



PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development and Building Control

DATE: 5th August 2025

DEVELOPMENT: Erection of 94 dwellings with associated access, parking and landscaping at Land West of Worthing Road (Phase 5), Southwater

SITE: Berkeley Homes Development Site, Worthing Road, Southwater, RH13 9BT

WARD: Southwater South and Shipley

APPLICATION: DC/19/2464

APPLICANT: **Name:** Berkeley Homes (Southern) Ltd **Address:** Berkeley House, Bay Tree Avenue, Leatherhead, KT22 7UE

REASON FOR INCLUSION ON THE AGENDA: The application has returned to Committee to consider the amended development proposal now applied for, and other new material planning considerations.

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

1. THE PURPOSE OF THIS REPORT

1.1 To consider new relevant material planning considerations that have arisen since the resolution to grant planning permission was made at the 1st November 2022 Planning Committee North meeting. The new material considerations are summarised as set out below:

- an amended development proposal which increases the number of homes from 80 to 94 with consequential changes to the site layout,
- the availability of the applicant to access the Sussex North Water Certification Scheme (SNWCS) to demonstrate water neutrality.
- updates to national and local planning policy and guidance (National Planning Policy Framework Dec 2024 and allied Planning Practice Guidance, and the progress of the Horsham District Local Plan 2023 – 2040 examination)

1.2 This application was first heard at the 8th September 2020 Planning Committee North meeting where it was resolved to be granted subject to conditions and the completion of a s106 legal agreement. Prior to the s106 agreement being completed, the Position Statement from Natural England was received relating to the impacts of water abstraction on the protected habitat sites in the Arun Valley and the requirement for all developments to now

demonstrate water neutrality. At the time of its receipt, the draft of the s106 agreement was in circulation but had not reached engrossment and planning permission had not therefore been granted.

- 1.3 The applicants submitted a water neutrality strategy which proposed a combination of onsite efficiencies and offsetting of the remaining water consumption on the applicant's unbuilt elements of their developments at Highwood (Horsham) and Broadacres (Southwater). This strategy was agreed as demonstrating water neutrality and as a consequence the application was resolved to be granted subject to conditions and a s106 agreement at the Planning Committee North meeting of 1st November 2022.
- 1.4 The relevant committee papers are attached as **Appendix A** (8th September 2020) and **Appendix B** (1st November 2022), which include the site description and full details of the application along with all consultee comments and assessment of all material considerations at the time.
- 1.5 In addition to the amended development proposal now applied for (which is detailed out later in this report), other relevant material planning considerations have arisen since the 2022 committee resolution, as set out below.

- Updated national and local planning policy

- 1.6 The National Planning Policy Framework (NPPF) and allied Planning Practice Guidance sets out Government's planning policies and how these are expected to be applied. The NPPF version in effect at the time of the 2022 resolution was revised in December 2024. Since Nov 2022, the Council's Regulation 19 Horsham District Local Plan 2023-2040 (HDLP/Local Plan) had progressed to public hearing sessions but is now paused.

- The Council's 5YHLS

- 1.7 The Council's housing land supply has worsened since 2022; now evidenced at just 1-year supply of deliverable housing land. In addition, the latest housing delivery test (Dec 2024) evidence is that housing delivery is substantially below the housing requirement over the previous three years (2020 – 2023).

- Availability to access SNWCS

- 1.8 There is now availability for the applicant to access the Sussex North Water Certification Scheme (SNWCS) to demonstrate water neutrality.

- Other

- 1.9 New third-party representation has been received since the 2022 resolution. In addition, additional trees located to north and east of the application site are now subject to provisional Tree Preservation Order (TPO/1573).

DESCRIPTION OF THE (AMENDED) APPLICATION

- 1.10 The application, as considered at the previous committee meetings, sought full planning permission for 80 dwellings as Phase 5 of the Broadacres development. The proposal has subsequently been revised to redistribute plots between Phases 4 and 5 of the Broadacres development, with the total number of homes now proposed within Phase 5 being 94. A parallel application to amend Phase 4 has been submitted (DC/24/1158 refers) which reduces the quantum of homes within Phase 4 by 14, thereby equalising the number of homes across Phases 4 and 5.

- 1.11 A quantum of 94 dwellings is now applied for as opposed to 80 dwellings, as per the amended application description, with associated changes in estate scheme layout, its drainage apparatus, and updates to the house types proposed. This is shown in the submitted suite of updated drawings, with details of landscaping and open space elements of the scheme (including equipped play space). The housing mix now proposed is below:

Unit Type	Phase 5 Resolution to Approve	Amended Scheme
2 bed house	8	7
3 bed house	2	17
4 bed house	58	51
5 bed house	12	19
Total	80	94

- 1.12 As previous, all the proposed homes are for open market sale with the required number of affordable homes having been already delivered through the earlier phases of the Broadacres development (total 178 homes). A deed of variation will be secured to the existing Broadacres s106 Agreement to link the current full planning application for Phase 5 to the earlier phases.

BACKGROUND

- 1.13 Outline planning permission was granted for up to 594 dwellings at Southwater in 2015 under application reference DC/14/0590. Reserved Matters approval has subsequently been granted for phases 1, 2, 3 and 4, totalling 514 units. Phases 1, 2 and 3 have now been completed. Phase 3.2 and Phase 4 were approved under application reference DC/18/1246 for 213 homes.
- 1.14 The Phase 3.2 and Phase 4 reserved matters application has now been implemented in part with Phase 3.2 completed and largely occupied to relate to 56 of the 213 homes (including 6 affordable homes). No works other than an internal access road to base course have been completed within Phase 4. Phase 5 relating to 80 dwellings was submitted as a separate full standalone planning application in Dec 2019 (within the parameters of the outline permission, despite the period for submission of reserved matters applications being lapsed).
- 1.15 The amendments have required the submission of revised and updated documentation, including a revised Water Reduction Strategy; Air Quality Assessment; Ecological Assessment; Flood Risk Assessment; and Application drawings (with all original drawings superseded).

2. PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.1 As set out in the appended reports and as below.

DC/14/0590

Residential development of up to 540 dwellings and 54 retirement living apartments, associated vehicular, cycle and pedestrian access, drainage and landscape works (Outline) (Development affects the setting of a Listed Building)
Permitted 25-06-2015

DC/18/1246

Reserved matters approval sought for layout, appearance, landscaping, scale and access for the erection of 214 dwellings (including 61 affordable dwellings) with associated access,

parking and landscaping works pursuant to phases 3.2 and 4 of outline planning permission DC/14/0590.

Approved 21-12-2018

DC/24/0772

Non-Material Amendment to previously approved application DC/18/1246 (Reserved matters approval sought for layout, appearance, landscaping, scale and access for the erection of 214 dwellings (including 61 affordable dwellings) with associated access, parking and landscaping works pursuant to phases 3.2 and 4 of outline planning permission DC/14/0590.) Amendment to the description of development to remove the specified number of approved dwellings (214) from the description of development, and to apply a new planning condition which restricts the permitted number of units to the described 214. The new description of development to read: Reserved matters approval sought for layout, appearance, landscaping, scale and access for the erection of residential dwellings (including affordable dwellings) with associated access, parking and landscaping works pursuant to phases 3.2 and 4 of outline planning permission DC/14/0590.

Approved 19-06-2024

DC/24/1158

Minor Material Amendment (Section 73) to vary condition 2 of application reference DC/24/0772 (non-material amendment to previously approved application DC/18/1246) to the development hereby approved comprises 199 no. residential dwellings including 61 affordable dwellings and vary the plans approved under condition 1 of application reference DC/18/1246.

Pending Consideration

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk
- 3.2 The consultation responses summarised below are those received since the November 2022 committee resolution. The full list of all consultations received prior to this are outlined in the appended reports.

INTERNAL CONSULTATIONS

- 3.3 **HDC Parks** (summarised): Advice
Push a little more towards space for older children, teens provision (skate park and MUGAs) over 1km away.
- 3.4 **HDC Environmental Health Air Quality** (summarised): More Information/ Modification
Reviewed and have comments. No dwelling be occupied until an air quality mitigation plan approved in writing.
- 3.5 **HDC Landscapes** (summarised): Advice
Changes to address some concerns noted and welcomed. Detail conditions to secure details not addressed; Underground Services, Hard and Soft Landscaping Scheme, Landscape Maintenance and Management Plan, bespoke condition to secure viewing corridor.
- 3.6 **HDC Tree Officer** (summarised): No Objection
No significant additional arboricultural implications. Condition to control potential impacts on key root protection areas.
- 3.7 **HDC Ecologist** (summarised): Further information required/Temporary holding objection
2024 reptile survey results not yet submitted.

Conditions: in accordance with Ecological Appraisal recommendations, updated reptile mitigation strategy, biodiversity method statement, biodiversity enhancement strategy, ecological design strategy for loss of ecological mitigation area to LAP, wildlife sensitive lighting, landscape and ecological management plan.

- 3.8 **HDC Archaeologist:** No Objection
Amendments do not alter requirement for archaeological investigation
- 3.9 **HDC SNOWS** (summarised): Added for SNOWS (now SNWCS) access.
- 3.10 **HDC Housing** (summarised): More Information
Clarification to affordable housing tenure and size and Register Providers
- 3.11 **HDC Waste and Recycling:** No Objection
- 3.12 **HDC Conservation Officer:** Satisfied no greater heritage impact than stated previously.

OUTSIDE AGENCIES

- 3.13 **Natural England** (summarised): No Objection
Subject to appropriate mitigation being secured
- 3.14 **WSCC Local Highway Authority:** Advice
No objections to amendments
- 3.15 **WSCC Public Right of Way:** Advice
Ensure Footpath 1652 surfaced as advised under DISC/23/0073
- 3.16 **WSCC Local Lead Flood Authority** (summarised): No Objection.
Conditions dated 1st Nov 2022 fine.
- 3.17 **WSCC Water and Access Manager** (summarised): Advice
Impose fire hydrant condition
- 3.87 **Southern Water** (summarised): Advice
Additional flows may lead to increased risk of foul flooding from sewer network.
- 3.19 **Forestry Commission:** Do not provide an opinion
- 3.20 **Active Travel England:** No comment
Does not meet statutory thresholds for consideration.

PUBLIC CONSULTATIONS

Representations (summarised)

- 3.21 Since committee resolution to delegate approval on 1st November 2022, 10 no. further representations in Objection have been received (7 no. of which are from new individual property addresses that have not previously submitted representations). These new representations raise a limited number of new issues not already identified in the appended committee reports, but all issues are nevertheless briefly summarised as follows:

- *Principle*

Fails to comply with national/local policy. Fails to accord with 2015 outline permission. Fails to promote effective use of land. Housing mix converse to NW Sussex SHMA. No 'affordable'.

- *Overdevelopment / Inadequate infrastructure*

Village had too much development already. Would exacerbate existing pressures on village infrastructure, which could not cope with additional residents. Cannot get doctor/dentist appointments (45 minutes away). Children cannot get into local school; sent far away. Berkeley homes has not supplied any additional amenities for hundreds of extra residents they built homes for. Should build a secondary school. Low water pressure. Where is the water coming from to supply these properties? Fails to consider cumulative impact.

- *Flooding*

So much flooding; water has nowhere to go. Proposal impacts this further. Fields already suffers from flooding in extreme weathers. Poor drainage.

