Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1996
Land East of A24 Worthing Road Horsham West Sussex

DESCRIPTION:
Variation of Conditions 1 (Approved Plans), 7 (underground services), 8 (foul and surface water drainage), 12 (finished ground floor slab levels), and 18 (schedule of materials and samples) of previously approved application DC/15/1702 (Erection of 300 dwellings, 2 x football pitches, MUGA and NEAP with associated access, parking and landscape works pursuant to outline planning permission DC/09/2138 (as amended by DC/11/2004) (Approval of Reserved Matters)), to allow the submission of water neutrality information to be secured under Condition 1 to demonstrate Phases 8, 10, 11, 12 and 13 are water neutral, and Variation of Conditions 7, 8, 12, and 18 to enable details pertaining to those conditions to be secured associated to Phase 8.

RELEVANT PLANNING HISTORY:

DC/15/1702	Erection of 300 dwellings, 2 x football pitches, MUGA and NEAP with associated access, parking and landscape works pursuant to outline planning permission DC/09/2138 (as amended by DC/11/2004) (Approval of Reserved Matters).	Permitted 23 Dec 2016
DISC/15/0262	Discharge of conditions 5, 7, 8, 10, 11, 12, 13, 16, 18, 21, 24, 25 and 34 on DC/09/2138 in so far as they relate to the red outline of Reserved Matters Application DC/15/1702 (part Phases 6, 7, 8)	Decided Split decision 13 May 2019 Condition 7 (part 4) and condition 8 not approved (both relate to contamination/controlled waters verification)
DISC/18/0001	Approval of details reserved by condition 5 (soft landscaping for noise bund only) on DC/15/1702	Permitted 23 May 2018
DC/20/1568	Non-Material Amendment to previously approved application DC/15/1702 (Erection of 300 dwellings, 2 x football pitches, MUGA and NEAP with associated access, parking and landscape works pursuant to outline planning permission DC/09/2138 (as amended by DC/11/2004) (Approval of Reserved Matters)) Amendments to the approved house types.	Permitted 10 Dec 2020
DC/21/1228	Non-Material Amendment to previously approved application DC/15/1702 (Erection of 300 dwellings, 2 x football pitches, MUGA and NEAP with associated access, parking and landscape works pursuant to outline planning permission DC/09/2138 (as amended by DC/11/2004) (Approval of Reserved Matters)) Amendments to	Permitted 30 Nov 2021

	Plots 1-19, 60-73 and 79-82 (now Plots 209-241, 249-250 and 288)	
DC/21/1727	Non Material Amendment to previously approved application DC/17/0164 (Variation of Condition 1 to previously approved application DC/15/0499 (Erection of 208 No. dwellings (southern site Phase 1) with associated access, parking and landscape works pursuant to outline planning permission DC/09/2138 (as amended by DC/11/2004) (Approval of Reserved Matters)) Updated housetype drawings) Amendments to the sub-phasing of the development.	Permitted 24 Nov 2021
DC/22/0409	Non Material Amendment to previously approved application DC/15/1702 (Erection of 300 dwellings, 2 x football pitches, MUGA and NEAP with associated access, parking and landscape works pursuant to outline planning permission DC/09/2138 (as amended by DC/11/2004)) to update previous house types in order to bring these in line with current building regulations and Nationally Described Space Standards and additional house type changes made to the scheme in order to improve the quality of the area.	Permitted 05 May 2022
DISC/23/0069	Approval of details reserved by condition 2, 3, 5, 6, 8, 10, 12 and 18 to approve application DC/15/1702	Decided Split Decision 06-03-2024 Conditions 8,12,18 not approved (conditions precedent and development not previously demonstrated water neutrality)
DC/24/0170	Non-Material Amendment to previously approved application DC/15/1702 (Erection of 300 dwellings, 2 x football pitches, MUGA and NEAP with associated access, parking and landscape works pursuant to outline planning permission DC/09/2138 (as amended by DC/11/2004) (Approval of Reserved Matters)). Re-alignment of Phase 8 Apartment Block to the existing site levels.	Permitted 21-02-2024
DC/25/0878	Variation of Condition 1 to previously approved application DC/17/0164 (Variation of Condition 1 to previously approved application DC/15/0499 (Erection of 208 No. dwellings (southern site Phase 1) with associated access, parking and landscape works pursuant to outline planning permission DC/09/2138 (as amended by DC/11/2004) (Approval of Reserved Matters)) Updated housetype drawings) To secure water neutrality information under Condition 1, associated to Phase 9	Pending Consideration

SITE AND SURROUNDS

The application site relates to the Berkeley Homes' Highwood Village development in Horsham and Southern Site of Highwood Village, which is defined by reserved matters consent DC/15/1702.

There have been multiple non-material amendments, as listed in the above site history, which have subsequently changed the mix and quantum of homes in the reserved matters area.

DETAILED DESCRIPTION

Reserved Matters approval was granted for Phases 7- 8 and 10-13 in 23/12/2016. Phase 7 has now been completed in relation to 34 homes, leaving a balance of 257 homes in the remaining reserved matters phase, with the remaining Phases 8, and 10-13 yet to commence, because of resolving water neutrality. It is proposed to implement Phase 8 (47 homes) of this permission with subsequent phases to follow on a Phase-by-Phase basis thereafter.

