PLANNING COMMITTEE REPORT

TO:	Planning Committee South
BY:	Head of Development and Building Control
DATE:	17th December 2024
DEVELOPMENT:	Outline Application for redevelopment of the site to provide up to 117 dwellings, ancillary parking, new landscaping and open space, an ecological and woodland park together with associated works and landscaping with all matters reserved except access.
SITE:	Hilland House, New Road, Billingshurst, West Sussex, RH14 9AA
WARD:	Billingshurst
APPLICATION:	DC/24/0887
APPLICANT:	**Name:** Northgate Properties Ltd G Beck **Address:** C/O 30 Carlton Crescent Southampton SO15 2EW

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.

By request of Councillors Baynham and Trollope

The application represents a departure from the Development Plan

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

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1. Outline planning permission is sought for the erection of up to 117 dwellings with all matters reserved except for access. Access would be taken off New Road in the north-eastern corner of the site, by way of a new bell-mouth junction into the site. The existing dwelling, Hilland House, along with its dedicated access off New Road in the north-western corner of the site, would be retained, with a reduced residential curtilage.

1.2. This application is largely identical to the corresponding application for 125 dwellings on this site submitted under application reference DC/24/0749. The only alteration is the inclusion of a larger 35m deep landscape buffer to the southern boundary of the site which has resulted in the loss of 8 dwellings, with the parameter plans adjusted accordingly. This report, therefore, is largely the same as for the corresponding application for 125 dwellings, and is amended only insofar as the increased landscape buffer and reduction in the number of dwellings materially impacts on the balance of considerations.

1.3. A Land Use Parameters Plan indicates that 4 residential parcels would be created within the site, linked by a curving spine road, which also links public open space, a community garden and an orchard, retaining areas of woodland within the site and peripheral areas of open space.

1.4. An Illustrative Masterplan indicatively shows a potential layout of the site with residential cul-de-sacs and parking courts leading off the spine road, and a 35m wide landscape buffer along the southern side of the site (Nb this buffer does not appear on the other application for 125 homes on this same site (DC/24/0749). The presence of this buffer is the only difference between the two applications). A submitted Height Parameters Plan focuses the 2-storey buildings in the north parcels of the site, and central within the southern parcel (subject to a maximum ridge height of 8.5m, but with 5% of dwellings up to 9.1m ridge height). The southern parcel would include two southern blocks of 1 and 1.5 storey dwellings (up to 6.3m ridge height) where no more than 25% would be two-storeys (up to 8.5m ridge height), and a western band which would be primarily 2-storey buildings (up to 8.5m ridge height) with up to 20% being 1 and 1.5 storey dwellings (up to 6.3m ridge height).

1.5. Indicative street-scenes show traditionally proportioned houses following the site's topography with a palette of materials and roof-forms. The plans indicate a mix of brick faced detached, semi-detached and terraced housing of varying design, including some attached and detached garaging.

1.6. The application has been screened out from requiring an Environmental Impact Assessment.

Access

1.7. As set out above, the main site access would be taken off New Road in the north-eastern corner of the site, by way of a new bell-mouth junction into the site. In addition to this access, there would be three pedestrian routes out of the site.

1.8. The first route is a new 1.5m footway to be installed along the south side of New Road, extending west from the site for a distance of around 330m to connect to the 4-arm roundabout at Stane Street, which provides footway and cycle routes onwards to the commercial units within the Billingshurst Trade Park, bus stops on the A29, and Billingshurst village centre. The creation of the new 1.5m wide footpath would necessitate extending the carriageway into the grass verge on the north side of New Road and the trimming of the existing hedgerow on the southern side, which is located along the northern side of the adjacent Billingshurst Trade Park development.

1.9. The second route is a pedestrian and cycle access route extending south out of the site, formed from the upgrading of the existing PROW_1942 which runs along the western side of the site and out across an open field to the south for a distance of 75m, connecting with an existing crossing on Hilland Road and on towards the village centre. This PROW would be provided with an increased width of 3m to enable cycle use, which is to be secured by way of S106 contributions.

1.10. The third route is a permissive path from the south-eastern corner of the site is to link up with PRoW_1941 (through Duckmoor Copse), which is stated to be under the applicant's control, but beyond the site's boundary. This would be upgraded to a 3m width, and would facilitate

a potential cycle link along Wooddale Lane and then through the approved development (Duckmoor – DC/20/2607), which then provides connecting roadways along Dadswell Drive and Hilland Road. Provision of this would be secured through the s106 agreement.

Affordable Housing:

1.11. The proposal would provide 43% affordable housing, with the following proposed indicative affordable and market housing mix (based on the submitted indicative layout):

Open Market (67 units):
3 x 1 bed
20 x 2 bed
27 x 3 bed
17 x 4 bed

Affordable housing (49 units):
12 x 1 bed
20 x 2 bed
13 x 3 bed
5 x 4 bed

Landscape and Open Space

1.12. The indicative layout and a Green and Blue Infrastructure Plan shows the retention of a number of trees and tree belts within the site, but acknowledges the necessary felling of a large number of Ash trees within a central tree block, owing to Ash die-back disease. This area would be transformed into an 'accessible woodland' with SUDS ponds and wetland areas, rich grasslands, tree planting and a community orchard. An eastern area of the retained woodland would not include any public access to create a protected ecological area.

1.13. The central open space would continue along the southern side of the host dwelling 'Hilland House' up to the site's western boundary and an access point onto PRoW_1942. This area would include a community growing / garden area, a children's 'natural' play area, amenity green space and accessible woodland.

1.14. The southern residential parcel would include peripheral belts of hedgerow corridors, semi-natural accessible green space and rich grassland and tree planting and a SUDS pond / wetland area (adjacent to a new pumping station).

1.15. The northern parcels would be screened from New Road by a hedgerow corridor, with pockets of semi-natural accessible green space and a SUDS pond / wetland area.

1.16. The indicative layout provides for a Natural / Local Landscaped Area of Play (LLAP) play space (800sq.m) in the centre of the site.

Water Neutrality:

1.17. The Water Neutrality solution for the site proposes on-site boreholes to provide groundwater abstraction and associated filtration and treatment to ensure a potable quality is achieved on site.

DESCRIPTION OF THE SITE

1.18. The application site comprises some 10.41ha of land north of the village of Billingshurst. The site is currently divided into 4 distinct areas: a single substantial residential dwelling, its outbuildings, tennis court and residential gardens, a north and south field parcel separated by an east-west vegetated drainage ditch, and a woodland block. The northern boundary of the site stretches west along the southern side of New Road, which is a C-class rural road

with no pavements or streetlighting. The existing property, Hilland House, is reached by way of a gated domestic driveway off New Road at the north-western corner of the site.

1.19. A PRoW (footpath_1942) travels parallel to the site's western boundary, partially entering the south-western part of the site and running alongside the boundary before striking off across an open field to the south. The footpath is gated at the north and southern sides of the field which is still used for the grazing of sheep and cattle. Close to the site's south-western corner is a telecoms mast complex in the adjacent field.

1.20. The site lies within an archaeological notification area (ANA), reference DWS8539. Furthermore, the majority of the site is subject to a 'Green' designation for potential Great Crested Newt habitat, meaning there is a low risk of Great Crested Newt habitat present, although the south-western corner has been designated as an 'Amber' area, meaning there is suitable habitat. Although there are a number of trees within the site and the woodland block, none of these are currently designated as ancient woodland, veteran trees, or are subject to Tree Preservation Orders.

1.21. The site is identified by the Environment Agency mapping as being located within Flood Zone 1 (low probability of flooding from rivers and sea), but officers note that the surface water mapping data shows two separate surface water flow paths through the site and an area of ponding in the north-eastern corner where the land levels dip.

1.22. The site slopes from the west side down by some 13m to the eastern boundary, with a lesser slope of some 11m west-east in the southern field parcel, as revealed by the submitted topographical survey. North-south, there is an overall drop of around 5m from the boundary with New Road to the southern fence-line. Beyond the southern and south-eastern field boundaries, the landscape continues to slope downward. This slope visually sets the application site in a prominent landscape position when viewed from the south (A272 / Hilland Road), as the road lies significantly below the application site.

1.23. The site's topography results in the southern field parcel being highly prominent from the south side and the PRoW_1942, but the landscape features present, including the woodland block and east-west vegetated drainage ditch, lead to the northern parcel and the residential dwelling being well-screened from the southern side and the available viewpoints. The northern field parcel is currently reasonably well-screened from New Road by the growth of the hedgerow along the boundary. However, a reduced height of this boundary would render the northern field parcel visible from New Road, along with glimpses of the residential dwelling which occupies the high point of the site.

1.24. The built-up area boundary of Billingshurst has been formally revised by way of the 'Made' Billingshurst Neighbourhood Plan to include the residential development to the east of the village, approved in 2013 and now largely complete, and the Billingshurst Trade Park, approved in 2019 and partially constructed and occupied. The BUAB as drawn, now skirts along the northern side of the A272 / Hilland Road, and excludes the application side as well as a triangular field to the south-west of the site and the fields which lie to the south-east of the site. At this southern point therefore, the BUAB lies some 70m at the closest point to the application site, whilst to the north-western portion of the boundary, the BUAB is separated from the application site by the narrow corridor of the PRoW_1942.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 17 - Exceptions Housing Schemes
Policy 18 - Retirement Housing and Specialist Care
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 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

Billingshurst Neighbourhood Plan (June 2021)
Policy BILL 1 – Billingshurst Built up Area Boundary
Policy BILL 2 – Housing Design and Character
Policy BILL 3 – Energy Efficiency and Design
Policy BILL 4 – Provision of leisure and recreation facilities
Policy BILL 12 – Protection and Enhancement of Key Movement Routes
Policy BILL 14 – Residential Parking Provision
Policy BILL 16 – Multi-use Sustainable Drainage Systems

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

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

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 29: New Employment
Policy 37: Housing Provision
Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

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

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:
Billingshurst Parish Design Statement

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/24/0749	Outline Application for redevelopment of the site to provide up to 125 private and affordable dwellings and parking together with an access from New Road, new landscaping and open space, an ecological and woodland park together with associated works, with all matters reserved except access.	Pending Consideration
DC/06/2939	Erection of new detached garage building with office accommodation above	Application Permitted on 24.01.2007

DC/06/2941	Conversion of and first floor extension to existing attached garage to provide a new annex (amendment to DC/06/1154)	Application Permitted on 09.03.2007
DC/06/1155	Erection of new detached garage building with office accommodation above	Application Refused on 17.07.2006
DC/06/1154	Conversion of, and first floor extension to, existing garage building to provide new annexe and porch and tile hanging	Application Permitted on 28.09.2006
BL/3/94	Removal of agricultural occupancy condition from bl/113/62	Application Permitted on 10.06.1994
BL/82/93	Removal of agricultural occupancy condition from bl/113/62	Withdrawn Application on 24.09.1993
BL/18/63	New farmhouse & access	Application Permitted on 30.08.1963
BL/113/62	Proposed new farmhouse and access	Application Permitted on 11.01.1963

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 Landscape Architect**: Objection
[Summary – second comments 27.09.2024] Additional information and a revised LVIA to include are earth ZTV study have been received to address earlier comments. Major concerns that the proposal would result in substantial adverse landscape harm at a local level and would have a detrimental effect on the amenity of users of the PRoW network. The development sits outside of the Built Up Area of Billingshurst and does not relate well to the settlement edge. The A272 and pylon corridor provides containment of the residential areas to the south of the site. This development would further erode the rural character of the northern edge of Billingshurst.

[Summary – Initial comments 29.07.2024] Information submitted is not sufficient to fully assess the site, with the LVIA report structure unclear and visualisations not following the industry recommendations, and the landscape character area incorrectly identified. A separate judgement for landscape effects on site and wider landscape setting as receptors is requested, and no long-distance views have been provided.

Although no comments can be offered until the recommendations have been addressed, there are major concerns that the proposed development would result in substantial adverse landscape harm at a local level and would also have a detrimental effect of the amenity of users of the PRoW network. The development sits outside of the Built Up Area of Billingshurst and does not relate well to the settlement edge. The A272 and pylon corridor provides containment of the residential areas to the south of the site. This development would further erode the rural character of the northern edge of Billingshurst, and, from a landscape perspective, would not be supported.

3.3 **HDC Arboricultural Officer**: Comment
[Summary – third comments 24.10.2024] Although a gap of 1m would be preferable to the stems of the hedgerow, the species forming the hedge are generally fairly robust hedging trees, which should be able to withstand the level of development proposed within their RPA. In this instance, the 0.5m clearance would be acceptable if the wider scheme is considered acceptable in planning terms. Condition advised.

[Summary – second comments 09.10.2024] The forwarded AIA (12/08/24) appears a fair reflection of the species, size and position and clarifies the extent of engineering works adjacent to the highway. The principal arboricultural impacts relate to the works associated with the highway and footpath with only the Oak on the corner of the existing access to Hilland House being affected by the associated engineering requirements.

[Summary – initial comments 18.06.2024] The proposal will involve highway upgrading works to form the footway in close proximity of the young roadside hedgerow Oaks etc, contrary to the advice in BS5837:2012, leading to short-term negative impact on the landscape character subject to mitigation planting that might be procured. In the event smaller hedgerow plants survive, there would be a change to the rooting environment and the hedge would need to be maintained in a very clipped formal form to retain footway clearance. Additional details would need to be provided

3.4 **HDC Environmental Health (Air Quality)**: Comment
[Summary – second comments 20.09.2024] Revised details noted, with revised damage costs. There are still concerns that the mitigation measures include the new footpath, which is also required to show sustainable access to the site – there should be no duplication of measures that would normally be required through other regimes. Condition advised.

[Summary – initial comments 31.07.2024] Further / corrected details and modelling required to arrive at correct assertions and damage cost calculations

3.5 **HDC Environmental Health (Water Neutrality / Borehole)**: No Objection
[Summary – Fourth comments 28.11.2024] Following a specialist review of the submitted borehole testing and sampling that has taken place, and the proposed use of reverse osmosis treatment (RO), it is considered that the use of RO is a suitable technology for this site. The report does highlight the issue that the system could suffer from silica fouling in the future (SiO2).

From reviewing the submitted documents, it is considered that with appropriate management and maintenance of the treatment system the elevated levels of the above parameters should be capable of being mitigated through conditions.

[Summary – third comments 03.09.2024] Additional information has been received to address earlier concerns. Now reasonably confident that the groundwater data provided can be relied upon and is representative of the underlying groundwater quality.

