



Appeal Decision

Inquiry held on 3-6, 10, 12 June 2025

Site visit made on 4 June 2025

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 11th July 2025

Appeal Ref: APP/Z3825/W/24/3355546

Horsham Golf Club, Denne Park, Horsham, RH13 0AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Generator Group against the decision of Horsham District Council.
 - The application Ref is DC/23/1178.
 - The development proposed is the development of a Sports and Leisure Hub including the provision of communal facilities, nursery, golf college, sports club house (containing health & fitness spa, changing facilities and food & beverage) and an educational facility for Warren Clark Golfing Dreams (Use Classes E, F1 & F2); a local centre containing a convenience store and co-working space (Use Classes E & F2); the provision of supporting landscaping, open space and related infrastructure; outdoor sports and leisure provision comprising driving range, reprovision of golf (including supporting golf facilities) and hockey (including pitches and training area) (Use Class F2) and up to 800 dwellings (Use Class C3) (all matters reserved save for access).
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Decision

1. The appeal is allowed and outline planning permission with all matters reserved, save for access, for the development of a Sports and Leisure Hub including the provision of communal facilities, nursery, Golf College, sports club house (containing Health & Fitness spa, changing facilities and food & beverage) and an educational facility for Warren Clark Golfing Dreams (Use Classes E, F1 & F2); a local centre containing a convenience store and co-working space (Use Classes E & F2); the provision of supporting landscaping, open space and related infrastructure; outdoor sports and leisure provision comprising driving range, reprovision of golf (including supporting golf facilities) and hockey (including pitches and training area) (Use Class F2) and up to 800 dwellings (Use Class C3) at Horsham Golf Club, Horsham, RH13 0AX in accordance with the terms of the application, Ref DC/23/1178, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Inquiry sat for 6 days between 3 and 12 March 2025. A pre-Inquiry Case Management Conference was held on 8 April 2025 to discuss the arrangements for the Inquiry and deadlines for the submission of various documents. A summary of the conference was subsequently sent to the main parties¹.
3. I carried out an accompanied site visit on the second day of the Inquiry. I also undertook an unaccompanied site visit to view the wider area including the walking and cycling connections between the site and Southwater and Horsham. The Council requested that I visit the site in the hours of darkness to assess the

¹ CD.Q1

effect of lighting. However, given my observations on the formal site visit I did not consider a further site visit was necessary.

4. Although the application was submitted in outline with only access to be determined at this stage, it was accompanied by a suite of indicative drawings and supporting technical documentation in relation to highways, ecology, noise, air quality and surface water drainage. This material is broadly accepted by technical consultees and demonstrates that a number of matters are capable of being satisfactorily dealt with either by condition or planning obligation.
5. The Council refused the application on 14 May 2024 for nine reasons². Before the start of the inquiry the Council confirmed that Reasons for Refusal (RfR) 2 (water neutrality), 5 (flooding), 6 (noise disturbance), 7 (secondary education), 8 (mineral safeguarding) and 9 (affordable housing) had been withdrawn following the receipt of further information from the Appellant and/or agreement that the matters could be dealt with by condition. That left RfRs 1 (settlement boundary), 3 (landscape impacts) and 4 (active travel) as the only outstanding matters in dispute. It should be noted that the Council also withdrew the first sentence of RfR 3 relating to a lack of information in relation to landscape impacts.
6. The appeal scheme constitutes Environmental Impact Assessment development, and the application was accompanied by an Environmental Statement (ES)³ prepared pursuant to the Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 2017 (as amended). Having undertaken its own review, the Planning Inspectorate considers the ES to be satisfactory in terms of Schedule 4 of the EIA Regulations. I am therefore satisfied that the ES is fit for purpose and identifies the likely environmental effects arising from the appeal scheme.
7. A signed and dated agreement under s106 of the Town and Country Planning Act 1990 was submitted after the close of the Inquiry in accordance with an agreed timetable. A draft version of the document along with a Compliance Statement were discussed at the Inquiry⁴. Among other things, the s106 agreement contains obligations in respect of travel planning, health and monitoring contributions and off-site highway works. All the proposed planning obligations need to be assessed against the statutory Community Infrastructure Levy (CIL) tests, a matter I return to later.
8. The Council is currently progressing a new local plan⁵. However, the appointed Examining Inspector wrote to the Council on 4 April 2025⁶ raising concerns in relation to the Plan's housing requirements, spatial strategy and the failure to comply with the duty to co-operate. In these circumstances and although there is ambiguity as to the Council's next steps, it is a matter of common ground that the plan carries only very limited weight in this appeal.
9. In 2022 the Council published Facilitating Appropriate Development (FAD)⁷ which seeks to set out the weight that can be given to current and emerging local policy in order to assist the delivery of housing in a sustainable manner. Although

² Decision Notice CD.G2

³ CD.A34-A49

⁴ CD.P47

⁵ CD.I1

⁶ CD. I7

⁷ CD.H5

previous Inspectors have attributed weight to this document, it is common ground that it is not adopted policy and carries very limited weight in this appeal.

10. Housing⁸ and transport⁹ Statements of Common Ground (SoCG) have been submitted, and I have had regard to these in reaching my decision.

Main Issues

11. The main issues are:

- a) The degree to which the proposed development would result in landscape and visual harm to the local area;
- b) Whether future residents of the development would be able to conveniently access local facilities including education provision through non-car modes of transport;
- c) Overall compliance with the Development Plan and whether any harms would significantly and demonstrably outweigh the benefits of the appeal scheme.