- *Highway Access and Parking*

Roads not fit for purpose. Increased traffic would cause further issues. Re-think access through estate; Kensett Ave is a short cut to miss lights at Lintott square and traffic calming on Worthing Road. Highway danger. No guarantee new residents will use electric cars. 300 parking spaces (not including visitor parking) more than WSCC guidance and overgenerous in face that new developments promote walking, cycling and public transport. Relatively remote from bus stop (200m away) and Lintot Square (up to 0.5 km away). How could local bus service viably serve homes? Transport Statement asserts layout designed for refuse and emergency vehicles but not buses. Request barriers prevent motorbikes and cyclists using footpath to access Shaw's Lane.

- *Biodiversity / Landscape*

Huge detrimental impact on wildlife. Light pollution. Will destroy countryside character and appearance of Shaw's Lane. Destroys ecosystems, trees, hedgerows, green spaces (field used by dog walkers and families), countryside, integral to the village's identity. Objection to removal of 6.5m of hedgerow and trees either side of footpath 1652. Nearby to ancient woodlands and trees protected by preservation orders. Detailed plan should be in place to ensure safety of protected species.

- *Water Neutrality, Energy, Air Quality*

Lacks clear, practical strategy to achieve water neutrality, feasibility questionable; little different from outline application DC/22/1916 (land northwest of Southwater) so reject for same reason. No Air Quality operational phase mitigation, as required by Sussex Guidance. Energy Statement conflates improvements in energy efficiency with reductions in carbon emissions.

- *Privacy Light and Noise*

Prolonged construction noise and air pollution, significantly disrupting daily life, limiting access to green spaces, contradicting inclusive community living and reducing opportunities that benefit physical and mental health. Traffic noise, overshadowing, loss of privacy and damage to quality of life. Location and height of mound in the southwest corner is security and privacy threat.

- *Ethical and procedural*

No issue with houses as demand but are all phases full? Not wanted, not required, not affordable for youngsters. No benefit to local people. Quiet slow-paced village is turning into a town. Wanted a village life and being destroyed with every new development. Absolutely cannot take any more. Issues to legal compliance and overall soundness of proposed development: i) Should be a Community Impact Assessment; does not provide sufficient evidence issues thoroughly examined, undermine legal standing. ii) Destruction of trees with preservation orders, nearby ancient woodlands, and wildlife habitats violates environmental laws. Absence of measures to avoid harming protected species is oversight and non-compliant with legal standards. iii) Does not fully comply with Southwater planning guidelines, questions eligibility for approval. iv) Lack of adequate engagement with local community indicates failure to meet requirements, putting legal integrity into question. v) Without detailed

and actionable plan, risks non-compliance with legal standards related to water management and sustainability. Question if this application has been openly communicated to as many as people as possible in the local community. Agreed in secret between developer and HDC officers (no pre-application advice minutes).

3.22 Southwater Parish Council: No Objection

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 ASSESSMENT

6.1 The principle of this development is established through the site allocation under the current development plan (Policy SD10 of the Horsham District Planning Framework (HDPF) 2015 and Southwater Neighbourhood Plan 2021 Policy SNP1 and allied Policies Map), the 2015 outline planning permission (DC/14/0590) and the previous resolutions to approve this current full planning application. No material considerations indicate that a different conclusion as to the principle of housing on this site should be reached.

6.2 Therefore, the main considerations are those newly relevant to this application since the 2022 resolution, these being:

- i) the amended development proposal applied for and negotiated outcomes from this;
- ii) updated national and local planning policy (NPPF Dec 2024 and HDLP); and
- iii) the availability of the applicant to access the Sussex North Water Certification Scheme (SNWCS) to secure water neutrality.

Amended Development Proposal

Quantum and Mix

6.3 The applicant states that the amended proposal is in response to changed market conditions since the full planning application was originally submitted in 2019 and last resolved to be approved in 2022. Outline planning permission was originally granted in 2015 with the full planning application for Phase 5 receiving its original resolution to approve in 2020. Therefore, a significant time has elapsed since the Phase was originally designed and the applicant asserts that this has coincided with a period of economic, and social change, which has led to the proposed revisions.

- 6.4 The Council's approach to meeting local housing needs is set out in HDPF Policy 16. This sets out that the latest Strategic Housing Market Assessment – currently the Northern West Sussex SHMA 2019 - should be used in establishing the housing mix provided in a new development and that the mix should also take into account established character and density of a site. The Southwater Neighbourhood Plan (at para 6.4) defers in support of the continued importance of HDPF Policy 16 in the determination of planning applications. The SHMA therefore remains the Council's most up to date evidence base regarding this housing market area.
- 6.5 The total number of units across Phases 5 and 4 remains the same; the change is that 14 no. units are proposed to move from Phase 4 to Phase 5 as three apartment blocks in Phase 4 have been removed. As per the original application submission for Phase 5, no affordable homes are proposed, with these already being delivered across Phases 1 to 4 under the outline planning permission. All homes within Phase 5 are to be M4(2) compliant.
- 6.6 The change in the proposed market housing mix across Phases 4 and 5 is set out below, with comparison between SHMA compliance; the consented scheme; and the proposed amended scheme.

type % and total number	SHMA compliant across Phase 4& 5	Consented/agreed Scheme Phase 4 & 5	Proposed amended scheme
1 bed %	5%	10%	5%
2 bed %	30%	27%	23%
3 bed%	40%	16%	26%
4 + bed%	25%	46%	46%
1 bed	9	19	9
2 bed	54	50	42
3 bed	73	30	48
4 + bed	46	83	83

- 6.7 As discussed above, a separate Section 73 application to make the associated amendments to Phase 4 has been submitted in parallel with this current amended Phase 5 planning application. Whilst the quantum of development to be delivered in each of the two phases of development would be altered, the overall number of homes would remain unchanged, and the amended housing mix is now better aligned with the Council's evidence base for 3-bedroom family houses (of greatest need for in the northern West Sussex housing market) compared to the previously consented/agreed scheme (phases 4 and 5 combined).
- 6.8 Given the above, your Officers raise no objection to the amended housing mix. The revised proposals continue to be compliant with HDPF Policy 16 and Policies SNP9 and SNP10 of the Southwater Neighbourhood Plan.

