PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	16th September 2025
DEVELOPMENT:	Outline Application for the erection of up to 81 new dwellings and associated public open space, landscaping, vehicular access, drainage and highways infrastructure works with all matters reserved except access.
SITE:	Land North Of The Rosary, Partridge Green, West Sussex, RH13 8JS
WARD:	Cowfold, Shermanbury and West Grinstead
APPLICATION:	DC/23/2279
APPLICANT:	**Name:** Reside Developments Ltd. **Address:** The Dutch House 132 - 134 High Street, Dorking, Surrey, RH14 1BG

REASON FOR INCLUSION ON THE AGENDA: The application has returned to Committee to allow further consideration since the resolution of Planning Committee South on 10th March 2025 and 17th September 2024 to grant planning permission subject to the completion of a legal agreement and appropriate conditions.

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

1. THE PURPOSE OF THIS REPORT

1.1 To consider new material planning considerations that have arisen since the resolution of the Planning Committee on the 10th March 2025 and 17th September 2024. The new material considerations include the following:

- The impact of updates to the Environment Agency flood risk maps in March 2025, which now show an increased risk of flooding on the northern parts of the site.
- An amendment to the description of development to refer to the application now being for '**up to** 81 dwellings'.
- The consultation response from Natural England following an updated Appropriate Assessment addressing the use of SNWCS (Sussex North Water Certification Scheme) to offset the development's mains water consumption.

1.2 This scheme has been considered by the Planning Committee twice before, in September 2024 and March 2025. The September 2024 committee report addressed all relevant planning considerations, whilst the scheme was returned to committee in March 2025 mainly to consider an amendment to the proposed water neutrality solution. Both reports are appended to this item.

Contact Officer: Jason Hawkes **Tel: 01403 215162**

2. PLANNING HISTORY AND RELEVANT APPLICATIONS

As set out in the appended September Committee Report.

3. OUTCOME OF CONSULTATIONS

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

3.2 The full list of all consultations received as a result of the original application are outlined in the appended reports.

OUTSIDE AGENCIES

3.3 **Natural England**: No objection to the updated Appropriate Assessment [Summarised].

3.4 **WSCC Local Lead Flood Authority**: Comment [Summarised]. Following discussions regarding the EA mapping, the LLFA recommend permission subject to revised conditions.

PUBLIC CONSULTATIONS

3.5 Since the March 2025 committee, two further objections have been received on the following grounds:

- Planning has been consistently denied for this site over the years.
- The road is dangerous to cross.
- There are more appropriate locations for development.
- The previous reports attached weight to the draft local plan. With uncertainty surrounding the local plan, the weight attached to the draft local plan in the determination of this proposal needs to be reconsidered. This is a material consideration.
- Clarification is sought regarding the use of SNWCS (Sussex North Water Certification Scheme) and the requirement for an Appropriate Assessment under regulation 63(5) of the Habitats Regulations.

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

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

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

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

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

6. PLANNING ASSESSMENTS

Amended Environment Agency Flood Risk Zones:

6.1 Since this item was considered by the Planning Committee in March 2025, the Environment Agency have released updated flood risk maps covering fluvial and surface water flooding. As the amendments affect this site, this is considered a new material consideration in the determination of this application.

6.2 The previous EA maps identified that the site was not affected by fluvial flooding. There is a stream to the north of the site but this was not shown as a potential flood risk for this site. The site was though subject to surface water flooding to the north western part of the site however the proposal indicated that no dwellings would be located within this part of the site. In addition, the proposal included attenuation ponds and further mitigation measures to address drainage issues. As such, the proposal was considered appropriate by the County Local Lead Flood Authority (LLFA) subject to conditions.

6.3 The March amendments to the flood risk areas now identify that the north and north western part of the site are now also subject to fluvial flooding from the adjacent stream (Flood Zones 2 and 3). Conversely, the areas prone to a medium and high risk of surface water flooding have shrunk back to along the northern site boundary and part of the western site boundary. Combined, the extent of land at risk of flooding remains broadly as before, but now split between areas at risk of fluvial flooding and surface water flooding.

6.4 To address this change to the flood risks of the site, the applicant has submitted an amended Flood Risk Assessment (FRA). Again, no dwellings are proposed within the flood risk zones, although some infrastructure remains in these zones in the north western parts of the site. The Assessment states that:

> '*the overall risk of fluvial flooding is considered to be low – high across the entire site area, with the high risk area confined to the area of Flood Zone 3 in the extreme north and northwestern corner of the site. The area of medium risk extends further south and includes the areas designated for SuDS, foul water pumping station and the LEAP, all of which are considered appropriate uses within Flood Zone 2. The pumping station is a sealed system and the control panels will be raised to ensure it can remain operational during extreme flood events*.'

