PLANNING COMMITTEE REPORT

TO:	Planning Committee South
BY:	Head of Development and Building Control
DATE:	17th September 2024
DEVELOPMENT:	Outline Application for the erection of 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: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

The proposal is a departure from the current Development Plan

By request of Councillor Knowles

RECOMMENDATION: To approve outline planning permission subject to no objection from Southern Gas Networks, appropriate conditions and subject to the completion of the necessary section 106 agreement within four months of the decision of this Committee, or such longer period as is agreed by the Director of Place acting reasonably and properly.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application is proposed in outline with all matters reserved with the exception of the proposed access arrangements from Church Road. Details for the new access are included as part of this proposal. The access comprises a new priority T junction from Church Road. The site is proposed for up to 81 residential units and includes 40% affordable houses (32 units). The scheme is shown to include associated landscaping, public open space (totalling 2.5ha), internal road networks and paths, foul and surface water drainage (including

attenuation pond and an underground pump station), and a Locally Equipped Area of Play (LEAP). The scheme also includes pedestrian and cycle access onto the Downs Link.

1.3 The Land Use Parameter plan indicates that the majority of housing would be located to the southern part of the site. There is currently a line of trees which cuts across the site from east to west. The plan shows the retention of this tree line with the remainder of the housing to the northern parcel to the eastern side. The play area, pumping station, and attenuation basin are all proposed to the north western part of the site.

1.4 As originally submitted, the scheme included pedestrian accesses to the north and south onto Church Road. Due to concerns raised by the Highways Team, the scheme was amended to remove the northern access point.

1.5 This proposal is the same layout and number of units as that refused under application ref: DC/21/2237. The current application does not propose any custom / self build units, as was previously proposed under DC/21/2237.

DESCRIPTION OF THE SITE

1.6 The 4.8ha site is located to the north-west of Partridge Green to the west of Church Road, and to the north of The Rosary. The Downs Link (Bridleway 3566) marks the western boundary of the site, and Church Road (B2135) marks the eastern boundary. The small settlements of Jolesfield and Littleworth are located to the north and north-east of the site respectively.

1.7 The land rises towards the central eastern part of the site, and this point marks the 'brow' of the B2135. The land undulates downwards towards the north-western corner of the site, which marks the site's low point. Although noise form Church Road can be heard, and glimpses of sub-urban development to the south and east can be seen, the site is tranquil in nature and rural in character. The site is divided by a timber fence running through the centre of the site, east to west.

1.8 To the north of the site is an existing line of mature trees and dense vegetation, allowing some glimpses through to Jolesfield House which is located approximately 80m to the north. A sporadic line of mature oak trees (some protected by TPOs) run through the middle of the site in an east-west direction, marking a historic field boundary. Other mature trees are located along Church Road (the eastern boundary of the site) several of which are also protected by TPOs.

1.9 Occasional views into the site from the Downs Link can be seen through the existing boundary tree cover, and towards the north-west corner of the site, the Downs Link rises above the site forming a bank down to the site itself. Glimpses of St Michael's Church can also be seen from parts of the Downs Link when looking east. Beyond Church Road to the east of the site is an existing development of residential houses (and St Michael's Church) which form part of the built-up area of Partridge Green. Similarly, houses to the south of the site in 'The Rosary' can be seen from parts of the southern portion of the site. The nearest listed building is located a significant distance from the site to the north east at Joles farm.

1.10 The north western corner of the site is shown to be subject to low to high risk surface water flooding.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES
The following Policies are considered to be relevant to the assessment of this application:

2.3 **National Planning Policy Framework (Dec 2023)**

2.4 **Horsham District Planning Framework (HDPF, 2015)**:
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

2.5 **Horsham District Local Plan (2023-40) (Regulation 19):**
Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 3: Settlement Expansion
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 10: Flooding
Policy 11: Environmental Protection
Policy 12: Air Quality
Policy 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 15: Settlement Coalescence
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Policy 23: Infrastructure Provision
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Policy 37: Housing Provision
Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

2.6 **West Grinstead Neighbourhood Plan (2021):**
Policy 1: Local Gap
Policy 4: Green Infrastructure: Existing Trees, Hedgerows and Wildlife
Policy 6: Broadband

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

2.8 **Other Relevant Guidance and Policies:**

- HDC Planning Obligations and Affordable Housing Supplementary Planning Document (2017)
- HDC Community Infrastructure Levy (CIL) Charging Schedule (2017)
- WSCC Supplementary Planning Guidance (September 2020) - revised county parking standards and transport contributions methodology
- Air Quality and Emissions Mitigation Guidance for Sussex (2020)
- HDC Planning Advice Note: Biodiversity and Green infrastructure (2022)
- HDC Planning Advice Note: Facilitating Appropriate Development (2022)
- HDC Sports, Open Space and Recreation Assessment (2014)
- HDC Open Space, Sport & Recreation Review (2021**)**
- HDC Play Strategy 2017-2027
- HDC Site Specific Allocations of Land Development Plan Document (2007)
- Active Travel England Standing Advice

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/14/0820	Outline development of a mix of 129 private and affordable housing units, with associated access, parking and additional landscaping on land to the west of Church Road	Application Refused on 17.06.2015
DC/16/2064	Development of 101 dwellings, with associated access, parking and landscaping (outline application with all matters reserved except access)	Application Withdrawn on 15.11.2016
DC/20/1697	Outline Application for the erection of 81 new dwellings and associated public open space, landscaping, vehicular access, drainage and highways infrastructure works with all matters reserved except access.	Application Refused on 19.02.2021
DC/21/2237	Outline Application for the erection of 81 new dwellings and associated public open space, landscaping, vehicular access, drainage and highways infrastructure works with all matters reserved except access.	Application Refused on 29.07.2021

.

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Arboricultural Officer**: Objection (summarised).
The access engineering requirements fail to comply with the minimum recommendations of the relevant design standard (BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations) for new greenfield development that may impact upon trees of recognised landscape value.

3.3 **HDC Ecology Consultant**: No objection subject to conditions (summarised).

3.4 **HDC Environmental Health**: Comment (summarised):

- Air Quality: As amended, the Air Quality Assessment is acceptable.
- Noise: Concern is raised regarding the water pumping station close by to dwellings with air source heat pumps.
- Water quality: It is noted that the proposal relies on the Cenergist Control Flow systems fitted to Saxon Weald properties in order to achieve water neutrality. As such, the development does not require rain water harvesting or an onsite borehole to achieve water neutrality. In the event that rain water harvesting or an borehole are required, the Environmental Health team would need to be reconsulted.
- Land Contamination: No objection subject to conditions.
- Construction Phase: Due to the presence of existing houses nearby, a Construction Environmental Management Plan is required in order to minimise the potential impact.

3.5 **HDC Housing**: Comment (summarised).
Clarification needed that affordable housing requirement will be met and that the affordable housing units will meet local need.

3.6 **HDC Landscape**: No objection (summarised).
No additional comments to make from those provided under DC/20/1697.

OUTSIDE AGENCIES

3.7 **Health and Safety Executive**: Do not advise against (summarised).
As the proposed development is within the Consultation Distance of a major hazard pipeline the Local Planning Authority should consider contacting the pipeline operator before deciding the case.

3.8 **NatureSpace**: Comment (summarised).
It is recommended the development follow Reasonable Avoidance Measures to minimise the risk of impact on great crested newts. These may come in the form of a full Precautionary Working Methods Statement produced by a suitably qualified Ecologist.

3.9 **Natural England**: No Objection (summarised).

3.10 **Southern Gas Network**: Objection (summarised).
There are high pressure pipeline in this vicinity. SGN object until such time as a detailed consultation has taken place.

3.11 **Southern Water**: Comment (summarised):

- Southern Water can facilitate foul sewerage disposal to service the proposed development. This requires a formal application for a connection to the public sewer.
- The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer.
- If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd.
- It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

- Investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

3.12 **Sussex Police**: Comment (summarised).
Given that this outline application is only to determine the means of access and to seek approval in principle with design matters reserved for later determination Sussex Police have no detailed comments to make at this stage.

3.13 **WSCC Fire & Rescue**: Comment (summarised).
Conditions recommended requiring the submission of details of fire hydrants.

