construction management plan (materials storage etc)
- 2-storey properties close to the roadside will create a blind bend, poor visibility
- Shading / impact on solar energy generation from properties opposite
- Potential flooding risk
- Concern with loss of bungalow accommodation
- Water neutrality
- Concerns with shared ownership tenure
- Poor quality housing
- Too expensive for local families in need
- No CIL receipts from this development

HUMAN RIGHTS AND EQUALITIES

Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.

Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. Consideration of Human Rights and Equalities forms part of the planning assessment below.

PLANNING ASSESSMENT

Principle of Development:

The site lies within the Built-Up Area Boundary (BUAB) of Cowfold, which is classified as a 'medium village' in the settlement hierarchy of Policy 3 of the Horsham District Planning Framework (HDPF). As a medium village, Cowfold is noted as being a settlement that has a moderate level of services and facilities and community networks, with some access to public transport. Cowfold provides for some basic day-to-day needs, but residents usually rely on larger nearby settlements to meet most of their wider needs. HDPF Policy 3 states that any proposal to redevelop or infill within a defied BUAB is required to demonstrate that it is of an appropriate nature and scale to the main characteristics and function of the settlement. In principle therefore, by virtue of its location, and current developed nature of the site; the proposed residential re-development of this site is considered to be acceptable, and the additional residential (affordable) units that the site would yield, would be welcomed.

Policy 15 of the HDPF seeks to allocate a sufficient quantum of new housing across the Horsham District to meet the identified needs until 2031. In addition to the allocation of large-scale strategic development sites, Policy 15 anticipates 1,500 homes to come forward through Neighbourhood Plan allocations, and an additional 750 to come forward as 'windfall units'. As the site is located within the BUAB of Cowfold, it is considered that housing development such as the proposed scheme would contribute to the windfall units required by Policy 15 (part 5), which contributes to the 'in principle' acceptability of this proposal. Policy 10 of the post-examination Cowfold Neighbourhood Plan (CNP) also supports the principle of windfall site development provided that the site is located within the BUAB and complies with other development plan policies. Whilst the CNP has not yet formally been 'made', its advanced stage in the plan making process means that the policies and allocations contained with the CNP are considered to carry significant weight in decision making.

Whilst the principle of residential development on this site is acceptable by virtue of its location within the existing settlement boundary, it is also acknowledged that the Council is unable to demonstrate a 5-year supply of deliverable housing sites, as required by the NPPF. The most recent Authority Monitoring Report (AMR) reveals that the Council is able to demonstrate a 2.9 year supply. As such, it is

acknowledged that the tilted balance (NPPF Para 11d) towards a presumption in favour of sustainable development could become engaged provided that development on this site would have no adverse effect on protected sites of nature importance (i.e., in this case that water neutrality can be demonstrated).

Aside from the test of water neutrality (discussed later in this report), the acceptability of the development in overall terms will also depend on its appropriateness in terms of other development management principles including layout, scale, design, parking, landscaping, drainage; as well as its impact on ecology, heritage, the local highway network, and local amenity. These considerations will be explored within subsequent sections of this report, and a final recommendation is be made in the 'conclusion' section.

Affordable Housing and Housing Mix:
In accordance with Paragraph 64 of the NPPF affordable housing should not be sought for residential developments that are not major developments. The proposal for 8 units is not a major development and does not therefore require an affordable housing contribution. Notwithstanding this, the applicant (Saxon Weald) is a locally based registered provider of affordable homes, and as such are proposing that all 8no. units provided as part of the scheme will be available as affordable housing (at a 50:50 tenure split). The provision of 8no. affordable units is therefore welcomed and carries significant weight in favour of the development. The 100% provision of affordable housing will be secured within the accompanying s106 legal agreement.

Highways Impacts:
Fairfield Cottages is a residential cul-de-sac, accessed off the A272 (Bolney Road). Fairfield Cottages provides access to several residential units, Cowfold Playing Fields car park and the cul-de-sacs of Alley Groves and Fairfield Court. The site is located in close proximity to existing local facilities and services within Cowfold and has good connections to the local and strategic highways network. Approximately 3.4 miles east of the site, the A272 provides a connection to the A23. To the west, the A272 continues to the A24, and provides a connection to the A281. Public Right of Way 1749 runs along the south of the site.

