PLANNING COMMITTEE REPORT

TO:	Planning Committee South
BY:	Head of Development and Building Control
DATE:	18th February 2025
DEVELOPMENT:	Development of the site to create 35 new dwellings including associated landscaping and parking, with provision of additional parking facilities associated with St Peters Church of England School and provision of public open space with 9 allotments.
SITE:	Land North of Little Potters, Potters Green, Station Road, Cowfold, West Sussex
WARD:	Cowfold, Shermanbury and West Grinstead
APPLICATION:	DC/24/0982
APPLICANT:	**Name:** Devine Homes **Address:** St Michael's House, 111 Bell Street Reigate RH2 7LF

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

The proposal represents a departure from the Development Plan.

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

1 THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Full planning permission is sought for the development of the site to create 35 new dwellings, comprising a mix of 2, 3 and 4 bed dwelling types (the greater proportion being 3-beds at 63%). Of the 35 dwellings 35% would be for affordable housing, with 12 units provided on site and financial contributions for the 0.25 dwelling shortfall to be secured through a section 106 legal agreement. Officers have engaged with the applicant to secure changes to the original proposal, including on design and layout, affordable housing tenure split, open space and allotment provision, trees, Public Rights of Way, noise and landscaping, and air quality mitigation. These changes are detailed in later sections of this report.

1.3 The application site comprises two fields separated by trees and hedgerow. The residential development is proposed in the centre of the northern field with enhanced landscape buffers along the northern, eastern and western site boundaries. The dwellings are a mix of two-storey detached and semi-detached buildings, situated along the main site road and secondary shared surfaced streets. The dwellings are mostly arranged with back-to-back rear gardens, other than those which front and neighbour the eastern and western site boundaries. Red multi brick is proposed as the predominate finishing material, with a darker shade for brick quoins and banding, and red/brown tile hanging and dark horizontal boarding also proposed for some upper storeys. Red/brown roof tiles are proposed with a mix of gabled and half hipped roofs, some with chimneys and other design features.

1.4 A new school car park is proposed in the northeast corner of the southern field to serve the neighbouring Country Mice Pre-school and St Peters Church of England School. To facilitate this, 1 tree and part of a tree group will need to be removed where the main site road connects into the southern field. In addition, the existing 9 allotment plots in the southern field are proposed to be relocated to the south of the school car park with additional space, including an allotment communal shed. A LEAP play area is also proposed in the northern section of the southern field. Two new connections are proposed to Public Footpath 1759/1 which extends along the eastern and southern boundary of the southern field. The rest of the southern field will remain largely unchanged with some planting and habitat enhancement, and pathways to form the new public open space.

1.5 Primary site access would be via a new vehicular and pedestrian access from Station Road (A272) which runs along the northern site boundary. To facilitate this access point a section of hedgerow will need to be removed. Traffic calming measures are proposed along Station Road, including new colour high friction surface roundels and carriageway edge narrowing strip markings, new dragon teeth road markings on approach into Cowfold, and refreshing the double white lines and cutting back the existing vegetation at signs. The southern footway along Station Road to the east of the site is also proposed to be expanded so that it will connect the new pedestrian site access with a safe route into Cowfold village centre.

1.6 90 allocated driveway and garage car parking spaces are proposed for the 35 dwellings along with 9 visitor spaces. Each dwelling will be provided with an electric vehicle charging point and cycle storage. In the southern field, 3 allotment parking spaces and 43 school car parking spaces are proposed, including 15 staff spaces and 3 accessible spaces.

1.7 The proposal seeks to achieve biodiversity net gain onsite and water neutrality through a bespoke scheme combining water efficiency measures and offsite offsetting.

DESCRIPTION OF THE SITE

1.8 The application site comprises two grassed fields located to the west of Cowfold village, with the northern field abutting the Cowfold Built Up Area Boundary (BUAB). The application site is allocated for residential development within the post-examination Cowfold Neighbourhood Plan under policy 12.

1.9 The two fields are separated by a strip of trees and vegetation. The northern field is bounded by hedgerow and Station Road (A272) to the north, with 9 dwellings and an open grassed field beyond. The site is bounded to the west and south by trees and hedgerows, with similarly enclosed grassed fields beyond. A residential property (Little Potters) is situated in the southeastern of the northern field, and therefore bounds the application site to the east along with hedgerows and the rear gardens of other residential properties along Potters Green. The southern field is bounded by trees, hedgerows and woodland with the exception of the northeastern boundary with Country Mice Pre-School and St Peters Church of England School. The southern field contains 9 existing allotment plots, which are currently accessed by a private road in the northeastern corner of the southern field. The southern field also

contains an area of existing woodland along the western quarter of the field and in the southwestern corner.

1.10 There is an existing site access off Station Road in the northeastern corner of the site, as well as a centrally located gated access between the northern and southern field, and the allotment site access in the northeastern corner of the southern field. Public Right of Way 1759/1 runs outside the application site along the eastern and southern site boundary of the southern field.

1.11 The application site is located within an Archaeological Notification Area, a high risk zone for great crested newts, a Mineral Safeguarding area of building stone and brick clay, Flood Zone 1, and a low, medium and high risk surface water flood flow path through the northern field and a small area of high risk surface water flooding at the very southern boundary of the southern field. The development site is located within the Sussex North Water Supply Zone.

1.12 A Grade II Listed Building (3 Potters Cottage) is located to the east of the application site, with the building's curtilage abutting the northern field's eastern boundary. The application site also abuts the Cowfold Air Quality Zone and Cowfold Conservation Area to the northeast. The neighbouring built form largely comprises of two-storey detached, semi-detached and terraced buildings with a mix of brick colours, red/brown gable and half hip roofs, dark cladding, white render, and brick detailing, porches and chimneys.

2 INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework 2024 (NPPF)

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

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

Post-examination Cowfold Neighbourhood Plan (CNP)
Policy 1 – Groundwater and Surface Water Flood Risk
Policy 2 – Green Infrastructure
Policy 4 – Conservation Area
Policy 5 – Open Space
Policy 8 – Potters Allotments
Policy 9 – Residential Development Principles
Policy 12 – CNP03, Potters
Policy 13 – Housing Mix
Policy 15 –Communications
Policy 16 – Car Parking Provision

Submission Horsham District Local Plan 2023-2040 (HDLP)
Strategic Policy 1 – Sustainable Development
Strategic Policy 2 – Development Hierarchy
Strategic Policy 3 – Settlement Expansion
Strategic Policy 6 – Climate Change
Strategic Policy 7 – Appropriate Energy Use
Strategic Policy 8 – Sustainable Design and Construction
Strategic Policy 9 – Water Neutrality
Strategic Policy 10 – Flooding
Strategic Policy 11 – Environmental Protection
Strategic Policy 12 – Air Quality
Strategic Policy 13 – The Natural Environment and Landscape Character
Strategic Policy 14 – Countryside Protection
Strategic Policy 17 – Green Infrastructure and Biodiversity
Strategic Policy 19 – Development Quality
Strategic Policy 20 – Development Principles
Strategic Policy 24 – Sustainable Transport
Policy 25 – Parking
Strategic Policy 37 – Housing Provision
Strategic Policy 38 – Meeting Local Housing Needs
Policy 40 – Improving Housing Standards in the District

Other relevant documents:
West Sussex County Council Guidance on Parking at New Developments 2020
Open Space, Sport & Recreation Review 2021
Air Quality and Emissions Mitigation Guidance for Sussex (2020)

Planning Advice Notes:
Facilitating Appropriate Development
Authority Monitoring Report 2022/23 Chapter 3 Housing Land Supply
Biodiversity and Green Infrastructure

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

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all

applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only limited weight in decision making.

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

PLANNING HISTORY AND RELEVANT APPLICATIONS

None.

3 OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Arboriculture**: No Objection
Final comments 11.12.2024: No Objection.
[In full] The Council's Arboricultural officer responded to raise no objection with the following comments:

'The revised layout now accords with the minimum recommended root protection areas of the retained trees in accordance with the relevant design standard (BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations).

Impacts of tree and hedgerow loss proposed as a direct result of the development can be mitigated by replacement planting measures.'

Initial comments 04.09.2024: Advice.
[In full] The Council's Arboricultural officer responded to request additional modification with the following comments:

'The layout does not respect the minimum recommended root protection areas of the principal tree belt. New hardstanding is proposed within this area of recognised constraint. Car parking has been designed within the greenfield site to be a cause of foreseeable future conflict with the trees.

The relevant design standard (BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations) is clear in stating that the default position for the conception and design of new structures should be that structures are located outside the RPAs of trees to be retained unless there is an overriding justification for construction within the RPA. On greenfield sites, this is generally not the case.

No detailed assessment has been made in the submitted Arboricultural impact Assessment of the extent of ingress of new hardstanding within the RPA's of the trees affected. The largest Oak (T8) appears to be most adversely affected.'

3.3 **HDC Landscape Architect:** No Objection
Final comments 17.01.2025: No Objection.
[Summary] The Council's Landscape consultant has provided additional landscaping comments in regard to the LEAP location, allotment area boundary treatment and SuDS area. They have also provided comments on low levels of passive surveillance along the western and eastern boundaries and the reduction of tree planting in the school car park. They support

the addition of soft landscaping along plot boundaries. The Council's Landscape consultant has recommended two planning conditions on SuDS details and a Landscape Management Plan.

Initial comments 16.08.2024: Advice.
[Summary] The Council's Landscape consultant responded to request additional modification on the proposed layout, landscape proposals, SuDS, boundary treatment and planting specification.

3.4 **HDC Conservation**: No Objection.
[Summary] The Council's Conservation Officer responded to raise no objection and identify that the proposed development would result in 'less than substantial' harm to the Cowfold Conservation Area and would not harm the significance of the nearby Grade II listed building (3 Potters Green).

3.5 **HDC Biodiversity and Ecology:** No Objection
Final comments 18.12.2024 and 08.01.2025 No Objection.
[Summary] The Council's Biodiversity and Ecology officer confirmed that they had reviewed the revised landscape masterplan documents and amended BNG metric, and confirmed that their previous concerns had been resolved and they had no further comments or concerns.

Initial comments 27.08.2024: Advice.
[Summary] The Council's Biodiversity and Ecology officer responded to request additional modification in regard to the BNG metric, the Landscape plan and concerns also raised by the Landscape Architect.

3.6 **HDC Housing:** No Objection
Final comments 18.12.2024: No objection.
[In full] HDC Housing provided the following final comments:

'The applicant has submitted a planning application proposing a development consisting of 35 dwellings which will deliver 37% (13 units) of affordable housing which is policy compliant.