3.14 **WSCC Highways**: As amended, no objection subject to conditions (summarised).

3.15 **WSCC Local Lead Flood Authority**: As amended, no objections subject to conditions (summarised).

PUBLIC CONSULTATIONS

3.16 **West Grinstead Parish Council**: Object to the application on the following grounds (summarised):

- The application site is outside the built-up area of Partridge Green and as such, contravenes Policy 3 & 4 of the Horsham District Planning Framework (HDPF).
- The site would be in direct conflict with Policy 1 in the West Grinstead Neighbourhood Plan which calls for the preservation of a Local Gap between Partridge Green and Jolesfield. The coalescence of those two communities would also contravene Policy 2 of the HDPF.
- This application is premature to the adoption of the proposed new Local Plan and the revision of the West Grinstead Neighbourhood Plan.
- Water neutrality remains a major problem in the whole District. The applicant claims to have reached agreement with Saxon Weald Housing Association to offset the additional water the development would use against savings to be achieved by Saxon Weald through retrofitting what must be a significant part of their existing housing stock. The applicant needs to be put to proof about this.
- As happened with the last application, there is no S106 Agreement relating to affordable housing. The application does include an Affordable Housing Statement prepared by SLR Consulting Limited. It states at para 3.3: 'The Proposals will include 40% of affordable housing, which is in excess of the policy compliant figure of 35%'. It is less though than the 45% provided for in the Regulation 19 draft Local Plan. It doesn't seem unreasonable to insist that the applicant commit to 45%.
- From the first application on this site, access has been and remains a major concern. The applicant's baseline data on this dates back to February 2019 and is therefore nearly 5 years old. It does not seem unreasonable to insist that if the applicant wants to build what would be a major development for Partridge Green, they at least obtain up to date traffic figures. In 2015, Highways thought that the access would be unsafe. Since then the speed limit has been reduced from 40 to 30 mph. To help reinforce that, the Traffic Action Group in the village has obtained a number of speed indication devices, one of which was placed at the bottom of Staples Hill just where the speed limit goes down to 30.
- Whatever Highways may say, our view remains that visibility lines are such that the access would still be dangerous, particularly given the number of mature oaks along the field edge, which are subject to tree preservation orders.
- There would be a pedestrian access at the northern end of the development to link up to the footpath 1840 enabling parents and children to walk to Jolesfield Primary School. It would though involve crossing Church Road. It is busy at peak hour and traffic can be travelling quite fast. Crossing, particularly with small children, would be

potentially dangerous, more so when crossing from east to west when the visibility lines would be shorter.

- The proposal is contrary to HDC's policies for sustainable transport. This is because the residents of the development would be heavily reliant on their private cars for travel, given the lack of public transport facilities.
- Additional provision should be made for parking.
- Concern is raised regarding the landscape impact of the proposal. Specific issues include (a) loss of outstanding views across the area (b) from the Downs Link, the view of St Michael's Church would be severely diminished and (d) coalescence of Jolesfield and Partridge Green.

3.17 24 objections have been received from 13 addresses on the following grounds (summarised):

- Loss of green space and impact on trees.
- Impact on wildlife.
- 81 more dwellings will result in overcrowding and increase noise and light pollution.
- The water and sewerage considerations for this number of dwellings is a concern.
- There is a lack of infrastructure to support this number of dwellings. The village is supported by one small poorly-stocked shop and a very slow post office. The school is small and underfunded but still has high class sizes. There is only one nursery in the village and a preschool.
- Additional traffic. Serious consideration must be given to traffic volumes that will increase pressure significantly in Partridge Green should this housing development be given the green light.
- There have been numerous incidents and accidents on this section of Church Road. The speed and volume of traffic has always been a concern to the residents. The access points to the development are unsafe. Concern is raised regarding the traffic surveys conducted.
- Independent traffic survey, heritage report, landscape & visual impact report and ecology surveys have been conducted.
- The site is prone to flooding.
- Lack of public transport.
- Loss of amenity resulting from overlooking.
- Loss of tranquillity from this peaceful countryside setting.
- The proposal would devalue adjacent properties.
- Several applications for housing have been refused here before.
- Development should be to a brownfield site and not green space.
- The proposal is contrary to West Grinstead Neighbourhood Plan.
- The proposal results in coalescence.
- Lack of parking.
- Detrimental impact on the visual amenity of the area.
- Water neutrality concerns.
- Many of the documents submitted have not been updated from the previous scheme.
- Objections from consultees must be addressed.
- An adjacent resident uses a shotgun which will impact the use of the site in terms of noise.

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

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

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

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

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

6. PLANNING ASSESSMENTS

6.1 Outline planning permission is sought for the development of the site for up to 81 new dwellings and associated public open space. An outline application allows for an assessment of the general principles of how a site can be developed, with full details of the proposal to be submitted under subsequent reserved matters, in the event that outline permission is granted.

6.2 For this proposal, matters relating to appearance, layout, scale and landscaping are reserved for subsequent reserved matters applications. The matter of access is included for assessment under this proposal. Access relates to the accessibility of site for vehicles, cycle and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. Under this application, taking into account the quantum of development proposed, the main areas for consideration are as follows:

- Principle of Development (Existing and emerging Local Plan, 5 year housing supply, Neighbourhood Plan and Facilitating Appropriate Development guidance)
- Settlement Coalescence
- Housing Mix and Affordable Housing
- Site Masterplan and Parameters
- Landscape Impact
- Highways Impact, Access, Active Travel and Parking
- Impact on Residential Amenity
- Drainage and Flooding
- Ecology
- Water Neutrality
- Climate Change
- Other Matters (trees, land contamination, mineral safeguarding, air quality, gas pipeline & legal agreement)
- Conclusion & Planning Balance

Background

6.3 Prior to this proposal, major-scale residential development on this site has been proposed four times before, dating back to 2014. These applications were either refused or withdrawn. The most recent application for this site (ref: DC/21/2237) was refused in July 2022 for the following reason:

1. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to 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).

2. The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the 40% of units required to be provided as affordable housing units, nor an agreement for improvement works to PROW 1840 or a requirement for the provision of 5 custom / self build units. The proposal is therefore contrary to Policy 16 and Policy 40 of the Horsham District Planning Framework (2015) as it has not been demonstrated how the affordable housing needs of the District would be met, nor how the development can be appropriately integrated with the wider network of routes.

The current application proposes the same layout and number of units as previously proposed. Whether the current scheme has addressed the previous reasons for refusal is a material consideration.

Principle of Development:

6.4 The site is located outside any of the District's defined built up area boundaries (BUAB's), and does not form part of Horsham's adopted development plan (comprising the Horsham District Planning Framework (HDPF) and the West Grinstead Neighbourhood Plan), nor an adopted Site Allocations DPD. As a result, residential development here would conflict with the requirements of Policies 2 'Strategic Development' and 4 'Settlement Expansion' of the HDPF, and as such, is not considered to be acceptable in principle. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location. As such, this scheme is considered a departure from the current local plan.

6.5 Given that the HDPF is over 5 years old, a review of the existing Local Plan is underway. The Horsham District Local Plan (HDLP) was agreed to progress to Regulation 19 consultation by the Council on the 11 December 2023. All representations received were submitted to the Planning Inspectorate together with the Local Plan for independent examination in August 2024.

6.6 The HDLP sets out the emerging development strategy for the district to deliver housing and wider development needs in the period 2023 to 2040. This includes a continuation of the current settlement strategy which focuses growth within or contiguous with existing built-up area boundaries, with planned strategic extensions to settlements. This application site is included as an allocation for 80 homes in the HDLP under Strategic Policy HA12.

6.7 Whilst the plan has been submitted, there are still significant steps yet to be undertaken. This includes responding to Inspector's questions, the examination hearing and consulting on main modifications that arise. Therefore, in terms of the weight attributed to the HDLP, it cannot be given any significant weight in the determination of planning applications at this time.