Approval of details reserved by conditions 8, 12 and 18 of the Reserved Matters consent DC/15/1702 were previously sought under DISC/23/0069. Under this submission, condition 8: the conditions submitted were not satisfactory to the Local Lead Flood Authority; condition 12: finished floor levels were submitted, negotiated, and accepted in principle; condition 18: material details were submitted and acceptable in principle. However, in respect of details reserved pursuant to Conditions 8, 12 and 18, consent was REFUSED. This was because conditions 8, 12 and 18 were considered to form a conditions precedent. Following the CG Fry v SoS and Somerset Council High Court decision, the grant of the details submitted pursuant to these conditions constituted an implementing consent that would enable development that had not previously demonstrated water neutrality to be delivered.

The condition variations now sought in this present application are to the reserved matters area as defined by the Reserved Matters consent DC/15/1702, and are listed as follows:

Condition 1

Condition 1 of DC/15/1702 currently reads:

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below. Schedule of plans/documents.

The variation sought is allow the submission of water neutrality information to be secured under Condition 1. It is sought to demonstrate water neutrality for Phases 8, 10, 11, 12 and 13. Phase 9 of reserved matters consent DC/17/0164 is the subject of its own application to secure the water neutrality solution (DC/25/0878 refers).

The water neutrality solution submitted for Phases 8, 10, 11, 12 and 13 will be securing appropriate on-site water efficiencies/restrictions to limit the water use per home, and access to The Sussex North Water Certification Scheme (SNWCS), (formerly the Sussex North Offsetting Water Scheme or SNOWS), a water certification initiative led by the Sussex North authorities. This is detailed in the submitted Hodkinson Highwood Phase 8,10, 11, 12 and 13 S73 Water Neutrality Strategy V.2 Final May 2025

It was originally submitted to demonstrate water neutrality to phase 8 ONLY by way of on-site water efficiencies/restrictions and to offset the residual water usage demand by obtaining water credits from an off-site borehole at Sumners Pond, Barns Green in Horsham District. However, following progress to adoption of the SNWCS and its timetabled launch in summer 2025, the applicant has changed strategy to access to SNWCS to all Phases 8, 10, 11, 12 and 13.

Other Conditions

The variations sought is to vary and secure approval associated to the four remaining pre-commencement conditions associated to Phase 8 ONLY (conditions 7, 8, 12 and 18), to enable development to commence on site in the short term.

Condition 7: Underground Services

Condition 7 of DC/15/1702 currently reads:

No development shall take place until details of all underground trenching requirements or services, including the position of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities and associated ground excavations, have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate effective co-ordination with the approved landscape scheme and with existing trees on site. All underground services shall be installed in accordance with the approved details.

Reason: To protect the roots of trees and hedgerows on the site in accordance with the NPPF and Policy 25 of the Horsham District Planning Framework (2015).

The application seeks the following drawings for approval for phase 8 ONLY:
226998-SOUTH-LV-001 REV W sub-stations 1 & 2 - lv lv Feeders - LV Layout Condition 7
226998-SOUTH-GAS REV Y REVISED GAS-Clients reduced requirements CONDITION 7
226998-SS-WA-AL-002 REV F WATER AS - LAID SOUTH SITE CONDITION 7

Condition 8: Drainage Strategy

Condition 8 of DC/15/1702 currently reads:

Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water drainage and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To prevent the increased risk of flooding, to protect water quality and to ensure the future maintenance of the surface water drainage system to comply with the NPPF and Policy 38 of the Horsham Development Planning Framework (2015).

The application seeks the following drawings for approval for phase 8 ONLY:
2798-PH7-D-002 REV P13 PHASE 8 PRIVATE DRAINAGE LAYOUT SHEET 2 OF 2 CONDITION 8
2798-PH8-D-001 REV P15 PHASE 8 PRIVATE DRAINAGE LAYOUT SHEET 1 OF 2 CONDITION 8

Condition 12: Finished Floor Levels

Condition 12 of DC/15/1702 currently reads:

Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of finished ground floor slab levels, in relation to a nearby datum point, in relation to all dwellings lying adjacent to the existing dwellings in Windrum Close. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory impact upon the adjacent residents in accordance with the provisions of Policy 33 of the Horsham District Planning Framework (2015).

The application seeks the following drawings for approval for Phase 8 ONLY:
2798-PH8-GA-004 REV P10 PHASE 8 EXTERNAL WORKS SHEET 2 OF 2 CONDITION 12
2798-PH8-GA-003 REV P14 PHASE 8 EXTERNAL WORKS SHEET 1 OF 2 CONDITION 12

Condition 18: Materials

Condition 18 of DC/15/1702 currently reads:

No development above ground floor slab level shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.

Reason: 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).

The application seeks the following EXTERNAL FINISHES SCHEDULE - Phase 8 - Condition 18 PLANNING PHASE Planning Phase 2 - RMA Phase 8 STATUS Planning Submission - 19.12.24 for approval for Phase 8 ONLY.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (HDPF 2015)
Policy 15 - Strategic Policy: Housing Provision
Policy 32 - Strategic Policy: The Quality of New Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding

RELEVANT NEIGHBOURHOOD PLAN
The Horsham Blueprint Neighbourhood Plan (December 2022).
Policy HB3: Character of development
Policy HB4: Design of development
Policy HB10: Green and blue infrastructure and delivering biodiversity net gain
Policy HB12: Encouraging sustainable movement
Policy HB13: Provision of sport, leisure and recreational facilities
Policy HB14: Community and cultural facilities

Supplementary Planning Document (SPD):
Horsham Town Design Statement (2008)

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

Other Guidance:
Good by Design (Horsham Society)

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

Consultations:
INTERNAL CONSULTATIONS

HDC Environmental Health: Advice
[Summary] Information to satisfy borehole proposal required before S106 agreement finalised.