Reasons

Character and appearance

12. The appeal site is irregular in shape and comprises an 18-hole golf course, additional short course, golf driving range and associated netting, clubhouse, and gym. It is accessed from Worthing Road and crossed by Public Right of Way (PRoW) 1666 which runs southwest to northwest. Public byway 1668, referred to as Green Lane, bisects the southern part of the site.
13. The application was accompanied by a detailed Landscape and Visual Appraisal¹⁰ (LVIA) which assesses the likely landscape and visual effects of the development. At the inquiry there was a wide difference of opinion between the landscape witnesses as to the visual and landscape impacts of the development and the Council made a number of criticisms of the LVIA. Whilst I have had regard to all the landscape evidence, my assessment is ultimately informed by my own observations on the site visit which had the benefit of being after I had heard the evidence of the landscape witnesses.
14. The parties agree that the appeal site has been subject to significant human intervention and is not a designated or 'valued' landscape in the terms set out in the National Planning Policy Framework (NPPF). On that basis alone, it is difficult to understand how the Council attributes 'very substantial' weight to the alleged landscape harm.
15. From my observations there is a clear distinction between the central section of the site containing roads, car parks, dwellings, golf & health club and the golf courses. The latter are agreed to be artificially constructed landforms. Nonetheless, they possess significant visual and landscape value as a result of the harmonious interplay between the rolling and undulating topography, manicured greens, tranquil water features and sweeping open fairways framed by an eclectic mix of mature trees. Beyond the visual, the scent of mown grass,

⁸ CD.F3

⁹ CD.F2

¹⁰ CD.A12

melodious birdsong and the rustle of leaves in the breeze all contribute to an immersive and serene atmosphere. These elements are all experienced by users of the Public Rights of Ways (PRoWs) that criss-cross the appeal site.

16. The construction of 800 houses on the 18-hole golf course, whatever its final form, would inevitably impose a considerable extent of built development on the land which would have a significant visual effect within the site boundaries including from PRoWs 1666 and 1668. However, the visual effect from outside the appeal site would be more muted and, in the Council's own words "*well contained and localised*". As demonstrated by the external viewpoints in the LVIA, this is not a development, despite its size, that would be readily apparent in views outwith the boundaries of the appeal site.
17. There would be some inevitable change in views along Worthing Road. However, this area contains a number of urbanising features such as the Park & Ride facility (P&R), existing accesses to the golf/football club and a petrol filling station. In essence, it does not have a character or appearance that could reasonably be described as rural. Accordingly, any harm to the Worthing Road streetscene would be strictly limited.
18. The vast majority of the houses, even in winter, would be well screened by the landscaping which would be retained and strengthened as part of the development. According to the Appellant's Arboricultural Report¹¹ none of the 87 groups of trees or 98 individual trees falling within Category A would be removed. I am thus satisfied that the site's sylvan character, one of its defining landscape features, would be retained by the development.
19. I accept the Council's point that there is value in the tranquillity offered by the golf courses. This inevitably reduces as one moves westwards across the site towards the A24 and Worthing Road where the highway network is clearly audible. It is germane that new development is to be focused in these western areas. The short format golf course in the northern part of the site would be retained as well as the area to the east of PRoW 1666. In these parts of the site, the level of tranquillity currently enjoyed by users of the rights of way would remain largely unaffected. There would however be some inevitable loss of tranquillity in the southern quadrant of the site.
20. Policy 27 of the Horsham District Planning Framework¹² (HDPF) states that landscapes will be protected from development which would result in the coalescence of settlements. Development between settlements will be resisted unless it can be demonstrated, inter alia, that there is no significant reduction in the openness and 'break' between settlements. I do not accept the Appellant's argument that requirements 1-4 of Policy 27 are disapplied in scenarios where there is no physical coalescence of settlements.
21. The appeal site clearly forms part of a wider swathe of countryside separating Horsham from Southwater which helps to protect the identity of both settlements. As with any greenfield development on the edge of Horsham, the appeal scheme would undeniably erode elements of the functioning space between Horsham and outlying settlements. However, the appeal site does not itself adjoin either of the two settlements and would not therefore physically unify them. There would be no

¹¹ CD.C10

¹² CD.H1

viewpoints where Horsham and Southwater would, post-development, be seen as merging. Accordingly, there would be a very limited perception of coalescence.

22. In terms of the first limb, I do not consider there would be a 'significant' reduction in openness given the site's high degree of visual containment. I am also satisfied that there would be no material conflict with the second limb given the urbanised nature of Worthing Road adjacent to the site. While there would be some loss of openness between Horsham and Southwater, the wider area of intervening land between the two settlements would continue to exist and would protect their separate identities such that they would remain clear and distinguishable from one another.
23. Reference was made by the Council to the adverse effects of lighting. However, this is not an area with 'dark sky' status. On my site visit I noted the proximity of extensive lighting around the P&R, petrol filling station and along Worthing Road and the A24. I am not therefore persuaded that the appeal site is located within an area that is sensitive to new lighting.
24. Overall, there would be some moderate visual and landscape harm arising from development on the golf courses. This loss of openness would also result in a reduction in the amount of separation between Horsham and Southwater as well as a loss of tranquillity and outlook for users of the PRowS. Having regard to the site's level of visual containment and the proposed landscape mitigation, I consider the level of harm would be moderate rather than significant. Nonetheless, the proposal would conflict with HDPF policies 25, 26 and 27 insofar as they seek to prevent coalescence and protect the countryside against inappropriate development.

Sustainable travel

25. The Council's objection is based on a perceived lack of active travel choices (walking and cycling) for future residents. The objection relies to a large extent on the consultation response from Active Travel England who highlight that walking distances in particular to a range of destinations would be far in excess of the recommended 800 metres.
26. At the outset it is important to recognise that 'active travel' is only a subset of what is often referred to as 'sustainable travel' which the Glossary to the NPPF defines as "*Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport*".
27. NPPF paragraphs 110 and 117¹³ state that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Moreover, while sustainable transport modes should be prioritised, opportunities will vary between urban and rural areas, and this should be taken into account in decision-making. Section 9 of the NPPF is therefore clear that all sustainable travel modes should be considered rather than just walking and cycling. In that context, it should be noted there was no objection to the proposal from the Local Highway Authority who considered the issue of sustainable transport as a whole.