6.8 In January 2024, the Council published the latest Authority Monitoring Report (AMR) which revealed that the Council currently has a housing land supply of 2.9 years against current targets. In light of this, it is acknowledged that the Council is unable to demonstrate a full 5-year housing land supply, and it is recognised that this forms a material consideration in decision making which may trigger the application of the 'tilted balance' at Paragraph 11d of the NPPF, which presumes in favour of sustainable development. In accordance with Paragraph 11d, the Council is required to grant permission unless either (or both) of the following limbs apply:

(i) the application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed; or
(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.9 According to Footnote 7 of the NPPF, the areas referred to in limb (i) above include habitat sites, and those listed in NPPF para 187 (including SSSIs, Green Belt, AONBs and National Parks). A determination on whether the tilted balance is engaged or not is dependent on whether the proposal is able to protect the areas of importance listed in Footnote 7. Footnote 7 also includes ensuring an application does not result in an adverse impact in relation to areas at risk of flooding, designated heritage assets and other heritage assets of archaeological interest.

6.10 In light of Natural England's requirement for all development in the Sussex North Water Supply Zone to demonstrate that it is 'water neutral' in order to protect the habitat sites within the Arun Valley designations, the Council (as the decision maker) is required to determine whether water neutrality has been demonstrated. If the proposal is unable to demonstrate water neutrality through mitigation (as tested by Appropriate Assessment), then the tilted balance of paragraph 11d is not engaged, and in accordance with limb (i) and paragraph 180(a) of the NPPF the application may be refused.

6.11 In this scenario, the presumption in favour of sustainable development would not apply and the remaining matters should be determined by the Council on a 'flat' basis. If the proposal can successfully demonstrate that it can operate without increasing water demand on the Sussex North Water Supply Zone, then the proposal will accord with limb (i), and the tilted balance is then engaged and must be applied in the determination of the remaining matters. An assessment of this application in light of Natural England's requirements for water neutrality is provided in this report.

6.12 In the event the Paragraph 11d tilted balance is to be engaged in the determination of this application, then Paragraph 14 of the NPPF would also need to be considered. Paragraph 14 states that '*in situations where the presumption at Paragraph 11d applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

(a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
(b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.'

6.13 In this instance, the criteria under Paragraph 14 are not met. The plan meets criteria (a) in that the West Grinstead Neighbourhood Plan was made in June 2021, and is therefore less than five years old. However, the plan does not meet criteria (b) as the West Grinstead Neighbourhood Plan does not include policies and allocations to meet its identified housing requirement.

6.14 Given the Council's inability to demonstrate a 5-year supply of deliverable housing sites and in recognition of the key objective of Government policy to significantly boost the supply of homes, the Council has adopted a Facilitating Appropriate Development (FAD, Oct 2022) document. This forms a material planning consideration in decision making. The advice contained in the FAD is guidance only and does not form policy and does not alter the statutory decision-making framework.

6.15 The FAD sets out the weight that can be given to current and emerging local policy and has been produced to enable the Council to act proactively to continue to deliver housing in a sustainable manner. For development proposals located outside the defined BUAB, the FAD

(at paragraph 5.7) echoes the requirements of HDPF Policy 4 and states that applications will be considered positively provided that all of the following criteria are met:

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

6.16 This proposal would meet all the criteria of the FAD. Compliance with the FAD is a material consideration in the determination of the principle of this proposal.

6.17 Given the site is located outside the defined BUAB and is not allocated for development in the adopted development plan (the HDPF or a made Neighbourhood Plan), the principle of the development is contrary to Policies 2, 4, and 26 of the HDPF. Notwithstanding this, it is recognised by Officers that in the context of the Council's 5-year housing supply position, the benefits that would arise from the delivery of extra housing, carry positive weight in the determination of the proposal. In addition, the allocation of the site within the HDLP is given moderate weight in the determination of this application. In order to come to a considered conclusion, it is necessary to therefore balance the benefits of the proposed development against this policy conflict and any other policy compliance, conflict and harm. The following sections of this report consider all other detailed planning considerations, with the final section considering the overall planning balance.

Settlement Coalescence:

6.18 Policy 27 of the HDPF highlights the Council's aspiration to retain the District's existing network of rural settlements, all of which collectively contribute to the special character of the District. The Council recognises the importance of retaining the separate identities of rural settlements, and to maintain the sense of leaving one place and arriving in another. Policy 27 therefore seeks to protect landscapes from development which would result in the undesirable coalescence of settlements. Development is resisted by Policy 27 unless it can be demonstrated that there is no significant reduction in the openness and break between settlements.

6.19 Despite adjoining the Partridge Green village boundary to its south and east, the application site is located outside the defined built-up area boundary of Partridge Green. A small cluster of housing and a pub are located to the north of the application site, and a larger hamlet of housing and allotments further to the north-east of the site is known as 'Littleworth'. These clusters together have been recognised as having their own established communities, and have therefore been proposed in the HDLP to be designated as a 'Secondary Settlement'.

6.20 It is acknowledged by the Council therefore, that these separate settlements exist in their own rights, and have different characteristics to the larger village character of Partridge Green. The consideration with regard to this assessment is whether the development of the application site for housing would result in unacceptable settlement coalescence between Partridge Green and Littleworth/Jolesfield that would reduce the openness between them, resulting in a threat to their separate identities and characters, contrary to Policy 27. Policy 15 of the HDLP outlines an updated approach to settlement coalescence. Given the status of the HDLP at this point in time, no significant weight can be given to this policy.

6.21 Policy 1 of the West Grinsted Neighbourhood Plan states that 'development proposals between the settlements of proposals between the settlements of Partridge Green, Jolesfield and Littleworth and land centred around Jolesfield Common, as identified on the Policies Map, will not be supported unless it can be demonstrated that:

1. They do not result in an unacceptable reduction in the openness and break between settlements;
2. Where appropriate they contribute to the conservation and enhancement of the landscape character; and
3. They safeguard the residential amenities of neighbouring properties.

6.22 The current proposal is the exact same layout and number of units as that proposed under the previous refused application DC/21/2237. Previously, the Council's Senior Landscape Architect reviewed the proposal in light of its potential impact on settlement coalescence between Partridge Green and Jolesfield to the north. The Landscape Architect concluded that given the existing landscape separation between the application site and Jolesfield, in addition to the proposed development strategy which includes an area of open space in the northern field; the development as proposed (whilst acknowledging that there will be a reduction in spatial openness), would not lead to coalescence. It is noted that the existing presence of development along the eastern side of Church Road (opposite the application site) is important, as this establishes the existing experience of entering the settlement of Partridge Green. There have been no notable changes since to the site or surrounds that warrant a different conclusion being reached.

6.23 In summary, it is the view of Officers that whilst the proposed development will inevitably result in a new urbanising influence along Church Road, the development as proposed has been designed to respect the existing openness between the site and Jolesfield to the north, as well as retaining and enhancing much of the existing vegetation within the site – particularly along the northern boundary. The presence of housing along the eastern side of Church Road already has an urbanising influence along this road corridor (which differs from the more rural character of Jolesfield), and when travelling south along the B2135 this strongly leads to the sense that one has left Jolesfield, and entered the larger settlement of Partridge Green. As such, it is not considered that the proposal will cause an unacceptably significant reduction in the existing openness between the Partridge Green and Jolesfield, and the urbanising influence that is likely to result can be appropriately managed at detailed design stage. The proposal therefore, is not considered to result in unacceptable settlement coalescence, and is not contrary to Policy 27 of the HDPF or Policy 1 of the West Grinstead Neighbourhood Plan.

Landscape Impact:

Existing Site Characteristics

6.24 The site comprises of two undulating grassed fields which appear to be unused. The site has a sense of enclosure due to the existing boundary vegetation which includes strong tree lined hedgerows and woodland shaws on the eastern and northern boundaries, and several mature Oak trees on the eastern boundary which are protected by TPO's. The historic east-west boundary that runs through the centre of the site (separating the northern and southern fields) is fragmented, with some remnants of mature hedgerows and several mature Oak trees (several of which are also protected by TPO's). The site is undulating, with a high point in the centre/east of this site, and a low point in the north-western corner, where a stream is present. The Downs Link marks the eastern boundary, and is partly raised on an embankment above the site allowing some views into the site, and across to St Michael's Church to the east.

6.25 The site is predominantly rural in character albeit subject to some urban influence from properties visible along the southern boundary and partially seen through the trees on the eastern side of Church Road. There is some noise intrusion within the site from nearby roads. The northern parcel is more closely associated with the rural countryside, and positively contributes to the settlement setting of Partridge Green and Jolesfield.