Given amount of water to be abstracted daily (over 10m3 per day), the supply would be classed as a Regulation 9 supply which requires testing for a large parameters as set out in Schedule 1 'Prescribed concentrations or values' of The Private Water Supplies (England) Regulations 2016. At the current time, sulphates and chloride have not been tested for, with other elevated levels requiring complex filtration and treatment, such as reverse osmosis.

Given the nature of treatment required and the scale of the development, confidence is required prior to determination that the proposed systems are able to remove all parameters, and that furthermore, the complexities of RO treatment will require specialist technical review.

[Summary – second comments 03.09.2024] Further details of proposed rainwater harvesting system received, as this will create 125 new private water supplies (water re-use in WCs and washing machines), to provide certainty over water quality.
Further details provided in relation to water quality at the borehole, but detail is still requested to ensure accordance with British Standards and technical guidance.

[Summary – initial comments 02.07.2024] The use of a rainwater harvesting system can be highly contaminated so the LPA will require sufficient confidence that the system can be

maintained and managed for the lifetime of the development, which has not fully been provided at this stage.
Use of a Borehole to provide the development with potable water will require additional details to enable assessment of testing, treatment and sampling.

3.6 **HDC Environmental Health (Noise and Contamination)**: No Objection
[Summary – third comments 03.09.2024 on contamination] Revised details acceptable. Conditions advised

[Summary – second comments 31.07.2024 on noise] In addition to the proposed plant room assessment, details are also required to address potential noise levels arising by way of the proximity with the light industrial estate (Billingshurst Trade Park).

[Summary – initial comments 02.07.2024] Further details on the proposed plant room will be required in relation to impact on residential amenities (noise).
Revisions requested to the preliminary conceptual model to include the potentially infilled ponds at the site (contamination).
A CEMP would be advised for the duration of the construction phase to minimise potential impacts arising from dust, noise and construction traffic movements (condition advised).

3.5 **HDC Housing**: No Objection
Advisable for the applicant to reach an agreement with a provider as soon as possible to clarify tenure split and secure funding for the affordable homes, and ensure the layout and specifications of the affordable units meet with the provider's requirements.

3.6 **HDC Waste and Recycling Services:** No Objection

3.7 **Ecology (BNG)**: Comment
[Summary – third comments 24.09.2024] The ecologist's response to the second consultation has been reviewed, and all comments have been addressed. Condition / legal agreement to be secured.

[Summary – second comments 05.09.2024] Many of the concerns raised in the initial consultation have been addressed by the Ecologist. Outstanding concerns remain with regards to woodland loss and SUDS installation, and further information is requested relating to proposed ditch enhancement and tree planting on-site.

[Summary – initial comments 11.07.2024] The applicant proposes a 27.50% net gain in area habitats, and a 95.26% net gain in hedgerows, as part of the development design. As all the proposed BNG is to be delivered on-site, the Applicant has followed and adhered to the Biodiversity Gain Hierarchy. The BNG proposed is considered as 'significant' on-site BNG, and if permission is granted, it will need to be managed and monitored for a minimum of 30 years and secured via legal agreement. However, there are many inconsistencies and areas missing within the metric which need addressing. The rationale behind installation of SUDS within areas of woodland removal are also questioned. Further details and additional information is therefore requested.

3.8 **Ecology Consultant**: No Objection
[Summary – Fifth comments 08.11.2024] As there is a potential for habitat fragmentation from light spill of potentially functionally linked land for Barbastelle bats, this has been screened in and will need to be considered at Stage 2 Appropriate Assessment of the LPA's project level Habitats Regulations Assessment (HRA).

As Barbastelle bats use the onsite habitat, we support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for the application site (Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Final Report (Philips Ecology, July

2024)) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full.

[Summary – fourth comments 29.10.2024] Revised documents have been reviewed but still insufficient information available for determination and in particular whether the provision of a new footway along New Road will require lighting.

The provision of lighting of the proposed footway could not be supported as it would spill onto the roadside hedgerow. It is understood that the hedgerow is to be maintained at 3m height and is therefore likely to be used by Barbastelle bats as a foraging and commuting route. Changes in land management is listed as a key vulnerability for Barbastelle bats in the Site Improvement Plan for The Mens' SAC. As there is predicted habitat fragmentation and therefore loss of functionally linked land for Barbastelle bats as part of the proposal from new external lighting and potential loss of hedgerow habitat, it is considered that the development proposed would have a likely significant effect on The Men's SAC. The necessary cabling to install the lighting of the footway would likely result in damage to the hedgerow. In addition, it does not appear that there is sufficient space to construct a 1.5m footway without destroying this hedgerow, which has been evidenced to be used by Barbastelle bats. Without deliverable mitigation, the development if consented, is predicted to result in adverse effects on the integrity of The Men's SAC.

Following the Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Final Report (Philips Ecology, July 2024), no further surveys for bats would be required for buildings or trees, or breeding birds such as Skylark would be required.

Conditions advised in respect of reptiles and to secure reasonable Biodiversity Enhancement measures.

[Summary – third comments 26.09.2024] Revised documents have been reviewed but still insufficient information available for determination, in relation to the presence of Hazel Dormouse.

The LPA will need to prepare a project level HRA to assess the likely effects from this development on the bats of the Sussex bat SACs.

The results of Breeding Bird surveys indicate a moderate diversity of bird species breeding on site, utilising woodland, scrub and hedgerow. No species which require grassland, such as Skylark (which is a Priority species) were recorded, so no further surveys are required.
The Precautionary Method Statement for reptiles in Section 19.8 of the Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Final Report (Philips Ecology, July 2024) as reptiles are present within the site. This should be secured by a condition of any consent

[Summary – second comments 08.07.2024] Provision of a pedestrian / cycle route alongside New Road would not be possible as the mature hedgerow along the southern side of New Road forms a Barbastelle bat flight path / foraging route.

[Summary – initial comments 01.07.2024] Additional information required. Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Interim Report (Philips Ecology, April 2024) states in Section 18.3 that further surveys for bat are on-going and were to be concluded in May 2024.

The Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Interim Report (Philips Ecology, April 2024) recommends that four further breeding bird surveys are required which were scheduled for April and May 2024.

Presence of Hazel Dormouse on site, requiring a European Protected Species Mitigation Licence with appropriate generic mitigation measures to support the provision of the licence which must be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

Location of the site approximately 5.5m northeast of The Mens Special Area of Conservation (SAC) and is therefore within the 6.5km Key Conservation Area (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol), and approximately 10.8km east of Ebernoe Common SAC and therefore lies within the Wider Conservation Area for this SAC. The LPA will need to prepare a project level HRA to assess the likely effects from this development on the bats of the Sussex bat SACs.

Reasonable proposed biodiversity enhancements are supported and secured by condition.

OUTSIDE AGENCIES

3.9 **WSCC Highways**: Advice

[Summary – third comments 28.10.2024 in relation to the provision of the New Road footpath] Additional information has been received and reviewed. The proposed 4.8m wide carriageway and 1.5m wide footway are acceptable and accord with the guidance contained within Inclusive Mobility and Manual for Streets.

In some locations the footway provision would extent to the edge of the highway boundary potentially creating a buildability issue due to the edging required and potentially to culvert an existing ditch on land not currently within the applicant's control or on highway land.

Trimming of southern hedge to the back of highway / footway – sideways growth would reduce usable width of footway (already at the minimum acceptable) and create a significant maintenance requirement. Details required to show that the proposed works can be delivered within the highway boundary.

[Summary – second comments 28.08.2024] Additional information has been received and reviewed. Revised and additional modelling at the Five Oaks Roundabout.

- Based upon experience and previous inspectors decision the impacts of the development would not result in a severe impact on the local highway network.
- The development does propose sustainable transport improvements to link the site to existing facilities by foot/cycle and would provide CIL funding that could be directed towards further sustainable transport measures.
- An amended travel plan has been provided and incorporates the target of a 15% reduction in the 12-hour weekday vehicle trip rate and includes the provision of a second round of £150 travel plan vouchers as a remedial measure should the travel plan not meet its targets. Conditions advised

[Summary – initial comments 08.07.2024] Noted that pre-application discussions were held with the LHA between Dec 2023 and April 2024, with a site visit on 29th Nov 2023.

- At present New Road does not include pedestrian facilities – proposal includes provision of 1.5m wide footpath on southern side to link up to New Road / Stane Street roundabout and onward connections. Road Safety Audit recommends that new footpath be lit, potential loss of hedgerow.
- A direct link into the Trade Park would be preferred option, but this is not possible given land ownership / planning consents.
- No dedicated cycling facilities are proposed along New Road with existing and future flows indicating that on road cycling would be acceptable. As New Road approaches the A29/Stane Street roundabout, cycle slip and shared use facilities are provided to allow cyclists to continue off carriageway into the business park and join wider facilities.

- The nearest bus stops are located south of the A29 Stane Street/New Road junction and provide access to hourly services to Horsham, Billingshurst and Pulborough and the Weald School. The proposed footway along New Road would support access to the services.
- The site is anticipated to generate 62 AM peak vehicle trips and 62 PM peak vehicle trips and a total of 565 daily trips.
- Third party correspondence concern is raised over the agreed trip generation of the site and TRICS parameters - no concerns over those used by the applicant, but a scenario has been undertaken based on those included in comments.
    - Neighbourhood Centre (No freestanding sites appropriate) and Vehicle car ownership 1.6+
- The resultant vehicle trip generation is for the 5 applicable sites are 0.514 for the AM peak and 0.413 for the PM peak (compared to 0.498 and 0.494 from the applicants assessment) based on the size of the development this would result in an additional vehicle generation in the AM peak of 2 vehicles and a reduction in the PM peak, due to the minimal addition in the AM peak no concerns are raised over the use of the proposed trip rates.
- Swept paths have been provided for fire tenders and refuse vehicles which are acceptable.
- Further information needed regarding modelling of Five Oaks Roundabout and to the travel plan

3.10 **WSCC Rights of Way**: No Objection
[Summary – second comments 12.08.2024] More information has been received to address previous concerns. Cyclists to be given formal permissive rights under a 10 year agreement along the PRoW_1942 within the site which is to be re-surfaced to WSCC specification and continuation provided within site towards New Road. Southward path will involve new bridleway specification which the developer will endeavour to seek landowner permission for, or, if unsuccessful after 6 months to pay WSCC a sum of money to undertake the upgrading works.

[Summary – initial comments 01.07.2024] Proposal to resurface PRoW_1942 is welcomed, which should be carried out under a s278 agreement, as is conferring cycle rights, but there should be a cycle connection / upgrade to the northern section of PRoW_1942. More details required on which type of permissive path is being proposed.

3.11 **Archaeology Consultant**: Comment
[summary] The site is within an Archaeological Notification Area -DWS8539- covering a multi-Period site to the East of Billingshurst. The assessment work carried out so far does not suggest that remains of National significance are likely to be present on the site and so preservation in situ is unlikely to be the preferred mitigation should archaeological remains be discovered. Conditions advised.

3.12 **Environment Agency:** No Objection
[summary]
- Submitted information is sufficient to remove the second part of our objection (as per our letter dated 10 July 2024, our ref: HA/2024/126036/01)
- Please note that whilst sufficient data has been provided to support an application for an abstraction licence from us, the application has yet to be reviewed by a permitting officer in our National Permitting Service. A licence is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit.
- Conditions advised

3.13 **NatureSpace**: Advice

[summary] It is considered that the proposed development is unlikely to have an impact on great crested newts and/or their habitats. However, due to the size and scale of the development, an informative is advised.

3.14 **WSCC Minerals & Waste Planning**: No Objection

3.15 **Southern Water**: Comment
Southern Water can facilitate foul sewerage disposal to service the proposed development, and will require an application to be made to Southern Water to connect to the public sewer. A planning condition is advised in the event of permission being granted: details of foul and surface water disposal means.

3.16 **WSCC Local Lead Flood Authority**: No Objections - conditions advised
[Summary – second comments 09.10.2024] The applicant has addressed our previous concerns connectivity of the ditch to the wider drainage network, lack of calculations and other issues. The application is now in accordance with the NPPF, PPG Flood risk and coastal change and Policy 38 in Horsham District Planning Framework. Conditions advised.

[Summary – initial comments 01.07.2024] Lack of an acceptable Flood Risk Assessment and Drainage Strategy

3.17 **WSCC Education**: No comments to make

3.18 **WSCC Fire and Rescue**: Comment
- Evidence required to demonstrate that fire service vehicle access meets with the requirements in Approved Document B, Volume 1 2019 Edition: B5 Section 13
- Additional Fire hydrants required – to ensure all dwellings are within 150m of a fire hydrant for the supply of water for firefighting

3.19 **Natural England (Water Neutrality)**: No Objection subject to appropriate mitigation being secured.

3.20 **Natural England (Bats)**: No Objection.

PUBLIC CONSULTATIONS

3.21 **Billinshurst Parish Council**: Object
- **Water Neutrality.** Based on the evidence used in the application documents, Parish Councillors are not convinced that water consumption has been accurately assessed. Other objectors are more knowledgeable on this matter and so the Parish Council urges the Planning Officer to examine those representations in detail;
- **Highway Issues.** New Road is practically a single lane road and cannot, therefore, cope with the volume of traffic which this proposal represents. The roundabout at the Trade Park is already congested at times making it very difficult for vehicles to exit New Road onto Stane Street. There is some question over the application of the TRICS data when it comes to trip rates which appear to be low;
- **Environmental Concerns.** The proposed 1.5m wide footpath from the site to the footway on Stane Street requires the loss of a significant length of hedgerow. This hedge is very well established and acts as an essential screen to the Trade Park. The recommendations of the Road Safety Audit include lighting the proposed footway for its entire length. This will lead to light pollution in this countryside location and will be detrimental to wildlife;
- **Location.** The proposed site is situated outside the BUAB and is not an extension to existing residential area. This will, in effect, create an isolated new neighbourhood at some remove from the facilities and amenities available within Billingshurst and will, inevitably, lead to an increased reliance on private motor vehicles.

3.22 A total of 17 representations have been received from 8 nearby / neighbouring properties, as well as an objection lodged by the CPRE.

3.23 Of these, there is one (1) letter expressing support for the proposal:

- The right place for development as it is inside the development boundary and next to the new business park.