The Housing Register in Cowfold currently has 163 households waiting for housing of which is broken down to 35 households (22%) in need of a 1-bedroom unit, 36 households (22%) in need of a 2-bedroom unit, 68 households (41%) in need of a 3-bedroom unit and 24 households (15%) in need of 4 or more bedrooms. Housing Officers believe the above to be a good mix to meet current local demand especially for household with a 3 bed need which are the longest waiting on our housing register currently.

Housing Officers have been consulted on the reasoning for the 50/50 split of affordable tenure instead of the usually 70/30 split and understand the reasoning for it. Although there is less affordable rented tenure overall, we are receiving more 3 bed units as affordable rented which are much needed for the households on our housing register. Therefore, Housing Officers support the above tenure mix and sizes.'

Initial comments 25.07.2024: Advice.
[Summary] HDC Housing initially provided comments seeking clarification on the affordable unit tenure split and sizes and recommended that an affordable housing provider be secured as soon as possible.

3.7 **HDC Environmental Health:** Objection
Final comments 14.01.2025: Maintain Objection on noise grounds.
The Council's Environmental Health Officer maintains their concerns with regard to noise. They consider a different external amenity space criteria should be used for establishing acceptable levels and note that 10 dwellings and private gardens will exceed these levels. They note the neighbourhood plan requirements of the site but given the acoustic constraints

query whether the quantum of development is appropriate on this site. Accordingly, they remain of the view that the layout of the site is not in accordance with PRoPG Planning and Noise and therefore maintain their objection on noise grounds.

The Council's Environmental Health Officer has reviewed the Ground Contamination Desk Study Report and is satisfied with the assessment and conclusions and recommends conditioning the proposed onsite investigations. The Council's Environmental Health Officer has reviewed the Borehole Drilling Report and welcomes the detail within it. They raise whether further testing is required and will liaise with other organisations on this.

Initial comments 05.09.2024 and 24.10.2024: Objection.
[Summary] The Council's Environmental Health Officer responded to raise an objection and request further information on noise, land contamination, proposed water supply, and the construction phase. They followed up with additional detailed comments on noise, specifically costly mitigation and ventilation systems, insufficient consideration of all available layout solutions, and concern about future occupants reduced amenity due to noise levels in private gardens.

3.8 **HDC Parks Officer**: No Objection.
Final comments 24.01.2025: No Objection.
[Summary] The Council's Parks Officer responded to confirm that the required quantity and types of open space are proposed on-site. They note that the attenuation area is provided within the open space and this is satisfactory because surplus space has been provided. For the attenuation area, they recommend sympathetic landscaping rather than fenced-off, steep sided engineered basin. For the allotments, they recommend 1.5m powder coated mesh fencing to prevent deet and rabbits from entering but not substantial shading, and no roses or blackthorn within the native hedge plant mix. They recommend planning conditions for open space pathway materials, new levels and specification of the grassland for the parks and gardens and amenity open space, detailed design for the LEAP, detailed design for the allotments, and detailed design of the attenuation basin.

Initial comments 08.10.2024 and 25.10.2024: Advice.
[Summary] The Council's Parks Officer responded to draw attention to the Open Space, Sport and Recreation Study (2021) guidance on the provision of a quality allotment and need for additional allotment space to meet requirement for the proposed residential development. They also advised on differing LEAP buffer distances from property boundaries rather than the buildings themselves.

3.9 **HDC Air Quality Officer:** No Objection
Final comments 23.01.2025: No Objection.
[Summary] The Council's Air Quality Officer responded to confirm they have no objection to the amended Air Quality Assessment and change of in mitigation measures from a bus stop replacement to providing a financial contribution towards the delivery of a set of improvements and actions set out in the Cowfold Air Quality Action plan.

Initial comments 05.09.2024: Objection.
[Summary] The Council's Air Quality Officer responded to request clarification on the bus stop and electric vehicle charging provision, and recommend a Dust Management Plan condition.

3.10 **HDC Environmental Management, Waste and Cleansing:** No Objection.
[Summary] The HDC Environmental Management, Waste and Cleansing Service Delivery Manager responded to confirm the current bin collection points are acceptable, provided the drag distance does not exceed 25m. They have also confirmed that the turning points are sufficient for trucks to manoeuvred within the development.

OUTSIDE AGENCIES

3.11 **WSCC Highways**: No Objection
Final comments: 18.12.2024 and 21.01.2025: No Objection.
[Summary] WSCC Highways responded to confirm that based on the additional information submitted addresses their concerns and that the proposal would not give rise to any severe or otherwise unacceptable highway safety impacts, and have recommended planning conditions on access, car parking, cycle parking, and construction management plan. They have confirmed no issue with change away from bus stop upgrade and have provided their response on the road safety audit.

Initial comments 26.09.2024: Advice.
[Summary] WSCC Highways responded to request further information on the site access for vehicles and non-car modes, the road safety audit and maintenance of the bus stop.

3.12 **WSCC Rights of Way:** No Objection.
[Summary] WSCC Rights of Way responded that the proposal will not impact upon or proposed any alternation to the Public Right of Way and therefore raise no objection subject to the inclusion of recommended informative notes. WSCC Rights of Way also commented that a pedestrian link might be provided from the application site to Public Footpath 1759 to avoid the A272 and provide direct access to the countryside.

3.13 **Lead Local Flood Authority:** No Objection
Final comments 21.10.2024: No Objection.
[Summary] Following the submission of Technical Note 2, the Lead Local Flood Authority responded to raise no objection and recommend the inclusion of four planning conditions and an informative note.

Initial comments 06.08.2024: Objection.
[Summary] The Lead Local Flood Authority responded to raise an objection and request further information on rainfall parameters in modelling, drainage layout, cross sections of drainage systems and drainage calculations.

3.14 **Archaeology Consultant:** Advice.
[Summary] The Archaeology Consultant has reviewed the submitted archaeological assessment and advices that as recommended within the archaeological assessment further investigations are required which should be secured through planning condition.

3.15 **WSCC Fire Safety:** Advice.
[Summary] The WSCC Fire Safety Officer has responded to advice that planning conditions are required to secure additional fire hydrants for the proposed development.

3.16 **NatureSpace Partnership**: Advice.
[Summary] NatureSpace Partnership responded with advice that the proposed development would present a low risk to great crested newts and/or their habitats, however, as the development is within the red Impact Risk Zone, they recommended including an informative note on newts.

3.17 **Natural England:** No Objection.
[Summary] Natural England responded to raise no objection to the proposed bespoke water neutrality solution subject to the appropriate mitigation being secured.

3.18 **Sussex Police:** Advice.
[Summary] Sussex Police has responded with advice on design and security.

3.19 **WSCC Minerals and Waste Planning Authority:** No Objection
Final comments 05.12.2024: No Objection.
[Summary] WSCC MWPA has reviewed the Mineral Resource Assessment and raise no objection to the proposed development from a mineral safeguarding perspective.

Initial comments 04.11.2024: Advice.
[Summary] WSCC MWPA recommend that a brief assessment in the form of a Mineral Resource Assessment be submitted prior to determination.

3.20 **Southern Water**: 21.01.2025: Advice
[Summary] Southern Water have responded with advice on using sustainable drainage systems (SuDS) to be included as an informative and inform a SuDS planning condition.

3.21 **Cowfold Parish Council:** No Objection.
Cowfold Parish Council supports this planning application as it is already enshrined in the Neighbourhood Plan.

PUBLIC CONSULTATIONS

3.22 Eleven (11) letters of representation from 8 addresses have been received on this application. Nine (9) letters objected to the proposed development and 2 include comments.

The objections relate to:

- The proposal undermines Cowfold's aesthetic and historical value.
- The location is not sustainable given distance from village centre and need for new vehicle and pedestrian access.
- The development will disrupt scenic views and rural character, having a negative impact on local landscape and historic integrity contrary to HDPF policies 25 and 34.
- The scale, design and location are out of character and fails to maintain the high-quality and distinctive visual appeal of the visual approach contrary to HDPF policies 32 and 34.
- The development will be harm the visual amenity of neighbouring residents, including loss of general amenity, privacy, light and noise, and visitors on approach to the village contrary to HDPF policy 33.
- The proposal will increase traffic, congestion and risk to highway safety, particularly with regard to the proposed site access, contrary to HDPF policy 40.
- The proposal will impact on trees and landscaping.
- The proposal will impact on ecology and wildlife, in particular bats.
- The site is susceptible to flooding and there is concern the proposal will increase flood risk offsite, including on Station Road raising further highway safety concerns.
- Potters Green is a private road and there is concern about access rights to the school, maintenance and safety with vehicles using it.
- The site is in an Archaeology Notification Area and archaeology may be lost from the proposed development.
- The green space and allotments by the school should be protected.

The 2 letters of comment relate to:

- The proposed development will bring more families to the village and boost to pre-school and school.
- The new school car park will reduce existing traffic and safety concerns.
- The proposal may result in a loss of privacy to the pre-school due to changes to the site boundary and trees.
- The school is listed as a Roman Catholics school but should be a Church of England school.

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

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

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

5 HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

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

6 PLANNING ASSESSMENTS

Principle of Development

6.1 The site is located outside of the defined built-up area boundary (BUAB) of Cowfold and does not form part of Horsham's adopted development plan comprising the Horsham District Planning Framework (HDPF), or a 'made' Neighbourhood Development Plan. As a result, residential development here would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Policy 4 'Settlement Expansion', and as such, in strict policy terms is not acceptable. In addition, as the site is not formally allocated, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location.

6.2 Notwithstanding the above, the application site has been selected by Cowfold Parish Council as a draft allocation in the post-examination Cowfold Neighbourhood Plan (CNP, 2019-2031) for development of up to 35 residential units in the northern field and community space and allotments in the southern field (draft policy 12).

6.3 The CNP has been through the required rigger of public consultation and independent Examination in early 2021, which recommended that (subject to some minor amendments) the plan proceed to referendum (April 2021). In his Report, the Examiner of the Neighbourhood Plan judged the selection sites were modest and can be sensitively incorporated into the fabric of the village generally and respect its heritage assets in particular (paragraph 7.57). The Council's Decision Statement (September 2021) confirmed the plan can proceed to referendum which, unfortunately, was delayed until the strategic offsetting solution to water neutrality is resolved. Despite not yet being formally 'made', Officers are of the view that, given its advanced stage, significant weight should be afforded to the policies and allocations contained with the CNP (including the allocation of this site) in decision making.