SNOWS: Added application to the queue for SNOWS access

HDC Trees: No Arboricultural concerns raised.

HDC Archaeology: No objections

HDC Landscape: No Objection / Modification
[Summary] Conflict between underground services and landscape proposals (trees to east and west of H30). Please reposition/adjust underground services
No concerns with Conditions 1 & 12.
Recommend Conditions 7 & 8 are discharged.
No comments to Condition 18.

HDC Ecology: No ecological harm/No objection

OUTSIDE AGENCIES

Southern Water: Advice
[Summary] Currently adequate capacity in local sewerage network to accommodate foul flow of 2.71 l/s for above development at manhole reference. Southern Water can provide a water supply to the site.

Natural England: No Objection
[Summary] Subject to appropriate mitigation being secured

WSCC Local Lead Flood Authority: This application involves no alterations to the surface water drainage, therefore no objection

WSCC Fire & Rescue Services: Advice
[Summary]: Requirement of additional fire hydrant(s)

WSCC Highways: No comment.
No changes affect approved highway/transport related matters.

WSCC Public Rights of Way: Advice
New route of Footpath (FP)1634 following footways. Please confirm if correct. As such, is it to be adopted by Highways under a Section 38 agreement? If so, its surfacing will need to be approved by them. If not, its width will need to be 2m as per the Highways Act 1980 Section 25 signed agreement already in place and its surfacing will need to be agreed by us before construction can commence.

Parish Comments:
Horsham Denne Neighbourhood Council reserves it opinion until information required by SNOWS and Southern Water is provided.

Representations:
None received

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

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

PLANNING ASSESSMENT

The main considerations material to this application are those that relate to the variations and details pursuant to discharge of conditions sought, these being design qualities of the development and drainage, ecology and water neutrality.

Design Qualities

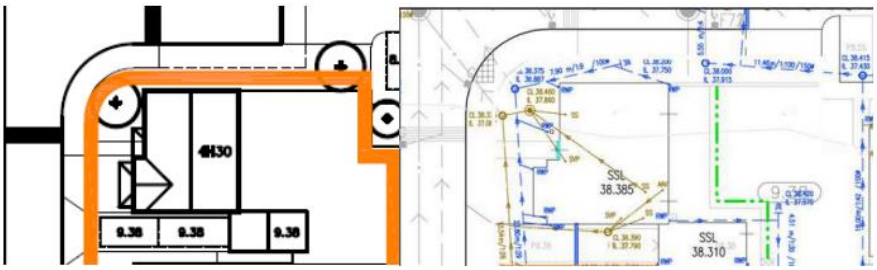
Materials
The submitted external materials (and finishes) Phase 8 schedule provides for equivalent standard in quality to other phases as approved and provides a good quality of design for this phase itself – the details pursuant to Condition 18 is acceptable.

Finished Floor Levels
The submitted Finished Floor Levels drawings are updated revisions to those submitted for DISC/23/0069 which were acceptable to the Council's Landscape Architect (including all dwellings lying adjacent to the existing dwellings in Windrum Close) but not approved due to its unacceptable discharge condition precedent for water neutrality purposes. The updated revisions do not relate to finished floor levels, which are unchanged from the drawing versions submitted for DISC/23/0069.

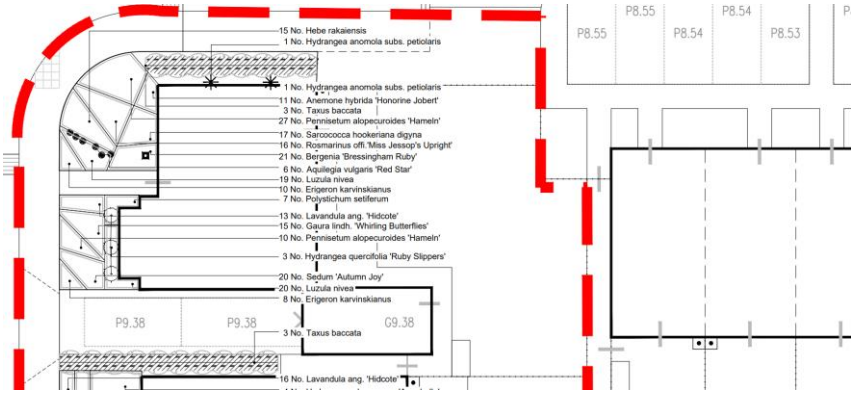
For completeness, the following is the commentary extracted from DISC/23/0069 on Finished Floor Levels, which remains pertinent: The Council's Landscape Officers have been consulted. It is noted that there is a difference in land levels on Phase 8 land, and that this results in the need for retaining walls of approximate 1m / 1.1m high to the rear gardens of 45 and 46 Wyndrum Close (backing onto neighbouring plots of 51 55 on the adjacent phase) which would then require boundary fencing on top. The applicants have advised that 'WSP Levels drawing 2798-PH8-RP-002 has the slab levels of the houses including Wyndrum Close, the houses adjacent to Wyndrum Close (Plots 9.45-9.46) sit 1.0m higher than the closest house in Wyndrum Close (Plot 16) the position of plot 9.46 is such that the bedroom windows on the rear elevation do not look into the gardens of the Wyndrum close and the only gable window is a bathroom window that is obscure. Wyndrum Close was dug into the existing ground to create usable gardens with a retaining wall to the end of the gardens, the adjacent properties also following the existing ground levels with usable gardens that have a retaining wall at the end.' It is considered that the rear garden lengths at approx.9.5m from the rear of plots 45 and 46 to the retaining wall / boundary line is sufficient to allow a suitable separation distance given the differences in land levels of approx. 1 / 1.1m and likely requirements for additional boundary enclosure above the retaining wall.