3.24 The remainder (7 address points) express the following objections:

Traffic / Parking / Access:

- Incorrect application of TRICS rate data with the application site being neither 'edge of town' or 'suburban area' – should be 'free standing or neighbourhood centre location'
- Lower car ownership rates applied – Billingshurst has an average of 1.53 cars per household / in line with wider Horsham district average
- Removal of extensive length of hedgerow to form new footpath to connect with A29 – current lack of viable PRoW and footpaths to connect to Billingshurst (uncontrolled pedestrian crossing of A272 south of the site with poor visibility) – reliance on 'permissive paths' which carry no legal public access rights and are accessible only with the landholder's permission so no weight can be given to the long-term use
- Proposed crossing on A272 where speed limit will make the crossing extremely dangerous
- New roundabout on A29 already overcrowded at peak times – proposed traffic increase will exacerbate this
- Lack of visitor parking within the proposal
- No longer safe to ride horse out on roads / undulating narrow country road often used by the many equestrians and country walkers
- Dangerous for walkers and cyclists
- Footpath to Costa is of limited value – new residents will be wholly reliant on car use – adding 200+ additional cars and delivery vans to New Road and new roundabout at A29
- Roads not wide enough to cope with construction traffic

Wildlife / Ecology:

- No ecological reference to 2 different types of orchid found within 800m of the site, or grass Vetchling – rare wildflowers
- No reference to the number of mature native trees felled by the applicant prior to the application being submitted
- Site provides a buffer zone for bats displaced by the new industrial park, development will remove this buffer and lead to a negative impact on bat populations
- Designated park within the site appears a good idea, but using this park for dog walkers would force existing wildlife out of the site
- Increased risk to deer population by way of traffic
- Breeding buzzards and owls (both Barn owl and Tawney Owl) – reduction of hunting grounds
- The site was never within the local plan to be designated for housing – site has a vital woodland ecosystem and a role as a buffer between endangered species and industrial park
- Provision of the new pavement would require the removal of a mature hedgerow – which is an important screen to the retail park and petrol station
- Sewage – sewage generated by development might result in additional spillage from the WWTW into Par Brook and then to the River Arun with consequent risk to the Arun Valley SAC/SPA and Ramsar and SSSI.

Character:

- Adverse skyglow form adjacent industrial park

- Change the very nature of New Road from a small rural road with dwellings, stables and farms, to a housing estate
- Houses along New Road already suffer with noise, litter and pollution – proposed development would add to this

Water Neutrality:

- Water consumption is underestimated (reference to the Duckmoor Appeal)
- Poor performance of the boreholes and no records within 5km to confirm the suitability of aquifers to provide the water quality and yield
- Provision of street-lighting to pavement and proposed development would lead to light pollution in the countryside
- Based on flawed and / or inaccurate assessments and grossly undermines the likely water consumption – disastrous impact on environment and future water supply in the area
- Uncertainty of whether two boreholes sunk into Weald Clay formation would provide enough water to supply the development without reliance on mains water supply. Three of the four wells identified in the report were recorded as disused but no reasons given for abandonment.

Other / Policy:

- Local Plan policies – Site is outside of the built up area boundary and not allocated in HDPF or Neighbourhood Plan, and so would conflict with strategic policies, landscape protection policies (appeal decisions cited: DC/20/0427 / Land north of Sandy Lane, DC/20/2216 / Longlands West Chiltington Road, and Gladman 2021)
- Misleading public engagement – appearing to show a map with other developments surrounding the site
- Other more suitable sites in / around Billingshurst for development
- No planned additional resources / infrastructure – Drs already at capacity
- Why would development be allowed on existing green belt and outside of the proposed local plan – allocated East development should go ahead before this green belt development

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 117 dwellings. The proposal includes the detailed access to the site for vehicles, cycles and pedestrians. Matters relating to scale, appearance, layout and landscaping are reserved for subsequent reserved matters applications. Therefore, all details in relation to the site's layout, open spaces, dwelling types and sizes, are shown for indicative purposes only to establish the ability of the site to accommodate the proposed development.

6.2. 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)
- 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 & legal agreement)
- Conclusion & Planning Balance

Principle of Development:

Current Development Plan Policy:

6.3. As it stands, the development plan relevant to the proposed development comprises the Horsham District Planning Framework (HDPF, 2015) and the Billingshurst Neighbourhood Plan (BNP, 2021). The West Sussex Joint Minerals Local Plan (2018) is also relevant to this proposal. In accordance with planning law, these documents are the starting point for the assessment of the development proposals.

6.4. The site is located outside of a defined built-up area boundary (BUAB) and does not form part of Horsham's adopted development plan (comprising the Horsham District Planning Framework 2015 (HDPF) and the 'Made' Billingshurst Neighbourhood Plan), nor is it identified within the adopted Site Allocations DPD. As a result, development here would conflict with the requirements of Policy 2 'Strategic Development' and Policy 4 'Settlement Expansion', of the HDPF. 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. The proposal is also in conflict with policy BILL1(B) of the Billingshurst Neighbourhood Plan, which supports development outside of the BUAB only where this would accord with the development plan policies on appropriate uses in the countryside, would relate to necessary utilities, represent appropriate tourism facilities which meets the requirements of BILL11, or is on an allocated site as set out in the HDPF or its successor.

6.5. As such, in strict local planning policy terms, the principle of development is not considered to be acceptable, on account of the site being unallocated and outside of the defined BUAB of Billingshurst. This conflict with the adopted local development plan carries significant weight against the proposal.

Emerging Local Plan Policy:

6.6. The HDPF is over 5 years old therefore a review of this existing Local Plan is underway, with the Reg 19 Horsham District Local Plan (HDLP) now having been formally submitted for examination (July 2024). The HDLP sets out the emerging development strategy for the

district to deliver housing and wider development needs in the period 2023 to 2040, with an annualised target of 777 dwellings across the plan period. The delivery of these homes is to be via the identified larger and smaller strategic housing allocation sites (including the 650 homes on the land east of Billingshurst site as per emerging policy HA4), the intensification of existing sites, as well as the delivery from windfall units within defined settlement boundaries.

6.7. The application site at Hilland House is not included in the HDLP as a site allocation, although it was actively promoted during the plan preparation period on behalf of the land-owners (site SA895). The reasons for not including this site in the HDLP are stated as follows, in a document entitled 'Sites not identified for potential allocation for housing development', part of the background HDLP evidence base:

*"**Landscape**: The site does not lie within or near a protected landscape. The site in general slopes down from New Road and is on higher ground than much of Billingshurst Village. The Landscape Capacity Study (2021) assesses the area to have low to moderate capacity for housing / employment (Landscape Character Area 50). The site lies to the east and north east of a new employment and residential urban extension of Billingshurst. It is separated from this development by a rural public right of way and the design and layout of the urban extension aims to secure a clear landscape buffer on its eastern edge to provide a clear boundary with the wider countryside beyond the settlement. The western boundary of the proposed site in particular forms part of this landscape buffer. The site is predominantly rural in character. Development in this location would therefore have an adverse impact on the wider landscape and would give rise to further eastward urbanisation of the settlement and the sense of urban sprawl.*

***Education**: The site will not deliver a school, but it lies adjacent the urban settlement boundary which has both a primary and secondary school. However, these are near or at capacity. Appropriate mitigation, which may include CIL, would be required if the site were developed for housing.*

***Leisure/Recreation/Community Facilities:** The site would deliver some open space, but it would not deliver leisure, recreation or community facilities as required to meet generated needs. Billingshurst is a sustainable settlement and has facilities that residents would rely on subject to capacity enhancements, however, the town centre is not conveniently accessible for pedestrians and cyclists, and access may be reliant on private motor vehicle.*

***Transport**: Hilland House is accessed via New Road which is a relatively narrow rural road. The site promoter has not identified alternative site access arrangements. The site is within walking distance of bus services. Billingshurst Railway Station is around a mile away, which may detract people from walking to it from the site. Safe convenient access to bus stops and the rail station would need to be demonstrated.*

***Site Assessment Conclusion:** This site is located east of new urban extensions to Billingshurst. Development would extend development beyond the landscaping on the easternmost boundary of the urban extensions. The site is further from services and facilities in Billingshurst village centre and it is not clear that safe and sustainable access to village services would be achievable. The Landscape Capacity Assessment 2021 assesses the area to have low to moderate capacity for housing / employment. In addition, the site is not particularly well related to the existing services and facilities in Billingshurst on which it would rely and would need further investment on improving the connectivity of the site. In addition, though Billingshurst is recognised as a large village/small town in the Council's settlement hierarchy and is seen as being able to accommodate reasonable levels of development, it is not considered that such capacity is unlimited. Account has to be taken of recently delivered and ongoing development as well as the outcome of the assessment of proposed strategic allocations, in particular the recommendation to allocate land East of Billingshurst for strategic scale development, and therefore the ongoing development in this*

location for 650 homes. Given the quantum of development planned for Billingshurst, and the need to ensure comprehensive infrastructure provision / enhancements to existing facilities and the cumulative impacts of development, the Council considers it would be inappropriate to allocate further sites for development in the settlement. For the above reasons, this site is not recommended for allocation."

6.8. In terms of the weight attributed to the submission HDLP, paragraph 48 of the NPPF states that local planning authorities may give weight to relevant polices in emerging plans according to the stage of plan preparation (the more advanced its preparation, the greater the weight that may be afforded). Consideration is also given to the extent of unresolved objections to the relevant policies and the degree of consistency of the relevant policies to the NPPF.

6.9. Whilst the HDLP has now been formally submitted for examination, it cannot be given full weight until its final adoption. As it stands, the weight to be given to the submission HDLP is moderate.

6.10. In recognising that the Council is unable to demonstrate a 5 year housing land supply, and the fact that the HDPF is now over 5 years old, the Council has adopted the Facilitating Appropriate Development (FAD) document (October 2022). The FAD provides guidance only and sets out that for a proposed development to be considered positively, all of the following criteria must be met:

- The site adjoins the existing settlement edge as defined by the BUAB;
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

6.11. The proposed site lies within clearly defensible field boundaries, and seeks to retain and enhance landscape features by way of the woodland blocks, drainage ditches and tree belts that are part of the overall localised landscape character. Development of this site would not prejudice the identified long-term development of Billingshurst, nor would it prohibit the potential future development of the HDLP allocation site to the east of the village. Officers note that at the current time, the level of affordable housing proposed would exceed that which is required under the current HDPF policies (35%), and would include a higher level (43%) as per the emerging HDLP policy expectations for greenfield development. Finally, the site does adjoin the existing edge of the defined BUAB along part of its western edge.

6.12. Therefore, it is officer's opinion that the proposal would meet the criteria of the FAD. Compliance with the FAD is a material consideration in the determination of the principle of this proposal.

Conclusion on principle

6.13. The principle of the development of this site is clearly in conflict with the current development plan and the emerging local plan as the site has not been allocated for residential development in either. Therefore, the principle of development is contrary to Policies 2, 4, and 26 of the HDPF, and Policy BILL1 of the Billingshurst Neighbourhood Plan. The weight to be attributed to the conflict with these policies in light of the Council's five-year housing land supply position is discussed in the overall planning balance at the end.

Housing Mix and Affordable Housing:

6.14. HDPF Policy 16 requires a mix of housing sizes, types and tenures to meet the needs of the district and local communities and of the number of dwellings as proposed, that 35% of the provision be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure. This would amount to 41 dwellings being required to be affordable.

6.15. The submission HDLP includes an Affordable Housing Policy (Policy 39) which seeks a provision of 45% affordable housing on greenfield sites and a 10% requirement for previously developed sites (brownfield). In this instance, the application site comprises a 'blended' site predominantly of greenfield but with an area of brownfield incorporating existing curtilage buildings of Hilland House. Brownfield / Previously Developed Land is defined in the HDLP and the NPPF as *'land occupied by a permanent structure or associated fixed surface infrastructure (excluding agricultural buildings)*'.

6.16. The proposal seeks to accord with Policy 39 of the HDLP, providing the on-site delivery of 50 affordable units factoring in the 'blended' proportion of 'brownfield' on the site. This is equivalent to 43% affordable housing [Nb 45% delivery would otherwise require 53 homes to be affordable]. The proposal therefore exceeds the requirement for 35% affordable housing set out in Policy 16 of the HDPF. As this application is in outline, the exact type, mix and tenure of the housing will be based on an assessment of local housing need at the time of approval of reserved matters.

6.17. The Council's Housing Team has commented that the Housing Register in Billingshurst currently has 239 households waiting for housing, of which 58 households are in need of a 1-bedroom unit, 49 households in need of a 2-bedroom unit, 110 households in need of a 3-bedroom unit and 22 households in need of 4 or more bedrooms. This site indicatively proposes to deliver the following affordable housing mix (at the required 70/30 tenure split between affordable rent and intermediate housing) compared to the recommended mix set out in the Council's current Strategic Housing Market Assessment (SHMA, 2019):

	SHMA 2019	**Proposal**
1-bed	25% (12.5 dwellings)	12 dwellings
2-bed	40% (20 dwellings)	20 dwellings
3-bed	25% (12.5 dwellings)	13 dwellings
4+ bed	10% (5 dwellings)	5 dwellings

6.18. No objection is raised to this proposal from the Housing Team, noting that the relevant s106 agreement would secure an appropriate housing split as part of later details, however the shortfall of larger affordable homes compared to the latest Housing Register data is noted.

6.19. In terms of market housing, the proposal is for up to 67 market units, set in the following mix of units sizes compared to the recommended open market housing mix set out in the Council's current Strategic Housing Market Assessment (SHMA, 2019):

	SHMA 2019	**Proposal**
1-bed	5% (2.6 dwellings)	3 dwellings
2-bed	30% (20 dwellings)	20 dwellings
3-bed	40% (26.8 dwellings)	27 dwellings
4+ bed	25% (16.75 dwellings)	17 dwellings

6.20. As this application is being made in Outline only, officers advise that the final housing mix would be agreed at the reserved matters stage taking into account the latest housing market assessment and local requirements at the time.

6.21. In the event that planning permission is granted, a Section 106 legal agreement would need to be provided to secure this on-site affordable provision and tenure, and a registered

provider who will take on the units, as per the requirements of HDPF Policy 16 and the accompanying Planning Obligations and Affordable Housing SPD.

Site Masterplan and Parameters (including open space and trees):

6.22. Policy 25 of the HDPF seeks to protect the townscape and landscape character of the District, including the landform and development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.