6.4 In addition to this, the current Local Plan settlement strategy is over five years old and based on dated housing numbers, with the Council currently unable to demonstrable a 5-year supply of deliverable housing sites (5YHLS). The Council has therefore prepared a Facilitating Appropriate Development document (FAD, October 2022) for use in assessing proposals, including those outside BUABs. The FAD does not form part of the development plan but instead comprises guidance to be taken into consideration. Its use is however clearly intended to indicate where flexibility in relation to the location of development could be appropriate. In

assessing the proposals against the FAD, the application site adjoins the BUAB of Cowfold on its eastern edge and is reasonably well located for access to some local facilities. The locale and quantum of development proposed is judged congruent with the scale and infrastructure provision of the scale and size of the village and its function (as the Examiner agreed in his report on the Neighbourhood Plan). It is considered the proposal therefore meets the criteria listed in the FAD.

6.5 Furthermore, as the Council is unable to demonstrate a 5YHLS (the supply being 2.9 years), the National Planning Policy Framework (NPPF) dictates that this diminishes the weight afforded to Policies 4 and 26 of the Local Plan in decision making. National Policy also dictates that, at paragraph 11d of the framework, the absence of a 5YHLS engages the 'tilted balance' presumption in favour of sustainable development in the determination of this application, provided the proposal would not add to the existing adverse impact of water abstraction on the wildlife sites in the Arun Valley (i.e., it is water neutral). This is discussed below.

6.6 In summary, whilst the future site allocation currently does not form adopted Council policy, the weight afforded to the post-submission Cowfold Neighbourhood Plan (and to the draft allocation of this site) carries significant weight given its advanced stage having passed through examination. Furthermore, the absence of a 5YHLS means the conflict with Polices 4 and 26 of the HDPF is diminished and that the tilted balance (NPPF Para 11d) towards a presumption in favour of sustainable development is engaged, provided water neutrality is demonstrated. Additionally, there is compliance with the FAD.

6.7 As such, the principle of development on the site is considered acceptable, subject to the detailed considerations as set out below to any site-specific constraints, and the detail of the scheme – including how it demonstrates accordance with the criteria of post-submission CNP Policy 12.

Housing Mix and Affordable Housing

6.8 HDPF Policy 16 and post-submission CNP Policy 13 require a mix of housing sizes, types and tenures to meet the needs of the district and local communities, and that of the number of proposed dwellings, 35% of the provision be for affordable housing with a tenure split of 70% affordable rented and 30% intermediate tenure (e.g. shared ownership).

6.9 The proposal is for on-site delivery of 12 affordable housing units (34.3%) split at a ratio of 50:50, which goes against policy requirements. The initial submission included a 70:30 tenure split, but since the submission the applicant has only received one bid from a Housing Association for the affordable homes on the basis of a 50:50 tenure split. They therefore argue that this 50:50 approach secures the deliverability of the affordable homes and viability of the scheme as a whole. The applicant has also confirmed that the shortfall of 0.25 affordable units (Nb 35% equates to 12.25 homes) will be overcome from financial contributions agreed through a section 106 legal agreement.

6.10 The Council's Housing Officer have reviewed this alternative approach and confirmed that although there is less affordable rented tenure overall, they consider this acceptable subject to a higher proportion of 3-bed affordable rented units being provided as these are much needed for households on the housing register. Accordingly, the site layout and schedule of accommodation has been amended to include a higher proportion of affordable rent 3-bed dwellings. In view of this, the Council's Housing Officer support the proposed tenure mix and sizes.

6.11 The Council's Strategic Housing Market Assessment (SHMA, 2019) recommends an open market mix of 1, 2, 3 and 4-bed dwellings, at a target split of 5%, 30%, 40% and 25%. The overall housing mix proposed, set out below in table 1 deviates from the recommended mix

as outlined in the SHMA (2019). However, this is in part to ensure the higher provision of 3-bed affordable rented units, reflecting the Cowfold Housing Register where the need for 3-beds is highest (68 households at 41%) and also currently subject to the longest wait.

Table 1:Comparision of SHMA and proposed housing tenue split (percentages)

Beds	SHMA (2019)	Proposed housing tenure mix (open market housing and affordable)	Affordable housing tenure mix
1	5% (1.7 homes)	0%	0%
2	30% (10.5 homes)	17% (6x dwellings- all affordable homes)	50% (2x Affordable Rent; 4x Shared Ownership
3	40% (14 homes)	63% (22x dwellings- 6x affordable, 16x market)	50% (4x Affordable Rent; 2x Shared Ownership
4+	25% (9 homes)	20% (7x dwellings- all market homes)	0%

6.12 HDPF policy 16 requires a housing mix which reflects the needs of the district and local communities and as set out above, the proposed housing mix reflects the greater 3-bed affordable rent housing provision to reflect the local housing register. Many of these 3-bed affordable rent homes would otherwise have been provided as smaller 1 and 2-bed affordable rent homes. Accordingly, Officers consider that the whilst the proposal is not complaint with the SHMA's recommended housing split for the district, it does seek to address local housing needs from the Cowfold Housing Register through the provision of a greater number of much needed 3-bed affordable rent homes. Therefore, Officers consider that the proposed housing tenure mix is in this instance acceptable in accordance with HDPF policy 16.

6.13 Officers concur with the Council's Housing Officer that in this instance where the 50:50 affordable housing tenure split secures the delivery of the affordable homes and viability of the wider development and a higher proportion of 3-bed affordable rented units, a diversion from the 70:30 split policy requirement and SHMA is acceptable. Accordingly, Officers consider that an appropriate mix of housing sizes, types and tenures are proposed as required by HDPF Policy 16 and post-submission CNP Policy 13. In the event that the application is approved, the securing of the affordable units and tenure type, and shortfall financial contributions, will be set out in the accompanying s106 agreement.

Design and Appearance

6.14 Policy 32 of the HDPF states that good design is a key element in sustainable development and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape. Post-submission CNP Policy 9 supports residential development which are of a sympathetic scale, relating positively to the character, function and layout of the area, and incorporate the use of high-quality materials and finishes consistent with high thermal efficiency. Post-submission CNP Policy 9 further supports development which are of an appropriate density to its location and has regard to current levels in the immediate area and are designed to account for the unavailability of mains gas. Post-submission CNP Policy 12 supports the residential development of the allocated Potters site (CNP03) where the housing density reflects the character and setting of the site.

6.15 The proposed layout comprises of 35 residential units, new vehicular site access and enhanced landscape buffers in the northern field, and a new school car parking area,

substation, attenuation basin, relocated allotments, a Local Equipped Area of Play (LEAP) and public open space in the southern field. Each residential unit has private garden amenity space, refuse and recycling storage, and vehicle and cycle parking. The main site road runs from the new vehicular site access off Station Road to the school parking area.

6.16 The residential units are arranged along the main road and a series of secondary streets off the west of the main road. The units are a mix of detached and semi-detached 2, 3 and 4-beds, but all are two storey buildings. This reflects the existing built character of detached, semi-detached and terraced two-storey buildings in the locality. Officers are therefore satisfied the proposed sizes and scale of buildings are in keeping with the local built character and are appropriate to the sites edge of village setting. The proposed building material palette comprise Wienerberger capelwick multi brick (red base with texture and colour variation), a darker shade brick for quoins and banding, red/brown tile hanging (for upper storey), dark/block horizontal boarding (for upper storey), and red/brown roof tile. This reflects brick and tile colour palettes and use of horizontal boarding along Potters Green and Station Road. Officers are satisfied therefore that the proposed finishing materials are high quality and reflect those in the local built form, in accordance with HDPF policies 32 and 33 and post-submission CNP policies 9 and 12. 1.8m high timber fencing is proposed between the private amenity gardens with the exception of those with boundaries fronting a road where 1.8m high brick walls will be used.

6.17 The Proposed Building Materials Layout plan (drawing ref: P102 Rev K) illustrates the distribution of the different building materials, which focus on upper storey tile handing and horizontal boarding at street corners ensuring active frontages on both street-fronting sides. Design features include chimneys, porches, brick quoins, banding and below window detailing, and bonnet hip tiles, which all contribute to an engaging frontage and reflects similar design features in the surrounding built form. A mix of roof styles, including gable and half hip, are proposed which provide further variety to the built form across the site and reflect the variety of roof styles along Potters Green and Station Road. Officers consider that the distribution of finishing materials and roof styles, and use of design features across the site provide visual variety and interest to the street scene and are sympathetic to the wider built landscape character and conservation area, in accordance with HDPF policies 32 and 33 and post-submission CNP policies 9 and 12.

6.18 There are a number of post-submission CNP policy 12 site allocation requirements with regard to landscape buffers, open space provision and development only in the northern field, and technical constraints, most notably noise from Station Road, which limit developable space. Officers consider that the proposed layout will efficiently deliver 35 residential units with sufficient landscape boundary buffers and distance from Station Road to meet these constraints and requirements, whilst not comprising on functionality, private amenity space, parking or open space provision. Moreover, Officers consider that the proposed layout does not result in an incongruent density nor conflict with the character of the neighbouring built landscape. Therefore, Officers are satisfied that the proposed layout and housing density accords with HDPF policies 32 and 33 and post-submission CNP policy and 12.

Landscape, Trees and Open Space

6.19 HDPF Policy 31 and post-submission CNP Policy 2 states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate. HDPF Policy 33 and post-submission CNP Policy 12(e) and (f) supports developments that retain existing important landscape and natural features, including existing mature trees and hedgerows, and provide a high-quality frontage with the A272 and robust soft landscape buffer to protect the character of the area, particularly on the western and southern boundary of the housing area.

Landscape

6.20 The application site is located within LW10: Eastern Low Weald of the West Sussex Landscape Character Assessment, and J3: Cowfold and Shermanbury Farmlands of the Horsham District Landscape Character Assessment (2003). The key characteristics for J3 include gently undulating low ridges and valleys, small scattered woodlands, small to medium sized pasture fields and some larger arable fields, mostly small scale intricate landscape, localised areas with a more open character, field ponds.

6.21 The site currently comprises two field parcels delineated with tree lines and hedgerows. Whilst the northern field provides an open parcel of land, the southern field comprises a copse to the southwestern corner and western edge of the field along with an area used for allotments. The copse is categorised as Priority Habitat Deciduous Woodland and appears within the National Forest Inventory as Broadleaved.