Underground Services
The reason given to the imposing of Condition 7 was to protect the roots of trees and hedgerows on the site. This is interpreted not therefore to apply to future landscape proposals and any conflict arising with underground services. The Council's Tree Officer has satisfied the underground servicing details raises no tree concerns.

A conflict is identified by the Council's Landscape architect between underground services and the landscape proposals (the trees to the east and west of unit plot 4H30) within the altered boundary, meaning these trees are unlikely to be delivered with this layout (shown below). Consequently, reposition/adjustment of underground services to avoid potential or future conflict, thereby securing both strategies is requested by the Council's Landscape Architect.



However, the soft landscaping (which includes tree planting) has been approved in DISC/23/0069 (Condition 5) and no trees were approved in this location, only shrubs and border planting (see extract below). Given the applicant is obliged to plant out the soft landscaping and no trees were previously accepted, it is not considered necessary to seek to reposition of underground services as no potential conflict would arise in the first instance.



Highways, Servicing, and Parking
The submission drawings provide details of the roads, footways, parking areas and cycle parking for Phase 8, all of which are acceptable in terms of safety (layout and design does not adversely affect vehicular and pedestrian access), quality (surfacing treatment etc), and quantity (provision of spaces); the Local Highway Authority raises no concerns. In these respects, as adequate off-road parking for residents, visitors and service vehicles, in accordance with the West Sussex Parking Guidance, has been provided, integrated with street character and appearance and design qualities, there is compliance with HB3 and HB4 of the Horsham Blueprint Neighbourhood Plan and HDPF Policies 40 and 41 in the same regard.

Drainage
The Drainage Strategy drawings submitted under this current application were those previously requested by the Council's drainage officer under DISC/23/0069 to understand how the drainage strategy and its implementation worked alongside other phases for the Southern area of Highwood but not submitted before refusal was issued due to its unacceptable discharge condition precedent for water neutrality purposes.

Surface Water
The previously requested drawings have been provided and the Local Lead Flood Authority who, due to changes in procedure since DISC/23/0069 was determined is now consulted rather than the Council's own drainage officer, is satisfied with the details which demonstrates there is no alterations to the surface water drainage for phase 8 in the context of the drainage for this multi-phased site development.

Foul Water
Southern Water has been consulted and undertaken a capacity check, and reports there is currently adequate capacity in the local sewerage network to accommodate a foul flow of 2.71 l/s for the above development at manhole reference TQ15291801. However, from reviewing the submitted documents, Southern Water are unable to comment fully on the application as their records indicate the approximate position of their existing sewer and crossing/in the vicinity of the development site, and Southern Water has asked the exact position of the public assets to be determined on site by the applicant in consultation with Southern Water before condition 8 can be discharged.

In their consultation response, Southern Water attach a GIS SW Print map that does not indicate existing sewer and crossing/in the vicinity of phase 8 of the development site, even at an approximate position. The reason the condition was imposed was to prevent the increased risk of flooding, to protect water quality and to ensure the future maintenance of the surface water drainage system. Southern Water confirmation that there is adequate capacity in the sewerage network is sufficient certainty for the purposes of the condition that the development would not increase risk of foul water flooding; it is not necessary to withhold for the exact sewer position to be determined on site (instead the applicant can be made aware of this via an informative).

Ecology

Water Neutrality

The site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

The applicant has undertaken a water neutrality assessment (included within the submitted Hodkinson Highwood Phase 8, 10, 11, 12 and 13 S73 Water Neutrality Strategy V.2 Final May 2025), which demonstrates that the existing water use is zero litres per day and the proposed water use will be 53,136 litres per day, following the implementation of water efficient fixtures and fittings**,** as tabled:

Phase	Total occupancy	Daily internal consumption (litres/person/day)	Daily total consumption (litres/person/day)	Total (litres/day)	Total (roundup)
Phase 8	108.22	85	90	9,739.8	9,740
Phase 10	117.7	85	90	10,593	10,593
Phase 11	129.51	85	90	11,655.9	11,656
Phase 12*	27.96	85	90	10,762.6	10,736
Phase 13	115.38	85	90	10,384.2	10,385
Total	598.77	-	-	**53,135.5**	**53,136**

The above occupancy figures are based on Horsham District census as outlined in the Council's guidance. Water consumption within the proposed development will be reduced by installing water-efficient fixtures and fittings. This will result in a water consumption of 85 litres/per person/per day. Rainwater buts will be installed for the houses to discount the water need for external use. For the avoidance of doubt due to the difficulties in quantifying occupier take up in the use of water butts, the additional of water butts have not been factored into the calculations of forecast water demand. A 5 litre/per person/per day allowance for external water use has thus been assigned to the offsetting calculation for houses.

In the context of access to the Council's water credit trading system, the development known as 'Highwood' satisfies each of the SNWCS access prioritisation criteria, as 'in principle', it is a housing allocated site in the adopted Local Plan with a policy compliant planning permission (outline and Reserved Matters).