6.23. Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

6.24. Policy BILL2 of the Billingshurst Neighbourhood Plan (BNP) states that development should be guided by the Billingshurst Parish Design Statement, and incorporate the following into the overall design:

i. Soft landscaping and other boundary treatments to provide active frontages
ii. Courtyard layouts
iii. Varying style of housing
iv. Staggered layouts rather than uniform lines of properties.
v. Off road parking provision (for example through the use of well-located and designed communal parking courts and/ or car ports), in line with the West Sussex County Council
vi. Housing constructed around green open space.
vii. Accessible and attractive public open spaces, incorporating opportunities for 'natural play' in line with Policy BILL4 and creative use of Sustainable Drainage Systems in line with Policy BILL16.
viii. Footways that allow for safe access for all persons.
ix. Required to reflect the scale and local vernacular of the surrounding buildings.
x. Use materials that are in keeping with those used in existing buildings in the immediate locality.
xi. Preserve and sensitively incorporate existing natural features such as trees and hedgerows within the site, with the aim of delivering a net environmental benefit for local people and wildlife.

6.25. Policy 19 of the submission HDLP sets out the expectations for the quality of development, including adherence to any Council-endorsed Design Codes and Guides, and toolkits, whilst HDLP policy 20 anticipates the delivery of 'beautiful and sustainable buildings and places' through mechanisms such as tree-lined streets, green corridors, attractive active frontages, appropriate scale and massing.

6.26. Although the details of the site layout are reserved for approval at a later date, the submitted Design and Access Statement and Illustrative Masterplan provide an indication of how the development is anticipated to be laid out, with the Parameter Plans providing fixed parameters for the Reserved Matters applications to broadly comply with. The illustrative Masterplan includes for broadly two parcels of residential development to the north and south, separated by a central green corridor which links the eastern woodland block to a smaller western wooded area which adjoins the PRoW. The final details of the scale, layout, landscaping and appearance of the development would be considered under future reserved matters application. At this stage, therefore, the main consideration is whether the quantum of development proposed is acceptable taking into account the submitted parameter plans and having regard to matters such as amenity space, play areas, parking, landscape buffers, open space, internal linkages, and water attenuation.

6.27. In terms of open space, the latest Open Space, Sport and Recreation Review (2021), identifies that Billingshurst has deficiencies in natural and semi-natural open space, and multi-functional green space, along with a slight deficiency in open space, sports and recreational provision for young people, and in the provision of allotments (NB the Open Space, Sport and Recreation Review (2021) sets out a threshold of some 455 dwellings are generally needed to warrant the provision of on-site allotments, compared to a threshold of 46 dwellings to provide on-site play provision).

6.28. The Horsham District Council's Open Space, Sport and Recreation Review (June 2021), advises that new dwellings should be within a 400m walking distance to a LAP (Local Area of Play) or a LEAP (Local Equipped Area of Play). Given that the closest play area lies some 150m to the south of the application site on the opposite side of Hilland Road, there should be some form of provision for children's play space provided on site. The indicative land use plan shows the provision of around 31,000m2 of public open space within the site, of which there is a 'natural' play area of around 800m2 (defined in the DAS as being a Local Landscaped Area of Play / LLAP), and some 460m2 of community gardens / orchards, with on-site woodland amounting to a further area of some 17,500m2. The provision of woodland within the site would perform the function of natural and semi-natural open space, whilst the multifunctional open space that can perform various functions, namely landscaped and provided with seating, or left in a natural or semi-natural state. The proposals would therefore accord to the expectations of HDPF policies 32, 33 and 43, with the final details to come forward at Reserved Matters stage, ensuring compliance with the Open Space, Sports and Recreation Review document.

6.29. Accordingly, officers consider that the proposed development would accord with the expectations of HDPF policies 32, 33 and 43, and would be capable of incorporating the required elements as set out under BILL2, including the provision of a large area of green public open space and play area, the details of which would be secured at a later Reserved Matters stage.

Trees:

6.30. Aligned with wider policies which seek to ensure the landscape qualities of the district can be secured, maintained and enhanced, Policy 31 of the HDPF sets out support for development proposals that demonstrate that it maintains and enhances the existing network of green infrastructure, as well as requiring proposals to enhance existing biodiversity, and create and manage new habitats where appropriate.

6.31. Policy BILL2 of the BNP refers to the need for development proposals to *'preserve and sensitively incorporate existing natural features such as trees and hedgerows within the site, with the aim of delivering a net environmental benefit for local people and wildlife'.*

6.32. No concerns have been identified by the Council's Arboricultural Officer in respect of the proposed development within the land parcels and the site itself, with the indicative proposal looking to retain the woodland block, albeit noting a degree of Ash die-back has affected a number of trees within the site. Although some pruning and felling of diseased stock is noted within the woodland block, the overall function and tree cover within the woodland area is to be preserved. Whilst some areas would be opened up to function and public space, a part of the woodland would be subject to restricted access, thus preventing undue damage and the creation of habitat areas. There are no protected trees on or adjacent to the site that would be impacted.

Conclusion on site parameters and masterplan

6.33. In summary, subject to an appropriately designed layout and landscaping plan at Reserved Matters stage, it is considered that the development on this site is capable of incorporating a layout that incorporates the required open space, children's play space and buffers as set out in the Council's Open Space, Sport and Recreation Review (June 2021), as well as

accommodating the expectations within Policy BILL 2 of the Billingshurst Neighbourhood Plan.

Landscape Impact:

6.34. The policies in the NPPF which consider the impacts of development on landscapes, begin at para 135(c), which requires that decisions should be *'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'.*

6.35. Chapter 15 (Conserving and enhancing the natural environment) of the NPPF at para 180(a) sets out that planning decisions should contribute to and enhance the natural and local environment by '*protecting and enhancing valued landscapes, site of biodiversity or geological soils (in a manner commensurate with their statutory status or identified quality in the development plan).* At para 182, the NPPF goes on to consider that the National Parks, Broads, and Areas of Outstanding Natural Beauty (AONBs) have the highest status of protection in relation to landscape protection. Officers confirm that this site does not comprise a 'valued' landscape and does not fall within or otherwise impact an AONB (now National Landscape) or the South Downs National Park, thus not raising any subsequent conflict with paras 182 and 183 of the NPPF.

6.36. Paragraph 180(b) goes go on to require that planning decisions '*recognising the intrinsic character and beauty of the countryside, and the wider benefits from the natural capital and ecosystems – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'.* Whilst this site is not actively farmed, it falls into grade 3 (good to moderate) according to the Natural England Agricultural Land Classification, which is not considered to be the 'best most versatile' land for farming purposes. The site includes a sizable woodland block, which is to be managed and maintained as part of the proposal, along with new hedgerows and tree planting as indicated in the indicative landscape plan, thus continuing to provide natural capital within the site and beneficial contributions towards the wider ecosystem.

6.37. Locally, Policy 25 of the HDPF seeks to preserve, conserve and enhance the landscape and townscape character of the district, taking into account individual settlement characteristics, and maintaining settlement separation. Policy 26 states that, outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Policy 31 of the HDPF sets out support for development proposals that demonstrate that it maintains and enhances the existing network of green infrastructure, as well as requiring proposals to enhance existing biodiversity, and create and manage new habitats where appropriate. Policy 33 of the HDPF states that in order to conserve and enhance the natural and built environment, developments shall be required to ensure that the scale and massing of development relates sympathetically within the built surroundings, landscape, open spaces and routes within the adjoining site.

6.38. As has already been established, the application site lies within an open and undeveloped rural area. It is separated from the recently extended BUAB by a minimum of 70m along the southern side, and some 110m from the closest residential dwellings to the south-west. The field parcels to the south-west, south and south-east are all open, rural in character and unallocated insofar as current and emerging local planning policies.

6.39. The prevailing landscape character of the site, as categorised in the Council's 2003 Landscape Character Assessment, is noted as being a gently undulating wooded landscape with extensive coppice woodland in small and large irregularly shaped blocks, and with small hedged pastures and some larger arable fields (area G3 / Slinfold & Five Oaks Wooded Farmlands). The area is noted as having an overall good condition, but with the expansion of horse paddocks and large-scale housing and commercial developments considered as a key sensitivity, along with the cumulative impact on small changes and suburbanisation along

roads. County-wise, the site lies in West Sussex Landscape Character Area LW6 (Central Low Weald), which has been correctly noted in the submitted LVIA.

6.40. Whilst the BUAB to part of the western boundary has been extended to encompass the Billingshurst Trade Park to the west, the design and layout of this trade park is required to retain a landscaped buffer zone on its eastern side alongside the PRoW_1942 to help in diminishing the perception of the built-up edge for users of the public footpath. The existing close-boarded fence which has been erected along the Billingshurst Trade Park's eastern boundary does not form part of the consented development, and is to be removed as part of the agreed landscape strategy which has yet to be implemented. It is not the case, therefore, that the development of the application site would be viewed as being closely associated with the built development within the trade park, with the landscape buffer and intervening woodland strip providing a degree of visual separation both along New Road, the northern section of the intervening PRoW, and when viewed from Hilland Road to the south.

6.41. Following an updated LVIA being submitted and duly assessed by the Council's Landscape Consultant, there is still a concern that the visual impact on the proposed development has not been fully assessed, particularly as the submitted viewpoints show the site when vegetation is in full leaf, and do not take account of the winter months when a greater visibility may arise on account of a lack of vegetative screening. Whilst the Council's Landscape Consultant notes that the bare-earth ZTV study now shows potential viewpoints of the site from the north and east, these have not been included as potential receptors, with no evidence that there is intervening landform, vegetation and built form to screen the proposed development. Viewpoint receptors have also been grouped and collectively assessed, rather than being judged individually as a fair assessment. This has the effect of where a low sensitivity has been derived collectively from the viewpoints, when some of the viewpoints show a more open and rural landscape exhibiting features identified in the landscape character area.

6.42. Officers note that within the submission documents, there are plans (page 4 of the DAS, and page 1 of the LVIA, and the illustrative masterplan) which appear to show the site in the context of other land parcels that extend around the eastern side of the existing BUAB of Billingshurst. Of these highlighted land parcels, the Billingshurst Trade Park (coloured purple) lies within the extended BUAB of Billingshurst and is in part built-out, and subject to extant permissions for the remainder of the site. The other highlighted sites, including the application site, lie within the Landscape Capacity Study (2021) as Local Landscape Character Area 49, which has been considered to yield a 'low / no' capacity for large-scale housing and employment development on account of a likely unacceptable adverse impact on landscape character and landscape value. Within this area, lies a land parcel known as Phase 3 of Hilland Farm (immediately south of the Billingshurst Trade Park), where permission has been refused twice for large-scale commercial development (DC/21/0748 and DC/22/0566), a site referred to as SA565, but which was considered as 'not currently developable' in the 2018 SHELAA and which remains unallocated. Further south is the Land at Duckmoor site, which was approved for housing in outline at appeal under DC/20/2607, and which has been recently subject to reserved matters approved under DC/24/0768.

6.43. As noted in the Landscape Capacity Study (2021), Area 49 '*comprises a distinctive, complex valley landform rising to a ridgeline along the A272 and higher land to the north'*, which has a *'predominantly rural character for most of the area notwithstanding urban influences from new developments and ongoing construction works'*, and has a *'good to moderate condition as a result of the pylon route passing through the area north-west to south-east'*. The area was concluded to have a moderate-high visual sensitivity for housing.

6.44. Whilst there are occasional single residential properties such as Friskeys, and the host dwelling at Hilland House, in the vicinity, the site is otherwise located within a rural context and clearly appears detached from settlement edge of Billingshurst.

6.45. The Council's Landscape Consultant notes that whilst there may be some detracting features locally, such as the pylons, *'these are limited, and do not affect the overall rural quality and perception of the site. The LVIA fails to mention that views to the South Downs National Park skyline are present from PRoW FP 1942, which contributes to sense of place and visual amenity for users. The proposed development would obscure these views.'*

6.46. The indicative parameter plan for the proposed development and the indicative building heights plan, show an intention to focus higher structures within the northern parcels of the site, and centrally within the southern parcel, with lower buildings and a deep, 35m wide landscape buffer around the southern parcel to provide a transition into the surrounding rural field pattern. Notwithstanding this, and the fact that the finalised layout would be subject to a later 'Reserved Matters' application, the Council's Landscape Consultant has outlined a number of concerns with the indicative masterplan:

- Development in the south-western area of the site would be hard up against the PRoW – if development is to take place, an area of open space should be formed along this edge to continue the feel of an open landscape as much as possible
- There should be no removal of trees within the existing woodland to facilitate SUDS features - Horsham Landscape Character Assessment states that the planning and land management guidelines for G3: Slinfold & Five Oaks Wooded Farmlands are to ensure new development is well integrated into the existing landscape patterns of woodlands, hedgerows and shaws and that the loss of woodlands is likely to damage the character
- Cramped form of development with limited opportunities for meaningful landscaping or open space to aid in a transition to the wider rural countryside
- Proposed play area is not overlooked / has no active natural surveillance

6.47. Overall, the Council's Landscape Consultant has raised 'major concerns' that the proposed development would *'lead to a substantive adverse landscape harm at a local level and would also have a detrimental effect on the amenity of users of the PRoW network'.*

6.48. Officers acknowledge the Council's Landscape Consultant's findings that the proposal would lead to '*substantive adverse landscape harm at a local level and would also have a detrimental effect on the amenity of users of the PRoW network'.* With the site located outside of the defined BUAB, and not considered to relate well to the settlement edge, a conflict with Policies 4, 25 and 26 of the HDPF, and policy BILL1 of the Billingshurst Neighbourhood Plan has been identified by the Landscape Consultant.

6.49. Officers have acknowledged the changes to the wider area resulting from the residential development to the north-east of the village, the development of the Billingshurst Trade Park, and the new spine road / re-routed A272 / Hilland Road corridor. The A272 / Hilland Road corridor and pylons form a physical and visual containment of the existing residential areas that have been developed along Hilland Road, but it is noted that some of these development parcels jump across the A272 corridor and extend into the rural fringes beyond village. The defined edge of the BUAB has been adjusted to include these planned for strategic development parcels, but not the site known as 'Duckmoor', where outline approval for 83 homes was granted on appeal in January 2023 (under DC/20/2607) with the Planning Inspector judging the Council's lack of a 5 year housing land supply position, and the ability of the site to demonstrate a water neutral position, outweighed the conflict with planning policies and what was deemed (by the Inspector) as limited visual impact, given the direct relationship with the wider built development.