6.22 The proposed residential development is centred within the northern field, with retained and enhanced surrounding vegetation boundaries. Officers recognise that this development will change the landscape character and introduce built form into the northern field which is currently open, countryside. However, Officers consider that the 15m buffer zone along the northern boundary, and the enhanced 3-10m landscape buffer zones along the eastern and western boundary will minimise the wider impacts of this and help to soften and situate the new dwellings within its village-edge setting. Furthermore, Officers consider that the scale of the dwellings and layout of the site reflect the existing built character of Cowfold such that the site will not appear out of keeping in the wider landscape. Officers are satisfied that the proposal accords with post-submission CNP Policy 12(e) and (f).

6.23 Development within the southern field has been limited to the northern section of the field and comprises the new school car park, the relocated and enhanced allotment site, a substation, attenuation basin and a LEAP. As the southern field will remain largely unchanged and open, and the existing green infrastructure is retained and enhanced, Officers are satisfied that the proposed development will not result in a significant change to the landscape character in accordance with HDPF Policy 31 and post-submission CNP Policies 2 and 12(f).

6.24 A Landscape Masterplan illustrating the proposed landscaping for the whole site has been provided, along with Landscape Plan sheets, which include specific detail on the species and quantity of the proposed planting. The Council's Landscape consultant supports the proposed development subject to planning conditions. They had raised that blub planting was missing from the Landscape Plan Sheets but this has since been updated. They also queried changes to proposed tree planting within the school car park as part of wider site layout revisions. The applicant has confirmed that only one tree less is proposed in the school car park and that this is offset by an increase in tree planting in the area between the school car park and the substation/proposed LEAP. Therefore, Officers are satisfied that the Council's Landscape consultant's concerns have been addressed.

Trees

6.25 Part of the hedgerow (H1) along Station Road is proposed to be removed to facilitate the proposed vehicular site access off A272. One tree (T15) and part of a tree group (G4) in the vegetation separating the northern and southern field are also proposed to be removed to facilitate vehicular access into the southern field. H1 is a low hawthorn hedge of moderate value (category B) so its partial removal will not have a major impact. T15 and G4 are both category C trees, therefore also not off significant value. To facilitate the footway expansion detailed in the Highways section below, a category U tree (T28) outside the site boundary along Station Road will also be removed.

6.26 To mitigate the loss of these trees and hedgerow and to enhance the existing provision, 78 new trees are proposed across the site along northern fields northern, eastern and western

boundaries and along the onsite access roads and school car parking area. New shrub planting is also proposed as part of the 15m landscape buffer between the A272 and the residential development area and the landscape buffer with the existing residential dwellings to the east.

6.27 No other trees are proposed to be removed. Following initial comments from the Council's Arboricultural Officer, the layout has been amended to remove any hardstanding development within the existing tree root protection areas (RPAs). To further protect the existing trees, tree protection fencing is proposed around their RPAs as illustrated on drawing ref: TPP 02 Tree Protection Plan.

6.28 The Council's Arboricultural Officer is satisfied that the impacts from the loss of the proposed tree, tree group and hedgerow can be mitigated by replacement planting measures and that the proposed layout accords with the minimum recommended root protection areas for the retained trees. Accordingly, the Council's Arboricultural Officer has no arboricultural concerns subject planning conditions. Officers are satisfied that the proposed development meets the HDPF Policy 33 and post-submission CNP policy 12(e) and (f) requirements to enhance the existing green infrastructure, retaining important mature trees and hedgerows, and the landscape buffer provision.

Open Space

6.29 Post-submission CNP Policies 5 and 12 states that proposals should provide a mix of high quality formal and informal open space, including appropriate children's play space and public open space (as per CNP Policy map for Potters, CNP03), to meet local needs and designed and arranged to respect and connect with existing open spaces in their immediate locality.

6.30 The proposed development includes open space in the southern field, comprising a LEAP, allotments and green space. Green space is also provided around the northern field site boundaries. The applicant has submitted an Open Space Areas plan (drawing ref: SK28 Rev E), which details and illustrates how the proposed development meets the Open Space, Sport and Recreation Report guidance requirements on open space provision. The Council's Parks team have confirmed in their response that the required quantity and types of open space are proposed to be provided on-site. Officers are satisfied that the proposed open space provision is sufficient and therefore the requirements of post-submission CNP policies 5 and 12 are addressed.

6.31 The Council's Landscape consultant has raised that the siting of the LEAP within the southern field leaves it appearing disconnecting from the residential development, albeit noting it will still benefit from some passive surveillance from the school car park. The LEAP had been initially proposed in the northern field, but in order to provide a deeper landscape buffer along Station Road, meet the LEAP buffer space standards, and set the residential dwellings further from Station Road to further minimise noise impacts, the LEAP has been relocated into the southern field. Officers consider that on balance the landscape and noise benefits from the proposed layout with the LEAP in the southern field outweigh the slight reduction in passive surveillance. Furthermore, it places the LEAP within the southern fields allocated open space area. The Council's Parks team have confirmed that the revised layout addresses their previous comments on this subject to detailed design planning condition.

Allotments

6.32 Post-submission CNP Policy 8 supports development of the Potters allotments where the development is required for community use, equivalent or enhanced allotments to serve local needs, replacement allotments are located in close proximity to the existing, and the replacement allotments are made available for use at least one planting season before the loss of the existing.

6.33 The existing allotments cover an approximate area of 1,578sqm, including 9 plots and additional surrounding land. To facilitate the delivery of the school car parking area as required under post-submission CNP Policy 12, the proposed development involves the partial relocation of the existing allotment plots in the southern field. The allotment plots will be relocated south of their current position so that they are arranged in a row below the school car parking area, which officers are satisfied accords with post-submission CNP Policy 8 location requirements.

6.34 At the request of the Council's Parks team, and to accord with post-submission CNP Policy 8 and meet the Open Space, Sport and Recreation Study guidance on open space provision, the proposed layout has been amended so that the proposed allotment area is 1,836.9sqm. This includes 9 replacement allotment plots and additional land to address the requirement for the 35 new houses and provide an enhancement on the existing site. The additional land includes greater spacing between and around the plots, in accordance with the Open Space, Sport and Recreation Study, and a new allotment communal shed, details of which are illustrated on drawing ref: P131 Allotment Communal Shed Proposed Plans and Elevations. Officers are satisfied these features broadly accord with the Open Space, Sport and Recreation Study guidance on the provision of a quality allotment.

6.35 Three dedicated allotment parking spaces are proposed, along with a double maintenance gate via the school car park by plot 2 to ensure emergency services access and delivery of bulkier items, such as a greenhouse or manure. The allotment site is proposed to be enclosed by a native hedgerow and 1.8m high close board fence with integrated hedgehog holes. The Council's Landscape Consultant has queried the height of the allotment fencing and the proximity of the allotments to the school car park. Officers consider that there is an overall ecological and landscape benefit from keeping the allotments closer to the school car park and where the plots are currently located. The Council's Park team advice that a 1.5 powder coated mesh fencing would be better to prevent deer and rabbits from entering the allotments but avoid substantial shading. They also recommend no roses or blackthorn be included within the native hedge plant mix surrounding the allotments. Officers propose to secure details of the allotment boundary treatment as part of allotments planning condition.

6.36 The applicant has provided an Allotment Provision Strategy which sets out the phased relocation and delivery of the new allotments. The Council's Parks team and Officers are satisfied that full details of this can be provided through planning condition. Accordingly, Officers are satisfied that the requirements of post-submission CNP Policy 8 have been addressed.

Heritage

6.37 Policy 2(13) of the HDPF supports development which protects, conserves, and enhances the District's built heritage whilst ensuring that new development is safe, well designed, adapts to climate change and helps to reduce the District's carbon emissions. Policy 34 of the HDPF recognises that heritage assets are an irreplaceable resource, and as such should be sustained and enhanced through positive management of development affecting heritage assets. Policy 34 (6) further requires development to secure the viable and sustainable future of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset. Post-submission CNP Policies 4 and 12(l) support development at the Potters site where the design, layout and form of the development preserves or enhances the character or appearance of the Cowfold Conservation Area and the contribution made by its setting. Post-submission CNP Policy 12(k) also requires the design of the development, including the layout of buildings and open spaces, is demonstrably informed by an appropriate archaeological investigation to preserve and, where not possible, record in-situ remains.

Cowfold Conservation Area (CCA) and listed buildings

6.38 The site adjoins the boundary to the CCA and forms part of the setting of Cowfold and the CCA particularly when entering the village from the west. The key positive characteristics of the conservation area are considered to be that the historic origins and development of the village is still clearly discernible in the surviving built fabric, and that many buildings within the conservation area are little altered from the time of their construction. Many buildings are designated in their own right as listed buildings, but other unlisted buildings contribute positively to local character. The buildings within the conservation area utilise local building materials in a range of vernacular and historic techniques, which establishes and reinforces a strong sense of place. The rural setting of the conservation area makes a high contribution to the significance of the conservation area. The conservation area is experienced as a small rural settlement within the open countryside. Due to the number of farms shown on the historic maps it would be reasonable to be suggest that there would have been a strong functional link between the conservation area and the surrounding agricultural land. Within the immediate vicinity of the site there is the grade II listed building (3 Potters Cottage). Further to the east fronting Station Road, and The Street and enclosing the grade I listed church are a number of other grade II listed buildings. To the west are the listed buildings of Capons Farmhouse (grade II*) and Capons Barn (grade II).

6.39 The Council's Conservation Officer has reviewed the submitted Heritage Statement and proposed development and raises no objection. The Council's Conservation Officer advises that the proposed development would change the setting of the conservation area, most noticeably through a lessening of the immediate link between the conservation area and its countryside setting. It is acknowledged that there is a vegetated boundary to the conservation area however although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which an asset in its setting is experienced is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. The Council's Conservation Officer therefore advises that the increased noise, light and perceived activity expected from the development could undermine the setting of the historic village core and cause harm to the character of the conservation area, but this would result in 'less than substantial harm' to the significance of the conservation area at the lower end of the scale.

6.40 In respect of the CCA, paragraph 208 of the NPPF requires that this harm should be weighed against the public benefits of the proposal. The weight attached to the harm attributed to the impact on the setting of the heritage assets is addressed in the Planning Balance section below.

6.41 In terms of the listed buildings identified in the Heritage Statement, the Council's Conservation Officer agrees that Potters Cottage would be most vulnerable to changes to its significance. The choice of house name and the proximity of the likely industrial pottery site suggests that there was some functional relationship between the wider application site and Potters Cottage. However, following infill development, the link between the two has been lessened, and this in addition to the physical features of the site have reduced the appreciation of Potters Cottage with its wider setting. The Conservation Officer is therefore satisfied that the proposal would not harm the significance of Potters Cottage.