Heritage Impacts

- 6.9 Whilst the amendments result in an increased quantum and suburbanisation across the wider Phase 5 site, additional built form in the immediate vicinity of the Grade II Listed Buildings north of site on Church Lane (Southwater House, Vicarage Cottage, and Holy Innocents Church) is avoided, with land modelling in the form of land bunds to the north and south providing for visual screening to those designated heritage assets and in the part of the agricultural setting of non-designated heritage assets west and south (Chase Farm and Carpenter Barn). There is no change to earlier conclusions on archaeological interests.
- 6.10 Considering the particular significance of these heritage assets, separation distances, interposing typology/landscape and the nature of the amended proposal, and the mitigation proposed (additional tree screening and land modelling to sensitive site corners), the

Council's Conservation Officer (who raises no objection) considers that harm to the significance of these heritage assets continues to be minimal, being at the lower end of the range of 'less than substantial'. Whilst the Conservation Officer advises that the land modelling in the north corner appears too uniform and unnatural, the introduction of a bund of itself is not identified by the Conservation Officer to generate harm and a sympathetic shaping of it can be finalised and secured by condition.

- 6.11 In accordance with Paragraph 215 of the NPPF, any 'less than substantial' harm should be weighed against any public benefits of the proposal. It remains the case that Officers consider that the public benefit afforded by the addition of housing on this allocated site outweighs the minor harm to the setting of the nearby heritage assets. This conclusion is consistent with the assessment of the outline application, to which the amended proposal continues to be in conformity.

Landscape and Townscape Impacts

- site layout and design qualities

- 6.12 Since the 2022 resolution, Officer negotiations on detailed matters of design and landscaping have progressed to address issues identified by consultees, principally on play space and landscaping and, as consequence to the increased number of homes, changes in site layout. Many issues have been resolved, with the Council's Landscape Architect satisfied that those that remain can be suitably addressed by condition. This has ensured the design quality of Phase 5 has not deteriorated in accommodating the extra housing. Indeed, in several respects to characteristics of a well-designed place, the quality is bettered; in respect of safe, social and inclusive play provision, enhanced and optimised tree planting and drainage swales, and attractive and distinctive house design.
- 6.13 The original planning application proposals for phase 5 would have delivered a density of 16.9dph. The revised proposals with the increased number of homes would deliver a density of 20dph, below the 'up to 24dph' envisaged through the outline planning permission. However, the density now proposed is judged an appropriate balance to ensure the effective use of land whilst recognising the constraints to visual amenity in views from around the site and the character and appearance of the local area, as well of the transition from existing built environment to countryside.
- 6.14 Officers consider the additional units have been sympathetically assimilated into an amended layout which broadly follows the laid-out scheme endorsed in 2022; a perimeter block layout arranged around a loop road, with site access arrangements unchanged. Overall, there remains sufficient consistency with the parameter plans approved at outline.
- 6.15 Amended house types have been negotiated with Officers and will be broadly comparable in scale and character with those previously presented and complementary to the Broadacres development and build qualities of the local area, with acceptable architectural and material palette updates. With an updated Energy Statement, the now proposed house type products provide for comparable, if not bettered, home standards, EV charging and sustainable construction credentials than those in 2022.
- 6.16 The site layout changes continue to provide for appropriate (private/public) amenity space and sufficient dwelling-to-dwelling and adjoining land-use separation distances to avoid adverse harms onto residential amenities of (future/existing neighbouring) occupiers, including unacceptable loss of privacy. This includes in people ascending the proposed landscaped bunds at the south site perimeter, which is not judged a resultant significant or demonstrable crime and disorder impact given existing public access to Shaws Lane. Indeed, the bund would reduce noise transfer impacts between the new development and adjoining land uses (adjacent Chase Farm west of site has use for glamping and Woodland House south of site has a home boarder business for dogs); this mitigation was not present in the

original application proposals. Proposed parking levels are largely consistent with those previously accepted (in compliance with Southwater Neighbourhood Plan local standards) and approved across the Broadacres development.

- 6.17 Updated landscaping and detailed planting plans are submitted in support of the revised layout and have been negotiated with the Council's Landscape Architect. The Council's Tree Officer is satisfied the health and longevity of existing trees on and off site, including those under preservation order, would be safeguarded, subject to securing the arboricultural impact assessment and method statement Rev B by ACD. The proposal now includes significantly more new tree planting than in 2022 and satisfies the high bar to tree planting set by Southwater Neighbourhood Plan policy SNP18.
- 6.18 On compliance with SNP18, based on a combined Phase 4 and 5 proposed floor area of 29,738m² a total of 744 trees are proposed of a tree girth size of 8cm-35cm against a requirement of 743 trees. Broken down phase by phase there are 449 no. trees in Phase 5 (against a required 404) and 295 no. trees in Phase 4 (requiring 339); providing the requisite number overall, placing trees in areas better suited for long term establishment. Therefore, no additional tree planting or contributions towards new tree planting is required.