An earlier iteration of the water neutrality strategy was submitted that sought to access SNWCS for Phase 8 only. As competent Authority, the Council has undertaken a Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment (HRA AA) on that basis, dated 16th May 2025, and consulted Natural England on this. Natural England (NE) are satisfied that the conclusions and mitigation measures to offsetting via access to SNWCS is sufficient to rule out an adverse effect on the integrity of the Arun Valley sites and support your decision in apply Grampian-style conditions to secure it.

The Council has issued an updated HRA AA for Phases 8, 10, 11, 12 and 13. Consultation response from NE on this is awaited. However, it is not considered necessary to withhold permission on the basis of this being awaited, given NE's satisfaction with the HRA AA issued in relation to Phase 8 and that NE has agreed and produced with the Council, a template HRA AA for applicants with eligible developments to be able to receive SNWCS certification covering the planned water use of their new developments, following taking steps to reduce the water use of their developments in line with relevant planning policies, and subject to the scheme having available capacity. SNWCS will launch in summer this year so there is certainty to available capacity and credit.

In summary, Horsham District Council concludes that, the project will not have a Likely Significant Effect on the designated features of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects. Having prepared an HRA Screening and Appropriate Assessment of the implications of the project for the Arun Valley SAC/ SPA /Ramsar site in view of

those sites' conservation objectives, the authority can agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Fire hydrant
The request from West Sussex Fire and Rescue is noted. However, it has not been evidenced why fire hydrant provision is now an issue as opposed to Reserved Matters stage, which presumably was the appropriate time to forecast planned service infrastructure in the anticipation of future deficit. It is therefore not considered necessary to impose an additional condition requesting requirement of additional fire hydrant(s) within the scope and context of the proposal amendments applied for.

S.73 Process

As this permission has been made under s.73 of the Town and Country Planning Act, this decision is a reissue of the original planning permission DC/15/1702 which still stands. Since planning approval was permitted additional other material planning considerations have arisen, set out below.

Other Material Considerations

Policy Framework for decision-making
The Horsham Blueprint Neighbourhood Plan (HNBP, 2022) was adopted in 2022, and the National Planning Policy Framework (NPPF) was revised on 12 December 2024, which sets out the government's planning policies for England and how these are expected to be applied. The Horsham District Local Plan 2023 - 2040 (HDLP) had progressed to public hearing sessions, On 22 April 2025 the Council published the Inspector's subsequent Interim Findings Letter which has recommended that the Plan be withdrawn, due to his view that the Council has failed to satisfactorily comply with the legal Duty to Co-operate. The Council is considering its position in response to this Letter.

It is judged that the revised policy framework for decision-making has not fundamentally changed the basis of acceptance of the development by which the application was previously considered, with limited weight afforded to the HDLP given its circumstance at Examination and no fundamental policy conflict arising with the HNBP, 2022.

Housing Mix
Whilst the district housing need register have been updated since 2015, the basis of unmet need and demand in the district has not changed in the intervening time to such an extent as to render the previously permitted mix (market and affordable) unacceptable or lessen the weighted benefits of its provision to meeting local housing need.

Flood Risk
Since permission was granted, the Environment Agency has updated national flood risk mapping and there has been change in national plan policy/planning practice guidance to how flood risk and allied drainage considerations are applied in decision-making. Updated Environment Agency dataset mapping (March 2025) identifies only areas of pooling of 1 in 1000 surface water flood risk within the net developable area of Phase 8 (thereby negating the need to undertake a sequential test for Phase 8), and the Local Lead Flood Authority is satisfied that the submitted drainage strategy adequately addresses good practice and national policy in regards to drainage and treatment of surface water flood risk. The wider Highwood development site displays a fluvial flow (Flood Zone 2 and 3), but this can be considered at discharge stage of the drainage strategy for Phases 10, 11, 12 and 13.

Conclusions on other material planning considerations.
The scheme is unchanged in respect to all other material planning considerations beyond those listed above, including development layout, townscape design, residential amenities, accessibility and parking, and ecology matters separate of water neutrality.

Conditions
A decision notice describing the new permission made under section 73 should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.

DC/15/1702 was subject to a suite of conditions imposed to make the development acceptable by adequate provision of measures to deal with a host of environmental considerations, securing various mitigations and enhancements via prescriptive requirements. This relates to both the construction and operational phases of the development.

Regarding these, it continues to be that all conditions imposed other than those sought to be varied as set out in preceding paragraphs, continue to meet the statutory tests for re-imposing and this will be the case when planning permission is re-issued. The ordering of these will change from the original decision notice in reflection of the imposing of the new SNCWS access condition and the other condition variations sought.

Amended/ updated condition list

Remains Condition 1
Condition 1: Approved Plans and Docs
Condition 1: Updated to list the Water Neutrality Report and submitted plans for DC/24/1996 ONLY

Reordered to Condition 2
Condition 7: No development until all underground trenching requirements for services approved.
Updated to reflect approval for Phase 8 and future approval for phases 10, 11, 12, and 13.

Reordered to Condition 3
Condition 8: No development until a drainage strategy (foul and surface water) and implementation timetable approved in consulted with Southern Water.
Updated to reflect approval for Phase 8 and future approval for phases 10, 11, 12, and 13.

New Condition - ordered to Condition 4
Pre-commencement: Access to SCWNS

Reordered to Condition 5
Condition 12: No development until details of finished ground floor slab levels
Updated to reflect approval for Phase 8 and future approval for phases 10, 11, 12, and 13.

Reordered to Condition 6
Condition 18: No development above ground floor slab level until materials/finishes approved.
Updated to reflect approval for Phase 8 and future approval for phases 10, 11, 12, and 13.