Landscape Character and Capacity Assessment

6.26 The site falls within the *'J3 Cowfold and Shermanbury Farmlands Area'* of the Horsham District Landscape Character Assessment (2003). This wider character area largely reflects

the characteristics of the application site, and is described as: gently undulating with low ridges and valleys, small scale pasture fields, larger scale arable fields, scattered woodlands, hedgerows/shaws creating enclosure and restrict views, some open areas where hedgerows have been lost. Despite localised visual intrusion from pylons and some urban development on the A283, the wider area generally has an undeveloped rural character. A key issue that has been identified in this character area is the visual intrusion from development at Partridge Green, with the overall landscape condition described as 'declining'. Sensitivity to change for this character area is assessed as 'moderate'.

6.27 The Council's Landscape Capacity Assessment was updated in 2020, and shows the application site as included within the *'Partridge Green PG4 Local Character Area'*. PG4 covers a wider study area within the western surrounding fields of Partridge Green, and concludes overall that this area has Low-Moderate capacity for small-scale housing development (i.e. no more than 60 dwellings), and No-Low capacity for medium-scale housing development (i.e. 60-250 dwellings). The assessment of area PG4 specifically notes that development on the fields to the west of the Downs Link would be more visually sensitive and would create an incursion into the countryside; however the application site (between Church Road and the Downs Link) is specifically referred to as having some capacity for development, provided that care is taken to retain the separate identity of Jolesfield.

Assessment of Impact

6.28 Under the previous application, the Council's Senior Landscape Architect reviewed the proposal in detail and provided their specialist view on the level of impact it is likely to have on the landscape. As already noted in the 'Settlement Coalescence' section of this report, the Landscape Architect acknowledged that the proposal would have an urbanising influence on the green approach to Partridge Green; and although it would reduce the spatial openness between the site and Jolesfield to the north, it would not result in unacceptable coalescence between these two settlements.

6.29 Whilst the submitted site plan and land use parameter plan are only shown indicatively at this Outline stage, the proposal shows that the development parcels would be set back to some degree from the eastern (Church Road) boundary, with the retention of most existing trees and hedgerows. The urbanising influence of the development when viewed form Church Road would still be notable, but the setting-back and retention/enhancement of tree screening along this boundary will help to minimise this impact.

6.30 The Landscape Architect also noted that the site can be seen from certain points along the Downs Link to the west, particularly as it sites at a higher level than the application site in some parts. The users (receptors) of this route are considered to be of high sensitivity, and development of the site without considered design is likely to result in adverse harm to these receptors. The Landscape Architect is of the view that given the development parcels are shown to be well set-back from the western boundary, this provides opportunity for appropriate planting to be included which would enable the softening (albeit not full screening) of the scheme from the sensitive western (Downs Link) viewpoint. The Landscape Architect acknowledges that the development of this site would extend urbanising features into the countryside; but notes that given the users of the Downs Link are inherently aware of the proximity of Partridge Green, this transient experience will not be completely uncharacteristic or unexpected.

6.31 The enhanced central belt of trees running east-west within the site helps to restore the historic field boundary, and therefore helps to maintain the special landscape character of the site, which is welcomed. If the application were to be considered acceptable at Outline stage, the Landscape Architect has noted several key aspects that should be considered further at detailed design stage. These include the pedestrian/cycle link at the south of the site linking Church Road to the Downs Link, more robust planting along the southern and western boundaries, and retention of key views towards St Michael's Church from the Downs Link.

Summary

6.32 As in the previous application for virtually the same scheme, by virtue of its urbanising influence, the proposal as presented is likely to result in some harm to the landscape character and visual amenity of the area when compared to the existing undeveloped character. Despite this, the relatively enclosed and well screened nature of the site, coupled with existing residential development to its immediate south and east, is also acknowledged, and has led to the conclusion within the Council's recent Landscape Capacity Assessment (2020) that the site has some capacity for development.

6.33 Therefore, the development would not result in an uncharacteristic change to the receiving landscape, and the harm would not be considered significant. In coming to this conclusion, the HDC Landscape Architect has fully taken into account the independent Review of Landscape and Visual Impacts submitted by a resident. The proposal is therefore considered to be in accordance with policies 26 and 27 of the Horsham District Planning Framework (2015).

Highways Impact:

6.34 The application is supported by a Transport Assessment (with detailed drawings contained within) and a Travel Plan. WSCC Highways has provided formal comments on a number of planning applications for this site as well as commenting on a number of pre-application submissions. This advice has been quite extensive covering a number of years. The most recent formal comments were provided for the previous development of 81 dwellings submitted under DC/21/2237. WSCC Highways have commented that the broad principles accepted under the former application DC/21/2237 remain applicable for the scheme as now presented.

6.35 In terms of access, vehicular access to the site is via a new priority junction onto the B2135 Church Lane. The form of access is considered appropriate in light of the scale of the development. WSCC have commented that the speed limit on the B2135 across the site frontage has been reduced from 40mph to 30mph since the submission of the earlier planning applications. The access design and stopping sight distances are based on the recorded 85th percentile speed of traffic (i.e. the speed at which 85% of vehicles are travelling at or below). These have been recorded on the approaches to the proposed junction with the surveys undertaken. The stopping sight distances are based upon 85th percentile speeds of 38.1mph northbound and 34.8mph southbound.

6.36 In light of the recorded speeds being below 40mph and the residential context of the B2135 in the vicinity of the development access, the guidance within Manual for Streets has been applied to determine the stopping sight distances. It is recognised that the siting of the access is constrained due to the horizontal and vertical alignment of the B2135 to the north and south. However, the access has been sited so as to achieve the required stopping sight distances to enable drivers emerging onto the B2135 to observe oncoming vehicles in sufficient time and vice versa. The access location also takes into account the need for a southbound vehicle to see any stationary vehicle waiting to turn right into the site. WSCC have commented that longer visibility splays can be achieved beyond those shown by the applicant, but are not required in order to achieve the required sight distances.

6.37 Separate pedestrian access were originally proposed to the north and south of the vehicular access. WSCC Highways commented that the northern access raised concern regarding highway safety. Reference is made in the objections received to a speed survey undertaken by WSCC in March 2023. This is relevant to the northern pedestrian access. The speeds within the WSCC 2023 survey are higher than those used by the applicant for the purposes of designing the northern access. Applying the more recently recorded speeds as well as accounting for the downhill gradient means that a greater visibility splay is required than presently shown; using Manual for Streets braking and perception factors, WSCC Highways

officers calculate a visibility splay of 85 metres would be required to the south with the Applicant currently demonstrating 74.2 metres.

6.38 Due to issues with achieving the required visibility for the northern pedestrian access, this pedestrian access has now been removed from the proposal. This was agreed with WSCC Highways who commented that the access was not required, in their opinion, to make the application acceptable. Pedestrians would not be unduly inconvenienced through the use of the pedestrian crossing point at the vehicular access or for that matter using the southern pedestrian access with it being apparent that the main pedestrian desire lines are to the south. The exception to this is Jolesfield School to the east. The most direct connection to the school would be via the existing public right of way, which even with improved surfacing may not provide a suitable all year round route for those with young children. If future residents wanted to use the existing public right of way, this can still be reached by using the crossing point forming part of the vehicular access and the existing footway on the eastern side of the B2135.

6.39 The Transport Assessment identifies a number of services within Partridge Green that may be used by residents on a daily basis. It is acknowledged that the range of services is quite limited as would be expected of a settlement of this size. Those services that are available are all within reasonable walking and cycling distance with there being appropriate infrastructure in place to accommodate the increase in walking and cycling trips generated by the site. For trips beyond the village, WSCC have commented that there is a reasonably frequent bus service running towards Horsham and Brighton. The site also lies close to Downs Link, a long distance and primarily off-road cycle route. It is accepted that the use of this route may not be practical or suitable for all residents, however it still presents a potential alternative for some trip purposes especially towards Henfield.