6.50. To the viewer, there is therefore an established visual presence of built development to the east beyond the A272 / Hilland Road, meaning further development outside of the arc of the A272 / Hilland Road would not appear entirely out of place.

6.51. In this regard, longer views of the site available from A272 / Hilland Road (south of the site) comprise built development to the east and west of the viewer, with the proposed

development siting within relative proximity to the north beyond the power lines but separated by a narrow tranche of open field beneath the power lines. Although the southern extent of the application site is currently defined by reasonably low and patchy vegetation, the proposed masterplan looks to increase the vegetative screening around the site's perimeters, seeking to introduce additional landscaping around the southern edged of the application site by way of the deep 35m planted buffer, helping to visually mask the development of the application site from these southern views. Furthermore, the site's northern parcels would be largely obscured from views along the A272 / Hilland Road by the intervening woodland block, and any development within the site's southern parcel.

6.52. In closer views, such as those gained from users of the PRoW, the site is currently seen as enclosed fields unspoilt by built development, contributing to the rural landscape setting beyond the site's boundary. Officers acknowledge that this rural visual perception has already been curtailed in southward views by the recent residential development and that further north, the character of PRoW_1942 will continue to be impacted upon as the Billingshurst Trade Park continues to be built-out.

6.53. To the north of the site, the visual impact of the development would be limited to the road corridor along New Road. Whilst the new vehicular junction and the associated works would result in a gap being created within the existing hedgerow, officers acknowledge that the impact would likely be very localised, and restricted to the road-way of New Road in proximity to the site only. To ensure that the eventual site access, landscaping and site layout enhance and retain the northern hedgerow as set out in the LVIA, and implement the envisaged new and robust landscaped corridor to New Road, officers suggest a planning conditions. Wider landscape details would come forward as part of the final layout with the Reserved Matters.

Conclusion on Landscape

6.54. It is therefore to be acknowledged by officers that the indicative layout of the site as presented, along with the detached rural location of the site relative to the existing built-up edge of Billingshurst in this location, would result in an identifiable substantial adverse landscape harm at a local level, eroding the rural character and fringe around Billingshurst. The proposed layout seeks to temper the rural location and reduce the visual prominence of the development by enhanced vegetative plantings around the boundaries, particularly around the southern parcel which includes a 35m deep planted buffer. Furthermore, the indicative parameter plans indicate lower scale buildings to the southern and western edges of this sensitive southern part of the site, thus seeking to soften the development edge and the resulting visual impact on the adjacent open fields.

6.55. Whilst officers acknowledge that the lower scale buildings and buffer planting would assist in screening the development in these views, nevertheless an appreciable landscape harm is acknowledged to occur as a result, thus raising a conflict with HDPF policies 2, 25, 31, 32 and 33, Policy BILL 1 of the Billingshurst Neighbourhood Plan and NPPF paras 135 and 180. Notwithstanding the proposed mitigations set out within the proposal, including new buffer planting, and increased green space alongside the southern boundary, and graduated building heights, Officers consider that the landscape harm weighs significantly against the proposal.

Highways Impact, Access, Parking and Active Travel:

6.56. HDPF Policy 40 states that development will be supported if it is appropriate and in scale to the existing transport infrastructure, including public transport; is integrated with the wider network of routes, including public rights of way and cycle paths, and includes opportunities for sustainable transport. HDPF Policies 40 and 41 promote development that provides safe and adequate access, suitable for all users.

6.57. Policy BILL12 of the Billingshurst Neighbourhood Plan requires the improvement of cycling and walking, and the provision of physically separate walking and cycling routes away from

traffic, whilst ensuring that disabled users and users of mobility scooters can access these routes, or that new development provide safe pedestrian and cycle access.

6.58. Nationally, paragraph 114 of the NPPF seeks to ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, and that safe and suitable access to the site can be achieved for all users.

6.59. Furthermore, paragraph 116(a) of the NPPF requires applications to:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

6.60. Detailed approval is sought under this application for the means of access to the site, which would be by way of a priority junction along New Road to facilitate all vehicular access to and from the site. New footpath and cycle connections would also be provided between the site and existing local networks and a new public footpath would be created from the site along the southern side of New Road to connect to Stane Street, to the west of the site. The outline application only details the new priority junction to New Road, with all other connections to be secured under s106 and s278 Highway Agreements where these take place outside of the application site, or as part of subsequent Reserved Matters applications within the site.

Trip Rate Generation / A4 junction capacity

6.61. The development is anticipated to generate some 62 AM peak and 62 PM peak trips, with an overall total of some 565 daily vehicular trips, using the standard TRICS methodology which the Local Highways Authority has assessed as being an acceptable methodology, using the concurrent development model of 125 dwellings (proposed under DC/24/0749) which therefore has a slightly higher trip rate than the proposed development being considered under this application for 117 dwellings. This modelling reveals that the traffic generated by way of the proposal would result in the additional queue of less than 1 vehicle at the Stane Street / New Road roundabout during the AM / PM peaks, given the wider dispersal of vehicles once within the road network, and therefore, not leading considered to lead to a 'severe' impact on this junction, taking into account committed development (including the unbuilt elements of the Billingshurst Trade Park and the 83 dwellings at Duckmoor). In considering this information, the Local Highways Authority have also taken into account the current application for retail use of Unit 18 within the Trade Park, which is currently under consideration.

6.62. Following a request by the Local Highways Authority (LHA) for the submission of further modelling data, it is revealed that the roundabout at Five Oaks some 1.7km north of the site is already reaching capacity with the A264 Horsham Road arm and the south arm on the A29 Stane Street likely to reach capacity at the end of the 2031 local plan period given committed development. The proposed development of the Hilland House site is in addition to the committed development within the current local plan period and would lead to an increase in trips on the south arm of the Five Oaks roundabout by some 6 vehicles in the AM peak (08:00 – 09:00hours), and by 11 vehicles in the PM peak (17:00 – 18:00hours) on the A264 Horsham Road arm. This degree of increase is not considered by the LHA to lead to a 'severe' impact on the local highway network, when assessed against paras 114 to 117 of the NPPF.

6.63. To help mitigate the increase in vehicle trips, the applicants are proposing to improve wider sustainable networks to connect the site to village amenities by non-car modes, as discussed

separately below. CIL funding generated from the development would also be capable of contributing towards local sustainable transport measures, although Officers acknowledge that the spending of any CIL monies would be derived from the local and the County Council's identified infrastructure development plans and governance structures, meaning the weight to be applied to the use of CIL funds is limited.

6.64. In addition, the applicants are proposing a second round of £150 travel vouchers per householders should the travel plan not meet its targets (as monitored by the LHA), which would be secured by way of a legal agreement, with the first round of travel vouchers being paid under the Air Quality Mitigations (see below).

6.65. The LHA consider that appropriate mitigations to sustainable transport improvements in Billingshurst can be achieved by way of CIL funding, to mitigate impacts at the A29 Five Oaks roundabout by way of the increase of some 6 additional vehicles in the AM peak and by some 11 additional vehicles in the PM peak. Given the limited scope in being able to deliver improvements at the Five Oaks roundabout itself, the LHA notes that sustainable travel alternatives and measures are instead recommended in the Horsham Local Plan transport study, such as improvements to existing public rights of way.

Vehicular Access

6.66. The Local Highways Authority (LHA) have reviewed the submitted details and note that the proposed access between the site and New Road is to be by way of a simple priority junction. Visibility splays have been demonstrated in both the horizontal and vertical alignment, in line with the recorded speeds of the road and in both directions. Insofar as the geometry of the proposed access is concerned, the LHA notes that a refuse vehicle and fire tender would run over the centre line when entering the site, but given the infrequent nature of these movements, this approach is considered acceptable. The LHA also note that a Stage 1 Road Safety Audit was undertaken, which only identified one vehicular based recommendation regarding the provision of lighting at the new vehicular access to the site. The designer's response to this is to enter into discussions with the ecological consultant to '*confirm appropriate lighting strategy that will not impact on wildlife such as bats and that is acceptable to WSCC Highway Agreement and Street Lighting Team'* to reduce the potential for collisions. Officers acknowledge the ecological sensitivities of this wildlife corridor used for commuting and foraging bats, and have suggested a condition that requires the site vehicular access be delivered in accordance with the biodiversity lighting scheme required by condition.

6.67. In conclusion of the proposed new priority junction onto New Road, the LHA are noted to have no objections to the proposed location, geometry or achievable visibility. Officers consider that a detailed landscape design at reserved matters stage will ensure the proposed landscaping will enable the visibility splays to be maintained.

Parking:

6.68. Policy 41 of the HDPF states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users, with HDPF policy requiring safe, convenient and visually attractive areas for parking vehicles and cycles without dominating a development.

6.69. Policy BILL14 of the Billingshurst Neighbourhood Plan refers to the parking guidance set out by WSCC, and accepts a combination of garages and car ports can contribute to the parking quantum, provided these are permanently secured for parking uses. Officers note that garages which provide clear internal dimensions of 3m x 6m only count towards 0.5 parking space, according to the 2020 WSCC Parking Guidance.

6.70. Policies 20 and 25 of the submission HDPF reflect the requirements of the current HDPF policy 41, with new references made to considerations of the needs of motorbikes and

mobility scooters, as well as EV charge points, with EV charging anticipated to each new residential parking space, or at least the installation of the infrastructure for future upgrading.

6.71. As the proposal is for outline permission, details regarding the layout and exact numbers of proposed parking spaces, and EV provision, is not indicated in this application. Indicative plans show that parking could be delivered to all properties by way of a mix of tandem spaces, garages, car-ports, parking courts therefore there is no reason to believe that sufficient onsite parking for vehicles and cycles could not be provided. In the event that outline permission is granted, the details of the parking provision (including the provision of electric vehicle charging points and cycles) would be agreed under reserved matters.

Active Travel / Inclusive Mobility (pedestrian and cycle links)

6.72. In June 2024, a requirement was introduced for developments over 150 units to include Active Travel England as a consultee, with a view of encouraging walking, wheeling and cycling to be seen as the most convenient, desirable and affordable way to travel. Although officers recognise that the proposed development quantum of this application falls below the consultation threshold, the principles of Active Travel are currently embedded within local and national planning policies, including LTN 1/20 'Cycle Infrastructure Design', which sets out the expectations for development to incorporate inclusive and accessible design for cycle infrastructure with a view that this is no longer seen as merely a leisure activity, but a viable means of transport in itself. Furthermore, the provision of safe access for all users is embedded in NPPF paragraphs 114 and 116, with advice set out in the document 'Inclusive Mobility' (Dec 2021) on the advised widths of footpaths.

6.73. Neighbourhood Plan policy BILL12 supports development proposals which improve cycling and walking, and where the provision of cycle and pedestrian routes is separated from vehicular traffic, which should also secure access by disabled users and mobility scooters. Footpaths and cycleways should link up to defined Key Movement Routes. Policy 40 of the HDPF requires development be '*integrated with the wider network of routes, including public rights of way and cycle paths'*, and *'located in areas where there are, or will be, a choice in the modes of transport available'*, and '*minimise the distance people need to travel and minimises conflict s between traffic, cyclists and pedestrians'*, and 'provides safe and suitable access for all vehicles, pedestrians and cyclists, horse *riders, public transport and the delivery of goods'*.

6.74. NPPF para 104 sets out that 'decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails, whilst para 96(a) encourages the *'creation of healthy, inclusive and safe places…allowing for easy pedestrian and cycle connections within and between neighbourhoods…'.*

6.75. To facilitate pedestrian and cycle access to / from the site, the following three elements are proposed as part of the current application:

1. Construction of a 1.5m wide footpath along New Road west of the site;
2. Upgrade of PRoW_1942 to a 3m wide 'permissive' cyclepath, running south from the site to the A272/ Hilland Road; and
3. Creation of a new 3m wide surfaced 'permissive' path from the south-east of the site through Duckmoor Copse (which is under the applicant's control) to meet up with PRoW_1941

Proposed footpath along New Road

6.76. The provision of sustainable links to the bus stop and pedestrian and cycle links to the west of the site is considered to be of critical importance to meet the above active travel policy requirements. In this regard Officers note that the application site lies some 420m from the bus stops on the A29 Stane Street to the west, which provide for a reasonably regular service into Billingshurst, Horsham and other local villages. Pedestrian and cycle routes also extend

south into Billingshurst village, which includes shops, schools, community facilities and a health centre. The adjacent Billingshurst Trade Park also includes a Lidl, coffee shop and other trades and businesses, making it an attractive destination for residents of the development. Failure to provide a sustainable transport link west of the site would result in both short car journeys as well as the risk of residents walking along the New Road verge in an unsafe manner, leading to an unsafe and unsustainable pattern of development contrary to the above policy framework.

6.77. The new 1.5m wide paved footpath would extend some 300m along the southern side of New Road from the north-western corner of the site to the new 4-arm roundabout on the A29 Stane Street, where it would link with onward connections by way of existing pavements, cycle routes and a bus stop. The provision of a 1.5m wide footpath in this location is not intended as a 'shared path' for cycles and pedestrian, with the road considered suitable for cycling. The LHA considers that New Road provides a suitable on-road cycling environment, and would therefore does not seek a shared footpath / cycle path or any other on-road cycle infrastructure works.

6.78. In terms of the footpath width, Manual for Streets refers to the Department for Transport document 'Inclusive Mobility' (2021). Inclusive Mobility states in section 4.2 that:

> '*footpaths should be made as wide as is practicable, but under normal circumstances, a width of 2000mm is the minimum that should be provided….If this is not feasible due to physical constraints, then a minimum width of 1500mm could be regarded as the minimum acceptable under most circumstances, as this should enable a wheelchair user and a walker to pass each other. Where there is an obstacle, such as lamp columns, sign posts or electric vehicle charging points, the absolute minimum width should be 1000mm, but the maximum length of such a restricted space should be 6 metres.'*

6.79. In this instance the width of the proposed footway is physically constrained by the adjacent hedgerow meaning a width of 1.5m is the maximum that is achievable. The delivery of this footpath would require associated highways works to form the path partially within the existing highway verge, necessitating the cutting back of the existing hedgerow and vegetation on the south side of New Road to clear the line of the footpath, and the relocation of signs, street furniture and covering/realignment of the ditches and culverts in the verge at its western end. Further, given the limited space along the southern highway verge, the road carriageway itself is to be moved north partially into the northern verge within the highway demise, and in places narrowed to form a 4.8m wide roadway alongside the new footpath. The LHA has confirmed that it would accept a carriageway width of 4.8m in this rural location, which is subject to slower speeds at this point.