To facilitate access to the site, four new points of access are proposed in the form of dropped kerbs to provide access to parking bays on the development site. WSCC as the Local Highways Authority (LHA) has confirmed that the new accesses are acceptable subject to the applicant obtaining a vehicle crossover licence from the LHA to undertake the works.

The development proposes 6 allocated spaces for the houses, plus a further 9 unallocated spaces, totalling 15 spaces. This is in line with the parking requirements of the WSCC Parking Guidance (2020) and as such no objection is raised by the Local Highways Authority with regard to parking provision. Policy 16 of the Cowfold Neighbourhood Plan requires a total of 20 spaces for this 8-unit development. It is acknowledged that the 15 spaces shown is short of this requirement but given the LHA raises no objection and considers the proposed provision to be sufficient to prevent any overspill parking on nearby roads, Officers are of the view that it would be difficult to justify refusal in this case on the basis of parking. Cycle parking provision for 2 bicycles is made within garden sheds of each unit, which is in line with WSCC guidance and would be secured by planning condition. In line with Building Regulations Part S, one EV space per dwelling is also proposed, which would be secured by planning condition.

The LHA has confirmed that the number of daily anticipated vehicle movements generated from the development will be low and can be accommodated into the local highways network without adverse impact on highway safety. The LHA highlights that on-site vehicle turning is not achievable, so vehicles may have to exit the site in a reverse gear. However, swept path diagrams demonstrate that this reversing can be achieved safely to the satisfaction of the LHA.

In summary, it has been confirmed by the LHA that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts, therefore is not contrary to NPPF paragraph 116. It is acknowledged that the parking provision of 15 spaces is below that required by Policy 16 of the CNP, but given the provision meets the WSCC standards and that the LHA raises no objection, it is not considered to be a matter that would justify a refusal in this case. It is the view of Officers therefore that the proposal is acceptable in highways terms.

Planning conditions have been recommended by the LHA to ensure that the car and cycle parking spaces are provided, and an informative note has been added to remind the applicant of the need to apply for a vehicle crossover licence.

Layout and Amenity:
Given the windfall nature of this site, and its proposed use for affordable housing, the applicant has sought to make the most efficient use of the 0.17Ha site, by utilising the redundant hardstanding space to create a development of 8no. units. The footprint of the proposed development is largely reflective of the built footprint of the existing bungalows combined with the central hardstanding area. Each of the 8no. units would have a private rear garden space facing towards the playing fields to the south. Whilst the garden spaces are relatively small, their orientation facing south/south-east maximises natural light in the morning and afternoon periods and would only result in shading in the evenings. It is considered that this arrangement works well on this site and reflects the character and density of other dwellings in the vicinity.

The housing units themselves are positioned to face towards the grassed turning circle opposite and are set back from the roadside to mimic the small front garden spaces seen in the existing dwellings opposite. Whilst the character of the site would change from the existing single storey bungalows to the proposed 2-storey structures, given the separation distance and intervening vegetation between the site and dwellings opposite, it is not considered that this would result in any direct loss of privacy or light, nor any other significantly harmful impact on neighbouring amenity. The closest relationship is likely to be between proposed Plots 1 and 2 with Nos 4 and 5 Fairfield Cottages, however whilst Plots 1 and 2 would face towards Nos 4 and 5 Fairfield Cottages the orientation is at an angle, so there would be no direct overlooking, and this coupled with the separation distance of over 20m is sufficient to conclude that there would be no significant impact on privacy. It is acknowledged that a letter from a resident opposite (No11 Fairfield Cottages) raises concerns about the impact of the proposed houses on shading and the effect the new houses would have on the efficiency of solar panels that have recently been erected on the front roof of No11. As above, given the distance between the site and No11 (over 30m), it is not thought that the proposed houses even at 2-storeys in height, would have a significant effect on the ability of sunlight to reach the solar panels at No11.