6.40 A Travel Plan is also submitted. The measures contained within this are largely based on informing residents of travel options. WSCC Highways have commented that achieving the indicated target based set out in the Travel Plan may not be possible. There is also limited information in terms of how the travel plan will be monitored, in particular the nature of the surveys. This section would need to be bolstered. It should be noted that the WSCC Highways preference is for surveys to be undertaken via the TRICS Standard Assessment Methodology. Such monitoring should commence at 75% of occupations and therefore be completed biennially. The applicant should note that WSCC Highways also apply a monitoring fee for travel plans. Given the monitoring fee requirement, it's recommended that the travel plan and associated monitoring fee are required via a recommend planning condition and in a s106 agreement.

6.41 In summary, it’s accepted that the majority of trips beyond the village will need to make use of the private car; this is the case for existing residents as indicated by the Census data provided. The National Planning Policy Framework requires that developments take up appropriate opportunities to promote sustainable transport modes given the location. As such, even though residents are expected to make use of the car, for some trip purposes alternative travel options are available.

6.42 Vehicle trip generation has been estimated using TRICS. TRICS is a database of traffic surveys. The use of TRICS is an accepted approach to forecasting traffic increases. Based on the selected TRICS sites, the development is anticipated to generate 65 two way vehicle trips in the AM peak hour (8-9am) and 52 two way vehicle trips in the PM peak hour (5-6pm). Consideration is given to the peak hours as it’s accepted that these are the most sensitive to change. In light of the anticipated traffic generation, it is accepted that the development would not significantly increase traffic flows across the local highway network. It is also accepted that the increased traffic flows would not result in any traffic impacts that could be considered severe.

6.43 It has been noted by the Public Rights of Way officer at WSCC (under the previous application) that as a result of the development, the use of PROW 1840 (located outside the site boundary, to the north-east) is likely to increase, largely because it provides a direct access to the Jolesfield Primary School which would be used by residents of the development. The PROW Officer has therefore requested for a contribution to be made by the developer for improvement works to a 160m section of this route. In the event of an approval, this would need to be secured within a legal agreement.

6.44 For parking, the proposal states that vehicle parking would be provided in accordance with WSCC guidance on Parking Standards. This results in the provision of 181 spaces for the development. As this scheme is in outline, the exact number and layout of the parking provision would be determined under a reserved matters application. At this stage, the development is considered appropriate in that it can adequately provide the required amount of parking for 81 dwellings.

6.41 Active Travel England (ATE) are an executive government agency responsible for '*making walking, wheeling and cycling the preferred choice for everyone to get around in England*.' The ATE Standing Advice Note provides guidance to local planning authorities when ATE do not provide a detailed assessment of a development proposal. In this instance, the 81 dwellings put forward would not meet the threshold from a development quantum perspective in order for the ATE to provide comments.

6.42 The proposal has addressed the standing advice of the ATE as follows:

- The submitted Transport Assessment for the site includes a full multi-modal trip analysis to identify the potential demand for sustainable modes of travel from the development site.
- The application is also accompanied by a Travel Plan which aims to achieve a 10% shift from single occupancy vehicles to sustainable transport modes. The Travel Plan includes a range of measures, including either a £150 cycle voucher or a £50 bus voucher for new residents.
- Improvements are put forward to the local walk and cycle network. This includes the development site linking into the existing footway network along Church Road through the provision of a crossing in the southeastern corner of the site. This crossing forms part of a link through the site onto the Downs Link Bridleway, improving the network for local Public Rights of Way (PRoW) users through the provision of a reduced walk or cycle distance to access the Downs Link from nearby PRoWs.
- Surfacing improvements to the public right of way to be secured through a contribution in a legal agreement.
- The site benefits from links to nearby amenities such as a primary school (when measured via Church Lane), local shops, doctors' surgery, church and village hall within 800 metres walk of the site. This ensures that amenities are located to allow residents a choice of travel modes within Partridge Green.

6.45 In summary, paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Based on the information submitted and subject to conditions, WSCC Highways are satisfied that the development would not result in any unacceptable safety or otherwise severe impacts.

Water Neutrality:

6.46 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

6.47 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habits site. Section 63 of the Regulations sets out the process by which an HRA must take place.

6.48 The requirements of Section 70(3) are reflected in paragraph 186 of the NPPF, which states that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'. The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 186 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making. In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley.

6.49 With the site being an open field, the baseline for water usage has been taken as zero. Using census data, the population of the proposed development is estimated to be 178.6. Using Building Regulations water consumption figure of 125 litres per person per day and population size of 178.6 it is estimated that the total water usage per day for the proposed development would be 22,325 litres per day (125 llp/d x 178.6 persons).

6.50 To minimise the water use of the development, water efficient fixtures and fittings will be incorporated. A water calculation in accordance with Building Regulations Part G has been carried out and confirms that the proposed development will achieve a water consumption rate of 84.45 litres per person per day, which includes an allowance of 5 litres per person per day for external water usage. A copy of the Part G calculation can be found in Appendix E of the submitted Water Neutrality Statement.

6.51 Using the Part G water consumption figure of 84.45 litres per person per day and a population size of 163.62 it is estimated that the total water usage per day for the proposed development would be reduced to 15,082.77 litres per day (178.6 persons x 84.45 l/p/d). Therefore, following incorporation of water efficient fixtures and fittings the water demand will be 15,082.77 litres per day.

6.52 The applicants are proposing to offset their development against a scheme to retrofit homes that are managed by the Saxon Weald situated within the Sussex North Water Supply Zone,

whereby properties will be retrofitted with a Cenergist Control Flow HL2024 device. This device is a pressure independent flow controller that can be set at a particular flow rate to reduce the household water consumption. The trial scheme ran by CBC comprised of 100 Crawley Borough Council owned residential properties, which were retrofitted with the Cenergist flow control device. Meter readings were taken at the start and end of the pilot scheme, which covered a four-month period from the 24th May 2022 to the 22nd August 2022. The occupancy levels of each household were also recorded to enable an average per capita consumption to be calculated.

6.53 A report produced by Crawley Borough Council (CBC) and Cenergist, 'Water Off-set Retrofit Strategy Monitoring Report' found that although the district average is considered to be 135 litres per person per day, the study found that the water use for the tenants was closer to 130 litres per person per day. The report found that on average 75 litres per day were saved for every property fitted with the flow-regulator, or 30 litres per person per day. The report also recommends including a precautionary buffer of 10% and therefore the adjusted water savings per property is 67 litres per day, or per person it is 27 litres per day. The proposed Retrofitting Strategy concentrates on properties built prior to 2010 and therefore before water efficiency standards were introduced to new homes.

6.54 For this development at least 559 people would be required to offset the proposed development, which is equivalent of 227 properties, using the census data of 2.47 for a three-bedroom home. The water usage of 559 people equates to 72,670 litres per day (559 x 130). Based on the Cenergist scheme, the fitting installed to the 227 properties equates to water saving of 15,093 litres per day (559 persons x 27 l/p/d). The agents have also agreed that additional properties may be required by Saxon Weald to offset this development. This takes into account the 227 homes referenced in the latest WNS may not all be 3-bed homes. A mix of smaller homes may require additional dwellings to be included to offset the development. This also allows headroom for the water off-setting measures in the case of anomalies.

6.55 The Cenergist device will be installed on 227 properties controlled by the Saxon Weald housing association and will deliver savings of 15,093 litres per day (559x27). This is greater than the required 15,082.77 litres per day and therefore the proposals can demonstrate water neutrality. The 10% buffer incorporated into the Cenergist scheme allows headroom for the water neutrality proposal.

6.56 The delivery of the water neutrality credits needed to ensure this scheme is water neutral will be controlled by a s106 agreement. The precise Saxon Weald homes being mitigated will be selected from the central Saxon Weald mitigation scheme and then be approved by Horsham District Council through the s106 agreement.

6.57 Subject to conditions and obligations to be secured in a legal agreement, the project will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects. Natural England have been consulted on the Appropriate Assessment undertaken for this proposal and have raised no objection. Officers note the concerns raised be residents in their representations regarding Water Neutrality and are satisfied that sufficient information has been provided to demonstrate water neutrality for this development. Natural England have been consulted on the Officer's Appropriate Assessment and have raised no concerns subject to the above mitigation measures being appropriately secured.