6.80. Given the importance of this footpath in providing sustainable links, Officers have carefully assessed the deliverability and impact of the proposed footpath along New Road, with site visits variously attended by Officers, the Local Highway Officer, and applicant to measure and verify the available widths of road, verge and hedgeline. The initial site visits confirmed the carriageway to have a current width of between 4.8m and 5.4m, but importantly identified significant concern that there would be insufficient space to accommodate both the reduced 4.8m carriageway and the 1.5m wide footway. Onsite measurements calculated that the 4.8m carriageway and 1.5m wide footpath would immediately abut the stems of the hedgerow for at least an 80m stretch leading to the almost inevitable loss of a large section of this hedgerow.

6.81. The retention of the hedgerow along the south side of New Road is also of critical importance as it both provides for screening for the adjacent Billingshurst Trade Park development as well as a flightpath of barbastelle bats foraging and commuting in the area, as identified in the Preliminary Ecological Appraisal which accompanied the Billingshurst Trade Park application (DC/18/2122 refers). Site visits reveal the stem line of the hedgerow lies beyond the original wire fencing of the trade park site and therefore on highway land, and is required

to be kept to a minimum height of 3m, with the eastern extent to be supplemented with further hedge planting on the Billingshurst Trade Park to increase its width and ecological benefit. The loss of any part of the hedgerow would therefore have potentially adverse significant visual and ecological implications.

6.82. To help provide assurance that the footway works would not result in harm or loss of parts of this hedgerow, more detailed information has been provided by the applicant which has again been assessed and measured onsite. These detailed plans show the public highway carriageway (road surface) reduced in parts to a continuous width of 4.8m and moved north partially into the northern grass verge to allow for a separation of a minimum 0.5m between the new footway and the hedge stems, and so the retention of the hedgerow between New Road and the Billingshurst Trade Park. The Council's tree officer has advised that whilst a separation distance of 1m is preferred, the 0.5m proposed would be acceptable. Some trimming back of the existing foliage (such as brambles, ferns and self-seeded specimens) to achieve the 1.5m width of the path, would still be required, however this would not likely affect the overall integrity of the hedgerow.

6.83. In terms of lighting, the LHA would ordinarily require the footpath to be lit as standard practice, to allow for safe passage by its users. The Road Safety Audit has identified that users of the footpath would have difficulty using it at night unless it is lit. The LHA have though confirmed that it would be acceptable to restrict the use of lighting columns by condition in the event of ecological or dark skies considerations. In this regard the Council's Ecology consultant has advised that as this hedgerow provides a wildlife foraging corridor and habitat connector for Barbastelle bats, who are particularly sensitive to the introduction of artificial lighting within their foraging corridors, the introduction of lighting to this new footpath would not be acceptable. It is therefore the case that either the footpath must be lit for safety/user reasons, or unlit for ecological reasons.

6.84. In this instance officers note that the proximity of the Billingshurst Trade Park does allow for some residual light spill on to New Road, although the design of the lighting to the trade park is subject to a wildlife lighting condition to ensure that details on light spill and light colour temperature are appropriate for the sensitive location. Passing traffic would also serve to provide some limited illumination. Nevertheless, this is insufficient to enable reasonable use of the footpath at night. Taking this into account, whilst clearly not an ideal situation, Officers recommend that the ecological impacts are of greater significance, meaning the footpath should not be lit, with a condition restricting lighting accordingly. Officers advise that the other footpath link southwest out of the site, discussed below, should be lit, albeit this route would not provide direct linkages to the services and facilities and bus stops at the trade park, instead directing users towards the village centre.

6.85. Overall, following the additional information and having assessed the site context by way of site visits, Officers are satisfied that the proposed new 1.5m wide footpath, along with the necessary carriageway augmentations and infrastructure relocations, can be delivered whilst retaining the existing hedgerow alongside New Road, albeit without lighting. The delivery of this footpath, along with the other footpath improvements discussed below, is considered to accord with the Inclusive Mobility standards and provide a sustainable travel link between the proposed development site and the local amenities provided within the village, albeit during daylight hours only. The delivery of this new footpath would be secured by way of the s106 legal agreement alongside a s278 Highways Agreement with the Highways Authority.

Proposed upgrades to PROW 1942

6.86. The application proposes a second pedestrian/cycle link into Billingshurst village centre, by way of upgrading PRoW_1942 which runs alongside the western edge of the development and enters the site along part of this line (south-west corner). This footpath is currently unmade, narrow, often waterlogged during winter, and subject to two stiles each side of the adjacent field beneath the power lines which is still used for the grazing of livestock. The proposal is to upgrade this section of PRoW_1942 to a 3m wide 'permissive' cycle path,

running south from the site to the A272 / Hilland Road where it would meet an existing dropped kerb crossing point linking to footpaths that lead directly to the village centre. The proposed width of 3m would accord with the minimum width for shared cycle / footpath set out in LTN 1/20 (July 2020). Whilst the northern section of PRoW_1942 would remain a footpath only, onward cycle routes would be available through the development site itself up to New Road.

6.87. From the south-western corner of the site, using the proposed upgraded PRoW_1942, the site lies some 530m from the local Doctors surgery and around 930m from the village centre. Primary and secondary schools are at a further distance of around 1.5km from the site. Using the proposed new permissive path from the south-eastern corner of the site to connect to village services, this would add an additional 500m to the journey between the application site and village services.

6.88. There is currently an element of doubt over the ability to secure the access improvements over the adjacent field along the route of PRoW_1942 to the south of the site, as this field remains actively grazed throughout the year by cattle and sheep and is on land outside of the applicant's control. To address this, the developer would first seek to engage with the relevant landowner to implement this path, but if not successful, a financial contribution would be secured to enable WSCC to secure the improved foot/cycle path instead. The Highways Authority Right of Way officer has, following additional details being received, accepted that subject to appropriate measures being secured in the s106 legal agreement, these improvements could be secured, if not by the applicant / developer, then by way of funds transferred to WSCC. WSCC have advised that matters of livestock within the field will be subject to discussions with the land owner, with the most appropriate solution likely to involve a new line of fencing alongside the upgraded bridleway to contain livestock, subject to the correct consents being secured.

Creation of a new 3m wide surfaced 'permissive' path from the south-east of the site through Duckmoor Copse (which is under the applicant's control) to meet up with PRoW_1941

6.89. Some 300m to the south of the site is another PRoW_1941 which runs east west and connects the village centre with Wooddale Lane to the east. Part of this PRoW has already been surfaced to allow residents of the recent development to the east of Billingshurst access to the wider network of paths. The remaining 270m through to Wooddale Lane to the east is though still narrow, often waterlogged and rutted, and subject to overgrowth. The application proposes to create a new 3m wide surfaced 'permissive' path from the south-east of the site extending south through Duckmoor Copse (which is under the applicant's control) to meet up with PRoW_1941, facilitating an alternative route for onward journeys by foot or cycle. There are no proposals for the upgrading of the remainder of PRoW_1941 through to Woodale Lane. An agreement would be secured for 10 years for this new permissive path, which the Highways Authority PRoW officers has confirmed to be acceptable.

Conclusion of Access, Parking and Active Travel

6.90. Officers acknowledge that the geometry of the proposed access has been found to be acceptable to the Local Highways Authority, and that the site is in principle, capable of incorporating a suitable parking quantum to serve the development, subject to the consideration of more detailed design at reserved matters stage.

6.91. The proposal would also deliver sustainable access links to the existing settlement in accordance with the guidance set out in 'Inclusive mobility', Active Travel and paras 96, 114 - 117 of the NPPF, thus ensuring that the site is capable of providing viable alternative non-car modes of transport by which prospective residents can access local services and facilities. Whilst it is regrettable that the footpath along New Road cannot be lit without resulting in ecological harm to Barbastelle bats that use the hedgerow alongside for foraging and community, in this instance the absence of lighting at night is not considered sufficient to warrant the refusal of permission.

6.92. 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, and a suitable legal agreement, WSCC Highways are satisfied that the development would not result in any unacceptable safety or otherwise severe impacts, and would provide for appropriate sustainable transport choices in compliance with Paragraphs 96, 114, 115, 116 and 117 of the NPPF.

Impact on Residential Amenities

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

6.94. The indicative site layout plan demonstrates the maximum quantum of development could be accommodated within the developable area whilst providing for a good standard of amenity for all future occupants of land and buildings of the proposed development (including distance between nearest dwelling from locally equipped play area). A landscape buffer has been provided along the northern boundary where the development abuts New Road. A central buffer has also been provided between the northern parcel and the southern development parcel, which is to include public open space and play area. The impacts arising from the precise location and orientations of the proposed buildings onto neighbours is a matter for reserved matters stage, however at this stage based on the submitted indicative layout plans, no appreciable concerns are identified. This includes consideration of the amenity impacts of the new pedestrian and cycle link through the site alongside the retained dwelling of Hilland House, which is party to the current application.

6.95. The Council's Environmental Health team has noted that the proposed development would require a water treatment plant room, the details of which have not been provided. Furthermore, officers note that the indicative masterplan does not identify the location of these associated plant rooms to support the borehole treatment and filtration. However, officers also acknowledge that matters relating to the final layout of the site would be secured under a later Reserved Matters application, at which point the proximity to residential properties would be set. Therefore, the required noise assessment of any plant room would be more appropriately secured at that later stage, once the final layout of the site becomes established.

6.96. Also noted by the Council's Environmental Health team is the proximity between the proposed residential development and the approved business / commercial estate to the west (Billingshurst Trade Park) with a distance of some 70m between prospective new dwellings to the north-west corner of the site and the rear building line of units approved on the business / commercial estate to the west. Officers acknowledge that the approved estate layout, landscape bund / fence, noise contour maps and modelling submitted with the Billingshurst Trade Park development under DC/21/1107, were considered to lead to unlikely significant adverse noise impacts on the amenities of sensitive (residential) receptors, including Hilland House, provided additional hours of use, delivery and lighting controls were put in place by way of planning conditions. Planning conditions therefore allow use and operation of plant and machinery, deliveries and dispatch in this Zone 3, between the hours of 07:00 to 19:00 Mondays to Saturdays, and 09:00 - 16:00 hours on Sundays and public holidays only, thus seeking to maintain a quieter night-time noise environment that is commensurate to the edge of village / rural location.

6.97. With this in mind, officers consider that there are a number of controls already in place to limit the potential noise impacts arising from the permitted estate to protect the amenities of existing occupants close to the site at Billingshurst Trade Park. Therefore, officers acknowledge that whilst the full extent of the business / commercial estate at Billingshurst Trade Park remains to be fully built out, there are a number of protection measures in place

to provide a meaningful limitation of a potentially harmful adverse noise environment being created as a result. A planning condition would be proportionate to ensure suitable internal and external noise levels can be achieved within the proposed dwellings, and therefore that the addition of these new homes would not adversely impact on the Billingshurst Trade Park by way of noise complaints.

6.98. Subject to details required as part of a planning condition, officers are satisfied that the proposal has the potential to be designed and built in a way that would therefore not lead to any significant adverse impact on the amenities of nearby or prospective occupants, in line with the expectations of HDPF policy 33.

Drainage / Flooding:

6.99. The Environment Agency Flood Map shows that the application site is located within Flood Zone 1, indicating that it is at a very low risk from river flooding. In terms of surface water flood risk, the EA mapping data shows a low risk focussed in two areas of the site: north-east corner and eastern side. A medium and high risk is identified within a drainage ditch that runs alongside the woodland block and south-eastern site boundary, which was confirmed to be present by way of a site visit.

6.100. Although only small areas of the site have been identified as being at risk from surface water flooding, consideration must still be had as to whether a sequential test is required, in accordance with paragraph 167 of the NPPF. In this regard, officers are satisfied that the medium and high risk areas identified on the EA flood map relate to existing functioning drainage ditches that are located at the site's perimeter and within the area of proposed open space, with the flood risk mapping not indicating that these ditches flood beyond their existing edges. Officers do not therefore consider a sequential test to be necessary in this instance.

6.101. The indicative site layout looks to locate all homes and associated access roads and paths in Flood Zone 1 and outside of the above areas identified as being at medium and high surface water flood risk, meaning persons and property, and safe access and egress, would be protected at all times. The Flood Risk Assessment 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 following the receipt of additional information, the Lead Local Flood Authority have not raised objection accordingly, subject to conditions.

6.102. Overall, therefore, officers consider that the proposed development would meet the requirements of Chapter 14 of the NPPF and the accompanying PPG in respect of site location, applying the sequential approach, and mitigating any impacts of flood risk within the site itself.

6.103. Appropriate conditions are therefore 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.

Biodiversity / Ecology:

6.104. HDPF policy 31 sets out the principles of maintaining and enhancing existing networks of green infrastructure, biodiversity, and woodland, along with introducing compensatory ecological mitigation measures where appropriate. Policy 17 of the emerging HDLP seeks to secure habitats, green infrastructure, functionally linked habitats and positive biodiversity enhancements, and also sets out a required delivery of a 12% Biodiversity Net Gain (BNG).

6.105. The mandatory national requirement in relation to delivering a 10% BNG applies to this application, and it is noted that the current proposal is seeking to incorporate biodiversity net gains over and above the pre-existing baseline well in excess of the 10% national

requirement and 12% requirement in emerging HDLP policy 17. This is discussed in more detail later on in this report.

6.106. Paragraph 186a of the NPPF indicates that when determining planning applications local planning authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Developments resulting in the loss of irreplaceable habitats (such as ancient woodland and ancient, or veteran trees) should be refused, unless there are wholly exceptional reasons (such as infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists (para 186c).

6.107. The application site is not subject to any statutory or non-statutory ecological designations. The nearest statutory sites for ecological importance are Copped Hall Hanger, some 1.8km north and the Upper Arun, some 2.7km to the west. The Mens SSSI and SAC is located 5.5km to the north-east of the site which is designated for its Barbastelle bat population, and therefore within the 6.5km Key Conservation Area. The site also lies around 10.8km east of the Ebernoe Common SAC and therefore within the Wider Conservation Area for this SAC. Owing to its proximity to the Mens SAC, the Council is required to prepare an HRA Screening Report regarding effects on flightlines for Barbastelle bats. The Council's Ecological officer recognises that:

'One of the qualifying features for the SACs is Barbastelle bat and this species was recorded on site (Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Interim Report (Philips Ecology, April 2024)). In the Key Conservation Area, all impacts must be considered, as habitats within this zone are considered critical for sustaining the populations of Barbastelles within the bat SACs (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol).'