3no. trees are proposed for removal at the eastern end of the site to facilitate the development, and a new semi mature tree is proposed at the western most corner of the site, close to 3 parking bays. The Council's Tree Officer does not object to the tree removal, nor to the position of the proposed mature tree in this location which is required to replace the felled Oak that once stood in the centre of the site. Car parking for 15 spaces is provided on-site via four new driveway/access points, and no objection in terms of highways safety has been raised by the Highways Authority.

It is considered that whilst the number of units on this site would increase from 4 to 8 (thereby increasing the overall site density), it is the view of the Council that the layout shows the proposed 8no. units plus parking and private amenity spaces can be accommodated on this site without resulting in significant harm to neighbouring amenity and local character. As such the proposal is considered to accord with the requirements of Policies 32 and 33 of the HDPF, as well as draft Policy 9 of the CNP, and the requirements of Policies 124 and 125 of the NPPF to make efficient use of land.

Design and Appearance:
The site as existing comprises two pairs of semi-detached bungalows which are single storey brick-built structures, of basic design and minimal architectural merit. The existing buildings are not imposing, but do not reflect the prevailing character of the immediate surrounds which is characterised by 1940's 2-storey semi-detached dwellings in red brick, with pitched/gable ended roofs and chimney features.

The proposed design of the 8no units takes design inspiration from the existing houses opposite by incorporating pitched roof designs as well as utilising a red multi-stock brick as the main facing material and including chimneys at each unit. The 'end' pairs of units (Plots 1+2 and 7+8) include a lowered cat-slide type roof structure to add interest in these more prominent locations, as well as a porch canopy that wraps round the front and side elevations to denote the main front doors to the units. The 'end' pairs have been designed to include long narrow window openings which whilst not necessarily reflective of the houses opposite, are considered to offer a modern touch to the development as well as an innovative

way to achieve solar gain. The design of the middle pairs of units (Plots 3+4 and 5+6) is more reflective of the existing dwellings opposite, in terms of the more traditional window and porch design.

As a whole, Officers are of the view that whilst the proposed units are more modern in appearance than the existing 1940s dwellings opposite (which has been made apparent by the use of slate roof tiles, dark cladding, grey windows, and black rainwater goods); key design features have been included which help to assimilate the proposed buildings sensitively into the local vernacular. The use of red brick is particularly important to achieve this, and the precise detail of the brick to be used will be secured by condition to ensure it is an appropriate choice. The inclusion of solar panels at each unit is welcomed in terms of meeting energy efficiency and climate change targets, and whilst their appearance is modern, it is a feature that is already apparent in the locale and is not therefore inappropriate in this built-up location.

Trees and Landscaping:
The application site was formerly dominated by a mature oak tree of high public amenity value, made subject of a TPO in 2003. This tree was felled in 2021 on the grounds of its role in exacerbating subsidence of one of the neighbouring dwellings. There is a requirement to replace the tree under the condition applied to the consent for its removal (Ref: DC/21/1108). The development proposal includes a replacement semi-mature tree, positioned in the SW corner of the site. Whilst it would be preferable for the replacement tree to be in the same location as the felled tree, this must be balanced with the potential of the site to make the most efficient use of the available land. As such, the proposed position of the replacement tree on the SE corner is considered to be acceptable. The Council's Tree Officer has advised that an 'Acer Platanoides Crimson King' (a purple-leaved Maple), or a 'Metasequoia Glyptostroboides' (a Dawn Redwood) would be examples of suitable replacement tree species.

The site includes a number of existing trees located within the north-east corner. 3no. trees are proposed for removal to facilitate the development (T6, T7 and T10), and no object to the removal of these trees has been raised by the Tree Officer. T13 is a mature Oak located to the far east corner of the site. The Council's Tree Officer is satisfied that the future viability of this tree will not be impacted by the proposed development.

The proposal includes the planting of a number of new trees and hedgerow along the site frontage, and within the rear gardens of the proposed plots. An existing hedgerow along the southern (rear) boundary of the site would be retained which is welcomed. The Council's Landscape consultant is of the view that given its urban context, the development will cause minimal harm to visual amenity and landscape character. Notwithstanding this, it is considered necessary for finer hard and soft landscape details to be agreed, therefore conditions for full hard and soft landscape details and a landscape management plan have been included.