¹³ Identified by Footnote 9 as being of particular importance

28. Against the above policy background and before one even considers the walking and cycling credentials of the appeal scheme, it is difficult to understand how a development located directly opposite a P&R, offering regular and direct services into Horsham, a top-tier settlement, would fail to promote sustainable transport.
29. Horsham has an excellent range of higher order services and facilities. Some trains to London Victoria take 59 minutes which is within London's "golden hour". Trains are also available to Portsmouth, Southampton, Crawley and Gatwick Airport. In the opposite direction, Lintot Square in Southwater is less than a 10-minute bus journey from the P&R. Although the appeal site is large, I consider that the P&R would be within convenient walking distance for all future residents.
30. The s106 agreement would secure a financial contribution of £750,000 which would be spent on improving the frequency of the 98 service that operates between Southwater and Horsham via the P&R, to every 15 minutes. These improvements would benefit existing residents of Horsham, Southwater as well as future residents of the appeal site. In light of the proximity of the P&R site and the service enhancements set out above, I consider that future residents of the development would have excellent access to public transport consistent with NPPF paragraphs 110 and 117.
31. Turning to walking, there can be no dispute that some destinations (see Table 2.2 of the Transport Assessment¹⁴) would be well over the 800m identified as being the "*most conducive*"¹⁵ for walking. These include Horsham town centre, Catkins Nursery, Castlewood Primary School, Tanbridge House School, Riverside Medical Practice and supermarkets. Although many of these destinations would be within or close to the "*preferred maximum*" of 2km¹⁶, I acknowledge that walking is not going to be a convenient option for most people, in most seasons of the year.
32. A range of destinations would however be conveniently accessible on foot from the appeal site including the proposed local centre which would include amongst other things, a convenience store. Likewise, the sporting and leisure facilities, mini-Waitrose on the opposite side of Worthing Road as well as the Amazon parcel delivery locker facility, would all be conveniently located for walking. A number of pedestrian improvements are proposed along Worthing Road, the Hop Oast roundabout and P&R to facilitate and encourage journeys on foot to these destinations.
33. There was much discussion at the inquiry regarding the quality of the walking route into Horsham. The Appellant is proposing to widen the footway along Worthing Road where possible to 1.5m which the Council accepts is "*as wide as is practicable*"¹⁷. Nonetheless, the footway would not meet the preferred minimum width of 1.8m and owing to existing constraints it would not be possible to widen a section of approximately 225m between Salisbury Road and Tower Hill beyond 1m. There are also deficiencies in terms of crossing facilities at the Tower Hill junction. Based on the above, there can be little doubt that the route along Worthing Road even with the proposed improvement measures, would be far from ideal. However, I do not consider the level of pedestrian provision along Worthing

¹⁴ CD.A15

¹⁵ See "*Planning for Walking*" Chartered Institution of Highways and Transportation, 2015 CD.E65

¹⁶ "*Providing Journeys on Foot*" CD.E62

¹⁷ This is the test set out in the Department of Transport's "*Inclusive Mobility*" Guide CD.E64

Road, post-improvement, would be so substandard as to discourage normally fit and active people from using it.

34. Worthing Road would not however be the only route for pedestrians wishing to walk into Horsham. I find it more likely that future residents would prefer the traffic free route comprising Lovers Lane and Pedlars Way (PRoWs 1670 & 1672) which runs close to the eastern site boundary. Although more circuitous than Worthing Road, this is currently a promoted cycle route but would be improved to LTN1/20 standard in accordance with the Council's Local Cycling and Walking Infrastructure Plan (2020)¹⁸. Another alternative to Worthing Road, albeit seasonal in nature, would be via the PRoW network across Denne Park to Horsham Sports Club. Future residents would therefore have a range of options for accessing Horsham on foot. Nonetheless, I find it unlikely that many residents would walk regularly into Horsham simply due to the distances involved. However, to a greater or lesser extent, that is going to be the case for all greenfield sites on the edge of Horsham and is not therefore a matter that weighs significantly against the appeal scheme. In this case, the reality is that most residents wanting to go into Horsham by sustainable travel modes would simply cross the road and catch a bus from the P&R.
35. In terms of school trips, the majority of houses in the southern section of the appeal site would be within the "*preferred maximum*" of 2km from Castlewood Primary School and Southwater Junior Academy. Despite the pedestrian improvements proposed along Southwater Street, I recognise that the walk distance to local schools would be on the very limit of what might be considered convenient. I do not consider the distance to local supermarkets to be particularly excessive, recognising that journeys for this purpose are rarely made on foot given the arduous nature of carrying shopping bags for even the shortest distance.
36. In terms of cycling, the whole of Southwater, Horsham town centre and local schools would be within the recommended 5km and therefore conveniently located for such trips. There were conflicting views about cycling along Worthing Road. While this route would be less than ideal for pedestrians, I am not persuaded that argument necessarily extends to cycling. I accept that there are not dedicated cycle lanes but that does not preclude its use by commuting cyclists. As I saw on my site visit, the road is used by cyclists and the accident data does not support the claim, that it is unsafe for such use. As with walking, the reality is that most cyclists, particularly children, would use the largely traffic free Lovers Lane and Pedlars Way route to access Horsham. With the improvement of that route along with those proposed between the appeal site and Southwater and the cutting back of vegetation along the pinch point north of Kings Lane, I can see no obvious impediment to cycling as a regular mode of transport for future residents including children going to school.
37. There was no dispute from the Council's witness that the development would promote 'ultra-low and zero emission vehicles, through the provision of EV chargers for each dwelling. Car sharing could be promoted through the Travel Plan which would be secured through the s106 agreement.