6.42 The Conservation Officer recommends the use of traditional textured red bricks and slate rather than slate-coloured roof tiles, and the Proposed Building Material Layout plan has been updated to reflect this, including the removal of buff bricks and slate-coloured tiles. The Conservation Officer also notes that the landscape buffer planting to the A272 should reflect the transitional nature of the site from countryside to the historic environment, and not appear too suburban. Officers consider that amendments to the Landscape Masterplan suitably address this.

Archaeological Notification Area

6.43 The application site is located within Archaeological Notification Area DWS8547 (ANA), which is associated with Medieval Pottery Industry. Accordingly, the applicant has provided a desk-based archaeological assessment. The assessment identifies that the site has a moderate to high archaeological potential for medieval and post medieval remains with a lower potential for other periods. The report includes the results of a recent geophysical survey which identified anomalies that suggest pottery kilns may be present in the south of the site which would be considered as undesignated heritage assets of potentially regional significance, however as the southern area of the site is outside of the main development area there will be no impact on these features.

6.44 The Archaeology Consultant has reviewed the archaeological assessment and advises that it is possible that archaeological features will still be present elsewhere on the site and so further investigations to clarify the nature, extent of significance of any archaeology that may be present are required. The archaeological assessment suggests that further archaeological investigation consisting of a 4% trial trench is required and the Archaeology Consultant confirms that this is appropriate and could be secured by an appropriately worded planning condition. Officers are satisfied that the submitted archaeological assessment sufficiently addresses the post-submission CNP Policy 12(k) requirements, subject to planning conditions as recommended by the Archaeology Consultant. Officers note representation concerns in regard to the ANA and are satisfied that the ANA has been sufficiently considered and further investigation will ensure any archaeology is preserved or recorded in-situ.

Residential amenity

6.45 HDPF Policy 33 and post-submission CNP Policy 12(g) states that development should consider the scale, massing, and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties and ensure all existing residential properties bordering the site are protected from unacceptable harm, such as from overlooking or noise. Post-submission CNP Policy 9 supports residential development where they maintain appropriate distances between buildings to avoid unacceptable adverse impacts on existing facilities or amenity of adjacent residential properties.

6.46 The nearest residential property, Little Potters, is located in the southeast corner of the northern field. Little Potters is a chalet bungalow with skylights in the roof and is currently enclosed by hedging and a post and rail fence. Little Potters currently benefits from partially obscured views over the sites open northern field and little noise or light impacts. It is therefore recognised that the proposed development will alter the experience of inhabitants at Little Potters. To mitigate this a minimum 3m landscape buffer is proposed between the northern field's eastern boundary and plot boundaries, which will provide visual and acoustic screening. The proposed development has also been laid out with rear gardens fronting the eastern elevation, which provides greater building separation distances (20m at the closest point), and those plots (7-10) facing Little Potters private garden space have been set back further to maintain privacy. Accordingly, Officers consider that the proposed development will not result in adverse impacts to residential amenity at Little Potters in accordance with HDPF Policy 33 and post-submission CNP Policy 12(g).

6.47 The Landscape Consultant has raised concerns with the backing of gardens onto the eastern site boundary due to the low level of passive surveillance this provides. However, Officers consider the benefits to residential amenity discussed above outweigh the reduced passive surveillance the building orientation creates. The Landscape Officer raised the same concerns with regard to the western boundary, however as gardens are adjacent to rather than fronting onto the site boundary Officers consider there will still be some passive surveillance from those units. Furthermore, Officers consider there is greater passive surveillance benefit to those units fronting onto the secondary streets. Accordingly, Officers also consider the plot orientation in this location is acceptable.

6.48 The next closest residential properties are those located along Potters Green, which back onto the northern field's eastern site boundary, and those located on the northern side of Station Road. The properties along Potters Green benefit from the minimum 3m landscape buffer and proposed tree planting, which will help screen noise and visual impacts. Furthermore, although the other dwellings along Potters Green are taller, two storey buildings than Little Potters, the proposed layout affords greater building separation distances (32m at the closest point). Accordingly, Officers are satisfied that the proposed development will be sufficient screened and distanced that it will not result in adverse impacts to the residential amenity of the properties on Potters Green. In view of the proposed 15m landscape buffer along the sites northern boundary, proposed tree planting and separation by Station Road, Officers are satisfied that the proposed development will not result in adverse residential amenity impacts to dwellings to the north of Station Road in accordance with HDPF Policy 33 and post-submission CNP Policy 12(g).

6.49 Residents have raised concern about the potential loss of amenity and privacy to the Country Mice Pre-school. The proposed development does not seek to change the existing vegetation screening along the southern field's eastern site boundary with the pre-school. Furthermore, the increase in development adjacent to the pre-school is the school car parking area to serve the neighbouring pre-school and school and access to the school parking area is proposed to be gated and controlled such that it will be limited to those dropping-off or working at both sites. In view of this, Officers are satisfied that the proposed development will not result in a significant change to the current situation or loss in privacy to the pre-school in accordance with HDPF Policy 33.

6.50 The proposed development includes new pathways, native shrub planting and meadow grassland in the southern field to deliver the open space requirements of CNP policy 12. It is recognised that as a result of this, there will be an increase in activity in this southern field which may change the experience of users of Public Footpath 1759/1 with regard to noise. As the existing vegetation boundary is being retained and enhanced in the southeastern corner of the southern field, it is not expected that the proposed development will impact on the visual amenity of users of the Public Footpath. Accordingly, Officers are satisfied that the neighbouring amenity of the public footpath users will not be adversely impacted by the proposed development in accordance with HDPF Policy 33.

Future occupants - noise

6.51 Given the sites proximity to the A272 Station Road, a Noise Impact Assessment (NIA) has been submitted as part of this application. The Council's Environmental Health Officer has reviewed the NIA and has raised objections with regard to noise impacts on future residents. Their concerns were regarding road traffic noise from the A272 and insufficient evidence that this would not give rise to adverse amenity impacts of future occupants. They commented that the layout had not been designed in accordance with ProPG: Planning & Noise and recommended this be revised. They also commented on there being a dependence on potentially costly mitigation and ventilation systems.

6.52 To address this, the site layout has been revised and a revised NIA has been provided. The changes include setting the development back an additional 5m from the A272, the introduction of semi-detached houses along A272, closer spacing between built form along A272 to reduce break through noise into gardens and plots, and enhanced glazing and acoustic passive vents. Section 3.7 of the NIA details the response to the Environmental Health Officer's comments, including commentary on wider site constraints that limit an alternative layout (i.e. in the southern field), the use of passive ventilation and internal airflow due to ground floor space design, and a response on external amenity spaces for future occupants.

6.53 Despite these amendments, the Council's Environmental Health Officer remains of the view that the layout of the site is not in accordance with PRoPG Planning and Noise and therefore maintain their objection on noise grounds. Their key concerns remain that a different external amenity space criteria should be used for establishing acceptable levels and note that 10 dwellings and private gardens will exceed these levels. They note the neighbourhood plan requirements of the site but given the acoustic constraints query whether the quantum of development is appropriate on this site.

6.54 Officers recognise the concerns raised by the Council's Environmental Health Officer and that the proposed development will result in some harm to future occupants' amenity due to road noise. However, Officers consider that the revised NIA includes sufficient evidence to demonstrate why an alternative site layout is not viable and includes appropriate mitigation measures to minimise noise impacts, including the one garden which would otherwise fall above the BS8233:2014 recommended 55dB LAeq 16 hour limit. Furthermore, alternative open space is provided within the wider site. Therefore, Officers consider that while there will be some impact on future occupants' amenity, this will not be adverse. The weight attached to the harm attributed to the impact on future occupants' amenity is addressed in the Planning Balance section below.

Highways

6.55 Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Post-submission CNP Policy 12(c) supports the residential development of the allocated Potters site (CNP03) where the proposal provides safe and suitable access for vehicles, cyclists and pedestrians, and provide for traffic calming at the junction of the access with the A272. Post-submission CNP Policy 12(d) further requires proposals to include a safe and accessible 'drop-off; point to serve the adjacent school and children's nursery, including an associated high-quality, illuminated, all-weather non-vehicular access from the drop off point to the school and nursery. HDPF Policy 41 states adequate parking facilities must be provided within the developments to meet the needs of the anticipated users and post-submission CNP Policy 16 supports development which demonstrates sufficient off road parking provision in accordance with the minimum standards set out in post-submission CNP Policy 16. Post-submission CNP Policy 9 supports residential development which provided appropriate infrastructure to facilitate EV charging for car parking spaces without the need for further groundworks. Post-submission CNP Policy 2 supports proposals which improves pedestrian and cycle access through Green Infrastructure linkages.

<u>Access</u>

6.56 There is an existing site access off Station Road in the northeast corner of the northern field, but this is not wide enough to support the proposed development. Therefore, a new vehicular site access is proposed slightly further northwest along Station Road. Visibility splays of 2.4 x 59m, based on 85 percentile speeds of 27mph, are provided at Appendix C of the Highways Technical Note. This is based on speed survey results from July 2021 and March 2024. The visibility splays confirm that the proposed vehicular access will have acceptable visibility for highway safety and WSCC Highways have confirmed they are satisfied with this. Given the proximity of the proposed vehicular access to the existing 30/50 mph speed limit change on Station Road, traffic calming measures are also proposed. These comprise of new colour high friction surface roundels and carriageway edge narrowing strip markings, new dragon teeth road markings on approach into Cowfold, and refreshing the double white lines and cutting back the existing vegetation at signs. Delivery of this will be secured through the section 106 and section 278 legal agreements. Officers are therefore satisfied that the proposed vehicular site access will be safe and sufficiently support the proposed development in accordance with HDPF policy 40 and post-submission CNP policy 12(b) and (c).

6.57 A separate pedestrian access is also proposed off Station Road and a 1.8m wide footway is proposed along the south side of Station Road to connect the site with the existing footway into Cowfold centre. This will be lit and will ensure a safe, pedestrian and cycle access into Cowfold from the site, thereby encouraging active travel, in accordance with HDPF policy 40 and post-submission CNP policy 12(d). To facilitate this footway expansion, a category U tree (T28) outside the site boundary will be removed and an existing electricity pole moved as illustrated on drawing ref: SK04 Rev A Proposed Footway Alterations (at Appendix D of Highway and Transport Technical Note).