6.58 Therefore, as a strategy has been provided which demonstrates water neutrality through the incorporation of on-site measures and appropriate offsetting actions, there is sufficient certainty that the proposal will not contribute further to the existing adverse effect on the Arun Valley SAC, SPA and Ramsar sites, in accordance with Policy 31 of the HDPF and NPPF paragraphs 185 and 186.

Affordable Housing and Housing Mix:

6.59 Policy 16 of the HDPF requires that residential development should provide a mix of housing sizes, types and tenures to meet the needs of the District's communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). Policy 16 requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure.

6.60 The emerging Local Plan (HDLP) includes an amended Affordable Housing Policy (Policy 39). This policy requires, amongst other things, a provision of 45% affordable housing on greenfield sites. As previously stated, given the current status of the emerging Local Plan, which has just been submitted to the Inspector, Policy 39 of the HDLP can only be given limited weight at this time. As such, at the current time officers consider the requirement for affordable housing to remain at 35% as stated in the HDPF 2015.

6.61 The application proposes 32 of the 81 units to be made available for affordable housing which (at 40%) is policy compliant, and therefore acceptable. The submission also indicates a policy compliant split of 70% affordable housing and 30% shared ownership. No details have been provided with regard to an agreement with a local Registered Provider. In the event that the application was acceptable, given it is proposed in Outline form, these details could reasonably be secured at Reserved Matters stage. In terms of market housing, the mix appears to be in line with previous scheme is larger in accordance the with Council's latest Strategic Housing Market Assessment (SHMA, 2019). In the event that the scheme is recommended for approval, the mix of market housing could be secured through reserved matters.

Layout:

6.62 The detailed layout of the site is a matter that would be reserved for subsequent approval should the application be successful at Outline stage, therefore it is not for consideration now. The indicative layout is the same previous proposed under DC/21/2237. As in the previous scheme, the proposal for up to 81 units on this site (as shown on the indicative site plan and parameter plans) including appropriate densities, orientations, amenity space, parking, landscape buffers, open space, internal linkages, and water attenuation. These features can all be satisfactorily accommodated on the site without causing unacceptable harm to the wider landscape character or local amenity.

6.63 In addition, the illustrative layout maintains a sufficient separation to the north and a set-back position form the eastern boundary, which works to preserve the individual character of the settlements of Jolesfield and Partridge Green, thereby preventing any perceived or actual settlement coalescence. Overall, for these reasons, the indicative layout of the site is considered to be acceptable for the purpose of this Outline proposal.

Heritage and Archaeology:

6.64 The Council recognises that the historic environment is an irreplaceable resource which should be conserved for its own sake for the benefit of future generations. Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting. Chapter 16 of the National Planning Policy Framework (NPPF) follows this statutory provision and seeks to positively manage changes to the historic environment to ensure sufficient flexibility whilst conserving the important and irreplaceable nature of the designated asset. Chapter 16 requires decision-makers to consider whether a development proposal would lead to 'substantial' or 'less than substantial' harm to a designated heritage asset, and if so, describes how decisions should be steered in order to preserve the asset whilst allowing some flexibility for change, where appropriate.

Heritage Assets

6.65 There are three Grade II listed buildings located within 250m of the application site ('Little Hatch located around 220m to the south; 'Eastcot' located around 250m to the north; and 'Joles Farmhouse' located around 240m to the north-east). In support of the application, a Heritage Impact Assessment has been submitted. This has been reviewed by the Council's Senior Conservation Officer, who notes that whilst these three listed buildings are located within reasonable proximity to the application site, none are readily visible from the site, and as such, is of the view that any impact on the three closest listed buildings would be neutral.

6.66 A residential dwelling known as 'Jolesfield House' (located to the direct north of the application site) is not listed as a heritage asset, but having studied the historic maps of the application site and its surrounds, it is the view of the Conservation Officer that this dwelling could be considered a non-designated heritage asset if it retains much of its early nineteenth century fabric and appearance. Paragraph 209 of the NPPF states that '*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*.'

Notwithstanding the absence of a formal designation of this building as a non-designated heritage asset, the Conservation Officer is satisfied the impact of the proposed development to the south as shown on the indicative site plan, will not result in harm to the building or its setting. This assessment takes into account the independent Heritage Assessment submitted by a resident. If the Outline application was to be considered acceptable, upon submission of a detailed site layout at Reserved Matters stage the site layout must continue to respect the setting of Jolesfield House as a small country house, in order for the Conservation Officer to maintain support the proposal.

Archaeology

6.67 As the development site lies within a sensitive area of archaeological potential, a Geophysical and Walkover Survey and Desk-Based Assessment have been submitted to support the application. The Walkover Survey identified a number a features not recorded in the Geophysical Survey, including possible field boundaries, and positive/negative earthworks. As such, the Council's consultant Archaeologist has previously recommended that if the application is approved, a condition is imposed to secure a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI).

Amenity Impact:

6.68 As in the previous refused scheme, the impact of the proposal on the amenity of adjacent properties is considered appropriate. The proposed development is located to the north of existing properties in The Rosary, opposite properties to the east of Church Road, to the south of Jolesfield House, and to the west of the Downs Link long distance walking and cycling route.

6.69 Given the application is made in Outline, and does not seek approval for the precise layout, design and scale of the development; it is not possible at this stage to make a sound judgement on the acceptability of the specific amenity impact on existing neighbouring residents or users of the Downs Link. Notwithstanding this, the submitted (albeit indicative) site plan shows that the development parcels are set back from the eastern boundary of the site (Church Road) with the retention of all existing matures trees. This will help to obscure the development when viewed from Church Road, and will help to protect the amenity and privacy of neighbours in houses opposite. The set back of the development from the southern boundary is less pronounced, and the boundary screening here (as well as along the western boundary) appears to be less dense. Despite this, the illustrative layout allows sufficient space for additional planting to be included in these locations, and it is considered that detailed design at Reserved Matters stage is the appropriate place for this to be addressed

to ensure that neighbouring amenity is protected. Therefore, the illustrative layout and parameter plans demonstrate that this quantum of development is capable of being accommodated on the site without harm to neighbouring amenity.

6.70 Due to ground levels, it is acknowledged that a foul water pumping station is proposed to be located within the site, fairly close to proposed dwellings in the northern half. It is understood that the pumping station would be set underground, with perimeter fencing surrounding it. An approximate distance of 15m has been shown between the pump station and the nearest residential dwelling, which is welcomed. Detailed layout and design at Reserved Matters stage will determine whether the proximity of the pumping station to residential dwellings is acceptable in terms of visual appearance, noise and odour. In addition, as recommended by the Council's Environmental Health Officer in the previous proposal, if the application was to be approved, an assessment of the acoustic impact arising from the operation of both the pumping station and the proposed air source heat pumps, would be secured by condition. The Locally Equipped Play Area is shown to be located over 60m from the nearest dwelling which will help to reduce noise and disturbances within the site, and is considered to be acceptable.

6.71 As with all major developments, it is acknowledged that the construction phase of the development has the potential to impact existing neighbours (and users of the Downs Link) through noise, lighting and air quality effects. It is considered that, should the application be approved, potential impacts to the amenity of neighbours that might arise during the construction phase could be controlled by suitable conditions including requiring the submission and approval of a construction mitigation plan; restrictions on site floodlighting and working times on site. The proposal is therefore considered in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Drainage and Flooding:

6.72 The application site falls within Flood Zone 1 as defined in the Environment Agency flood maps. This means the site has a *'less than 1 in 1,000 annual probability of river or sea flooding'*. However, due to naturally falling land levels and the presence of a culverted stream in the north-west corner of the site, it is recognised that this area may be prone to flooding. Consequently, a Flood Risk Assessment has been submitted in support of the application. The FRA notes that the proposed development will increase the impermeable area on site, resulting in an increase in surface water if left unmanaged. It is proposed that surface water within the development will be attenuated and discharged into the existing watercourse at a restricted rate. Attenuation is proposed to include an attenuation basin, swales and areas of permeable paving; and will be designed to store the volume of water associated with a 1 in 100 year rainfall event (plus an increase to account for climate change). The SuDS features have been located within the site to take account of the natural topography (i.e. the location of the attenuation basin in the northwest corner), and has been designed to provide for associated recreational, amenity and biodiversity benefits.

