



PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development and Building Control

DATE: 2nd December 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 updated circumstance regarding Water Neutrality.

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 the impact of Natural England's formal withdrawal of their 2021 Position Statement on Water Neutrality since the resolution to grant planning permission was made at the 5th August 2025 Committee Meeting. The Position Statement was withdrawn by letter on 31st October 2025.
- 1.2 This application, at the higher quantum of 94 dwellings, was last heard on 5th August 2025 Planning Committee meeting where Members resolved to grant planning permission subject to conditions and completion of a s106 legal agreement. The applicants had submitted a water neutrality strategy which proposed a combination of onsite efficiencies and offsetting of the remaining water consumption by access to the Council's Sussex North Water Certification Scheme (SNWCS), formerly the Sussex North Offsetting Water Scheme (SNOWS). Since then, negotiations have advanced on the s106 agreement and at the time of writing are almost at engrossment stage.
- 1.3 The application has been previously heard at the 8th September 2020 and 1st November 2022 Planning Committee North meetings. The relevant committee papers are attached as **Appendix A** (8th September 2020), **Appendix B** (1st November 2022) and **Appendix C** (5th August 2025), 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.

DESCRIPTION OF THE (AMENDED) APPLICATION

- 1.4 The application, as considered at the previous 5th August 2025 committee meeting, sought full planning permission for 94 dwellings as Phase 5 of the Broadacres development. The Committee resolution was to approve the application, subject to a suite of planning conditions.
- 1.5 Following withdrawal of the Natural England 2021 Position Statement, the applicant now seeks removal of the two relevant water neutrality conditions (nos. 8 and 27, which required the applicant to implement and adhere to their approved water neutrality strategy) and revert the HDPF Policy 37 requirement of 110 litres per person per day.

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 **Natural England (standing advice):** No objection
- 3.3 No other consultation responses not previously reported have been received since the 5th August 2025 committee resolution.

PUBLIC CONSULTATIONS

Representations (summarised)

- 3.21 No representations have been received since the 5th August 2025 committee resolution.

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 previous resolutions to approve full planning permission. No material considerations indicate that a different conclusion as to the principle of housing on this site should be reached.
- 6.2 Therefore, the sole consideration since the 5th August 2025 resolution is the impact of Natural England's formal withdrawal of their 2021 Position Statement on Water Neutrality.

Water Neutrality

- 6.3 As set out in the August committee report, Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advised the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 6.4 On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites.

Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. Given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites. It is though recognised that Southern Water have separately made significant water savings in 2024/25 through a programme of leakage reduction which has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline.

- 6.5 Officers have undertaken a new Appropriate Assessment which demonstrates that the anticipated mains water consumption from this development (some 28,600 litres per day), alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day. This is based on all new residential development achieving the Building Regulations Part G Optional Technical Standard of 110 litres per person per day, as required under Policy 37 of the HDPF.
- 6.6 Natural England has been consulted on this approach of using the 2024/25 Southern Water efficiency savings to offset new development. In response, Natural England have provided standing advice which confirms that they consider the 3,240,000 litres per day of water savings made by Southern Water to be reliable such that they have no objection to this capacity being used to offset development proposals.
- 6.7 Accordingly, subject to the imposition of a condition requiring the development to meet the Building Regulations Part G Optional Technical Standard of 110 l/p/d water consumption (see condition 26), the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

Section 106 Agreement

- 6.8 Negotiations between the applicants and Officers are the final stages to agree the details of the S.106 legal agreement that would need to accompany any planning permission for this development, with the obligations of the S106 agreement as previously reported in the 5th August Committee Report.

Community Infrastructure Levy (CIL)

- 6.9 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			

- 6.10 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

- 6.11 The proposed amendments to the application as a consequence of the withdrawal of the 2021 Natural England Position Statement do not alter the heritage and planning balance exercise and conclusions previously reported in the 5th August Committee.
- 6.12 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 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.

- 9. 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.

10. **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.

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 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 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 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

13. **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

- 14. 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).

- 15. 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.

- 16. 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.

- 17. 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: 6186/JPM Issue Status: 04 AIR QUALITY ASSESSMENT June 2024 by Stuart Michael Associates Limited.

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.

- 18. 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.

- 19. 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.

- 20. 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.

- 21. 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.

- 22. 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.

- 23. 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.

- 24. 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 Policies 33 and 39 of the Horsham District Planning Framework (2015).

- 25. 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.

- 26. Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 27. 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.

- 28. 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.

- 29. 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.

- 30. 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.

- 31. 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.

- 32. 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).

- 33. 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.

- 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 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.