6.108. An HRA in relation to the likely impact on bats has been carried out and has been assessed by Natural England. Following assessment of the details and mitigation measures, Natural England have concluded that the proposed development would not have a significant adverse impact on statutory designated sites, and therefore raise no objection to the proposal.

6.109. The application is accompanied by a Biodiversity Net Gain Metric, Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Interim Report (Philips Ecology, April 2024), which have been assessed by the Council's Ecologist. It is noted that these recommend the undertaking of further breeding bird surveys which were to be carried out in April and May 2024. These surveys have been carried out and the Council's Ecologist is satisfied that no further surveys are required.

6.110. Furthermore, the surveys carried out on this site confirmed the presence of Hazel Dormouse, a European Protected Species. As an EPS licence would be required, appropriate generic mitigation measures to support the provision of the licence must be outlined prior to determination. Following receipt of additional details, the Council's Ecologist is satisfied with the outline measures provided to support the provision of the required licence.

6.111. The Council's Ecology consultant has reviewed the submitted reports and survey and, subject to adequate avoidance, mitigation and enhancement measures secured via suggested conditions, does not object to the proposed development. The proposal will require a European Protected Species Mitigation Licence for bats and Hazel Dormouse prior to any commencement of works and it is therefore advised that a copy of this licence be required as part of a suitably worded condition. Suitable mitigation will also be required during construction works as the central tree line will be breached to form the new estate road through the site (such as sensitive lighting), as well as the proposed post construction mitigation. It appears that linear features will be retained, protected and enhanced, the

species-rich hedgerow with trees and the two mature treelines will be strengthened through native tree and shrub planting, and an additional species-rich hedgerow with trees will be created along the south-eastern boundary of the site (Ecological Appraisal (LUC, October 2021).

6.112. Having undertaken a Habitats Regulations Assessment in relation to bats, it is considered that the proposed avoidance and mitigation measures set out as part of the proposal, including a new species-rich hedgerow along the south-east boundary, wildlife sensitive lighting, and additional species rich planting to ensure habitat connectivity for Barbastelle bats will be retained, protected and enhanced.

6.113. A consultation response received from NatureSpace acknowledges the surveys undertaken at and close to the site, identifying water bodies that are suitable to support a population of Great Crested Newts, and noting that the site lies straddling the green and amber Impact zones as modelled by the district licence mapping. The surveys and conclusions are noted, and so an informative would be appropriate to recognise the low risk to Great Crested Newts and their habitat arising by way of this proposal.

Biodiversity Net Gain (BNG)

6.114. Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

6.115. The Applicant has submitted a Biodiversity Metric as part of this application, which has been revised to address the Council BNG Ecologist's comments. Overall, it is noted that the Metric demonstrates that the proposed enhancements to be delivered within the site as part of the proposal would achieve a 30.93% net gain in area habitats, an 85.5%% net gain in hedgerows, and a net gain in watercourse habitat of some 86.72%. Officers are therefore now satisfied that the proposal would demonstrate significant on-site BNG enhancements, including the enhancement of and regeneration of the existing woodland, where a significant amount of Ash die-back disease has been identified, the maintenance and enhancement of existing drainage ditches within the site, new tree planting and hedgerow creation along boundaries.

6.116. In the event the application is approved, it is a condition of the planning permission that a Biodiversity Net Gain Plan be submitted and approved in writing by the Local Planning Authority. This would show how the development will achieve BNG and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. The long-term management, maintenance and monitoring of the significant on-site enhancements for the required minimum 30 years will be secured within the s106 Legal Agreement.

Water Neutrality

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

6.118. Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

6.119. The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide water neutrality strategy.

6.120. Applying recognised district-derived Census data occupancy levels across the site from 117 homes based on the provided indicative housing mix set out above would be some 256.72 persons. However, the proposed water neutrality strategy adopts a higher occupancy figure (of 260.92 persons), as per that of the tandem application for 125 dwellings, being considered concurrently under DC/24/0749. Therefore, by applying efficiency measures as a fundamental part of the proposed development, the calculated water budget would be 22,034 l/day (based on a Part G water performance of 84.45 l/p/d), with officers satisfied with the approach of using a higher occupancy data to achieve a robust calculation.

Onsite mitigation:

6.121. As a first-step, the applicants Water Neutrality Statement (WNS) sets out efficiency measures in respect of low-flush and efficient fittings which would reduce the water use to 84.45 l/p/d. Further on-site measures are promoted including a potential for rainwater harvesting (by way of an underground tank per dwelling), which would secure re-use for WC flushing and washing machine use. The submitted details envisage this further reduction could reduce the daily demand for 'mains' water use to 56.46 l/p/d (or 14,731 l/day site-wide). Although the final details would be subject to planning conditions, there are several domestic RWH systems that fit into residential properties and 'harvest' water from roof-slopes, store and treat, ready for re-use within the home for WC flushing and washing machines. Officers understand that rain-water re-use will require appropriate treatment to a potable standard to comply with current DWI standards,

Further on-site mitigations:

6.122. The applicant's Water Neutrality Statement (WNS) sets out the use of boreholes within the application site to provide for the required water demand. According to the submitted details, two test holes have been drilled, and run, and the water quality subject to testing, finding that there is a potential to abstract around 54,000 litres / day.

6.123. The Environment Agency (EA) have reviewed the submitted and amended borehole logs, hydrogeological risk assessment, and are now satisfied that previous concerns raised have now been fully resolved. The EA conclude that there is sufficient detail contained in the documents to support an abstraction licence to the EA, although it is noted that this comment is provided without prejudice to any future applications being submitted to the EA for a licence.

6.124. There are a number of planning conditions which would be recommended from the EA to be applied to any grant of outline planning consent, noting the requirement to secure an appropriate Source Protection Zone (50m radius) around the boreholes, and the restriction of certain SuDS features within a Source Protection Zone. Officers consider that as this proposal is currently still in outline, that there is sufficient flexibility in the site to ensure that the eventual SuDS features are designed to be located clear of the relevant 50m Source Protection Zone.

6.125. Officers have reviewed the documents submitted in relation to the WNS and have run the calculations separately from those presented in the WNS. Based on the submitted information, officers consider the proposed efficiency measures and savings achieved by way of water capture and re-use would be proportionate to a domestic setting and therefore achievable.

6.126. The borehole logs and test drilling demonstrates that the site is capable of yielding a sufficient quantity of water to address the likely demands arising from the site without having to secure

a mains connection and thus further burden the water supply zone. As the abstraction requirements would be over 20,000 litres / day, an EA license is required, as explained above.

6.127. Officers have had regard to the latest consultation response offered by the Council's Environmental Health team, which has taken independent advice on the use of Reverse Osmosis treatment, particularly given the groundwater in its untreated state presents a potential risk to health, having identified levels of iron, manganese, ammonium, electrical conductivity, sodium and sulphate above those prescribed in Schedule 1 of 'The Private Water Supplies (England) Regulations 2016. The standards and testing required for this site would be classed as Regulation 9 'Large supplies as part of a commercial or public activity', thus noting to carry an increased level of requirements and associated testing parameters. The Council's Environmental Health team have therefore sought to obtain the level of certainty and confidence, prior to determination, that the proposed treatment system would be able to supply water of the required potable quality, with testing for all parameters having taken place.

6.128. Following the returned specialist advice on the matter of the reverse osmosis water treatment, the Council's Environmental Health team are now satisfied that with appropriate management and maintenance of the treatment system, the elevated levels as identified above are capable of being mitigated through conditions.

6.129. The applicant's overall water neutrality strategy, including the calculations of water demand arising at the site and the means of offsetting/mitigation, have been assessed by Natural England who have raised no objection subject to the implementation of the stated measures prior to any occupation of the proposed development.

6.130. Accordingly, officers are satisfied that the proposal now provides the level of certainty that the development would not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites as required by policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Climate change

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

- Consideration of solar panels, Air Source Heat Pumps, solar hot water panels
- Efficient building fabric
- Water efficiency measures / grey-water harvesting
- Each new dwelling would be provided with an EV charge point.

6.132. Subject to the implementation of these measures the application will suitably reduce the impact of the development on climate change in accordance with local and national policy. It has therefore been sufficiently demonstrated that local plan policies requirements related to energy use and sustainable construction (HPDF Polices 36 and 37) have been complied with, and appropriate measures could be secured by planning condition.

Other Matters:

Heritage Impacts:

6.133. 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.

6.134. The site does not adjoin or contain any designated heritage assets, nor are there any conservation areas adjoining the site. However, an Archaeological Notification Area has been identified to include the site and surrounding areas. The submitted Archaeological and Heritage Appraisal reveal archaeological deposits previously discovered to the west of the site, on the opposite side of Stane Street.

6.135. In assessing the submitted Archaeological and Heritage Appraisal, the Council's Archaeologist is satisfied with the details submitted at this stage of the outline application, recommending a more detailed Written Scheme of Investigation condition be secured in the event of approval, satisfying the criteria of HDPF policy 34 and NPPF para 200 in relation to heritage assets.

Contamination:

6.136. The Council's Environmental Health team has reviewed the submitted Phase 1 Desk Top Study (Ridge, Jan 2024), and consider that the risks from contamination to future users has now been adequately assessed. However, it is advised that further chemical testing of soils is carried out to confirm the full range of ground conditions across the site. Officers are satisfied that these testing details can be requested as an appropriate pre-commencement condition, which would satisfy the requirements of NPPF para 189 and HDPF policy 24.

Air Quality:

6.137. The revised Air Quality Assessment (AQA) arrives at a total damage cost arising from the proposed development over 5 years as £67,556 and includes the following mitigations (to an amount of £74,300):

- Travel Information Pack to be provided to each dwelling - £1,300
- Sustainable Transport Vouchers provided to each dwelling - £18,000 (£150 per dwelling)
- Pedestrian footway to be provided from the site along New Road to provide pedestrian access to the Billingshurst Trade Park - £55,000

6.138. The revised damage cost calculation was updated following Officers comments, and now follows the updated screening model, updated emissions factor and current mathematical formulas. To mitigate against the impact and to offset the damage cost, the submitted Air Quality Statement sets out that EV chargers are to be provided within the site in accordance with Part S, a site-wide Travel Plan and Low NOx boilers installed, with the measures exceeding the damage cost calculation.

6.139. However, as noted by the Council's Air Quality officer, the provision of the new pedestrian footpath along New Road would not be an acceptable air quality mitigation measure, as it is required to satisfy the sustainable accessibility of the site's location, whilst the Travel Plan is required generally as part of the standard travel plan requirements for large development sites, and the installation of EV chargers is also policy compliant to the basic Building Regulations requirements. The submitted Air Quality Assessment does not provide mitigation over and above these normal policy requirements.

6.140. Nevertheless, officers consider that a suitable Air Quality Mitigation Plan with alternative mitigation to meet the required cost calculator can be secured under a planning condition. Such mitigation could include funding secured towards locally identified works, such as 'Connected Kerb', one of the measures identified in the 2022 Air Quality Annual Status

Report. Officers consider that an appropriate planning condition to secure mitigation measured would be an acceptable mechanism to mitigate air quality impacts, along with a pre-occupation condition to require further detailed verification of the air quality modelling, as required under HDPF policy 24.

Minerals Safeguarding:

6.141. Under the West Sussex Joint Minerals Local Plan (JMLP July 2018) the entire site falls within a Building Stone and Brick Clay Mineral Safeguarding Area. A Minerals Resource Assessment (MRA) has been submitted to identify whether economically viable mineral resources are present on site, and whether prior extraction is practicable. This noted that the site presents two constraints to the area where extraction could take place, with the Minerals Resource Assessment Drawing a 100m radius around the existing dwelling on the site, Hilland House, and also providing a 20m 'standoff' from the boundary with New Road, the woodland block and other site boundaries which include screening vegetation. This reduced the potential extraction area down to some 2.2ha of land.

6.142. Policy M9 (b) (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 demonstrate that prior extraction is not practicable or environmentally feasible. It is acknowledged that there is a relative abundancy of Brick Clay within the wider county and the application site relates in part to previously developed land.

6.143. WSCC Minerals Officers consider that given the various environmental constraints around the site that would undermine the feasibility for any significant mineral resource to be extracted without prejudicing the non-mineral development, and the site's location on the edge of the built-up area, the safeguarding of the brick clay resource in this particular instance is considered a low priority, whilst the need for housing within the district can be adequately demonstrated.

6.144. The proposal therefore satisfies the requirements of Policy M9 (b) (iii) of the West Sussex Joint Minerals Local Plan.

S106 Agreement and Community Infrastructure Levy (CIL):

6.145. Policy 39 of the HDPF requires new development to meet its infrastructure needs. For this development, obligations would be required for:

- Provision of 43% Affordable Housing, including tenure split and mix.
- Provision of footway and highway modifications along New Road
- Provision of PRoW improvements to Footpath_1942
- Provision of Permissive Way to Footpath_1941
- Delivery of on-site significant BNG, monitoring and maintenance for 30-years
- WSCC Monitoring of the Travel Plan (£3,815)

6.146. 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.

Conclusions and Planning Balance

6.147. 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 and Billingshurst Neighbourhood Plan (BNP)). The site is not allocated for housing development in the HDPF or the BNP, 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 and Policy BILL1 of the BNP. The proposal would also result in landscape harm contrary to Policies 25 and 33.

6.148. The weight to be attached to the conflict with these policies is diminished given the Council is unable to demonstrate a 5-year housing land supply. This forms an important consideration in decision making, with paragraph 11(d) of the NPPF stating that in such circumstances development is to be approved 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 propose (footnote 7);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.

6.149. As the proposal has been demonstrated to be water neutral, there would be no conflict with policies listed under footnote 7 in the NPPF, particularly those relating to habitats site, such as the Arun Valley, which includes the Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site. No other conflicts have been identified in relation to this site with regard to archaeological interest, areas at risk of flooding, Local Green Space, National Park or AONB, or designated heritage assets as required for consideration under footnote 7 of para 11(d).

6.150. In acknowledging that the Council cannot demonstrate a 5 year housing land supply position, the second limb of para 11(d) is engaged, which directs local authorities to grant planning permission for housing developments '*unless the adverse impacts on doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole'.* By 'framework' it is the policies in the NPPF against which the proposal is to be assessed under this 'tilted balance'.