- Play space

- 6.19 Since 2022 detailed refinement of the on-site play provision has progressed with developer engagement with your Officers, particularly on equipped play (a LEAP and a LAP will be delivered as part of the phase) and to existing ground levels to create additional interest within the proposed play spaces, and a sensitive landform at the perimeter edges of the site. There is now a link between play spaces across phases 4 and 5; a betterment as it has increased permeability within the open space and will prevent unwanted desire lines from being introduced in the future. The Council's Parks and Landscape Officers are satisfied for negotiations to continue through later stage agreement in the discharge of planning conditions, including final iteration of the perimeter land modelling to ensure the bund in the north corner does not appear too uniform and unnatural (as identified by the Council's Conservation Officer) and to test feasibility in relation to the bunds south for views southwards to the South Downs National Park.

- Phase 4

- 6.20 Whilst correctly, the above design considerations have focused on Phase 5 (as that is the subject of this application), the relocation of units also results in betterment of the design qualities of Phase 4, in particular of site layout and street character. The removal of the three apartment blocks from this phase has allowed for the adoption of a strengthened street-based form and style to this phase, with rationalisation of servicing access and more homes having their own front-doors opening onto the street. This is itself a material planning consideration.

- Summary

- 6.21 Subject to conditions, the revised proposals are therefore considered to continue to be compliant with local policy in regard to; landscape character and visual impact, green infrastructure and outdoor play, design principles, housing standards including sustainable construction, parking and sustainable transport and EV provision (as set in Policies 25, 31, 32 and 33, 37, 43, 40, and 41 of the HDPF, Policies SNP9, SNP10 SNP12, SNP14, SNP15 and SNP16 and SNP18 of the Neighbourhood Plan) and the Council's Open Space Review Standards and the Southwater Parish Design Statement.

Air Quality

- 6.22 Due to technical changes to air quality particulate matter modelling since 2022, the revised submission is accompanied by an updated Air Quality Assessment prepared by Stuart Michael Associates (June 2024). Whilst some technical modelling queries persist, the Council's Air Quality Officer does not dispute the assessment conclusions that with appropriate mitigation equal in value to the undisputed Cost Damage Calculation sum of £31,240 (as updated June 2024), air quality concentrations are acceptable, and the Officer is willing to continue to resolve outstandings through later stage agreement in discharge of planning condition. There continues to be compliance with HDPF Policies 24 and 41, therefore.

Ecology

- 6.23 The submission is accompanied by an updated Ecological Assessment prepared by Derek Finnie Associates Ltd (June 2024). To inform this, a suite of ecological surveys including an extended Phase 1 survey, badger survey, reptile survey and bat assessment were undertaken across the Site between April and June 2024. These have built upon previous surveys undertaken in 2013, 2014 and 2019. The report concludes that the level of predicted impacts would be equivalent to those identified in the outline permission for the wider development (DC/14/0590), when the impacts were deemed acceptable.
- 6.24 An Ecological Mitigation Area will be delivered as part of the phase as an extension of the existing Ecological Mitigation Area secured by the outline planning permission. This has been developed in accordance with the Ecology Enhancement and Management Plan. Whilst the application is not subject to statutory 10% biodiversity net gain (it was submitted before 12 February 2024), opportunities for ecological enhancements are proposed, including two new ponds created within the mitigation area to provide a new species rich habitat.
- 6.25 The Council's consultant ecologist has reviewed the updated ecological material submitted by Derek Finnie, relating to the likely impacts on protected and Priority habitats and species, particularly bats and reptiles, and identification of proportionate mitigation. As previously, the Council's consultant ecologist recommends conditions. This includes being satisfied the outstanding results from the reptile survey in 2024 can inform an updated reptile mitigation strategy secured by a condition. The Council's Habitat Regulations Screening conclusions dated August 2022 regarding The Mens SAC (to which Natural England raised no objection) is still valid. Accordingly, the revised proposals continue to be compliant with Policies 31 and 33 of the HDPF.

Flood Risk and Drainage

- 6.26 The Dec 2024 NPPF (alongside updated Planning Practice Guidance and Environmental Agency flood mapping data March 2025) has required revision to the drainage strategy to serve the development across both Phases 4 and 5. Principally, updated rainfall data and use of hydro-brakes to restrict flow into the ordinary watercourse has resulted in the upsizing of the wet pond in Phase 5 and additional swales as means of source control. It has also required submission of an updated site-specific Flood Risk Assessment (FRA) to reflect the latest drainage requirements and in respect of the sequential test for flood risk. As the updated FRA demonstrates, the only section of medium and high-risk surface water flooding is in the southeast site corner. This area will largely remain landscaped areas, only; with no access or escape routes, land raising or built development present; thereby negating the need for a sequential test assessment per Paragraph 175 of the NPPF. Following negotiation with Officers, the revised drainage strategy, which continues to adhere to Sustainable Urban Drainage principles, now has the support of the Local Lead Flood Authority and satisfies all relevant guidance to flood and surface water drainage matters to ensure compliance with national and local plan policy.

- Foul drainage

- 6.27 Southern Water has undertaken a desktop study of the impact the additional foul sewerage flows from the proposed development will have on the existing public sewer network. Any network reinforcement deemed necessary to mitigate increased risk of foul flooding from the sewer network will be provided by Southern Water. This is endeavoured to be done within 24 months of planning permission however for complex applications timescales may require an extension of this period. Southern Water has requested condition be imposed for that allowance (by phasing development occupation with delivery of the sewerage network reinforcement).
- 6.28 The applicant is alert to this. Your Officers believe that a pre-commencement condition as originally imposed on the 2022 officer recommendation already allows for Southern Water's request. This existing condition (no. 10 of the conditions listed at the end of this report) requires the submission of a foul drainage strategy to the local planning authority for its agreement. Southern Water would be consulted on any such strategy submission. If Southern Water were not satisfied with the submitted strategy, it would be available to the local planning authority to refuse discharge of that condition. The revised proposals are therefore considered to continue to be compliant with adopted local policy HDPF 38 and 39.