¹⁸ CD.E70

38. To sum up, I consider that future residents of the appeal site would have **excellent** access to public transport, **good** opportunities for cycling, car sharing and the use of ultra-low or zero emission vehicles. As with most greenfield sites on the edge of a settlement, not every destination would be within an 800m walking distance. From some parts of the site, local schools and Horsham town centre would be over 2km which is likely to preclude walking as a convenient mode of transport all year round. That has to be balanced against those destinations which would be within a convenient walking distance notably the P&R and local centre. Taking all these considerations in the round, including the comprehensive package of pedestrian improvements to the north, south and west of the site, I consider the appeal scheme would afford future residents with **moderate** opportunities for walking.
39. When sustainable travel is properly considered in the round, I conclude that future residents of the development would be able to conveniently access local facilities through non-car modes of transport particularly cycling and public transport. This is not therefore a location where future residents would be overly reliant on car journeys. Accordingly, I conclude there would be no conflict with NPPF paragraphs 108, 109, 114, 115 and 119 and HDPF Policy 40.
40. In coming to that view, I consider the Council has placed far too much emphasis on the 800m walk distance recommended in Manual for Streets and other related guidance. As the Appellant argued, such distances should not be construed as hard and fast rules and should be applied with a degree of flexibility which recognises that the opportunities to promote sustainable transport rather than just active travel modes will be determined by the type of development and its location. In that vein, outside of central London and other major cities, there will be very few residential sites that are able to meet the 800m recommended walk distance in all cases.
41. Those principles apply with equal or greater force here because greenfield sites on the edge of Horsham and other top tier settlements will need to come forward if housing needs are going to be met. By virtue of their peripheral location, very few, if any, of these sites will score highly across all aspects of sustainable travel. Some, may be better located for walking and others, as is the case here, for public transport and cycling. If one were to take the Council's approach in this case, which was to rigidly apply 'recommended' walk distances to some destinations and failing to balance that against the availability of other sustainable travel modes, there is very little prospect of the country meeting its ambitious housing targets.

Other Matters

42. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) as competent authority I am required to undertake an Appropriate Assessment of the development on the basis of its Likely Significant Effects on the Arun Valley Special Areas of Conservation, Special Protection Areas and Ramsar sites. Subject to the development demonstrating it would be 'water neutral' there is no objection from Natural England or the Council. Following consideration of the Appellant's private water neutrality solution which would be secured by planning condition [33], I conclude that there would not be any adverse effect on the integrity of these European Sites, either for the proposed development alone, or in combination with other plans and projects.

Conditions

43. The parties have suggested a number of planning conditions which were discussed at a round-table session following which further amendments were made with a final list being submitted after the close of the Inquiry¹⁹. I have considered the conditions against the advice in the Planning Practice Guidance (PPG). In some instances, I have amended or amalgamated the conditions in the interests of brevity, to avoid repetition or to ensure compliance with the PPG
44. To provide certainty, I have imposed standard conditions for outline permissions covering time limits, the reserved matters and the approved plans and documents [Conditions 1-5]. A phasing plan is necessary to ensure that the development comes forward in a planned and coherent manner [6]. A design strategy is necessary to ensure the satisfactory appearance of the development [7]. A Construction Management Plan (CMP), including details of the construction hours, is necessary to ensure all aspects of the construction adhere to best practice and do not adversely affect the amenity of local residents [8].
45. An archaeology condition is necessary to protect any archaeological assets that may be present [9]. A Construction Environmental Management Plan to include details of protection measures for trees, is necessary to protect habitats during the construction phase [10]. Land contamination conditions are necessary to ensure the land is suitable for a residential use [11-12]. Drainage conditions are necessary to ensure satisfactory drainage and future maintenance of the site in the interests of flood prevention [13-19].
46. A noise mitigation scheme is necessary to ensure future residents are not subject to unacceptable levels of noise [20]. Ecology conditions including a Landscape and Ecological Management Plan (LEMP) are necessary to ensure the development delivers a net-gain for biodiversity [21-22]. A lighting condition is necessary to ensure the effects of lighting on bats is minimised [23]. Conditions relating to the site access and off-site pedestrian/cycle improvements are necessary in the interests of highway safety and the promotion of sustainable modes of travel [24-28]. A major events plan is necessary to ensure sporting events do not create highway safety and amenity issues on the local highway network. However, I consider a threshold of 500 attendees is more proportionate than 100. I have amended the condition accordingly [29]. Conditions covering high-speed broadband and sustainable construction are necessary to ensure compliance with the Council's sustainability objectives in these areas [30-31].
47. A requirement for all 800 dwellings to achieve M4(2) 'Accessible and Adaptable Dwellings' is patently excessive and as explained by the Appellant is likely to limit the number of dwellings that could be delivered. It is an important principle that conditions which change the nature of the development applied for, should not be imposed. While I acknowledge the request for 100% comes from Policy 9 of the Southwater Neighbourhood Plan (SNP), the supporting text explains that the figure was identified in the AECOM report Housing Needs Assessment. That document identifies that the proportion of residents in Southwater who are 75+ is projected to increase from 5.02% to 15.47% between 2011 and 2031 and goes on to recommend at paragraph 218 that 170 dwellings falling into use class C3 should conform to Lifetime Homes Principles. 170 homes represents

¹⁹ CD.P45

approximately 21% of the proposed 800 dwellings. In light of the above and considering that other sites are likely to come forward in the plan period, I have amended the suggested condition so that 15% (120 dwellings) are built to achieve M4(2) of the optional requirements in Building Regulations [32]. I have imposed a condition [33] to ensure details of the water supply for each phase of the development are submitted and agreed in writing. This is necessary to ensure water neutrality to avoid significant likely effects on the Arun Valley sites. An Air Quality Mitigation Measures Report is necessary to ensure compliance with HDPF Policy 26 [34].