Heritage Impacts:
The site does not contain any locally or statutorily listed buildings and is not situated within a Conservation Area or an Archaeological Notification Area. The Cowfold Conservation Area and the boundary of an Archaeological Notification Area is located around 42m to the west of the site, separated by a line of residential dwellings. The Cowfold Conservation Area is not perceptible from the site, and visa-versa. The Council's Heritage Officer raises no objection to the proposed development.

Ecology:
The Council's Ecology Consultant has reviewed the submitted Preliminary Ecology Appraisal, Bat Scoping Report and Bat Survey. The Bat Survey Report concluded that bats are unlikely to be roosting in the existing bungalows. Despite this, the Ecologist recommends that precautionary measures should be applied, including hand removal of all features suitable for use by bats undertaken under the supervision of a Bat Licensed Ecologist.

The Ecologist advises that nearby ponds and terrestrial habitats could support Great Crested Newts, therefore it is recommended that a two-phase grassland cut is undertaken before any works commence. Conditions are recommended by the Council's Ecologist to ensure that the mitigation measures identified in the Bat Survey Report and Bat Scoping Report and Preliminary Ecological Appraisal are secured and implemented in full. In addition, the Ecologist recommends that a Wildlife Friendly Lighting Strategy is implemented, as well as biodiversity enhancements to secure a 10% target net gain for biodiversity as

sought by the Council's Biodiversity and Green Infrastructure Planning Advice Note (October 2022). Subject to the inclusion of the necessary planning conditions to secure biodiversity protection and enhancement measures across the site, the proposal is considered to be in accordance with Policy 31 of the HDPF and paragraphs 174 and 180 of the NPPF.

Water Neutrality:
A Position Statement released by Natural England in September 2021 states that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises that developments within the Sussex North Supply Zone must not add to this impact, and to achieve this, all proposals must demonstrate water neutrality.

The Council is the competent authority for determining impact on these habitat sites, therefore in assessing the proposal the Council must ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). This requires that a Habitats Regulations Assessment (HRA) is carried out, and planning permission must not be granted unless the competent authority is satisfied that the proposed development will not adversely affect the integrity of the affected habits site. This is reflected in paragraph 180 of the NPPF, which states that if significant harm to biodiversity resulting from a development cannot be avoided, then planning permission should be refused.

The application site falls within the Sussex North Water Supply Zone therefore the water abstraction issue raised by the Natural England is a material planning consideration relevant to this proposal. As such, in order to demonstrate that no adverse impact will occur at the Arun Valley habitat sites, this proposal for 8no. new dwellings must demonstrate that is it water neutral. A Stage 1 HRA screening was undertaken, which concluded that without mitigation, the proposed development will have a Likely Significant Effect on the designated features of the Arun Valley SAC/SPA/Ramsar. As such, the assessment was required to proceed to HRA Stage 2: Appropriate Assessment (AA) to ascertain whether any mitigation proposed can enable the proposal to be authorised.

In support of the AA, the applicant has submitted a Water Neutrality Statement V2 Rev B (by SRE, dated 04 January 2023). The Water Neutrality Statement calculates that the baseline water consumption as existing on site (based on average usage of the 4no. existing dwellings) is 712.8 litres/day. This figure is accepted by the Council. The predicted water consumption for the proposed 8no. dwellings (incorporating on-site water efficiency appliances) is calculated to be 1,143.6 litres/day. After deducting the baseline water figure (712.8 l/day) from the proposed consumption figure (1,143.6 l/day) this leaves a remaining volume of **430.86 l/day** that is required to be offset.

It is proposed that the residual water demand (430.86 l/day) will be offset against existing housing stock controlled by the applicant at a site known as 'The Cobblers' in Slinfold. The Cobblers has full planning approval (under DC/20/2578) for the demolition of an existing 17-bed retirement home, and replacement with a new development of 12 flats. The development at The Cobblers was found to be water neutral owing to the replacement of 17 existing units with 12 new units, which included the installation of more efficient water appliances. The surplus water resulting from development at The Cobblers was calculated to be some 1,040 litres per day, which is more than enough to use to offset the remaining water demand at Fairfield Cottages (some 430 l/day). The Cobblers is in the control/ownership of the applicant therefor subject to the completion of a s106 agreement, the Council has certainty that it is within the gift of the applicant to link the water 'credit' from The Cobblers site to the Fairfield Cottages site in Cowfold. It is considered that the headroom demonstrated at The Cobblers (some 1,040 l/day) is significant enough to allow the current site to offset its remaining demand against (430 l/day), whilst still leaving sufficient headroom remaining of around 610 l/day. This is in line with the precautionary principle to ensure that sufficient headroom is retained to account for any anomalies.