Water Neutrality

- 6.29 The Local Authority-led water mitigation strategy (now known as the Sussex North Water Certification Scheme (SNWCS)) has progressed further towards implementation (expected summer 2025). The Council's recently updated publicly stated position, as reflected within its water neutrality guidance, is that it will accept the use of a negatively worded ('Grampian') style planning condition preventing the commencement of development unless and until the requisite number of water credits have been secured pursuant to SNWCS, or, alternatively, a bespoke strategy has been approved by the Council and implemented in advance of the commencement of development. As confirmed within the Council's guidance, only development deemed compliant with a current or emerging (post-submission) local plan or neighbourhood plan would be deemed eligible for access to purchasing SNWCS water credits.
- 6.30 As the application site is allocated for development in the Horsham District Planning Framework, and the development proposal is compliant with that allocation, the applicant now has the option to use the forthcoming SNWCS scheme to offset the water demand from this development. A condition is therefore recommended which gives the applicant the option of addressing water neutrality through either SNWCS or through a bespoke site-specific water neutrality solution (which could include offsetting on assets within the resource zone). This condition would ensure the development is water neutral and would enable the Council to conclude as to the absence of potential adverse effects upon the integrity of the Arun Valley SAC, SPA and Ramsar designations. Natural England have been consulted in the use of SNWCS and have raised no objection to this approach.
- 6.31 Therefore based on the evidence submitted with the application the use of the condition would prove effective and avoid an adverse effect upon the integrity of the Arun Valley sites such as to allow a grant of planning permission without conflict with the Authority's duties pursuant to Regulation 63 of the Conservation of the Habitats and Species Regulations (2017).
- 6.32 The Council has completed the HRA exercise and its Appropriate Assessment (AA) concludes that subject to conditions and obligations to be secured in a legal agreement, the project will not have an Adverse Effect on the Integrity of the Arun Valley Sites, either alone or in combination with other plan and projects. Natural England concurs with the Council's AA conclusions.

- 6.33 On this basis the development complies with s.70 of the Conservation of Habitats and Species Regulations 2017 as well as with Policy 31 of the HDPF and paragraph 193 of the NPPF.

Section 106 Agreement

- 6.34 Negotiations between the applicants and Officers are in progress to agree the details of the S.106 legal agreement that would need to accompany any planning permission for this development to ensure the implementation of the revised Phase 4 proposal (the section 73 application DC/24/1158), and prohibit the remaining parts of the already approved Phase 4 development (DC/18/1246) and the new Phase 5 proposal being built out together. At the time of drafting this report, the obligations will secure the tree planting outside of the Phase 5 application site in Phase 4 under SNP18, the on-site play space provision and associated management and maintenance of open amenity and managed land, bridleway upgrade, and the air quality mitigation. The fire service requested fire hydrant will be secured by condition.
- 6.35 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged as a Community Infrastructure Levy (CIL) if the obligation does not meet all of the following tests:
1. Necessary to make the development acceptable in planning terms;
 2. Directly related to the development; and
 3. Fairly and reasonably related in scale and kind to the development.
- 6.36 The S106 as currently drafted would provide a list of contributions/obligations that have been tested against the CIL regulations and your Officers are satisfied that the 3 tests are met.

Community Infrastructure Levy (CIL)

- 6.37 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	16163.74	0	16163.74

Total Gain

Total Demolition 0

- 6.38 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development. In the event planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Planning Conclusions

Heritage balance

- 6.39 Because less than substantial harm has been identified to the significance of designated heritage assets an unweighted balancing exercise is required first, in accordance with the NPPF. Public benefits may include anything that delivers economic, social or environmental objectives. Weight to the harm identified to the significance of designated heritage assets, in

terms of their setting is given. However, the public benefit arising from the significant contribution of the scheme to market housing along with the other lesser public benefits are sufficient to outweigh that harm, in compliance with Paragraph 215 of the NPPF.

Overall Conclusions

- 6.40 This recommendation reflects a material change in the overall weighting of material planning considerations insofar that updates to national and local planning policy are new material considerations that need to be considered. Also of material consideration are the outcomes from the amended development scheme now applied for, and the means for securing water neutrality via SNWCS, and new third party representation.
- 6.41 In consideration of updated policy and weighting, Member's decision-making in November 2022 was in the context of the Council being unable to demonstrate a 5-year housing land supply, with the provisions of the then Paragraph 11d engaged (as the proposal was 'water neutral'). Beyond this, other revisions in the 2024 NPPF do not materially impact the overall weighting exercise undertaken in 2022, including on Planning and Flood Risk and Chapter 9 Promoting Sustainable Transport; otherwise, in cross-referencing the key principles of the scheme, there is only minor changes in wording and terminology, and paragraph references. The paused status of the HDLP affords this only very limited weight.
- 6.42 As Members resolved in 2022, the proposals were judged acceptable in directing development that helped meet local housing needs to a sustainable location, making effective use of land, and securing a well-designed place (subject to signing of the now well-advanced Section 106 Agreement, with completion imminent). This reflects the site's allocation in the current development plan under HDPF Policy SD10 and the grant of outline planning permission (DC/14/0590).
- 6.43 The proposal represents the final phase of this strategic housing allocation in the current development plan known as Land West of Worthing Road (aka Broadacres). It continues to be the case that there is compliance with the Southwater Neighbourhood Plan; and that the proposal presents public benefits to be afforded positive weight, more so given these are now within the context of a worsened housing supply and delivery since 2022; and, importantly, adverse impacts (harms) continue not to be evidenced significant or demonstrable.
- 6.44 Officers therefore continue to recommend this application be approved, having regard to the material planning considerations as detailed out in this report and the appended committee papers.