6.73 The north western corner of the site is subject to low to high levels of surface water flooding, as indicated on Environment Agency maps. Paragraphs 165 – 175 of the NPPF, supported by the PPG, sets out the government's requirements for development in areas of flood risk. The NPPF requires that development takes a sequential, risk-based approach, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid flood risk to people and property. Where development is proposed in areas of flood risk, the sequential test is required to be met, followed by the exceptions test if necessary. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source, with Paragraph 168 stating that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 169 goes on to state that where it is not possible for development to be located in areas with a lower risk of flooding, taking

into account wider sustainability development objectives, the exceptions test may have to be applied.

6.74 Paragraph 172 clarifies that '*Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again*'. The exceptions test however may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.

6.75 The application site is allocated for development in the submission Horsham District Local Plan, due for examination in late 2024/early 2025. In identifying the sites for allocation within the HDLP, a Strategic Flood Risk Assessment has been undertaken and flood risk has been considered alongside all other relevant considerations within the Site Assessments and Sustainability Appraisal. Therefore, the submission HDLP has sought to steer development to sites with the lowest risk of flooding having had regard to whether other sites at a lower risk of flooding are more preferable when also assessed against broader sustainability criteria. It is therefore agreed that no further testing of the site through the sequential test is necessary under Paragraph 172.

6.76 Nevertheless, parts of the site have been identified as being at risk from surface water flooding, therefore consideration must be had as to whether the exceptions test set out at paragraph 170 has been satisfied. In this regard the location of development on the site takes a sequential approach, locating all homes and associated access roads and paths in Flood Zone 1 and outside the areas of surface water flood risk, meaning persons and property, and safe access and egress, are protected at all times. The FRA submitted with the application confirms that the development will be safe for its lifetime and will not increase flood risk elsewhere, in accordance with Paragraphs 173 and 175, and the Lead Local Flood Authority have not raised objection accordingly. The development of this site will also bring wider sustainability benefits in terms of increased market and affordable housing, and accessible open space. The proposal therefore meets the two requirements of the exceptions test set out at paragraph 170 of the NPPF.

6.77 Overall, therefore, the proposed development of this site meets the requirements of Chapter 14 of the NPPF and the accompanying PPG in respect of site location and mitigating any impacts of flood risk within the site itself, taking the required sequential approach. Appropriate conditions are recommended to ensure that the measures to ensure the surface water drainage measures, including SuDS, are fully implemented. Subject to these conditions the proposal accords with policy 31 of the HDPF and Chapter 14 of the NPPF.

Ecology:

6.78 In support of the application a Preliminary Ecology Appraisal (PEA), Protected Species Report, Landscape and Biodiversity Management Strategy Report, and an Updated Ecological Walkover Report have been submitted. The Ecologists welcomes the indicated biodiversity net gain of 10.06% for habitat units and 10.43% linear hedgerow units (Biodiversity Net Gain Feasibility Assessment Revision 5 (Tetra Tech, March 2024). The Ecologist recommends that a Biodiversity Net Gain Plan should be submitted to ensure the proposed habitats, including the creation of 1.05ha of other neutral grassland and enhancement of retained hedgerows, are managed to benefit wildlife and deliver the promised net gain for biodiversity.

6.79 The submitted ecology information has been reviewed by the Council's consultant Ecologist, who has confirmed that enough information is available for the application to be determined and raises no objection to the application subject to conditions.

6.80 It is noted that the Nature Space have commented that further details are required in relation to the potential impact on newts. The applicant has the option of using the Council's District Licencing Scheme for newts or using the traditional method of applying for licences through

Natural England. They have not decided at this stage which route they will take. As such, they are not obliged to submit any further information at this stage to comply with the comments of Nature Space. In addition, the Council's ecologist has commented that they are satisfied that sufficient information has been submitted in relation to the potential impact on newts.

6.81 In terms of Biodiversity Net Gain, the scheme outlines that if the recommendations for additional habitat and hedgerow creation/enhancement are followed then the development will achieve a 10.06% net gain in both habitat and hedgerow units. This is supported by the Council's ecologist. It should be noted that as this scheme was submitted prior to 12 February 2024, therefore the statutory BNG requirements enshrined in the Environment Act 2021 are not applicable to this proposal.

Other Matters:

6.82 *Trees:*

The application site is bounded on all sides by existing mature trees. Several Oak trees along the eastern boundary (Church Road) are protected by Tree Preservation Orders (TPOs), some confirmed in 1987 and some in 2014. A number of mature Oak trees are also present within the centre of the site, which is likely to have been a former field boundary. Several of these are also protected under TPO. The development proposal largely respects the presence of these individual trees, and does not propose that any tree of significant amenity, historic or ecological value (including any protected trees) are to be removed. The partial removal of two groups of trees (30m stretch of G1, and 32m stretch of G5) is however proposed in order to facilitate the access to the development from Church Road (to accommodate the bell-mouth and required visibility splays).

6.83 Under the current scheme, the Arboricultural Officer has commented that the access arrangement does not comply with the minimum recommendations of the relevant design standards for new greenfield development. This would negatively impact on a category B oak tree (protected by a TPO) and the officer has recommended that the access be moved. The applicant has responded that the access arrangements have been reassessed and the extent of the incursion into the root protection zone of the oak tree is minimal (about 11.5%). This takes into account overdig and is a worst case scenario. In practice, the applicant has stated that there is no reason why the excavation within the RPA of this protected Oak could not be undertaken with exceptional precision and care, under arboricultural supervision, such that the need for this extent of over-dig can be avoided. By avoiding the need for any significant over-dig, the applicant has commented that the extent of encroachment within the RPA could, in practice, be reduced to 6% of the RPA's total area thereby minimising the possibility of any potential root severance. As such, any incursion should not be regarded as automatically resulting in harm to this specimen.

6.84 Moreover, under arboricultural supervision, it is likely that the need for over-dig can be omitted thereby minimising the root protection area incursion even further. Consequently, subject to a condition requiring the submission of further details regarding the works to be undertaken in relation to the oak tree, it is considered that the installation of the access road is capable of being installed without resulting in any significant harm to the tree. In addition, it should be noted that altering the position of the access road is problematic given its current location has been agreed with WSCC Highways as safe and the applicants believe that moving it would result in highway safety issues. Although this has not been fully explored, this is not considered necessary as it is accepted that the access is capable of being appropriately implemented in its current position.

6.85 Moreover, the access is in the same position as previously proposed and the Arboricultural Officer, at that time, raised no objections to the access. Having regard to the previous assessments of the access and the extent of the incursion into the root protection area of the oak tree, it is felt that a reason for refusal based on the impact on the oak tree cannot be

justified, subject toa condition requiring details of the construction methods for the access to ensure there is minimal impact on the protected Oak tree.

Contaminated Land:

6.86 In support of the application, a Phase 1 Desk Study and Site Reconnaissance Report has been submitted. The report identifies some potential sources of contamination associated with the site's historic use including contamination from agricultural activities, rubbish/bonfires at the southern end of the site, and potential contamination from the historic railway embankment along the western boundary. The report notes that the site is not affected by radon gas. The main contaminates of concerns include PAH and asbestos derived from the rubbish at the south of the site, and potentially pesticides and heavy metals from fertiliser. The report concludes that it is unlikely that significant or widespread contamination will be present, but that some localised areas of contamination may be possible.

6.87 The Council's Environmental Health Officer has reviewed the report and is of the view that a ground investigation, including chemical testing of soils, will need to be undertaken to confirm ground conditions on the site and fully quantify the risks from contamination to future site users. Accordingly, conditions have been recommended by the EHO, which (if the application was to be recommended for approval) Officers agree would be reasonable and necessary.

Minerals Safeguarding:

6.88 The proposal is within the Weald Clay Mineral Safeguarding Area (as defined in the WSCC Joint Minerals Local Plan (JMLP), 2018). The applicant has not provided an assessment of how the residential development of the site would impact access to this identified safeguarded resource. Despite this, given the limited extractable size of the site, it's locality on the edge of the built-up-area, and the relative abundance of the safeguarded brick clay resource throughout the county; the safeguarding of the resource in this particular instance is considered a low priority. Notwithstanding this, Policy M9 (iii) of the West Sussex Joint Minerals Local Plan requires that for non-mineral development (such as residential development), the decision-maker must determine whether the overriding need for the development outweighs the safeguarding of the mineral. In addition, the applicant must demonstrated that prior extraction is not practicable or environmentally feasible.