Subject, therefore, to planning conditions to secure precise details of the proposed on-site water saving appliances and their installation/maintenance, as well as the completion of a s106 legal agreement to secure a direct link between the water savings at The Cobblers to the water offset requirements at this site, the proposed mitigation is considered by Officers to be sufficient in order to achieve water neutrality at this site. An Appropriate Assessment (AA) has been completed by the Council on the basis of the applicant's proposed mitigation measures. The AA 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 SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects.

As per the requirements of s63 of the Habitat Regulations, the Council has consulted Natural England as the relevant statutory body. Natural England has confirmed that subject to all mitigation measures being appropriately secured, the conclusions of the Council's Appropriate Assessment are agreed with. It is therefore Natural England's view that the development will not have an adverse impact on the Arun Valley SPA, SAC and Ramsar sites provided the mitigation is secured in perpetuity, and no objection is raised.

In summary, the HRA exercise undertaken by the Council has demonstrated that the water saving mitigation proposed (in the form of on-site water saving appliances, and utilising offsetting 'credits' from existing water use on the application site, as well as offsetting at The Cobblers site is Slinfold), provides sufficient certainty that the water consumption associated with the development of 8no. units would not result in adverse impact on the integrity of the Arun Valley habitat sites. On this basis the development complies with s.70 of the Habitats Regulations as well as with Policy 31 of the HDPF and paragraph 187 of the NPPF.

Air Quality:
At its closest point, the application site is located around 40m to the edge of the Cowfold Air Quality Management Areas (AQMA). The applicant has submitted an Air Quality Assessment (AQA) which concludes that the main source of emissions generated from the development would be emissions from construction vehicles and dust during the construction phase. Emissions generated during the operational phase are not considered to significantly impact local air quality. The AQA calculates a damage cost from the development of £1,578.

Mitigation measures for the construction phase are proposed to include the use of dust suppression equipment and other measures to reduce the release of particulates into the air. These measures would be secured in the submission of a site side Construction Environmental Management Plan (CEMP) which would be secured by condition.

To mitigate the operational effects, the AQA proposes the use of Air Source Heat Pumps, provision of secure cycle storage, and provision of EV charging points in excess of the WSCC minimum. Since the introduction of Building Regulations Approved Document S in June 2022, this proposed measure is not acceptable as the provision of EV charging points to each dwelling is already required. As such, the applicant has set out a list of possible alternative measures that the damage cost calculation could go towards. This includes the implementation of a Travel Plan to encourage uptake of low emissions vehicles, and the distribution of a welcome pack to all new residents to encourage the use of sustainable travel modes.

As the precise mitigation has not yet been confirmed, the submission of an Air Quality Management Plan is required to be secured by condition to outline the precise and costed mitigation that is proposed. A condition to this effect has been drafted.

Other Matters:

<u>Climate Change and Sustainability</u>
Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Water consumption limited to 89 litres per person per day.
- Integration of SUDS and green infrastructure to manage flood risk.
- Dedicated refuse and recycling storage capacity.
- Opportunities for biodiversity gain.
- Dedicated cycle parking facilities.
- 8no. electric vehicle charging points (one for each unit).

- Air quality mitigation strategy (to be submitted by condition).
- Fabric-first construction approach to maximise building energy efficiencies.
- Use of local and recycled materials.
- Use of Air Source Heat Pumps.
- Roof integrated solar panels on each dwelling.
- Energy efficient internal and external lighting.

Subject to the inclusion of the above measures, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Drainage and Flood Risk
The application site is located entirely within an area of low flood risk (Flood Zone 1). It is proposed that surface water from the development would be directed to an existing watercourse to the north-east of the site. Surface water would be stored in tanks underground, and a flow control device would be used to restrict flow to the watercourse to 5l/s to avoid exceeding pre-development brownfield run-off rates. Foul water is proposed to be directed to the existing public foul sewer located adjacent to the site.