7. RECOMMENDATIONS

- 7.1 To approve full planning permission, subject to the completion of the Section 106 Agreement and the following conditions:

1. Approved Plans List

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

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

- 3. Pre-Commencement Condition:** No development shall 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) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) 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.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

4. Pre-Commencement Condition: The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

- An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
- Details of how residents will be advised of site management contact details and responsibilities
- Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
- Details regarding parking or site operatives and visitors, deliveries, and storage;
- The method of access to and from the construction site
- The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc.
- Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
- Locations and details for the provision of wheel washing facilities and dust suppression facilities
- the anticipated number, frequency and types of vehicles used during construction, and the method of access and routing of vehicles during construction

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

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) and Policy SNP16 of the Southwater Neighbourhood Plan.

5. Pre-commencement Condition: No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for Protected and Priority species (reptiles and compensation of lost Ecological Mitigation Area) has been

submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:

- purpose and objectives for the proposed works;
- detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- extent and location of proposed works shown on appropriate scale maps and plans;
- timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- persons responsible for implementing the works;
- initial aftercare and long-term maintenance (where relevant);
- disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve Protected and Priority species and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and Policy 31 of the Horsham District Neighbourhood Plan and Policy SNP16 of the Southwater Neighbourhood Plan.

6. Pre-commencement Condition: No development shall take place until an updated Reptile Mitigation Strategy, based on 2024 reptile surveys addressing the mitigation and translocation of reptiles, has been submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham District Neighbourhood Plan and Policy SNP16 of the Southwater Neighbourhood Plan.

7. Pre-Commencement Condition: No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved, in writing, by the local planning authority.

In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the developer has secured the implementation of a further programme of archaeological work in accordance with a written

scheme of investigation which has been submitted to and approved, in writing, by the local planning authority. Works shall be carried out in accordance with the approved scheme.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy 34 of the Horsham District Planning Framework (2015) and Policy SNP19 of the Southwater Neighbourhood Plan.

- 8. Pre-Commencement Condition:** No development shall commence until either:
- i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary certificate to achieve water neutrality has been secured via the Sussex North Water Certification Scheme;
 - or
 - ii) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and
 - iii) The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme under part ii) has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

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

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

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015) and Policy SNP16 of the Southwater Neighbourhood Plan.

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

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping, and as the matter is fundamental to protect roots of important existing trees and hedgerows on the site and future trees identified in the approved landscaping strategy in accordance with Policies 25, 32, 33 & 34 of the Horsham District Planning Framework (2015) and draft Policies SNP16 and SNP18 of the Southwater Neighbourhood Plan.

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

writing and all materials and details used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy SNP16 of the Southwater Neighbourhood Plan.

- 12. Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that all dwellinghouse buildings comply with Building Regulation M4(2).

Reason: As this matter is fundamental to in order to improve the sustainability of the development and to ensure homes are fit for all ages in accordance with Policy 37 of the Horsham District Planning Framework (2015) and Policy SNP9 – Home Standards.

- 13. Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs to achieve stated objectives;
- locations of proposed enhancement and compensation measures by appropriate maps and plans;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- persons responsible for implementing the enhancement measures;
- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework and Policy SNP16 of the Southwater Neighbourhood Plan

- 14. Pre-occupation condition:** Prior to the first occupation of any part of the development hereby permitted, the following details of hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Soft and hard landscape written specifications (NBS compliant) including ground preparation, cultivation and other operations associated with plant and grass establishment
- [If in proximity of Ancient Woodland] Supplier information for plant stock – only locally sourced planting stock should be used and only certain tree nurseries are suppliers of accredited UK Sourced and Grown stock
- Details of all boundary treatments - such as walls, fencing and railings - including location, type, heights and materials
- A general arrangement and soft and hard landscape details of the play areas.

- Details of minor artefacts and structures – such as bin stores, cycle stores, street furniture, play equipment and signage – including location, size, colour and specification
- Redesign of northern bund to make less uniform and more natural and demonstration of the viewing corridor towards the South Downs National Park can still be retained with southern bunds.
- Ensure Public Right of Way Footpath 1652 surfaced as advised under planning approval of discharge of condition reference: DISC/23/0073.

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

Reason: To ensure a satisfactory development sympathetic to the character of the surroundings, satisfactory open space provision for future occupants, and landscape buffers to protect and conserve the countryside character, including Shaws Lane, the setting of neighbouring heritage assets, and help achieve safe and secure development, in accordance with Policies 25, 32, 33 & 34 of the Horsham District Planning Framework and Policies SNP12, SNP16 and SNP18 of the Southwater Neighbourhood Plan

- 15. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Landscape and Ecological Management and Maintenance Plan (LEMMP) has been submitted to and be approved in writing by, the local planning authority.

The content of the LEMMP should apply to all hard and soft landscape areas and shall include and shall include the following:

- An Ecological Design Strategy (EDS) addressing the compensation of the recently created ecological mitigation area to the proposed LAP
- Description and evaluation of features to be managed including the native planting palette to be used.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management and long-term design objectives .
- Appropriate management options prescriptions for achieving aims and objectives.
- Prescriptions for management actions, maintenance schedules, and accompanying plan delineating areas of responsibility, including for all communal landscape areas
- Preparation of a maintenance and work schedule and periods (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for timetabled implementation of the plan and management responsibilities and accompanying plan delineating areas of responsibility.
- Ongoing monitoring and remedial measures.

The LEMMP shall be carried out in accordance with the approved details, supporting documents / reports, surveys, and timetable(s) unless the Local Planning Authority gives written consent to any variation.

The LEMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMMP are not being met)

how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

In addition, the LEMMP must include compensation for the loss of the H3 Priority hedgerow sections used by foraging and commuting bats.