6.89 Given the 'low priority' that is attributed to the necessity to safeguard brick clay resources on this site, it is considered on balance that it would be unreasonable to prevent development in this location for the purpose of safeguarding an abundant resource with a low priority to safeguard. As such, it is not considered that the sterilisation of minerals can be justified as a reason for refusal in this instance.

Air Quality:

6.90 The application site is not located within or close to any of the District's defined Air Quality Management Areas (AQMAs). However, in support of the application, and as required by the Council for any development classed as 'major', an Air Quality Assessment has been submitted. The assessment notes that the development will generate additional traffic on the local road network, but concludes that that future residents of the proposed development will experience acceptable air quality, with the effects judged to be 'not significant'. As is required for all major developments, the air quality damage costs resulting from the development have been calculated, and requires a damage cost of £11,194. Appropriate mitigation will be required to offset these costs in accordance with Sussex Air Quality Partnership's *'Air quality and emissions mitigation guidance for Sussex'* (2020). The Council's Air Quality Officer has reviewed the Air Quality Assessment and has confirmed that the conclusions (including the damage cost calculation of £11,194) are agreed with.

6.91 As such, appropriate (and costed) air quality mitigation measures is required to be included within the development - the details of which would be secured by condition. Provided these

measures are implemented, it is considered that the development would accord with the requirements of Policy 24 of the HDPF.

Climate change:

6.92 Policies 35, 36 and 37 of the HDPF require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

6.93 Submitted in support of the application is an Energy and Water Statement (by Daedalus Environmental Ltd). Whilst the application is only submitted in Outline, several measures are proposed within the Energy Statement for this development, which seek to build resilience to climate change and reduce carbon emissions, including:

- Orientate dwellings to maximise solar gain;
- Energy efficient building envelopes (including thermal glazing, air tight building fabric);
- Use of energy efficient fixtures and fittings (including A+/A++ rated appliances, LED lighting);
- Installation of Air Source Heat Pumps (Mitsubishi Ecodan) to all properties for heating and hot water;
- Installation of Waste Water Heat Recovery units where feasible;
- Water saving - low/dual flush WCs, low capacity baths, taps with low/aerated flows;
- Provision of rain water butts;
- Integration of SUDS and green infrastructure to manage flood risk;
- EV charging points on at least 50% of units (and ducting on remaining for future connection);
- Cycle storage for every property;
- Implementation of Travel Plan recommendations;
- Minimising construction waste (use local suppliers where possible, re-use of materials);
- Homes to be M4(2) compliant (to facilitate future adaptation); and
- Enhancements to biodiversity.

6.94 Officers welcome the proposed measures, and if the application were to be recommended for approval, the inclusion of these measures within the final details of the scheme would be secured by condition in order to suitably reduce the impact of the development on climate change in accordance with local and national policy.

Gas Pipeline:

6.95 Mapping systems indicate that there is a High Pressure Gas Pipeline which runs adjacent the site immediately alongside the Downlink. This is the same pipeline that runs through the Highwood and Wickhurst Green developments. At this outline stage, the exact layout of the development is not known as this forms a Reserved Matter, therefore in the event of outline permission being granted, the reserved matters application would need to indicate due consideration of the pipeline with relevant easement requirements. Applications for housing in other parts of the District have included an easement of at least 3m from high pressure gas pipelines and the indicative layout in this case demonstrates that this easement can easily be accommodated within this proposal. The Health & Safety Executive have commented that they 'do not advise against' the proposal and given the siting of a major hazard pipeline adjacent the site, the Local Planning Authority should consider contacting the pipeline operator before deciding the case. As an outline application, the exact distance of the proposal from the pipeline is not known. Under a Reserved Matters application, full details would be submitted and the pipeline operator would be consulted on the details of the layout.

Legal Agreement:

6.96 Policy 39 of the HDPF requires new development to meet its infrastructure needs. For this development, obligations would be required in relation to open space provision (provision and management), a contribution towards rights of way improvements, a contribution to cover the travel monitoring fee and provision of affordable housing.

Conclusion and Planning Balance:

6.97 In accordance with planning law, the starting point for the assessment of this proposal is to consider whether or not it accords with the provisions of the adopted development plan (comprising the HDPF). The site is not allocated for housing development in the HDPF, therefore in the first instance, it must be concluded that the development of the site for housing is contrary to Policies 2, 4, and 26 of the HDPF. This carries significant weight against the proposal.

6.98 Notwithstanding this, it is acknowledged that the site has been selected for housing allocation in the HDLP. Although limited weight can be attached to this allocation at this stage, it does indicate a direction of travel for this site. The proposal is also considered to accord with the main criteria listed within the Facilitating Appropriate Development (FAD) document which also carries weight in favour of the proposal.

6.99 This report has established that (subject to conditions and a legal agreement) key matters including impact on highway safety and capacity, landscape, ecology, BNG improvements, heritage, flood risk and drainage, and sustainably/climate change are judged to be acceptable. The proposal has been designed to accord with the surrounding landscape and heritage characteristics and has taken care to ensure that neighbouring amenity is not unduly compromised. The application proposes a policy compliant number of affordable units which adds weigh in favour of the proposal.

6.100 As established within this report, the Council is unable to demonstrate a 5-year supply of deliverable housing sites when calculated against the identified need. As such, the weight attributed to the conflict with HDPF Policies 4 and 26 is diminished, and the provisions of paragraph 11d of the NPPF are relevant, which requires the decision makers to apply a presumption in favour of sustainable development (the tilted balance) in such circumstances. As the proposal has been demonstrated to be water neutral, no policies that protect areas of particular importance provide for a clear reason to refuse permission, therefore the presumption in favour of sustainable development (the 'tilted balance') fully applies in the consideration of this application. The West Grinstead Neighbourhood Plan is under five years old however it contains no housing allocations, therefore the protections afforded by Paragraph 14 of the NPPF are not relevant in this instance.

6.101 Whilst the site is not allocated for development in the adopted local plan (the HDPF), the site is allocated in the emerging HDLP which whilst of limited wright at this stage, shows a policy direction of travel. The proposal is in compliance with the contents of the FAD document. This coupled with the Council's 5-year housing land supply position and associated application of the tilted balance, leads to the conclusion that the benefits of the 81no. market and affordable dwellings, would significantly outweigh the conflict with the HDPF.

6.102 In addition, the current scheme has addressed the previous reasons for refusal under DC/21/2237. Officers are therefore recommending to Committee that the subject to the conditions listed below, and the completion of a s106 legal agreement this application for 81no. dwellings on this site should be granted planning permission.

<u>COMMUNITY INFRASTRUCTURE LEVY (CIL)</u>

6.103 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable**

development. In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

7. RECOMMENDATIONS

7.1 Subject to no objection from Southern gas Networks, to approve outline planning permission subject to the below conditions and the completion of a legal agreement to secure the following:

- Provision of 40% affordable housing.
- Improvements to the public right of way no.1840 (contribution of £8,000 towards the works or works to be undertaken by the applicant).
- Contribution for WSCC for a monitoring fee for the travel plan (£3,500).
- Provision and future maintenance / management of the LEAP and open space.

Conditions:

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**: Prior to commencement of development, in accordance with the submitted FRA (RSK Flood Risk Assessment (FRA), dated 06 November 2023, Ref. 680744-R1(5)) and Drawing No. 133767-01 P5 (Indicative Surface Water Drainage Strategy),

detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. If infiltration is proven to be unfavourable then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. These post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% annual probability. The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
- 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.
- 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. 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.

VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

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-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), 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).

10 **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).

11 **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 2401036-02B 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).

12 **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.

13 **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).

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

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

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:** 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).

20 **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).

21 **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).

22 **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).

23 **Regulatory Condition:** Prior to or in conjunction with the submission of each 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/Drainage Strategy dated 06 November 2023. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters. This shall include the following information:
- Demonstrates that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration,
- Demonstrates that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy within Horsham Local Development Framework.

24 **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).

Background Papers: DC/14/0820, DC/16/2064, DC/20/1697 & DC/21/2237