The Council's Drainage Engineer has no overall objection to the drainage proposals, but requires that the brownfield site discharge rates comply with current LLFA policy (i.e. the discharge rates should be greenfield run-off rates, or no more than 2l/s/ha). Also, the Drainage Engineer requires confirmation that the proposed local drainage network (the culvert crossing) is fit for purpose. As such, it is necessary for standard drainage conditions to be imposed to ensure this information is submitted and approved to the satisfaction of the Council.

Contaminated Land:
In support of the application, a Phase 1 Ground Contamination Risk Assessment has been submitted. The Council's Environmental Health Officer has reviewed this assessment and has confirmed that they are satisfied with the preliminary assessment of the risk to future site users. Notwithstanding this, the EHO notes that elevated levels of poly-aromatic hydrocarbons (PAHs) and lead were detected, and therefore requires further ground investigation and chemical testing of soils to be undertaken in areas of the site currently covered by buildings and concrete hardstanding. In addition, a formal remediation method statement (RMS) will need to be produced following the additional ground investigation works. The EHO is agreeable to these details being submitted by condition, therefore a planning condition has been drafted as such.

s106 Agreement:
A s106 legal agreement has been completed to secure obligations on the owner to provide the following:
- The provision of all 8 units as affordable housing (4no. units as affordable rent, and 4no. units as shared ownership).
- Water neutrality offsetting provisions utilising water saved at The Cobblers, Slinfold.

Planning Balance and Conclusion:
The application site is located within the BUAB of Cowfold, where, in accordance with local and national planning policy, the principle of development is acceptable. The provision of 8 housing units would provide a net gain of 4 additional units which contributes to the number of windfall units the HDPF seeks to find as per Policy 15 (part 5). Whilst it is acknowledged that the Cowfold Neighbourhood Plan (CNP) has not yet been formally made, its advanced stage in production is afforded significant weight in decision making. Policy 10 of the CNP echoes the HDPF by supporting the principle of windfall site development within the built-up boundary of the village. As the Council is only able to demonstrate a 2.9 year supply of housing land, it is accepted that the tilted balance (NPPF Para 11d) towards a presumption in favour of sustainable development becomes engaged provided that the development can show that it would have no adverse effect on protected sites of nature importance (i.e., that it is water neutral). The proposal to use existing water saving 'credits' from a recent development by the same applicant at The Cobblers in Slinfold to off-set the residual water consumption from the development is acceptable to the Council and to Natural England. A s106 legal agreement has been completed which links the water saved at the Cobblers to this site, in perpetuity. As such the development is water neutral, and the tilted balance which presumes in favour of development is applied.

The provision of all 8no. proposed units as affordable tenure (at a 50:50 tenure split) is welcomed and carries significant weight in favour of the development. The 100% provision of affordable housing has been secured within the completed s106 legal agreement.

It has been determined that the proposed scheme is acceptable in highways terms, and no objection has been received from the LHA subject to recommended conditions which have been drafted at the end of this report. It is acknowledged that the number of parking spaces (total of 15) falls short of the number required by emerging Policy 16 of the CNP, but given the number of spaces shown is in line with the WSCC standard Officers are of the view that a refusal on this basis alone would not be reasonable.

The layout of the site is considered to be acceptable, and whilst there would be an increase in density on the site, no significant or direct overlooking or loss of privacy is judged to result. The proposal therefore accords with Policies 32 and 33 of the HDPF, draft Policy 9 of the CNP, and the NPPF to make efficient use of land. Whilst the design of the site is modern, the architect has picked out key design details from the immediate surrounds including pitched roofs, the use of red multi-stock brick, and chimney features at each unit. The proposal includes the planting of a new semi-mature tree to replace the previously felled protected Oak. The inclusion of this and other tree and hedgerow planting is acceptable, and subject to conditions for full details (which have been drafted), no objection has been received from the Council's Tree Officer or Landscape Architect. No concern has been raised by the Council's Heritage Officer regarding the proximity of the site to the Cowfold Conservation Area, and subject to the inclusion of conditions to secure biodiversity protection and enhancement measures across the site, the proposal is considered to be in accordance with Policy 31 of the HDPF and the NPPF.