6.5 The FRA states that, in terms of surface water flooding, the majority of the site to the south and east, including all dwellings proposed, is considered at 'very low risk'. The north west corner and an area on the central western site boundary of the site is identified as being at 'medium' and 'high' risk of surface water flooding. The areas designated for SuDS and the LEAP are located within fluvial flood risk zone 2, whilst a small part of the western section of the LEAP would be within the area identified as being at high risk from surface water flooding.

6.6 In response to the amended Flood Risk Assessment, the LLFA have consulted with the Environment Agency and commented that revised conditions are required to address the revised flood risk situation with this site. The amended conditions include a requirement for details of the management and maintenance of the sustainable drainage scheme to be submitted for approval of the Council prior to occupation of any dwellings. This is to ensure that the SuDS proposed within the flood risk zones are appropriate for the lifetime of the development.

6.7 With the amendments to the flood risk zones, a reassessment is required as to whether a flood risk sequential test is required for this proposal, in accordance with paragraph 173 of the NPPF (2024). Paragraph 175 of the NPPF states that:

'T*he sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).*'

6.8 In this instance, there is no built development within the areas identified as being within flood zones 2 and 3, or within the areas of medium and high surface water food risk. 'Built development' refers to the proposed housing, access and all roads. The scheme does indicate that a small part of the proposed LEAP to the western side of the site would be partly within an area identified as at high risk of surface water flood risk, within the remainder within flood zone 2, whilst the SuDS basin is also located within flood zone 2. As amended, the pumping station has now been relocated outside these flood risk zones.

6.9 In accordance with the NPPF and PPG, play areas and SuDS are not classed as '*vulnerable elements'* triggering the need for a sequential test, therefore their location within areas identified as being at risk of flooding is considered appropriate. The LLFA have also raised no objections to these elements being within the flood risk zones, subject to conditions. Accordingly, no sequential test is required to be undertaken.

6.10 Overall, therefore, the proposed development of this site continues to meet the requirements of Chapter 14 of the NPPF in respect of site location and mitigating any impacts of flood risk within the site itself. Appropriate conditions (as amended by the LLFA) remain recommended to ensure that the surface water drainage measures, including SuDS, are fully implemented and maintained thereafter. The amended conditions are nos. 6, 15, 19 and 24 outlined below in the recommended conditions list. Subject to these amended conditions the proposal remains in accordance with Policy 31 of the HDPF (2015) and Chapter 14 of the NPPF.

Other Matters:

6.11 Since the March committee, the applicant has amended the description of development to include 'up to' 81 dwellings. This allows the number of dwellings to be delivered to be less but no more than the 81 units considered previously, with the exact number of dwellings to be delivered to be determined under a Reserved Matters application. This is considered an appropriate amendment which does not affect the assessment of the proposal or the overall quantum of development, which has been considered on the 'worst case' basis of delivering the maximum 81 homes. Any fewer homes would clearly have a reduced impact compared to that assessed.

6.12 In addition, Natural England have been reconsulted with an updated Appropriate Assessment addressing the use of SNWCS (Sussex North Water Certification Scheme) as an option to offset the development's water demand. Previously, Natural England had been consulted with an Appropriate Assessment which proposed the installation of flow regulators into housing association stock. The amended Appropriate Assessment outlines the use of a Grampian condition to allow the developer to come forward with their own bespoke scheme or to use the SNWCS. Natural England have raised no objections to the amended Appropriate Assessment.

6.13 At the time of writing this report, the Horsham District Local Plan has not been withdrawn by the Council. At the Communities and Place Policy and Scrutiny Committee Meeting on 23 July 2025, it was agreed that the Council would write to the Planning Inspectorate to ask them to reconsider their position on the Local Plan in view of the imminent changing planning regulations which will repeal the Duty to Co-operate. In order to provide sufficient time to write to the Planning Inspectorate and then report back on any response, the item has been postponed until the Cabinet meeting on 17 September 2025. As such, at this

time, Officers consider that limited weight continues to be applied to the Horsham District Local Plan.

Conclusions and Planning Balance:

6.14 The recommendation of officers remains to grant planning permission subject to the completion of the legal agreement and the condition suite below, which now includes the amended conditions nos.6, 15, 19 and 24 recommended by the LLFA.