6.58 The site access becomes the main road through the development, connecting to secondary roads and ending at the school parking area in the southern field. Swept Path analysis has been provided at Appendix E and F of the Transport Assessment, which illustrates that there is sufficient space at the proposed site access and onsite road junctions, and within the school parking area to accommodate a 10.5m long vehicles, therefore officers are satisfied that the layout is sufficient to accommodate delivery and refuse collection vehicles. The Council's Environmental Management, Waste and Cleansing Service Delivery Manager has also confirmed this as part of their response. Both sides of the main site road have separate 2.0m wide pedestrian footways, thereby ensuring safe pedestrian access to the school parking area. Officers are therefore satisfied this part of post-submission CNP policy 12(d) has been addressed.

6.59 There is an existing site access in the northeast corner of the southern field, which is currently used for accessing the existing allotment site. This access will remain open for pedestrians between the school parking area and the pre-school and school, and also to provide an alternative pedestrian route into Cowfold village centre. Officers note representations raise concern with regard to the maintenance of the road between the new school car park and the school site, however this is a private legal matter rather than a planning one. The applicant's details have been shared with local residents to assist with this. Notwithstanding this, Officers consider that the location of the new school car park will not result in a significant increase in the use or deterioration of this road, particularly as vehicle movements will now be directed to the new school car park rather than along Potters Green.

Parking

6.60 The WSCC Parking Guidance for New Developments recommends that for 35 dwellings at the proposed housing tenure split, a provision of 77 allocated parking spaces and 7 unallocated spaces should be provided (84 spaces in total). The proposed layout details 80 allocated vehicle parking spaces (accounting for garages equating to 0.5 spaces) and 9 visitor spaces (89 spaces in total). Officers are satisfied that sufficient parking is proposed to support the proposed development in accordance with post-submission CNP Policy 16 and the WSCC Parking Guidance for New Developments.

6.61 The parking spaces are proposed to be finished with Marshalls brindle permeable paving with either white blocks or charcoal edging to demarcate the parking spaces. The site roads, excluding the main access road, are also proposed to be finished in this shared surface paving. The parking spaces will be the opposite to that on the street to provide variance in the street scene and break-up the visual mass of hardstanding.

6.62 The applicant has confirmed that 1 active electric vehicle charging point will be provided per residential dwelling, in accordance with post-submission CNP Policy 9. Officers are satisfied that details of this can be secured through planning condition.

6.63 43 vehicle parking spaces are proposed in the school car parking area, including 3 accessible spaces and 15 staff spaces. The level of parking provision is based on school survey data. The school parking area also includes a loading area and drop-off zone. Details of vehicle turning are included at Appendix G of the Transport Assessment. The school parking area will be finished in tarmac and is proposed be gated to control access and use of the school parking

area. Officers are satisfied this address the requirements of post-submission CNP Policy 12(d).

6.64 3 vehicle parking spaces for allotment users, including 1 accessible parking space, are also proposed in the southern field, outside the school car parking area and adjacent to the substation.

6.65 56 long stay cycle parking spaces are proposed for the 35 dwellings. This is based on 1 space per 2 bedroom unit and 2 spaces per 3 or 4 bedroom unit in accordance with the West Sussex Parking Guidance. The cycle parking storage facilities are proposed within the rear gardens of each property to ensure easy access and safe, secure storage. Officers are satisfied with the proposed cycle parking provision and that this meets the HDPF Policy 41 requirements.

Traffic

6.66 The Transport Assessment sets out that residential trips arising from the proposed development have been calculated using TRICS data and based on discussions with WSCC Highways. From this, the development is predicted to generate approximately 1 vehicle movement every 3 minutes in the morning peak hour (19 total movements) and approximately 1 every 4 minutes in the evening peal hour (16 total movements). WSCC Highways have confirmed that this increase in vehicle movements would not result in any severe highway impacts and therefore Officers are satisfied that the anticipated level of vehicle movements is acceptable.

6.67 To ascertain whether the proposed access can accommodate the volume of traffic from the proposed development, the ratio of flow to capacity (RFC) has been calculated and assessed for 2019 and 2029. A junction operating with an RFC above 0.85 is considered to be operating beyond its capacity. The results of the RFC analysis are set out in Table 5.5 of the Transport Assessment and show that in both cases, the proposed site access operates within a maximum RFC of 0.09, therefore the proposed access has sufficient capacity to operate safely and without adversely impacting local traffic.

6.68 The Transport Assessment notes that while the traffic movements generated from the school are existing and the quantum will remain the same, the movements will be redistributed as part of the proposed development and new school parking area. Accordingly, an RFC analysis has also been undertaken based on school and pre-school travel survey results and a sensitivity test which considered the potential short-term impacts. The results of this are a maximum of RFC of 0.52, which is still below the 0.85 limit. Accordingly, Officers are satisfied that the proposed access will operate safely and without adverse traffic or highway safety impacts.

PROW and site connectivity

6.69 The application site is bounded by Public Footpath 1759/1 to the east and south of the southern field. WSCC Public Rights of Way (PROW) raise no objection to the proposed development and are satisfied that it will not have an impact on the Public Footpath. They suggested a connection to Public Footpath 1759/1 just below the pre-school could be beneficial to improve connectivity into Cowfold Centre. As part of other layout revisions, the applicant now proposes two connections to the Public Footpath, one below the pre-school as the WSCC PROW recommended and also one in the very southeast corner of the site. This will improve pedestrian connectivity into Cowfold, to the public footpath network and into the wider countryside, which is supported. Accordingly, Officers are satisfied that the proposed development will not have an impact on Public Footpath 1759/1 and support the improved connectivity to the public footpath network in accordance with post-submission CNP Policy 2.

6.70 The proposal includes a footpath expansion along Station Road which will improve the pedestrian connectivity of the site to the services available in Cowfold and to the bus stops

which provide sustainable travel options to the surrounding areas. For example, the Co-op is 4 minutes, the Cowfold Village Hall is 6 minutes, and the bus stops and Cowfold Surgery are 7 minutes by foot from the proposed site entry. However, in regard to cycling connectivity, WSCC Highways have commented that there are limited options except to use the A272 or A281 where the volume and speed of traffic would be a barrier to most users. As such, they advise that as significant improvements would be required to provide suitable cycle facilities, these would be disproportionate to the scale and impact of the development. Accordingly, Officers are satisfied that while pedestrian connectivity improvements will be provided as part of the proposed development, it is not reasonable to require cycle connectivity improvements. Accordingly, Officers consider that the proposed development sufficiently addresses the requirements of post-submission CNP Policy 2.

Ecology

6.71 Policy 31 of the HDPF states that development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate and that particular consideration will be given to the hierarchy of site and habitats in the district.

6.72 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

6.73 Accordingly, a Preliminary Ecological Appraisal (PEA) and Ecological Impact Assessment (EIA) have been submitted. The PEA details desk studies and site surveys for bats, badgers, dormice, reptiles and great crested newts. These identified that the site is considered to support some bat roosting, high numbers of foraging and community bats, a low population of slow worms, bird breeding and nesting, hedgehogs, a subsidiary badger sett, and limited invertebrates or dormice.

6.74 The EIA sets out avoidance and mitigation measures embedded within the site layout. These include the retention and protection of the majority of the boundary habitat along the southern eastern and western site boundaries, the retention and protection of all woodland and ponds on site, a 15m semi-natural buffer along the northern site boundary and 3-10m buffers along the eastern and western site boundary. Retention of all but one tree on site, and no development within 75m of the badger sett and no dwellings within 180m.

6.75 In addition to this, new planting will provide replacement habitat and a bat sensitive lighting scheme is proposed. Furthermore, garden fences will include hedgehog access points, and bird boxes, hedgehog shelters, and log pile and reptile hibernacula are proposed across the site. These features and new habitats are also proposed be monitored with long-term management.

6.76 NatureSpace Partnership have reviewed the submitted information advise that the proposed development would present a low risk to great crested newts and/or their habitats, however, as the development is within the red Impact Risk Zone, they recommended including an informative note on newts. The Council's Ecologist has also reviewed this application and raises no concerns with regard to the PEA, EIA or proposed mitigation measures following amendments to the EIA on dormice and reptile mitigation measures.

6.77 Officers consider that the proposed ecological mitigation measures will ensure the protection and enhancement of existing biodiversity and their habitats in accordance with HDPF policy 31 and will secure these through planning condition.

Biodiversity Net Gain (BNG*)*

6.78 A Biodiversity Net Gain Feasibility Assessment (BNGFA) and a completed Biodiversity Net Gain Metric have been submitted in support of this application. The BNGFA establishes the on-site habitat baseline which comprise of the existing allotment site, modified grassland, mixed scrub, other neutral grassland, pond, lowland mixed deciduous woodland, tall forbs, native hedgerow, line of trees and rural trees. The proposed development is largely centred in the modified grassland and retains and enhances the majority of the remaining habitats, particularly at the site boundaries and in the southern field. The BNGFA summaries that the proposed development with the proposed enhancements results in a 11.11% net gain in habitat units and 55.01% net gain in hedgerow units. Therefore, the proposed development will achieve the statutory requirement of a minimum for 10% BNG in accordance with the Environment Act 2021. The BNGFA also includes an outline Habitats Management and Maintenance Plan (HMMP) which sets out the long-term management of the proposed habitats to achieve the targeted conditions over a 30 year timespan.

6.79 The Council's Ecology and Biodiversity Officer has commented that the BNG details are appropriate, with the BNG provision on site considered to be 'significant'. Therefore, a legal agreement is required to secure the management, maintenance and monitoring of this 'significant onsite' BNG provision for the required 30 years, alongside the statutory condition requiring a Biodiversity Gain Plan to be submitted and approved prior to development commencing.

Water Neutrality

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

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

6.82 As there are no existing uses on the land (with the exception of the allotments), the baseline for water usage for this development is nil. To minimise the water use of the development, water efficiency fixtures and fittings will be incorporated. A water calculation in accordance with Building Regulations Part G has been carried out and confirms that the proposed development will achieve a water consumption rate of 84.45 litres per person per day, which includes an allowance of 5 litres per person per day for external water usage. A copy of the Part G calculation can be found within the submitted Water Neutrality Statement.

6.83 Using the Part G water consumption figure of 84.45 litres per person per day and a population size of 78.68, it is estimated that the total water usage per day for the proposed development would be reduced to 6,679.93 litres per day (78.68 x 84.45). Therefore, following incorporation of water efficient fixtures and fittings the total water demand of the proposal will be 6,679.93 litres per day.

Proposed Borehole

6.84 To offset the water demand required for this proposal, the applicant is proposing offsite mitigation in the form of a borehole at Heathtolt Farm, Horsham which would extract up to 20,000 litres per day. The Farm currently relies on metred water supply as the drinking water supply for the farm cattle herd. The proposed borehole would provide an alternative water supply for the herd thereby creating the additional capacity for the proposed development.

