



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st October 2024

DEVELOPMENT: Demolition of existing structures and erection of 43no. dwellings (Use Class C3), creation of a new access and provision of public open space, alongside associated landscaping and other works.

SITE: Millfields Farm, Horsham Road, Rusper, West Sussex, RH12 4PR

WARD: Colgate and Rusper

APPLICATION: DC/24/0699

APPLICANT: **Name:** Stonebond Properties (Guildford) Limited **Address:** C/o Nexus Planning (Agent) Holmes House 4 Pear Place London SE1 8BT

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 application represents a departure from the development plan.

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

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Full planning permission is sought for a residential development comprising the provision of 43x dwellings together with supporting infrastructure, public open-spaces, access, landscaping and drainage, subsequent to the demolition of existing buildings and facilities currently comprising Millfields Farm.
- 1.2 The proposed development would be accessed by way of a newly created junction onto East Street, set to the adjacent north-west of 'Conifer Cottage'. The existing Millfields Farm access leading to Horsham Road to the west of the site would be retained, though, with a modal

filter introduced such that this route would be accessible only to pedestrians, cyclists, emergency vehicles and occupiers of the existing Millfields Farm Cottage. The proposals, further, involve the upgrade of the surface of footpath No. 1502 to the north of the site towards the village centre and offsite highway works on Horsham Road and East Street to provide informal pedestrian crossings and a raised table on Horsham Road to improve highway safety.

- 1.3 The proposed development is largely laid out in a linear format (north-south), along the course of a single main access road leading from the newly created access onto East Street to the southernmost extent of the existing Millfields Farm. The main access route transitions to a shared surface within the southern section of the development and to the south of footpath No. 1502. Minor cul-de-sacs are additionally incorporated branching to the west of the main internal access road with crushed aggregate routes leading to adjacent fields to the east and south of the proposed development functioning as future farm accesses.
- 1.4 The proposed residential development is confined to the west of the main access, except for Plot no.3, which sits adjacent to the main access onto East Street at the northernmost extent of the site. All proposed dwellings are to be delivered as housing, in a mix of detached, semi-detached and terraced formats, with no flatted development featured within the proposals.
- 1.5 The proposed development would include the provision of 22x affordable dwellings (equivalent to 51% of total provision), of which, 10x dwellings are specified to be delivered as affordable rent and 5x dwellings are specified to be delivered as shared ownership units. The tenure of the remaining 7x affordable units is indicated as 'to be confirmed' on the submitted accommodation schedule.
- 1.6 A large area of public open space (~1.37ha) is proposed to be formed to the east and south of the main access and the respective southern and eastern site boundaries. This public open space would largely comprise of semi-natural greenspace, featuring various wildflower meadow planting with mown paths, and smaller areas of more rigorously maintained amenity greenspace. A public play area (to the rough south-west of plots 28/29) is featured within the proposed public open space with two SuDS basins additionally featured adjacent to the eastern site boundary. The proposals indicate various additional soft-landscaping in support of the proposals, including planting to the respective site boundaries for ecological benefit and as a component of landscape mitigation. A drainage swale is proposed, extending well beyond the built extent of the site to the south-west.
- 1.7 A number of minor amendments have been made subsequent to the initial submission. These include alterations to the layout and design of proposed housing design at plots 16-31 and changes to the proposed arrangement of public open space, with a public play area relocated to the east of proposed plots 28-31. Additional species-specific ecological surveys, amendments to the Landscape and Visual Impact Assessment, drainage strategy and statutory biodiversity metric have also been considered subsequent to initial submission.

DESCRIPTION OF THE SITE

- 1.8 This application concerns land at Millfields Farm to the adjacent southeast of Rusper Village. The site extends to ~4.2 hectares comprising the existing built facilities of Millfields Farm, adjacent paddocks to the south, east and north-east and an elongated projection to the south-east where a drainage swale is to be run.
- 1.9 The site is located outside of a defined built-up area boundary, though, bounds the defined built-up area boundary of Rusper to the adjacent northwest where this aligns with the southern extent of the Cooks Mead cul-de-sac. The site is not directly subject of any landscape, environmental, heritage and/or ecological designation, though, is found within the Sussex North Water Supply Zone, as subject of the Natural England 'Position Statement' of September 2021, with parcels of ancient woodland found to the near south-east and east of

the site. Two public rights of way (Nos 1501 and 1502) pass through the site and afford access from Rusper village towards the surrounding countryside to the south-east and towards East Street to the north-east of the site.