The proximity of the site to the Cowfold Air Quality Management Area has been considered carefully, and the submitted Air Quality Assessment calculates a damage cost from the development of £1,578. A condition has been drafted to require the submission of an Air Quality Mitigation Plan to propose costed measures to be implemented to reduce emissions locally. Other measures proposed to tackle climate change challenges include the provision of EV charging points to each unit, and the use of Air Source Heat Pumps, solar panels, and low energy lighting.

In summary, subject to the conditions listed in this report, and to the obligations contained within the completed s106 legal agreement, Officers are of the view that the proposed development of 8no. affordable housing unis on this site is acceptable and is recommended for approval.

The S106 has been prepared and signed and the decision can be released.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
Residential	498.4sqm	173.7sqm	324.7sqm
		Total Gain	**498.4sqm**
		Total Demolition	**173.7sqm**

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

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

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

Recommendation: Application Permitted

Conditions:

1 PLANS

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

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

3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)

ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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

4 **Pre-Commencement Condition:** No development shall commence until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

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

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

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

6 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention on the approved Tree Protection Plan [drawing number J62.24/02], 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 so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement,

concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

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

7 **Pre-Commencement Condition:** No development shall commence until a lighting design scheme for biodiversity has been submitted to and approved in writing by the Local Planning Authority.
The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, lsolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

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

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

9 **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 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 an options appraisal.

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).

10 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Layout has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Layout shall provide finalised details and locations of the enhancement measures contained within the Bat Survey Report (The Ecology Co-op, October 2022) and Bat

Scoping Report and Preliminary Ecological Appraisal (The Ecology Co-op, July 2022). The enhancement measures shall be implemented in accordance with the approved details prior to the first occupation of the site, and all features shall be retained in that manner thereafter.

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

11 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved buildings has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

12 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 9(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 9(b), unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

14 **Pre-Occupation Condition:** Prior to the first occupation or use of any part of the development hereby permitted, a scheme of air quality mitigation shall have been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the damage cost calculation shown within the submitted Air Quality Assessment [by Phlorum, reference 11602(AQ) Rev 1, dated 15 September 2022], the Council's latest Air Quality & Emissions Reduction Guidance document, West Sussex County Council's latest 'Guidance on Parking at New Developments', and the most recent Building Regulations Approved Document S. The approved scheme of air quality mitigation shall be installed prior to first occupation of the development and shall thereafter remain as such.

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

15 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the details contained within the Water Neutrality Statement (by SRE, V2 revision

B, received 12 January 2023). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent to show that the water saving fixtures achieve the flow rates stated in the approved Water Neutrality Statement. 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 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

16 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the first-floor side window at Plot 3 shown on plan reference [0103 P03] has been fitted with obscured glazing. No part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of that window shall be retained permanently thereafter.

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

17 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first 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. 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
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Ecological enhancement measures set out in the Bat Survey Report (The Ecology Co-op, October 2022) and Bat Scoping Report and Preliminary Ecological Appraisal (The Ecology Co-op, July 2022).

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

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

18 **Pre-Occupation Condition:** No part 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 in writing by the Local Planning Authority. These facilities shall be provided prior to first occupation of the development hereby permitted and thereafter be retained for use at all times.

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

19 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number [0101 P06]. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

20 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with approved drawing number [0101 P06]. The car parking spaces permitted shall thereafter be retained as such for their designated use.

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

21 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been provided to the premises.

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

22 **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).

23 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Implications Assessment [ref: J62.24, by Broad Oak Tree Consultants Ltd, dated 15 September 2022].

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

24 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Bat Survey Report (The Ecology Co-op, October 2022) and Bat Scoping Report and Preliminary Ecological Appraisal (The Ecology Co-op, July 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

25 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

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

26 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any proposed building which fronts onto a highway without express planning consent from the Local Planning Authority first being obtained.

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

NOTE TO APPLICANT

Conditions to be Discharged
Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at www.planningportal.gov.uk/planning/applications/paperforms .

Wildlife Protection
The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

Bats
The applicant is advised that it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD, Tel: 0345 1300 228, email: equiries@bats.org.uk, http://www.bats.org.uk/.