6.151. Paragraph 14 of the NPPF plays a role where the above 'tilted balance' applies. This sets out that the adverse impact of allowing development which *'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 of 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.

The Billingshurst Neighbourhood Plan is less than 5 years old but does not contain policies or allocations to meet its identified housing requirements. The protections afforded by Paragraph 14 do not therefore apply in this instance.

6.152. Returning therefore to para 11(d) of the NPPF, the harm arising by way of the proposed development, as has been identified in the preceding planning assessment, is principally in relation to the landscape setting, noting that the site's location is outside of the defined built-up area boundary, and therefore in the countryside. As has been identified by the Council's Landscape Officer, the proposal is considered to result in '*substantial adverse landscape harm at a local level and would also have a detrimental effect in the amenity of users of the PRoW network'.* Officers acknowledge that this identified harm weighs significantly against the proposed development in the tilted balancing exercise under para 11(d)ii, albeit noting that the harm is identified as being at the 'local level', with the development leading to the erosion of the northern rural edge of the village. The inclusion of the 35m deep buffer to the southern site boundary helps to appreciably reduce the degree of visual harm in views from the south, helping to offset some of the harm identified.

6.153. Whilst Officers consider that the above parameters and buffer landscaping, along with the site maintaining the strong countryside edge where it abuts the wider rural landscape, has sought to reduce the identified landscape harm this harm would nevertheless be permanent

and significant when viewed against the existing BUAB of Billingshurst, and would erode the northern rural edge of the village.

6.154. The proposal would provide for sustainable links to services and facilities to the west and southwest of the site, however it is acknowledged that for ecological reasons the proposed footpath along New Road cannot be lit. This means the footpath would be of limited use in the hours of darkness, particularly in the winter, although this in itself is not unusual in rural villages or areas subject to ecological or dark skies restrictions. Nevertheless, the absence of lighting weights against the sustainability of the proposal, albeit only to a limited degree given the broader benefits of the footpath during daylight hours. Officers consider that there are no other reasons for refusing the proposed development, with para 11(d) making it clear that it is the in the policies contained in the NPPF taken as a whole against which the proposed development is to be assessed.

6.155. In terms of benefits, the proposal would provide for 125 homes, including a level of affordable housing in excess of current policy requirements, achieving a blended ratio of 43% onsite affordable housing. This carries substantial positive weight in the determination of this proposal. This report has also established that the location of the development accords with the FAD whilst (subject to conditions and a legal agreement) key matters including impact on highway safety and capacity, ecology, heritage, flood risk and drainage, and sustainably/climate change are judged to be acceptable. Some economic benefit would be provided from construction jobs and activity, whilst the proposal includes significant BNG improvements. Officers note that the proposed development can achieve suitable vehicular, pedestrian and cycle access, and furthermore would deliver improved cycle and pedestrian links to the village.

6.156. In addressing the planning balance, taking the benefits cited in para 6.155 against the landscape harm acknowledged in para 6.152, officers advise that the indicative masterplan and parameter plans evidence that the development of this site would be capable of integrating graduated building heights and massing thereby reducing the degree of landscape harm. The existing field patterns would still be discernible and the site's boundaries would look to be further enhanced with planting and soft edges, with the indicative masterplan setting the development away from the site's edges by an increased distance of some 35m (which is a greater separation than concurrently being proposed under application DC/24/0749). Whilst these details would be secured under any eventual reserved matters, it is clear that the site has the capacity to include appropriate design and layout features which address its site context.

6.157. Applying the 'tilted balance' Officers on balance recommend that the benefits of the development, in light of the Council's significant housing land supply shortfall, are sufficient to tip the balance and materially outweigh the identified harm to the landscape setting and the limitations on the use of the new footpath along New Road during the hours of darkness. The application is therefore recommended for approval subject to the conditions listed below and the completion of a s106 legal agreement.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

7. RECOMMENDATIONS

7.1 To approve full planning permission subject to the completion of a S106 agreement and the conditions set out below:

1 List of the Approved Plans

2 Regulatory (Time) Condition:
(a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, 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, 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 Regulatory Condition: The Reserved Matters submissions for Open Space and landscape shall include full details (including, but not limited to, type of play equipment, surfacing, planting, fencing, seating and signage for the natural area of play). The details shall accord with the guidance set out in the Open Space, Sports and Recreation Review (June 2021).

Reason: To ensure that satisfactory provision for outdoor play and recreation is made within the development, in the interests of the amenity of future occupiers of the development, in accordance with Policies 32, 33, 39 and 43 of the Horsham District Planning Framework (2015).

4 Regulatory Condition: The detailed design of the development proposed through Reserved Matters applications pursuant to this outline planning permission shall broadly accord with the principles set out on the submitted Parameter Height Plan (reference: 2198.DLA.DR.L.41.P01), and Illustrative Masterplan (reference: DLA.2198.L.05.P03).

Reason: In order to control the development in detail in the interests of amenity and to ensure the development is designed to a high-quality standard, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 Pre-Commencement Condition: No site levelling works shall take place until full details of the existing and final land levels and finished floor levels (in relation to nearby datum points) have been submitted to and approved by the Local Planning Authority in writing. The details shall include the proposed grading of land areas including the levels and contours to be formed, showing the relationship of proposed land levels to existing vegetation and surrounding landform. The site levelling works shall be completed in accordance with the approved details prior to the commencement of development of any building within the site.

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

6 Pre-Commencement Condition: No development (including any ground clearance or site levelling) shall commence until the following demolition and construction details have been

submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:

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

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

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

7 **Pre-commencement Condition**: No development, other than the drilling of the borehole, shall commence until evidence that water from the borehole has been sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies and analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and the findings submitted to the Local Planning Authority. In the event the samples show that any of the parameters are above the prescribed concentrations or values, as detailed in Schedule 1 of the Private Water Supplies (England) Regulations 2016, no development shall commence until a mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority that demonstrates how the water will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall then be implemented in full prior to first occupation of any dwelling and shall be retained and maintained at all times thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

8 **Pre-commencement Condition**: No development shall commence until a groundwater investigation report, undertaken by a suitably competent and qualified consultant, has been submitted to and approved, in writing, by the local planning authority. The groundwater investigation report shall include, but necessary be limited to, the below information:

i. Detailed commentary on the site investigation and the sampling of the borehole(s) with reference to current British Standards and technical guidance.
ii. Detailed commentary on the sampling results and comparison to UK assessment criteria.

iii. Site location plan and site plan showing location of the boreholes on the application site.

iv. Borehole logs in accordance with current British Standards.

v. Laboratory certificates indicating that all parameters detailed in Schedule 1 of The Private Water Supplies (England) Regulations 2016 have been tested for.

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).

9 **Pre-commencement Condition**: No development shall commence until a Management Plan detailing all measures and ongoing maintenance and sampling necessary to ensure the water supplied is safe and wholesome and to ensure continuity of supply shall have been submitted to the Local Planning Authority for its approval in writing. The management and maintenance plan shall include, but necessary be limited to, the following details:

- The sampling regime and parameters etc, recognising that the sampling will need to be undertaken a DWI certified sampler and analysed by a UKAS accredited lab.

- Detail on how any failure of any samples will be investigated and managed.

- Details, including a plan or schematic, showing the supply - storage tanks, treatment etc, and means to record the total water consumption of each unit

- Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used.

- Detail on how the treatment system, pipework, tanks etc will be cleaned and maintained and who will maintain them for the lifetime of the development. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.

- The completion and sharing of the Regulation 6 risk assessment by a suitably competent person (as required by the Private Water Supply (England) Regulations 2016) prior to the water supply being put into use.

- Detail on the continuity of supply during dry periods extending beyond 35 days.

- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

- Details of contingency plans to ensure any failure's or reported concerns with the supply are investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the Local Planning Authority

The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority.

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

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

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

(b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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).

11 **Pre-Commencement Condition:** No development shall commence until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface Water Drainage features are adequately protected and in accordance with Policies 35 and 38 of the Horsham District Planning Framework (2015) and policy BILL16 of the Billingshurst Neighbourhood Plan (2021).

12 **Pre-Commencement Condition:** No development shall commence until a ground investigation (to include chemical testing of soils) of the site has been submitted to and approved, in writing, by the local planning authority.

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

13 **Pre-Commencement Condition:** No development shall commence until such time as a scheme to agree sewage pipe work specifications for the Source Protection Zone 1 areas has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, groundwater or the Source Protection Zone during and following the development works in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015) and paragraph 180 of the National Planning Policy Framework.

14 **Pre-Commencement Condition:** No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the Source Protection Zone during and following the development works in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015) and paragraph 180 of the National Planning Policy Framework.

15 **Pre-Commencement Condition:** No development shall commence until a 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.

The approved CEMP (Biodiversity) 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 in accordance with Policy 31 of the Horsham District Planning Framework (2015), 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 (as amended).

16 **Pre-Commencement Condition:** Not later than the submission of the first Reserved Matters submission, no works shall commence until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Final Report (Philips Ecology, July 2024) has been 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 conserve protected and Priority species in accordance with Policy 31 of the Horsham District Planning Framework (2015), 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 (as amended

17 **Pre-Commencement Condition:** Not later than the submission of the first Reserved Matters submission, no works which impact the breeding / resting place of Hazel Dormouse shall commence in in any circumstance, unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected and Priority species in accordance with Policy 31 of the Horsham District Planning Framework (2015), 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 s17 Crime & Disorder Act 1998.

18 **Pre-Commencement Condition:** Not later than the submission of the first Reserved Matters submission, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment and Drainage Strategy by Ridge and Partners LLP, 15/07/2024, revision P03. 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.

• 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

• Demonstrates that surface water runoff rates will be attenuated to 5.6 l/s/ha in accordance with the calculations in the FRA and Drainage Strategy.

• Provide details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

Reason: As this matter is fundamental to prevent the increased 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).

19 **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)

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

• All hedgerows, trees and vegetation on the site shown for retention within the Arboricultural Impact Assessment and the Tree Protection Pan [MW.2404.HHB.SK02.AIA and MW.2404.HHB.SK02.TPP] as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).

• Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.

• Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone. Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

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

21 **Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the Local Planning Authority. The PWSMP shall include, but not necessarily be limited to, the following information:

i. Detail on the sampling and testing regime, undertake in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), with detail on how any failure of any samples will be investigated and managed.

ii. Confirmation that a Regulation 6 risk assessment (or subsequent superseding equivalent), undertaken by a suitably competent and experienced person in accordance with relevant guidance and statutory requirements, shall be undertaken before the private water supply is brought into use and at least once every five years thereafter with the findings of the risk assessment submitted to the LPA.

iii. Detail on the maintenance, servicing and cleaning of the pump, pumphouse, water treatment equipment, tanks, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include sufficient detail on maintenance to address the risks from silica fouling and bio-fouling.

v. Full specifications and details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit

v. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, maintenance and for making these records available to Local Authority officers when reasonably requested.

vi. A named person for residents to contact (24/7) in an event of a failure or issue with the private water supply;

The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority.

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

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

22 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

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

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

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015) and policy BILL16 of the Billingshurst Neighbourhood Plan (2021).

24 **Pre-occupation Condition:** No dwelling shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from the tap within the dwellings has been:

a) sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies,

b) has been analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and

c) meets the requirements of Schedule 1 ‘Prescribed concentrations or values’ of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent).

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

25 **Pre-occupation Condition:** No dwelling shall be first occupied until a risk assessment compliant with regulation 6 the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent) undertaken by a suitably competent and experienced person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), and to enable the Local Planning Authority to discharge its duties under the

Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

26 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism.

Reason: To ensure 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) and in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

27 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until detailed modelling of PM_{10}, $PM_{2.5}$ and NO_2 pollutant concentrations have been carried out and submitted to the Local Planning Authority, to verify the findings of the air quality assessment provided. The modelled results should be verified against the Local Authority's local air quality monitoring data to establish model performance and, where necessary, utilise a correction factor for modelled, road-based NO_x in compliance with relevant statutory and non-statutory guidance.

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).

28 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until an air quality mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The air quality mitigation plan should contain measures equal in value to the calculated environmental damage cost of £67,556, avoiding the duplication of measures that would normally be required through other regimes and include (but not be limited to) the measures detailed in Table 6.2 of the MEC Air Quality Assessment.

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).

29 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

31 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled PROPOSED VEHICULAR ACCESS and numbered HTp/23163/01/C and in accordance with the details secured under Condition 22 in respect of biodiversity sensitive lighting. The access shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

32 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied until such time as the footway provision along New Road has been constructed in accordance with the details shown on the drawing titled PEDESTRIAN CONNECTIVITY ON NEW ROAD and numbered 23163/10. A distance of no less than 0.5m shall be maintained between the base of the trees the form the hedge, and the edge of the footway, including the concrete edging support throughout the development. Should any trees that from the hedge become damaged or die as a result of the construction process, they shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority for a period of 5 years after completion of the development. The footway shall be thereafter retained as such.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015) and so that sustainable access can be achieved to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015), and policy BILL12 of the Billingshurst Neighbourhood Plan (2021).

33 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied until such time as the Cycle Improvements at A29/New Road Roundabout have been constructed in accordance with the details as shown on drawing titled CYCLE CONNECTIVITY ON NEW ROAD and numbered 23163/2 5. The improvements shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015) and policy BILL12 of the Billingshurst Neighbourhood Plan (2021).

34 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 10(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 10(b), unless otherwise agreed in writing by the Local Planning Authority.

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

35 **Pre-occupation Condition:** No internally and/or externally located plant, machinery equipment or building services plant shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

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

36 **Regulatory Condition**: No unit hereby permitted shall be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the rainwater harvesting system. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency measures set out in the management and maintenance plan agreed under condition 9 until such time as the system is fully operational. The occupiers of each unit shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

37 **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).

38 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Response to Ecology Comments (Philips Ecology, September 2024), Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Final Report (Philips Ecology, July 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for reptiles in Section 19.8 of the Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Final Report (Philips Ecology, July 2024), which avoids impacts on protected species. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve 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 (as amended) and Policy 31 of the Horsham Development Framework

39 **Regulatory Condition:** The roadside footway along New Road shall not be provided with any form of external lighting or street-lighting unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species in accordance with Policy 31 of the Horsham District Planning Framework (2015), 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 s17 Crime & Disorder Act 1998.

40 **Regulatory Condition** All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 15th July 2024), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

41 **Regulatory Condition** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

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