Reordered to Condition 7
Condition 6: No development above slab level until Landscape Management and Maintenance Plan approved.
Updated to reflect approval for Phase 8 and future approval for phases 10, 11, 12, and 13.

Reordered to Condition 8
Condition 5: No development above slab level until details of soft and hard Landscaping approved.
Updated to reflect approval for Phase 8 (implementation prior to occupation) and future approval for phases 10, 11, 12, and 13.

Re-ordered to Condition 9
Condition 2: No occupation until roads, footways, parking areas provided in accordance with details to be approved
Updated to reflect agreed Phase 8 and future approval for phases 10, 11, 12, and 13.

Reordered to Condition 10
Condition 3: No occupation until cycle parking provided in accordance with approved plans.
Updated to reflected agreed Phase 8 and future approval for phases 10, 11, 12, and 13.

Recorded to Condition 11
Condition 10: No development until limited water use no less than 110 litres/person/day

Updated to No Occupation until installation evidence of on-site water efficiencies and fixtures in accordance with approved Water Neutrality Strategy.

Reordered to Condition 12
Condition 16: No development until Sports pitches and MUGA details approved
Updated to Regulatory: Sports and Pitches and MUGA carried out as approved.

New Condition - ordered to Condition 13
Regulatory: Phasing. To build out in accordance with Phasing Plan

Reordered to Condition 14
Condition 9: Construction hours
Unchanged.

Reordered to Condition 15
Condition 11: Trees and shrubs not identified for removal retained.
Minor edits but essentially unchanged.

Reordered to Condition 16
Condition 13: Reptile translocation in accordance with strategy
Minor edits but essentially unchanged.

Reordered to Condition 17
Condition 14: removal of buildings, trees and shrubs undertaken between sept and end of Feb only
Minor edits but essentially unchanged.

Reordered to Condition 18
Condition 15: Formal temporary path closure order to be confirmed.
Minor edits but essentially unchanged.

Reordered to Condition 19
Condition 17: All trees and shrubs targeted for retention full protected.
Minor edits but essentially unchanged.

Reordered to Condition 20
Condition 4: Notwithstanding 'pd' all garages, driveways, parking barns, parking areas retained for vehicle parking only.
Unchanged.

New Condition - ordered to Condition 21
Condition 19: Regulatory: Development carried out in accordance with approved plans listed on this decision notice and those listed on separate decision notices. Where there is conflict, the most recently determined decision notice shall prevail.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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. However, as Outline permission was issued prior to the adoption of the CIL Charging Schedule, the development is exempt.

Overall Conclusions:

No other amendments are proposed than those detailed above. Through amendment, the proposal has demonstrated water neutrality. The other amendments would not compromise character or appearance, highway safety and parking provision of the proposed development in accordance with HDPF policies 32 and 33 and 40 and 41 and Policy HB3 and HB4 of The Horsham Blueprint Neighbourhood Plan and present no material implications to any other material planning considerations. This includes drainage, environmental protection and amenity, and ecology matters

(outside of water neutrality). It is therefore recommended the application be approved subject to the amended condition list set out below.

Recommendation: Application Permitted

Conditions:

1. **Approved plans**

2. **{\b Pre-Commencement Condition}:**
a) No development in Phases 10, 11, 12 and 13 shall take place until details of all underground trenching requirements or services, including the position of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities and associated ground excavations, have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate effective co-ordination with the approved landscape scheme and with existing trees on site. All underground services shall be installed in accordance with the approved details.

b) All underground services in Phase 8 shall be installed in accordance with the hereby approved details 226998-SOUTH-LV-001 Rev W, 226998-SOUTH-GAS Rev Y, and 226998-SS-WA-AL-002V Rev F, unless otherwise agreed in writing by the Local Planning Authority

Reason: To protect the roots of trees and hedgerows on the site in accordance with the NPPF and Policy 25 of the Horsham District Planning Framework (2015) and HB3, HB4, and HB10 of the Horsham Blueprint Neighbourhood Plan (2022).

3. **{\b Pre-Commencement Condition}:**
a) No development in Phases 10, 11, 12 and 13 shall commence until a drainage strategy detailing the proposed means of foul and surface water drainage and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme and timetable.

b) The drainage strategy in Phase 8 shall be installed in accordance with the hereby approved plans 2798-PH7-D-002 Rev P13 and 2798-PH8-D-001 Rev P15, unless otherwise agreed in writing by the Local Planning Authority

Reason: To prevent the increased risk of flooding, to protect water quality and to ensure the future maintenance of the surface water drainage system to comply with the NPPF and Policy 38 of the Horsham Development Planning Framework (2015) and HB3, HB4 of the Horsham Blueprint Neighbourhood Plan (2022).

4. **{\b Pre-Commencement Condition}:** No development shall commence within Phases 8, 10, 11, 12 and 13 until either:

   i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Water Certification Scheme;

   or

   ii) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site or Phase specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and

   iii) The development phase shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented.

The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species) and HB10 of the Horsham Blueprint Neighbourhood Plan (2022).

5. **{\b Pre-Commencement Slab Level Condition}:**
a) Prior to the commencement of development of Phases 10, 11, 12 and 13, details shall be submitted to and approved in writing by the Local Planning Authority of finished ground floor slab levels, in relation to a nearby datum point, in relation to all dwellings lying adjacent to the existing dwellings in Windrum Close. The scheme shall be carried out in accordance with the approved details.

b) The development of Phase 8 shall be carried out in accordance with the approved finished ground floor slab level details in the hereby approved plans 2798-PH8-GA-004 Rev P10 and 2798-PH8-GA-003 Rev P14, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory impact upon the adjacent residents in accordance with the provisions of Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4 of the Horsham Blueprint Neighbourhood Plan (2022).