Highways Informative
The applicant is advised to contact West Sussex County Council Highways for information on how to obtain formal approval from the highway authority to carry out any works to the public highway (including a vehicle crossover licence). All necessary costs, the appropriate license and application fees for any works and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. Additional information about the licence application process can be found at the following web page: https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/. Online applications can be made at the link below, alternatively call 01243 642105. https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/

Ordinary Watercourse Consent
Under the Land Drainage Act 1991, any works (permanent or temporary) that have the potential to affect the existing watercourse or ditch's ability to convey water will require the Ordinary Watercourse Consent. Ordinary watercourses include streams, drains, ditches and passages through which water flows that do not form the network of main rivers. More information is available via this link: https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/#

Surface Water Run-Off
The applicant should be aware that the overall surface water discharge rate on this site should reflect the West Sussex LLFA Policy for the Management of Surface Water (Section 5.4.4), to show that water discharging at no greater than 2 l/s/ha. These details should be submitted to the Council for approval as part of the details required for Condition 8.

Southern Water
Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk.

Unexpected Contamination
If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Landscape Details
The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- Details of existing and proposed levels for all external earthworks associated with the landscape proposals (including SuDS, play areas, etc). Such details to include cross sections where necessary
- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- Tree pit and staking/underground guying details
- A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- Hard surfacing materials - layout, colour, size, texture, coursing, levels
- Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

Landscape Management and Maintenance Plan
A Landscape Management and Maintenance Plan is a site-specific strategy that demonstrates how the site will be managed and maintained in order to fulfil the original intentions of the applicant and guarantees that the scheme and the retained landscape and ecology structures are maintained and improved for the lifetime of the development. A guidance note to content and layout can be found using the following link https://www.horsham.gov.uk/planning/development-management.

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/22/2010
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	Utility Mapping and Topographical Survey	Sheet 01	21.10.2022
Plans	Topographical Survey	Sheet 01	21.10.2022
Plans	Topographical Survey	Sheet 02	21.10.2022
Location plan	Location Plan	0100 REV P03	21.10.2022
Plans	Proposed Site Plan	0101 REV P06	21.10.2022
Plans	Proposed Elevations, Floor, Roof, Materials (Plots 1 and 2)	0102 REV P03	21.10.2022
Plans	Proposed Elevations, Floor, Roof, Materials (Plots 3-6)	0103 REV P03	21.10.2022
Plans	Proposed Elevations, Floor, Roof, Materials (Plots 7 and 8)	0104 REV P03	21.10.2022
Plans	Proposed Section Plan	0105 REV P03	21.10.2022
Plans	Proposed Model Images (Sheet 1)	0106 REV P02	21.10.2022
Plans	Proposed Model Images (Sheet 2)	0107 REV P02	21.10.2022
Design & Access Statement	Design and Access Statement	NONE REV B	21.10.2022
Plans	Southern Water Clear Water Plan	694024 - 9	21.10.2022
Plans	Southern Water Waste Water Plan	694024 - 11	21.10.2022
Plans	Impermeable Area Comparison Plan	D2068.01-PL200 REV A	21.10.2022
Plans	Proposed Levels and Contours	D2068.01-PL201 REV A	21.10.2022
Plans	Proposed Drainage Strategy	D2068.01-PL30 REV A	21.10.2022
Supporting Docs	Air Quality Assessment	11602 Rev 1	06.03.2023
Supporting Docs	Water Neutrality Statement	V2 Rev B	12.01.2023
Supporting Docs	Bat Scoping Report and Preliminary Ecological Appraisal	P5077	10.01.2023
Supporting Docs	Bat Survey Report	P5077	21.10.2022
Supporting Docs	Geotechnical and Ground Contamination Risk Assessment (Parts 1-3)	R15194	21.10.2022
Supporting Docs	Transport Technical Note	143.0012/TN/2	21.10.2022
Supporting Docs	Arboricultural Implications Assessment	J62.24	21.10.2022

DELEGATED

Case Officer sign/initial Amanda Wilkes Date: 09/12/2024

Authorising Officer sign/initial Adrian Smith Date: 15/01/2025