6.85 To support this proposal, the applicant has submitted evidence in the form of a Groundwater Prognosis Report and Borehole Drilling Assessment. These documents identify that the borehole will target the confined Upper Tunbridge Wells Sand aquifer and that the proposed abstraction site is located within the Adur and Ouse Operational Management Catchment, as opposed to the Arun Valley Catchment, and there are few plausible hydrogeological mechanisms for the proposed groundwater abstraction to affect the protected sites within the Arun Valley. This provides grounds for a defendable hydrogeological impact assessment for the proposed abstraction at Heathtolt Farm and the development seeking to offset water demand at Cowfold.

6.86 The reports confirm that a borehole at Heathtolt Farm could viably extract up to 20,000 litres per day. The Farm currently uses an average of 39,614.94 litres of metred water per day, therefore the proposed extraction will reduce the Farm's current draw of mains water by half, freeing up metred capacity for the proposed development's average daily water requirement of 6,679.93 litres. The applicant has already approached Heathtolt Farm and secured this number of credits (one credit being one litre) to offset against. This leaves a surplus of 13,320 litres per day ensuring there is sufficient headroom. Therefore, the proposed development can be fully offset using the proposed offsetting solution at Heathtolt Farm and no further offsetting measures are needed.

6.87 The Water Neutrality Statement details that water analysis has been undertaken from water samples from the borehole, which provided established a filtration regime to bring the water to the require quality of drinking water supply for cattle. The Council's Environmental Health Team have commented that further testing is required to ensure appropriate treatment is secured. Environmental Health have confirmed that these details can be secured by a recommended condition, rather than be provided up front. The condition will require the submission of the water testing to the Local Planning Authority for approval prior to commencement of works above ground floor slab level.

6.88 Subject to conditions and obligations to secure this borehole mitigation in a s106 legal agreement, the project will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects. Natural England have been consulted on the Appropriate Assessment undertaken for this proposal and have raised no objection. Officers are satisfied that the proposal accords with DPF policy 31, CNP Policies 12(m) and 17, and avoids contribution to the possible adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar designations addressed by the Natural England Position Statement of September 2021 and satisfies the Authority's duties pursuant to the Protection of Habitats and Species Regulations 2017 (as amended) at Regulation 63.

SNOWS Scheme

6.89 An alternative option available to the applicant could be to utilise the emerging Sussex North Offsetting Water Scheme (SNOWS). Under this scheme, it is proposed to allow development supported in a made plan or a post-examination plan the option of offsetting its water demand through the purchasing of water credits via the Council. As the application site is allocated for development in the post-examination CNP, the applicant would therefore have the option of either implementing their scheme to utilise the borehole on site or to use the forthcoming SNOWS scheme to offset the water demand from this development. A condition is therefore

recommended which gives the applicant the option of addressing water neutrality through either SNOWs or through their own bespoke solution (in this case, an offsite borehole). This condition would ensure the site is water neutral and would enable the Council to conclude as to the absence of potential adverse effects upon the integrity of the Arun Valley SAC, SPA and Ramsar designations. Natural England have been consulted and have raised no objection to this approach.

Other matters

Drainage and Flood Risk

6.90 The application site is located in an area of low flood risk (Environment Agency Flood Zone 1) and is largely also located in an area of very low surface water flood risk with exception of a low, medium and high risk surface water flood flow path through the northern field and a small area of high risk surface water flooding at the very southern boundary of the southern field. The high and medium areas of surface water flood flow path are located within an area not proposed to be developed. As no medium and high surface water flood risk is located where built development or accesses are proposed, a sequential test is not required in this case in accordance with NPPF paragraph 175.

6.91 The submitted Flood Risk Assessment and Drainage Strategy Rev D (FRADS) identifies that the section of low surface water flow path in the northern field would interact with four of the proposed residential units and the main vehicle access. Paragraph 27 of the NPPG is clear that a sequential test is not required where the site is in an area of low risk of any flooding, therefore Officers are satisfied that a sequential test is not required in this case. The FRADS further details EA reports, topographical information and drainage modelling which establishes that this flow path originates onsite and the surface water depths are below 30cm. As the surface flood risk is generated within the site, it will therefore be altered by the proposed development and proposed drainage strategy. Accordingly, the proposed surface drainage and SuDS has been designed to divert water away from the proposed development.

6.92 The proposed drainage strategy includes the use of permeable pavement and open SuDS (detention basin) for the attenuation of surface water runoff. A flow control chamber is also proposed to control discharge into the existing drainage ditch that flows along the eastern site boundary. The proposed drainage strategy accounts for urban creep, future flood risk and climate change. Foul water is proposed to be managed through connecting to the existing public sewer infrastructure under Station Road.

6.93 The Lead Local Flood Authority (LLFA) has reviewed the submitted FRADS and raise no objection subject to planning conditions, including securing the proposed drainage strategy. Southern Water have also responded with advice on the required detail for SuDS. In view of the detail within the FRADS and the LLFA response, Officers are satisfied that the proposed development can be satisfactorily accommodated without increasing flood risk elsewhere, in accordance with Chapter 14 of the NPPF, HDPF Policy 38, and post-submission CNP Policy 1, subject to planning conditions.

6.94 The Council's Landscape consultant queried why no margin planting is proposed within the basin. The applicant has confirmed that the basin is a dry basin, i.e. not a wet pond, and as such marginal aquatic planting would not thrive. However, some margin planting could be provided once the detailed design of the basin is confirmed, to be secured by planning condition.

Contamination

6.95 The applicant has submitted a Ground Contamination Desk Study Report. The Council's Environmental Health Officer has reviewed this and is satisfied that the preliminary risk from contamination to future site users has been adequately assessed. They agree with the

conclusions of the report with regard to proposed ground investigation works and recommend securing these through planning condition.

Air Quality

6.96 The application site is not located within a defined Air Quality Management Areas (AQMAs), however it is located adjacent to the Cowfold AQMA. An Air Quality Assessment (AQA) has been submitted with this application which demonstrates that the overall air quality effect of the proposed development will not be significant. The emissions mitigation calculation for NOx and PM2.5 emissions arising from additional road traffic has been calculated to give a total damage cost of £5,729.81. Additional mitigation measures costing more than this have been proposed. Initially this included the replacement of a bus stop and kerb change at Cowfold village hall, however following discussions with WSCC Highways in regard to maintenance and existing condition, it has been agreed that contributions to the delivery of improvements and actions in the Cowfold Air Quality Action Plan, such as electric vehicle charging points, would be more beneficial. Accordingly, the AQA has been updated to reflect the proposed financial contribution in accordance with the Air Quality and Emissions Mitigation Guidance for Sussex.

6.97 The Council's Air Quality Officer (AQO) has reviewed the submitted AQA and welcomes the measures to reduce air quality impacts and encourage alternatives to car user. The AQO has confirmed the revised approach from bus stop works to contributions to support the Cowfold Air Quality Action Plan is acceptable. The AQO has recommended a prior to commencement planning condition for a dust management plan, which officers have included. Officers are satisfied that the submitted AQA includes sufficient air quality measures to address the proximity to the Cowfold AQMA.

Mineral Sterilisation

6.98 The site is in the Mineral Safeguarding Area for Weald Clay (Brick Clay) and Building Stone (Horsham Stone). The application is supported by a Minerals Resource Assessment. This concludes that the prior extraction of either mineral resource would be unviable given the limited site areas, when considered on an individual basis, being less than that which would constitute a significant degree of sterilisation (i.e. less than 3ha site area per resource, as per paragraph 2.4 of the Minerals and Waste Safeguarding Guidance). West Sussex County Council in its capacity as Minerals Authority does not object to the proposal as no significant degree of Building Stone sterilisation would occur and the Weald Clay would be largely undeveloped therefore no permanent sterilisation of the brick clay resource would occur as a result of the proposed development. Officers are satisfied that the proposed development accords with Policy 9 of the West Sussex Joint Minerals Local Plan.

Climate Change

6.99 HDPF Policies 35, 36 and 37 require development contributes to mitigating the impacts of climate change through measures including improved energy efficiency. This application's Design and Access Statement details measures in the design of the site. These include the use of enhanced air tightness, improved thermal detailing, insulation exceeding Part L of the Building regulations, double-glazed windows, use of 'A' rated materials, FSC/PEFC or equivalently certified timber, and use of air source heat pumps. As such, the application will suitably accord with local and national policy.

Infrastructure and S106 Legal Agreement

6.100 HDPF Policy 37 and post-submission CNP Policy 15 expects the provision of high-speed broadband access for new homes, which could be secured by condition. The development would be liable for a payment under HDC's Community Infrastructure Levy Charging Schedule, which would contribute to the improvement of local infrastructure, such as education

or healthcare facilities. To ensure all proposed dwellings are within 150 metres of a fire hydrant for the supply of water for firefighting, WSCC Fire and Rescue has requested fire hydrant(s) detail by condition. This would comply with the expectations of HDPF Policy 39.

6.81 The various obligations/contributions discussed in the preceding paragraphs are the minimum required to mitigate the development impact on infrastructure under Policy 39 (as supported by the Planning Obligations and Affordable Housing SPD). A s106 legal agreement is currently being drafted and will include obligations on the developer to provide the provision of 35% affordable housing (12 units) at an agreed 50:50 tenure split and contributions to address 0.25 shortfall; connections to Public Footpath 1759/1; allotments; open space; LEAP; school parking; highway works; biodiversity net gain; water neutrality; financial contributions on air quality; and transfer of the public open space to a nominated body (for instance Parish Council) or a management company, together with details of its management and maintenance.

Conclusion and Planning Balance

6.101 The Council's housing land supply position stands at 2.9 years which represents a significant shortfall and means the Council is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, while the proposed development conflicts with the HDPF policies 2, 4 and 26 (which are the most important for determining this application), they are deemed out of date. In such circumstances, as the development has demonstrated water neutrality, paragraph 11d)(ii) of the NPPF indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

6.102 In light of this, the provision of 35 dwellings would make a notable contribution to the district's housing needs, with the addition that this site has been identified within the post-examination Cowfold Neighbourhood Plan as being suitable for this quantum of development. The scheme would provide a housing mix in line with the needs of the area and there is no reason why the scheme could not be deliverable in the short term. As such, the benefits of housing in this case carry very significant weight.