6. **{\b Pre-Commencement Slab Level Condition}:**
a) No development above ground floor slab level within Phases 10, 11, 12 and 13 shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.

b) All materials and finishes for the external walls and roofs of the buildings hereby permitted within Phase 8, shall conform with the approved EXTERNAL FINISHES SCHEDULE Planning Phase 2 - RMA Phase 8 Planning Submission - 19.12.24 as listed on this decision notice unless otherwise agreed in writing by Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4 of the Horsham Blueprint Neighbourhood Plan (2022).

7. **{\b Pre-Commencement Slab Level Condition}:**
a) No development in Phases 10, 11, 12 and 13 above slab level shall take place until a Landscape Management and Maintenance Plan has been submitted to and agreed, in writing, by the Local Planning Authority. The approved landscaping shall be managed and maintained in accordance with the approved details thereafter, unless otherwise agreed, in writing, by the Local Planning Authority.

b) The landscaping as approved under Condition 8b of this decision notice shall be managed and maintained in accordance with the Landscape Management and Maintenance Plan approved under separate decision notice DISC/23/0069, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the soft landscaping and areas of open space are managed and maintained appropriately and in the interests of the future visual amenity of the locality and to comply with Policies 25 and 33 of the Horsham District Planning Framework (2015) and HB3, HB4, and HB10, HB13 and HB14 of the Horsham Blueprint Neighbourhood Plan (2022).

8. {\b Pre-Commencement Slab Level Condition}:

a) No development within Phases 10, 11, 12 and 13 above slab level shall take place until details of the soft and hard landscaping for the site, relating to:
- planting plans relating the proposed species to planting position
- details of tree pits
- boundary treatments
- materials for hard landscaping including within the play area
- street furniture
- position and materials of acoustic fence
- a programme/timetable for its implementation,
- position of fencing and details of landscaping along the boundary of the railway embankment, have been submitted to and approved, in writing, by the Local Planning Authority. The landscaping shall be provided in accordance with the approved details and programme/timetable thereafter.

b) Prior to occupation of any dwellinghouse hereby permitted within Phase 8, all landscaping shall be provided in accordance with the approved details and programme/timetable approved as listed on this decision notice and under separate decision notice DISC/23/0069 and as approved under DISC/18/001 (in relation to noise bund only), unless otherwise agreed in writing by the Local Planning Authority. Where there is conflict over detail, those listed on decision notice DC/24/1996 shall prevail.

Reason: To ensure that an appropriate level of landscaping is provided at the site and in the interests of the future visual amenity of the locality and to comply with Policies 25, 32 and 33 of the Horsham District Planning Framework (2015) and HB3, HB4, and HB10 of the Horsham Blueprint Neighbourhood Plan (2022).

9. {\b Pre-Occupation Condition}:

a) No part of the development in Phases 10, 11, 12 and 13 shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved, in writing, by the Local Planning Authority.

b) No part of the development in Phase 8 shall be first occupied until the road(s), footways, and parking areas serving the development have been constructed, surfaced and drained in accordance with approved plans and details listed on this decision notice and under separate decision notice DISC/23/0069, unless otherwise agreed in writing by the Local Planning Authority. Where there is conflict over detail, those listed on decision notice DC/24/1996 shall prevail.

Reason: To secure satisfactory standards of access for the proposed development in accordance with Policy 40 and 41 of the Horsham District Planning Framework and HB12 of the Horsham Blueprint Neighbourhood Plan (2022).

10. {\b Pre-Occupation Condition}:

a) No part of the development in Phases 10, 11, 12 and 13 shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans. The facilities shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

b) No part of the development in Phase 8 shall be occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans and details listed on this decision notice and approved under separate decision notice DISC/23/0069, unless otherwise agreed in writing by the Local Planning Authority. Where there is conflict over detail, those listed on decision notice DC/24/1996 shall prevail. The facilities shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies, including Policy 40 of the Horsham District Planning Framework (2015) and HB12 of the Horsham Blueprint Neighbourhood Plan (2022).

11. **{\b Pre-Occupation Condition}:** The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Strategy 'Highwood Phases 8, 10, 11, 12, and 13' version 2 Dated 16.05.2025 Final by Hodkinson Consultancy, unless otherwise agreed in writing by the Local Planning Authority. No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures, as detailed in the approved water neutrality strategy, shall be retained as such thereafter, unless otherwise agreed in writing by 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) and HB10 of the Horsham Blueprint Neighbourhood Plan (2022).

12. **{\b Regulatory Condition}:** The Sports pitches and MUGA shall be carried out in accordance with the approved details listed DISC/18/0084, unless otherwise agreed in writing by Local Planning Authority.

Reason: To ensure the provision of a facility that is compliant with the relevant British Standards and provides a safe facility for users in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB13 and HB14 of the Horsham Blueprint Neighbourhood Plan (2022).

13. **{\b Regulatory Condition}:** The development hereby approved shall be built out in accordance with Phasing Plan S783/SSPP8-13, notwithstanding previously approved details, and unless otherwise agreed with in writing by the Local Planning Authority.