7. RECOMMENDATIONS

7.1 To approve full planning permission, subject to the completion of the s106 legal agreement and conditions set out below:

1 **Plans Condition**:

2 **Outline Permission:**

(a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building hereby approved, and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building hereby approved, the appearance of each building, and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

(d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

i. Details of site management contact details and responsibilities;
ii. A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
    a. location of site compound,
    b. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
    c. site offices (including location, height, size and appearance),
    d. location of site access points for construction vehicles,
    e. location of on-site parking,
    f. locations and details for the provision of wheel washing facilities and dust suppression facilities
iii. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
iv. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

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

Reason: In the interests of highway safety and the amenities of the area, ecological and biodiversity interests, and in accordance with Policies 24, 33(2) and 40 of the Horsham District Planning Framework (2015).

4 **Pre-commencement Condition:** No development shall take place until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.
i) Details of any lighting required

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

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

5 **Pre-Commencement Condition**:

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

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

6 **Pre-Commencement Condition**: Development shall not commence until details and a method statement for interim and temporary drainage measures during the construction phase have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 163,165 and 170 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

7 **Pre-Commencement Condition**: No development shall commence for the construction of the access hereby approved, including any ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, construction methods to mitigate the impact of the proposal on the retained trees and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details. Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

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

8 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
(a) An intrusive site investigation scheme, based on the Leap Environmental Ltd Phase 1 Desk Study and Site Reconnaissance Report, to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
(b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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

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

9 **Pre-Commencement Condition**: No development shall commence 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 Offsetting Water 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-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 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 that the approved development is water neutral, thus avoiding contribution to the possible adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar designations addressed by the Natural England Position Statement of September 2021 and to satisfy the Authority's duties pursuant to the Protection of Habitats and Species Regulations 2017 (as amended) at Regulation 63.

10 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the on-site measures of the approved Water Neutrality Statement. 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 the on-site measures 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 evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates. 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), Paragraph 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).

11 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a scheme of air quality mitigation has been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document. The approved scheme 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).

12 **Regulatory Condition**: No part of the development shall be first occupied until such time as the vehicular and pedestrian access serving the development have been constructed in accordance with the details indicatively shown on the drawing titled 'Proposed Access with Visibility Splays' numbered 2401036-02D and 'Proposed Access Southern Pedestrian Access' numbered J32-3208-005 contained within the submitted Transport Assessment.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ground Level Tree Assessment (GLTA) for Roosting Bats V1 (Tetra Tech, March 2024), Biodiversity Net Gain Feasibility Assessment Revision 5 (Tetra Tech, March 2024), Update Ecological Walkover Letter Report (WYG, October 2020) and Protected Species Report (WYG, February 2020) 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: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

14 **Pre-Occupation Condition**: Prior to the occupation of any dwellings hereby permitted, a programme for the delivery of fire hydrants for all of the development shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented in accordance with the approved details and thereafter retained as such.

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

15 **Pre-Occupation Condition**: Prior to occupation of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.
Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015).

15 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved electrical vehicle charging point serving that dwelling has been provided. The charging points shall thereafter be retained as such.

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

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

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

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

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

18 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a contamination verification plan shall be submitted to and approved, in writing, by the Local Planning Authority. The verification plan shall provide details of the data

collected in order to demonstrate that the works set out in Condition (7) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

19 **Pre-Occupation Condition:** The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation,
II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

20 **Pre-Occupation Condition:** Prior to occupation of any dwelling hereby approved, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ground Level Tree Assessment (GLTA) for Roosting Bats V1 (Tetra Tech, March 2024), Update Ecological Walkover Letter Report (WYG, October 2020) and Protected Species Report (WYG, February 2020), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (as amended).

21 **Regulatory Condition**: Any reserved matters application for this proposal shall include an acoustic assessment of the potential noise impact of the pumping station in relation to the proposed dwellings, taking into account potential air source heat pumps for the dwellings. The assessment is required to demonstrate that the sources of noise will not adversely impact the amenity of the occupiers of the proposed dwellings.

Reason: To preserve the amenity of the future residents of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

22 **Regulatory Condition**: A lighting design scheme for biodiversity based on GN: 08/23 shall be submitted within any reserved matters application. 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 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 (as amended).

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

The review shall be informed by further ecological surveys commissioned to:
i. establish if there have been any changes in the presence and/or abundance of protected species and
ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the construction of 81 new dwellings and associated public open space, landscaping, vehicular access, drainage and highways infrastructure works.

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 (as amended).

24 **Regulatory Condition:** Prior to or in conjunction with the submission of the Reserved Matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment & Indicative Surface Water Drainage Strategy by RSK dated 6th November 2023 and FRA Addendum by LDE dated 24th April 2025. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters.
- Demonstrate that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration,
- Demonstrate that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes
- Follow the National standards for sustainable drainage systems (SuDS) and PPG Flood risk and coastal change.
- Provide details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy within Horsham District Planning Framework (2015).

25 **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).