48. Conditions 6, 8, 9, 10, 11, 14, 15 and 16 are 'pre-commencement' form conditions and require certain actions before the commencement of development. In all cases the conditions were agreed between the main parties and address matters that are of an importance or effect that need to be resolved before construction begins.

49. The appeal site is located within a Mineral Safeguarding Area for building stone. Policy M9 of the West Sussex Joint Minerals Local Plan states that residential development in these areas will not be permitted unless, inter alia, "*the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible*". While the Appellant does not object to the condition, I am duty bound to consider whether the relevant tests are met. The first point is that the presence of Horsham Sandstone has not been demonstrated by the Council. The Council's own figures show that there are 2.55 million tonnes of permitted reserves of building stone. According to the Appellant's Mineral Resource Assessment²⁰, these reserves mean it is unlikely that there will be a commercial demand for Horsham Sandstone even if it were present under the appeal site. Putting that to one side, I have found there is an overriding and urgent need for housing in the district. Accordingly, and having regard to all material considerations, I consider the requirements of limb b) iii) of Policy M9 are met and that it would not be practicable to extract any building stone even if it were found to be present. I have omitted the suggested conditions accordingly.

50. Great Crested Newts (GCNs) were found to be present in six ponds on the appeal site. Although these are to be retained and enhanced as part of the development, the ES concludes that there would be a major adverse effect due to a decrease in the number of ponds across the site and from disturbance during the construction phase. To address this, GCNs would be translocated away from affected ponds during construction under licence from Natural England. The licencing requirements are subject to a separate regime under the Conservation of Habitats and Species Regulations 2017 operated by Natural England. Accordingly, I do not consider it necessary to impose the suggested GCN condition.

51. I am not persuaded that the condition requiring details of underground services, including locations, dimensions and depths of all service facilities, is reasonable, necessary or proportionate at outline stage. These matters would be addressed as part of the reserved matters. As mechanical ventilation is covered under the Building Regs I have omitted these requirements from suggested condition 15.

²⁰ CD.A30

52. Private water supplies in the UK are governed by the Private Water Supplies (England) Regulations 2016. The regulations require local authorities to carry out a risk assessment of private water supplies at least once every five years. The assessment helps determine the necessary monitoring and testing regime to ensure the water is safe. The responsibility under the regulations is on the relevant local authority and there appears to be no provision for this to be transferred to another body. Local authorities can make reasonable charges to cover the costs of carrying out their duties under the regulations. Suggested conditions 20, 24 and 25 are concerned with the Appellant's private water supply and among other things seek details of the water treatment plant, testing of tap water and a risk assessment. However, all these matters are covered under the regulations. Accordingly, and given the clear instruction in NPPF paragraph 201, I am not persuaded these conditions meet the test of necessity. They are in effect matters covered by other regulatory processes.
53. Details of how the woodland areas would be managed can be secured via the LEMP. Details relating to the location of fire hydrants would be provided either at the reserved matters stage or more likely through the S38 road adoption process. I have omitted the suggested conditions accordingly.

Obligations

54. The NPPF sets out policy tests for planning obligations which must be necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. The CIL Compliance Statement²¹ summarises the obligations which are agreed between the parties. Nonetheless, the agreement provides that if my decision letter concludes that any provision in the agreement is incompatible with any one of the tests then the relevant obligation shall cease to have effect.
55. Part 2 of the s106 agreement contains obligations to ensure 35% of the total number of dwellings are affordable (70% affordable rented and 30% shared ownership). Part 3 of the agreement contains obligations which would secure 5% self-build and custom build dwellings. Part 4 of the agreement would secure a financial contribution of £750,000 towards an enhanced bus service and safeguard land around the A24 Hop Oast roundabout. Part 5 includes obligations which would secure a contribution of £198,960 for improvements to Lovers Lane and Pedlars Way and a £1,213,445 health care contribution. The latter is supported by a consultation response from the Horsham and Mid Sussex Clinical Commissioning Group²² which identifies that the future residents are likely to register at the Southwater and town centre practices which are already at capacity. Part 6 contains obligations relating to the sport facilities and a new headquarters for the charity Warren Clarke Golfing Dreams. Part 7 contains obligations relating to the delivery of the local centre and community facilities. Part 8 concerns the provision of open space, play areas and allotments on the site. The agreement also secures a Travel Plan monitoring fee of £3,950 to West Sussex County Council (WSCC) as well as fees of £8,400 and £4,050 for the Council and WSCC respectively to monitor their own obligations.
56. The above obligations are not in dispute and the information before me sets out the detailed background and justification for each of the obligations. I am satisfied

²¹ CD.P46

²² CD.B29

from the evidence before me that the obligations are necessary, directly related to the proposal and fair and reasonable in scale and kind to the appeal scheme. As a result, I have taken the obligations into account in forming the recommendation set out below.

57. I have noted concerns from the Appellant regarding the extent of the Council's fees for preparing the s106 agreement which is said to be in the order of £47,750 which equates to over 5 weeks work. For a relatively straight-forward agreement lacking novel or unusual provisions, the amount sought, on the face of it, appears excessive. However, without further information from the Council, this is not a matter I intend to stray into, and it is not material to my decision.