Reason: In the interests of proper planning and to ensure an orderly phased delivery of the development in accordance with policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4 of the Horsham Blueprint Neighbourhood Plan (2022).

14. **{\b Regulatory Condition}:** No development shall be carried out, other than between the hours of 0800 and 1800 hours on Mondays - Fridays and 0900 - 1300 on Saturdays, and no development shall take place on Sundays, Bank Holidays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of nearby properties to comply with policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4 of the Horsham Blueprint Neighbourhood Plan (2022).

15. **{\b Regulatory Condition}:** No trees or shrubs not identified for removal by the approved plans and which subsequently shall not be removed without the prior agreement in writing of the Local planning Authority. The details submitted shall also include details of the proposed replacement plants including species, planting position and planting size.

Reason: To ensure a satisfactory appearance upon completion in accordance with the provisions of Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4, and HB10 of the Horsham Blueprint Neighbourhood Plan (2022).

16. **{\b Regulatory Condition}:** All reptile translocations shall take place in accordance with the Reptile Translocation Strategy V2, prepared by Derek Finnie Associates in February 2015 and amended in July 2015, unless otherwise agreed with in writing by the Local Planning Authority.

Reason: To accord with Policy 31 of the Horsham District Planning Framework (2015) and HB10 of the Horsham Blueprint Neighbourhood Plan (2022).

17. **{\b Regulatory Condition}:** Removal of any buildings, trees and/or shrubs should be undertaken between September and the end of February. If this is not possible, and clearance is required to be removed between March and August, an Ecologist should check for active bird nests no more than seven days before works commence, and any active bird nests found should be protected as advised by the Ecologist until the birds have finished nesting.

Reason: To accord with Policy 31 of the Horsham District Planning Framework (2015) and HB3, HB4, and HB10 of the Horsham Blueprint Neighbourhood Plan (2022).

18. **{\b Regulatory Condition}:** Should any Public Rights of Way across or adjacent to the site need to be closed, and until such time as a formal Temporary Path Closure Order is confirmed, details shall be provided in writing to the Local Planning Authority (in consultation with the West Sussex County Council Public Rights of Way Team) of the specification of the proposed temporary footpath. The works shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate continued public access around the site in accordance with the provisions of Policy 40 of the Horsham District Planning Framework (2015) and HB12 of the Horsham Blueprint Neighbourhood Plan (2022).

19. **{\b Regulatory Condition}:** Prior to the commencement of development within Phases 8, 10, 11, 12 and 13, all trees and shrubs on the site targeted for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected 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 development works and until all machinery and surplus materials have been removed from the development Phase. 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. No alterations or variations to the approved tree works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4, and HB10 of the Horsham Blueprint Neighbourhood Plan (2022).

20. **{\b Regulatory Condition}:** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), all garages, driveways, parking barns and parking areas shall be retained for the parking of vehicles only, without express planning consent from the Local Planning Authority first being obtained.

Reason: To ensure that adequate parking is available at the site and in the interests of highways and pedestrian safety and amenity and to comply with Policies 40 and 41 of the Horsham Development Planning Framework (2015) and HB12 of the Horsham Blueprint Neighbourhood Plan (2022).

21. **{\b Regulatory Condition}:** The development hereby permitted shall be carried out in accordance with the plans and details listed on this decision notice and those listed on separate decision notices set out below. Where there is conflict, the development approved under the most recently determined decision notice shall prevail.

DC/15/1702
DC/20/1568
DC/21/1228

DC/21/1727
DC/22/0409
DC/24/0170

Reason: In the interests of proper planning.

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/24/1996

(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
Supporting Docs	S73 Water Neutrality Strategy Highwood Phases 8, 10, 11, 12 and 13 Version 2 Final Date 16.05.25 by Hodkinson Consultancy		16.05.2025
Supporting Docs	EXTERNAL FINISHES SCHEDULE - Phase 8 - Condition 18 PLANNING PHASE Planning Phase 2 - RMA Phase 8 STATUS Planning Submission - 19.12.24		23.12.2024
Plans	Southern Site Masterplan Phase 8 & 10 -13 Plan	S783/SSPP8-13	04.08.2025
Plans	SOUTHERN SITE MASTERPLAN PHASE 8 PLAN	S783/SSPP8 REV A	24.02.2025
Plans	sub-stations 1 & 2 - lv lv Feeders - LV Layout Condition 7	226998-SOUTH-LV-001 REV W	24.02.2025
Plans	REVISED GAS-Clients reduced requirements CONDITION 7	226998-SOUTH-GAS REV Y	24.02.2025
Plans	WATER AS - LAID SOUTH SITE CONDITION 7	226998-SS-WA-AL-002 REV F	24.02.2025
Plans	PHASE 8 PRIVATE DRAINAGE LAYOUT SHEET 2 OF 2 CONDITION 8	2798-PH7-D-002 REV P13	24.02.2025
Plans	PHASE 8 PRIVATE DRAINAGE LAYOUT SHEET 1 OF 2 CONDITION 8	2798-PH8-D-001 REV P15	24.02.2025

Plans	PHASE 8 EXTERNAL WORKS SHEET 2 OF 2 CONDITION 12	2798-PH8-GA-004 REV P10	24.02.2025
Plans	PHASE 8 EXTERNAL WORKS SHEET 1 OF 2 CONDITION 12	2798-PH8-GA-003 REV P14	24.02.2025

DELEGATED

Case Officer sign/initial Matthew Porter Date: 06-08-2024

Authorising Officer sign/initial J Hawkes Date: 07.08.2025