Reason: To ensure a satisfactory development and nature conservation in accordance with Policy 31 of the Horsham District Planning Framework (2015) and Policies SNP16 and SNP18 of the Southwater Neighbourhood Plan, and to allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 16. Pre-Occupation Condition:** Prior to the first occupation (or use) of each phase of the development hereby permitted, a verification report demonstrating that the SuDS drainage system for that phase has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015) and Policy SNP16 of the Southwater Neighbourhood Plan.

- 17. Pre-Occupation Condition:** Prior to first occupation (or use) of the development hereby permitted, a detailed exterior lighting scheme shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light and in consultation with a suitably qualified ecological consultant with the scheme as shown in Appendix 1 - Proposed Lighting Layout (Ecological Assessment (Derek Finnie Associates, November 2019) to avoid disturbance to foraging/commuting bats.

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: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to safeguard the amenities of the site and surrounds in accordance with Policies 31, and 33 of the Horsham District Planning Framework (2015) and Policies SNP16 of the Southwater Neighbourhood Plan.

- 18. Pre-Occupation Condition:** Pre-Occupation Condition: No dwelling shall be first occupied until an updated Air Quality Assessment and 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 £31,240 and include (but not be limited to) the measures detailed in Chapter '6.0 Mitigation' of REF:

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) and Policy SNP15 of the Southwater Neighbourhood Plan.

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

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015) and Policy SNP22 of the Southwater Neighbourhood Plan.

- 20. Pre-Occupation Condition:** No dwelling shall be first occupied until all vehicular, cycle and pedestrian access from the site has been designed, laid out and constructed in accordance with the plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and in accordance with policy 40 of the Horsham District Local Development Framework and Policies SNP13, SNP14 and SNP15 of the Southwater Neighbourhood Plan.

- 21. Pre-Occupation Condition:** No dwelling shall be first occupied until the car parking serving the development has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in the interests of road safety and in accordance with Policies 40 and 41 of the Horsham District Planning Framework and Policy SNP14 of the Southwater Neighbourhood Plan.

- 22. Pre-Occupation Condition:** No dwelling hereby approved shall be first occupied until details of facilities for the covered and secure storage of cycles have been approved in writing by the Local Planning Authority and the approved storage facilities made available for use within the site. Once brought into use the cycle storage areas shall be retained at all times for their designated purpose.

Reason: To ensure that adequate storage space is available for cycles to promote the use of sustainable modes of transport, in the interests of highway safety and the visual amenity of the scheme in accordance with Policies 32, 33, 40 & 41 of the Horsham District Planning Framework and Policy SNP13 of the Southwater Neighbourhood Plan.

- 23. Pre-Occupation Condition:** No dwelling hereby approved shall be first occupied (unless and until provision for the storage of refuse/recycling has been made available for use for that dwelling in accordance with details approved in writing by the Local Planning Authority. Once brought into use the refuse/recycling storage areas shall be retained for the storage of refuse/recycling containers only and not used for any other purpose.

Reason: To ensure that adequate storage space is available for refuse/recycling containers in the interests of highway safety and the visual amenity of the scheme in accordance with Policies 32, 33, 40 & 41 of the Horsham District Planning Framework and Policies SNP9, SNP10, and SNP16 of the Southwater Neighbourhood Plan.

- 24. Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015) and Policies SNP4 and SNP13 of the Southwater Neighbourhood Plan.

- 25. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until fire hydrant(s) to BS750 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).

- 26. Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the approved detailed, and shall thereafter be maintained as such, unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework and Policy SNP4 of the Southwater Neighbourhood Plan.

- 27. Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Strategy (Southwater Phase 5 version 7 Date 15.05.2025 Final by Hodkinson Consultancy). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures, including all water butt provision as detailed in the approved water neutrality strategy, shall be retained as such thereafter.

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

- 28. 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) and Policy SNP16 of the Southwater Neighbourhood Plan.

- 29. Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the updated Ecological Assessment Report Ref: DFA24061V3 (Derek Finnie Associates, June 2024), Ecology Update (Derek Finnie, July 2022) and the Ecological Assessment (Derek Finnie Associates, November 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 Local Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework and Policy SNP16 of the Southwater Neighbourhood Plan.

- 30. Regulatory Condition:** The existing public right of way across the site shall remain available for public use in accordance plans and details to be submitted to the Local Planning Authority for approval.

Reason: To safeguard the rights of the public and in accordance with policy 40 of the Horsham District Local Development Framework and Policy SNP13 of the Southwater Neighbourhood Plan.

- 31 Regulatory Condition:** All works shall be executed in full accordance with the approved:

- BERK21376aia-ams REV B 28/06/2024 ARBORICULTURAL IMPACT ASSESSMENT AND METHOD STATEMENT by ACD Environmental LAND WEST OF WORTHING ROAD PHASE 5
- BERK21376-03B TREE PROTECTION PLAN

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015) and Policies SNP16 and SNP18 of the Southwater Neighbourhood Plan.

- 32. Regulatory Condition:** The finished floor levels and external ground levels of the development shall be completed in accordance with drawing SOU-PPC-OO-XX-DRC-C-0305 REV P2 unless otherwise agreed in writing by the Local Planning Authority in writing.

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) and Policy SNP17 of the Southwater Neighbourhood Plan.

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

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

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

Reason: In order to safeguard the character and visual amenity of the locality and/or highway safety in accordance with Policy 33 of the Horsham District Local Development Framework (2015) and Policy SNP16 of the Southwater Neighbourhood Plan.

- 35. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no development falling within Class B of Part 1 of Schedule 2 of the order shall be constructed on the dwellinghouses hereby permitted without express planning permission from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to protect the amenities of adjoining residential properties from loss of privacy in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy SNP16 of the Southwater Neighbourhood Plan.