Planning Balance and Development Plan Compliance

58. I am required to determine this proposal in accordance with the Development Plan, unless material considerations indicate otherwise. The starting point is therefore the Development Plan. I have found conflict with HDPF Policies 25, 26 and 27 insofar as they seek to prevent coalescence and protect the countryside against inappropriate development. For the same reasons, the appeal scheme would conflict with SNP Policy 1. There would also be conflict with the provisions of the FAD. However, the weight which can be attributed to these conflicts is significantly reduced in this case for the following reasons:

- 1) First, the Council is unable to demonstrate a 5-year supply of housing or anything close to it. A viable replacement plan is arguably further away now than at any point since the adoption of the last plan and therefore there is no realistic or imminent prospect that the current shortfall will be remedied through the development plan process. This means the relevant policies, particularly current settlement boundaries, are to be considered out-of-date and the tilted balance in HDPF Policy 1 and NPPF paragraph 11d) is engaged. Having concluded that the settlement boundaries in the HDPF are out of date, it follows that the same boundaries within the Southwater Neighbourhood Plan must also be out-of-date.
- 2) Second, in seeking to protect the countryside for its own sake and restricting development outside settlement boundaries, Policy 26 and SNP1 are inconsistent with the balanced, cost/benefit approach set out in the NPPF. The balancing of harm against benefit is a defining characteristic of the NPPF's overall approach embodied in the presumption in favour of sustainable development. Because of this, where Policy 26 is used to restrict housing outside settlement boundaries, it cannot be seen to be consistent with the language of the NPPF.
- 3) Third, and as the Council fairly accepted, greenfield sites outside settlement boundaries (and therefore in the countryside) will need to come forward in Horsham district if housing needs are to be met. Consequently, a degree of landscape harm, coalescence and conflict with Policies 25, 26 and 27 will have to be tolerated. In this regard the Council were not able to point to any sequentially preferable sites in landscape (nor sustainable transport) terms in or close to Horsham.
- 4) Fourth, the degree of harm to a non-designated landscape in this case would be moderate rather than significant.

59. For all the above reasons, I give only **very limited weight** to the identified policy conflicts. In coming to that view, I have carefully considered the implications of the conflict with SNP Policy 1. Given the age of this plan, it is afforded protection from NPPF paragraph 14 which states that conflicts with a neighbourhood plan is likely (my emphasis) to significantly and demonstrably outweigh the benefits, provided it is less than 5 years old and contains policies and allocations to meet its identified housing requirement. As the Council accepted, the inclusion of the word 'likely', means that there will be scenarios where development will be acceptable even if there is conflict with a neighbourhood plan.
60. While there is no dispute regarding the age of the SNP, there was much discussion at the inquiry regarding the recommendations in the AECOM Southwater Housing Needs Assessment²³ and whether this amounted to a housing requirement under NPPF paragraphs 69-70. During that discussion it became clear that there are a number of significant flaws in the way the figure in the report was identified by effectively excluding all the need-based figures. I do not consider this can reasonably be claimed to represent a housing requirement in the terms set out in NPPF paragraphs 69-70.
61. Putting that matter to one side, the requirement of 420-450 dwellings identified in the SNP, must now be considered out-of-date on its own terms²⁴. Even in the alternative, compliance with the second limb of paragraph 14 is not determinative. As set out below, the planning balance is so heavily skewed in favour of the development that any conflict with NPPF paragraph 14 and the SNP would be outweighed by 'other considerations' in the case of a s38 balance or the 'benefits' of the scheme in the tilted balance under NPPF paragraph 11d) and HDPF Policy 1.
62. The benefits of the scheme and my weighting are set out below:
- The delivery of up to 800 new homes including a policy compliant level of 280 affordable and custom build homes, in an authority which has a lamentable housing land supply record²⁵ and an emerging plan that has been identified as facing a number of significant obstacles – **very substantial weight**
 - The ability of the appeal scheme to deliver a water neutral development in an area where this issue has stymied new development in recent years and where there no other large-scale housing developments that are able to proceed independently of the Council's anticipated SNOWS scheme²⁶ – **substantial weight**
 - The provision of much needed and improved sports facilities, including a new home for Horsham Hockey Club and the Golf College (an educational facility for 50 sixth-form students) – **significant weight**
 - The provision of a new home for Warren Clark Golfing Dreams, a charity focused on using golf to encourage disabled and disadvantaged groups to become more involved in sport – **significant weight**

²³ CD.E61

²⁴ If the AECOM methodology were used to calculate a housing need figure today, it would be nearly three times the 420-450 figure identified in the SNP.

²⁵ It is agreed that the Council can only demonstrate a 1-year HLS with a Housing Delivery Test score of 62%.

²⁶ As agreed by the Council's witness, SNOWS would only deliver approximately 2.5 years of housing and so it appears inevitable that schemes with their own independent water neutrality solution will have to be approved if housing needs are to be met.

- A comprehensive programme of walking and cycling improvements providing material betterment to local residents – **significant weight**
- A financial contribution to increase the frequency of local bus services to the betterment of existing residents of the district - **significant weight**
- The delivery of commercial floorspace and employment within a new local centre – **moderate weight**
- 18.52 hectares of publicly assessable open space including natural and semi natural greenspace, allotments and eleven play areas – **moderate weight**
- Highway capacity improvements to the Hop Oast roundabout – **moderate weight**
- Biodiversity net-gain of over 10% - **limited weight**

63. Collectively the benefits or ‘other considerations’ listed above are of such magnitude that they clearly outweigh the identified landscape harm and associated policy conflicts even on the ‘flat balance’ under section 38(6) of the Planning and Compulsory Purchase Act 2004.