6.103 The proposed development would secure the provision of affordable housing at an agreed 50:50 tenure split and with a higher proportion of 3-bed dwellings, which have the longest weight time and greatest number on the waiting list. The proposed LEAP, public open space, enhanced allotment space and school car park would also provide wider community and recreational benefits beyond serving just the needs of the development and these social benefits carry significant weight in favour.

6.104 Connections to the existing Public Right of Way, and traffic calming measures and a pavement expansion on Station Road (A272) are also proposed. These improvements would address the requirements of the NPPF and HDPF by promoting active travel, highway safety and pedestrian connectivity, and would result in moderate benefits.

6.105 The benefits to the economy during construction and indirectly through an increase in local spending by future residents of the scheme carries moderate weight in favour. The proposal would largely provide suitable living conditions for future occupiers of the development. This matter attracts limited weight in favour.

6.106 The Highways Authority is satisfied the site would be safely accessed without harm to the operational use and safety of the highway network. Appropriate ecological mitigations for protected and priority habitats and species are proposed, and the proposal will exceed the statutory minimum 10% Biodiversity Net Gain. No resultant adverse risks are identified related to drainage of the scheme. All these outcomes are afforded neutral weight.

6.107 Section 72 of the Listed Buildings Act requires that planning authorities shall have special regard to the desirability of preserving or enhancing the character and appearance of a

conservation area. This statutory duty carries considerable importance and great weight in decision making, reflected in the requirements of the NPPF at Chapter 16. In this case, the Council's Conservation identifies 'less than substantial' harm to the Cowfold Conservation Area and no harm to the significance of the nearby listed building at 3 Potters Green. Given the public benefits of the proposal, providing much needed housing (including affordable housing), the harm attributed to the conservation area identified by the Council's Conservation Officer is considered to be outweighed by the public benefits, as required by paragraph 215 of the NPPF

6.108 The proposal has been designed to accord with the surrounding landscape and heritage characteristics and has taken care to ensure that neighbouring amenity is not unduly compromised by the inclusion of suitable boundary treatments and additional planting. Whilst some future occupant's amenity would be impacted by virtue of noise from the A272, appropriate mitigation measures are in place and a sympathetic layout and design is proposed. Therefore, these adverse impacts are not considered to 'significantly and demonstrably' outweigh the clear benefits of the development, consistent with the paragraph 11dii) presumption in favour of sustainable development.

6.109 Having regard to material considerations that would justify the grant of planning permission, significant weight must be given to the allocation of this site within the post-examination CNP. The proposed development is in full compliance with the draft site allocation for housing and the policies of the post-submission CNP, and the post-submission CNP taken as a whole. The proposal also accords with the criterion of the FAD advice note which also carries weight in favour of the proposal.

6.110 Officers therefore recommend that, applying the titled balance, subject to the conditions listed below and the completion of a s106 legal agreement the application should be granted planning approval.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	2187	0.00	2187
		Total Gain	**2187**
		Total Demolition	**0.00**

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7 RECOMMENDATIONS

7.1 To grant full planning permission subject to appropriate conditions as detailed below and the completion of a s106 legal agreement.

Conditions:

1. **Approved Plans List**

2. **Standard Time Condition:** The development hereby permitted shall begin 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:** The development hereby approved shall not commence until the following construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:
   - (a) Details of site management contact details and responsibilities;
   - (b) A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
     - i. location of site compound,
     - ii. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
     - iii. site offices (including location, height, size and appearance),
     - iv. location of site access points for construction vehicles,
     - v. location of on-site parking,
     - vi. locations and details for the provision of wheel washing facilities and dust suppression facilities
   - (c) The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
   - (d) Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

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

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

4. **Pre-Commencement Condition:** Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
   a) Risk assessment of potentially damaging construction activities.
   b) Identification of “biodiversity protection zones”.
   c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
   d) The location and timing of sensitive works to avoid harm to biodiversity features.
   e) The times during construction when specialist ecologists need to be present on site to oversee works.
   f) Responsible persons and lines of communication.
   g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
   h) Use of protective fences, exclusion barriers and warning signs.
   i) Containment, control and removal of any Invasive non-native species present on site.

k) Dust Risk Assessment and Management Plan, including on-sites measures to improve air quality at the construction phase.
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

5. **Pre-Commencement Condition:** Prior to the commencement of development, construction drawings of the surface water drainage network including topographical plans and cross sections, associated sustainable drainage components and flow control mechanisms, including inlet and outlet elements, a construction method statement, and a planting proposal shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall include the detailed design for a suitably landscaped attenuation basin. The scheme shall then be constructed as per the agreed Flood Risk Assessment and Drainage Strategy Rev D (dated 5th November 2024) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

   Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policy 38 in Horsham District Planning Framework.

6. **Pre-Commencement condition:**
   (a) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
   (b) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

   Reason: As this matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

7. **Pre-Commencement Condition:** No development shall commence until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. This includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level. The development shall be completed in accordance with the approved details.

   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).

8. **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 in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9. **Pre-Commencement Condition**: No development shall commence until either:
   i. Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme; or
   ii. Confirmation has been submitted to and been approved in writing by the Local Planning Authority that the water demand from the proposed development will be offset by the offsite borehole in accordance with the Water Neutrality Statement (received 29.10.2024) and Groundwater Prognosis Report (received 28.11.2024); and
   iii. The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved borehole(s) has been fully implemented and is operational.

   Reason: To ensure that the approved development is water neutral, thus avoiding contribution to the possible adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar designations addressed by the Natural England Position Statement of September 2021 and to satisfy the Authority's duties pursuant to the Protection of Habitats and Species Regulations 2017 (as amended) at Regulation 63.

10. **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
    a) An intrusive site investigation scheme, based on the Phase 1 Desk Study to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
    b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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

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

11. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be in broad accordance with the recommendations in the Noise Impact Assessment Issue 2 (dated 04.12.24) and shall demonstrate that they are sufficient to prevent overheating. The development shall thereafter be carried out in accordance with the approved details.

    Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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 detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be in accordance with the Institute of Lighting Professional's Guidance

notes (including Guidance Note: 08/23) for the reduction of obstructive light and shall have been designed by a suitably qualified person in accordance with the recommendations. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The scheme shall be implemented in accordance with the approved scheme and thereafter retained as such. No other external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework, and to safeguard the amenities of the site and surrounds in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

13. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of hard surfacing, including for open space footways, has been submitted to and approved by the Local Planning Authority in writing and all surfacing 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).

14. **Pre-Occupation Condition:** The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
    i. a timetable for its implementation,
    ii. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
    iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

15. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of all boundary walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

    Reason: In the interests of visual and residential amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

16. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components and specifications, management prescriptions, timetable for implementation, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

    Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

17. **Pre-Occupation Condition -** No part of the development hereby permitted shall be occupied until a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Ecological Impact Assessment (The Ecology Partnership, January 2025) has been submitted to and approved in writing by the local planning authority.
    The content of the Biodiversity Enhancement Layout shall include the following:
    a) detailed designs or product descriptions for biodiversity enhancements; and
    b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.
    The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

    Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

18. **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling in accordance with approved drawing number P101 Rev Z Proposed Site Layout. The facilities shall thereafter be retained for use at all times.

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

19. **Pre-Occupation Condition**: No dwelling shall be first occupied until the parking, turning and access facilities necessary to serve that dwelling and the vehicular access, footway, and gateway features on the A272 serving the development has been constructed in accordance with the details shown on the drawings titled Proposed Site Access and Traffic Calming Arrangement and numbered SK03 revision D and Proposed Footway Alterations drawing SK04 revision A as included within the TPA Technical Note, reference 2101- 031/TN/01A dated October 2024 and shall be thereafter retained as such.

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

20. **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the garage or garden shed or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

    Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

21. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a survey and verification report from an independent surveyor demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings has been submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.
Where necessary, details of corrective works 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.

    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).

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

    The fire hydrant shall thereafter b\e maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

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

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

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

24. **Pre-Occupation Condition:** No dwelling shall be first occupied until an air quality mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The air quality mitigation plan should contain measures to a minimum value of £5,729.81 as the calculated environmental damage cost and include (but not be limited to) the measures detailed in Section 9 of the Air Quality Assessment (Air Quality Consultants Ltd, Jan 2025) and a timetable for their delivery. The air quality mitigation plan shall also include a timetable for delivery of the measures. The measures shall thereafter be provided in accordance with the approved mitigation plan and timetable.

    Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

25. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 10b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of

implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 10b), unless otherwise agreed in writing by the Local Planning Authority.

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

26. **Pre-Occupation Condition:** No dwelling shall be first occupied until a final verification report shall be submitted to and approved in writing by the local Planning authority which confirms that all the works which form part of the scheme for protecting the proposed development from road traffic noise as approved by the Local Planning Authority under condition 11 above have been completed. All work must be carried out by suitably qualified person and the approved noise, vibration attenuation and ventilation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

    Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

27. **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on drawing ref: P102 Rev K Proposed Building Materials Layout unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

    Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

28. **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

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

29. **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment and Method Statement dated November 2024, including the Tree Protection Plan at Appendix 2.
    Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

    Reason: 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).

30. **Regulatory Condition:** The approved landscaping scheme shall be fully implemented in accordance with the approved soft landscaping details set out in drawings ref: m384-100 RevP2 Landscape Masterplan, ref: m384-201 RevP4 Landscape Plan Sheet 1 of 7, ref: m384-202 RevP4 Landscape Plan Sheet 2 of 7, ref: m384-203 RevP4 Landscape Plan Sheet 3 of 7, ref: m384-204 RevP4 Landscape Plan Sheet 4 of 7, ref: m384-205 RevP4 Landscape Plan Sheet 5 of 7, ref: m384-206 RevP4 Landscape Plan Sheet 6 of 7, and ref:

m384-207 RevP4 Landscape Plan Sheet 7 of 7, 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 or retained 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 that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

31. **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Ecological Impact Assessment (The Ecology Partnership, January 2025), Ecological Impact Assessment (The Ecology Partnership, June 2024) and Preliminary Ecological Appraisal (The Ecology Partnership, May 2024). This includes the non-licensed Precautionary Method Statement for Hazel Dormouse in Section 5.10, the reptile mitigation strategy in Sections 5.14 to 5.19 and 7.4 and the Precautionary Method Statement for mobile protected species in Section 5.13 of the Ecological Impact Assessment (The Ecology Partnership, January 2025). 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: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

32. **Regulatory Condition:** The garage(s) hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

    Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

33. **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the approved Water Neutrality Strategy, including the installation, maintenance and retention of the detailed water efficiency measures to an equivalent of better performance standard within each dwelling.

    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).