Conclusion

64. For the reasons given above the appeal should be allowed.

D M Young

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Charlie Banner KC, he called:

David Churchill BA, PG Dip, MRTPI

Planning witness

Richard Fox BA(Hons), PG Dip LA, CMLI

Landscape witness

Clive Burbidge BSc (Hons) MSc MRTPI, FCIHT, FIHE CMILT

Transport witness

FOR THE LOCAL PLANNING AUTHORITY:

Craig Howell Williams KC, he called:

James Hutchison BA MA MRTPI

Planning witness

Robyn Butcher BA(Hons) Grad Dip FLI

Landscape witness

Mark Knighting BSc MSc MRTPI

Active Travel England

INTERESTED PARTIES:

Tim Gardner

Keep Denne Hill Green

Derek Moore

Southwater Parish
Council

Nigel Langridge

Denne Park Residents
Association

Dawn Osborne

Warren Clarke Golfing
Dreams

Paul Lyons

Golf College

Stephanie White

Horsham Hockey Club

James Barkley

Horsham Health & Fitness

SCHEDULE OF CONDITIONS

- 1) Details of the layout of the development, the scale of each building, the appearance of each building, access within the site and the landscaping of the development, ("the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Sustainable Travel Opportunities 05, Swept Path Analysis 22-TT044_06.1, Swept Path Analysis 22-T044_06.3, Proposed Signal Junction13C, Topographical Survey, Swept Path Analysis 22-T044_06.2, Floodlighting Scheme 01, Landscape Designations 5005, Location Plan 01 and Supplementary Drainage Strategy and Flood Risk Assessment Rev C.
- 5) The detailed design of the development proposed through Reserved Matters applications pursuant to this outline planning permission shall have regard to, and broadly accord with, the principles set out on the following parameter plans: Land Use 009-01 G, Density, 009-02 F, Building Heights, 009-03 F, Access & Movement 009-04 G and Green Infrastructure 009-05 G.
- 6) No development shall commence, including any demolition works, until a Phasing Plan (including phases and any sub-phases) for the development, including a description of the quantum and type of development anticipated to be delivered in each phase has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out in accordance with the approved Phasing Plan.
- 7) Prior to or as part of the submission of the first application for approval of Reserved Matters, a site wide Design Strategy shall be submitted to and approved, in writing, by the Local Planning Authority. The Design Strategy shall include the following:
 - i. Details of the design principles of all buildings;
 - ii. Details of all design principle of all landscaped, community uses and open space areas;
 - iii. Indicative layouts,
 - iv. Details of external facing materials, boundary treatments and street furniture;

- v. Approach to development near to the gas pipeline.
 - vi. Details of self/custom build units.
- 8) No development, including any preparation works prior to building operations, within any phase shall take place until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include, but not be limited to the following:
- i. A site plan identifying location of site entrance and exit; areas on site for parking and turning for site personnel; areas on site for parking loading and unloading of plant and materials, and provision of on-site for turning for delivery and construction vehicles;
 - ii. Details of areas for the storage of plant and materials, including stock piles;
 - iii. Details of the form and location of any proposed temporary works compounds/welfare facilities;
 - iv. A programme of works (including details of the timing of deliveries, measures for traffic management/signage);
 - v. Details of any temporary fencing/hoardings to be provided;
 - vi. Details of the routing of construction and delivery vehicles to / from site;
 - vii. Details of hours of construction;
 - viii. Details of particle monitoring including site level actions;
 - ix. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination, and
 - x. Locations and details for the provision of wheel washing facilities and dust suppression facilities

The approved Construction and Transport Management Plan shall be adhered to throughout the duration of the construction period.

- 9) (a) No development or preliminary groundworks within any phase or sub-phase shall commence (other than demolition works) until a programme of archaeological trial trenching for that phase or sub-phase has been secured and undertaken in accordance with a written scheme of investigation, which has been submitted by the applicant, prior to or in conjunction with the first reserved matters application and approved by the Local Planning Authority.
- (b) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Local Planning Authority following the completion of this work.
- (c) In the event that the part of the site to which that phase or sub-phase relates is determined to be of archaeological significance, no development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the Local Planning Authority through its historic environment advisors.

(d) The applicant shall submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

10) No development within any phase or sub-phase shall commence including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

11) No development within any phase or sub-phase shall commence, other than demolition works, until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site within any phase or sub-phase 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.

- b) An intrusive site investigation scheme, based on (b) 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 (including details on phasing) based on the results of the intrusive site investigation (c) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the Local Planning Authority.

- 12) The relevant phase or sub-phase of the development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority a verification report that demonstrates the completion of the remediation scheme that is required pursuant to condition 11(c). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 11(c), unless otherwise agreed in writing by the Local Planning Authority.
- 13) Prior to the first occupation of the development, a detailed maintenance and management plan for all watercourses on site shall be submitted to and approved in writing by the Local Planning Authority and adhered to for the lifetime of the development. Where it is proposed to alter a watercourse, the details submitted must demonstrate there is adequate space for the watercourse to be naturalised and enhanced, that flood risk is suitably managed for all storms up to and include the 1 in 100 (1%) Annual Exceedance Probability plus climate change, that exceedance events of the channels do not impact the proposed development and that the watercourse and its exceedance routes are easily maintainable and accessible. The development shall be constructed in accordance with the approved details.
- 14) No development within any phase or sub-phase shall commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved method statement unless alternative measures have been subsequently approved by the Local Planning Authority.
- 15) No development within any phase or sub-phase shall commence until a detailed construction phase surface water management plan for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details for the construction of each SuDS component as well as how they are to be protected from silt and debris during construction. The scheme shall subsequently be carried out in accordance with the approved details.

- 16) No phase or sub-phase shall be first occupied or occupied until details of the maintenance and management of the sustainable drainage scheme for that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development within that phase or sub-phase and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
- i. a timetable for its implementation.
 - ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
 - iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation, management and maintenance of the sustainable drainage scheme, including any proposed funding arrangements for its management and maintenance throughout its lifetime. This will include the name and contact details of any appointed management company.
- 17) All development shall be constructed in accordance with the submitted and approved Supplementary Flood Risk Assessment and Drainage Strategy dated May 2025, this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any design flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.
- 18) Prior to, or concurrently with the submission of each re-served matters application for any phase or sub-phase, a detailed surface water drainage scheme relating to that submission shall be submitted to and approved in writing by the Local Planning Authority, which shall include:
- i. Detailed drawings and hydraulic calculations demonstrating the incorporation of above ground source control features that meet the four pillars of SuDS;
 - ii. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features and any interaction with the surface water flow route; and
 - iii. The calculations shall demonstrate that critical storm duration will be limited to the runoff rate for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence as set out in supplementary Drainage Strategy and Flood Risk Assessment undertaken by Woods Hardwick Limited dated May 2025
 - iv. Ensuring no above ground flooding occurs up to and including the 1 in 100 (1%) plus climate change critical storm event.

- v. Ensuring that all buildings have been provided with safe access and egress up to the 1 in 100 (1%) plus 45 % climate change surface water flood event.

The detailed design shall include:

- vi. construction drawings of the surface water drainage network;
- vii. associated sustainable drainage components; and
- viii. flow control mechanisms;

The scheme shall then be constructed in accordance with the approved drawings, method statement and hydraulic modelling calculations prior to the first occupation of the relevant phase or sub-phase of the development hereby approved. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

- 19) Upon completion of the relevant phase or sub-phase of the surface water drainage system, including any SuDS features, and prior to the first use of that phase or sub-phase of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition [2]. Where necessary, details of corrective work to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.
- 20) No dwelling shall be occupied until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the internal noise levels recommended in BS 8233:2014/WHO will be met. The dwellings shall be constructed in accordance with the approved details.
- 21) Prior to first occupation or first use of the development, a Biodiversity Compensation and 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 Compensation and Enhancement Strategy shall include the following:
 - Purpose and conservation objectives for the proposed compensation and enhancement measures;
 - detailed designs to achieve stated objectives;
 - locations of proposed compensation and enhancement 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 compensation and enhancement measures;
- details of initial aftercare and long-term maintenance (where relevant).

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

- 22) Prior to first occupation within any phase or sub-phase or first use of the development within any phase or sub-phase, a Landscape and Ecological Management Plan (LEMP) for that phase or sub-phase shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP 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 LEMP 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.

- 23) Prior to first occupation within any phase or sub-phase or first use of the development within any phase or sub-phase a lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and how the lighting scheme will minimise disturbance. 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.
- 24) No part of the development shall be first occupied or use commenced until the site access junction and associated works onto B2337 Worthing Road as shown on drawing titled 'Proposed Signal Junction Arrangement', drawing number 13 revision C as included within the Transport Technical Note dated February 2024 have been fully constructed.

- 25) No part of the development shall be first occupied or use commenced until a scheme of walking and cycling improvements have been constructed in accordance with the indicative details shown on drawings 08.2, 08.3, and 08.4 as included within the Transport Addendum dated November 2023, and plans and details submitted to and approved in writing by the Local Planning Authority. The scheme of walking and cycling improvements shall be retained and maintained as such thereafter.
- 26) No part of the development shall be first occupied or use commenced until a scheme of walking and cycling improvements for public footpath 16681666, Coltstaple Lane, and Southwater Street as shown indicatively on drawing 08.1 within the Transport Addendum dated November 2023, along with a timetable for their construction have been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall thereafter be constructed in accordance with the approved details and timetable and be retained and maintained thereafter.
- 27) No part of the development shall be first occupied or use commenced until a 1.5 metre footway, unless otherwise agreed has been provided on Coltstaple Lane between public right of way 1668 and 1670, in accordance with plans and details and a timetable for its construction have been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall thereafter be constructed in accordance with the approved details and timetable and be retained and maintained thereafter.
- 28) No part of the development shall be first occupied until a safe and suitable walking and cycling improvements across the site to connect to Footpath 1666 have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided, the walking and cycling route shall be retained or, if temporary routes have been agreed during construction, an alternate suitable route is provided and retained in accordance with the agreed plans and details.
- 29) No part of the sports pitches shall be first used until a major events plan has been submitted to and approved in writing by the Local Planning Authority. The major events plan shall provide details of how any high attendance events (defined as events that are expected to attract more than 500 attendees) will be managed to limit the impact upon the local highway network. All major events shall thereafter be carried out in full accordance with the approved plan.
- 30) All non-domestic buildings shall meet the target of 'Very Good' of the Building Research Establishment Environmental Assessment Method.
- 31) Prior to the first occupation of any building within a phase or sub-phase, the necessary in-building physical infrastructure and external site infrastructure to enable superfast broadband speeds of a minimum 30 megabytes per second through full fibre broadband connection shall be provided to the relevant buildings within that phase or sub-phase.
- 32) All relevant Reserved Matters applications shall set out how at least 15% of all new dwellings will achieve M4(2) of the optional requirements in Building Regulations and the 'Technical housing standards – nationally described space standard' (March 2015, as amended in May 2016), or any subsequent updated standard set by Central Government.

- 33) Prior to first occupation of any dwelling within a phase or sub-phase, details of water supply to the dwellings and any non-residential buildings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation that all the relevant requirements of Private Water Supply (England) Regulations 2016 have been complied with. The approved details shall thereafter be retained and maintained.
- 34) No dwelling shall be occupied until an Air Quality Mitigation Measures Report for that phase or sub-phase has been submitted and approved by the Local Planning Authority. The report shall outline all measures for the site wide proposal and state how the measures will be delivered within each phase of the development. The measures shall be implemented in accordance with the approved details and be retained as such thereafter.