- .1.9 Millfields Farm, in appearance, is typical of 20th century farmyard development comprising a range of structures of utilitarian character and of varying sizes and forms. The Farm is no longer intensively utilised, with the most recent use being for equestrian purposes. Buildings contained within the farm, and their respective curtilages, constitute previously developed land as defined at Annex 2 to the National Planning Policy Framework (2023).
- 1.10 The site occupies a position atop a ridge facing to the south-east. Though land at the western and northern portions of the site, where housing development is proposed, is generally level, land slopes away to the south-east with long-distance views available from existing positions within the site away from the existing settlement. These views are identified as a key view within Policy 3 and at Policy Map Inset 1 of the adopted Rusper Neighbourhood Plan (2020).
- 1.12 Some sections of the site, to the adjacent east of Millfield Farm, are shown at low risk of surface water flooding according to the national flood-risk service.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 17 - Exceptions Housing Schemes
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 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities
Policy 41 - Community Facilities, Leisure and Recreation

Horsham District Local Plan (2023-40) (Regulation 19):

Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 3: Settlement Expansion
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 10: Flooding
Policy 11: Environmental Protection
Policy 12: Air Quality
Policy 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 15: Settlement Coalescence
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Policy 23: Infrastructure Provision
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Policy 37: Housing Provision
Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

Rusper Neighbourhood Plan (2020):

RUS1: Spatial Plan
RUS3: Design
RUS4: Local Heritage Assets
RUS5: Green Infrastructure and Biodiversity
RUS6: Walking, Cycling and Equestrian Routes
RUS10: Dark Skies
RUS11: Promoting Sustainable Transport
RUS12: Developer Contributions

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPG

Planning Advice Notes:

Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/1794	Temporary change of use of part of Building No.4 from an equestrian livery (Sui Generis) to a vintage car storage use (Use Class B8) for a period of two years.	Application Permitted on 26.11.2020
DC/15/1736	Demolition of existing dwellings and buildings and erection of 42 new dwellings with associated landscaping, open space and access	Application Refused on 04.11.2015
	Demolition of existing dwellings and vacant buildings, and erection of 29 new dwellings with associated landscaping, open space and access (Outline)	Application Refused on 07.07.2016
APP/Z3825/W/17/3166501		Appeal dismissed on 14.07.2017

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
[Summary]

The Council's arborist noted that the proposal involves some direct tree loss and impacts upon retained trees that could be mitigated by enhancement planting and implementation of specialist construction measures.

The use of the Eastern access point from Horsham Road was noted to be of potential concern in respect of impacts on mature trees if there is a resultant requirement/desire to upgrade this route or provide vehicle passing points. No widening of this access, such as to provide separate pedestrian paths, were noted to be currently indicated.

The nearby ancient woodland to the south was identified by the arborist, with the proposals noted to incorporate a minimum 15m buffer with no incursions.

The presence of dwellings in the southern section of the site may result in future pressure on the adjacent off-site mature tree belt as likely to restrict the receipt of afternoon sunlight.

- 3.3 **HDC Ecology (Biodiversity Net-gain):** Comment
[Summary]

In response to amended habitat condition assessments and corresponding entries to the statutory biodiversity metric the Council's Biodiversity Net-Gain (BNG) officer responded to confirm that all concerns with regard to earlier condition assessments/metric entries have been satisfied.

Earlier comments regarding the establishment and future management of meadow grassland, hedgerow edge and woodland mix planting were considered by additional commentary provided by applicant within a response of 30.07.2024. The Council's BNG officer requested that this detail be added to the formal Landscape, Management and Maintenance Plan.

- 3.4 **HDC Environmental Health:** Further information Requested

[Summary]

The Council's Environmental Health team responded to recommend conditions in respect of land contamination, construction operations and acoustic mitigation, and, additionally, requested that the air-quality assessment be updated to reflect the most recent emissions mitigation guidance dated April 2024.

Additional information, though, was deemed to be necessary in respect of certain components of the proposed water neutrality strategy. Further detail regarding the design and intended treatment design and future maintenance/management provisions of a rainwater harvesting system to service on site non-potable uses, and to demonstrate the achievement of drinking water standards, was deemed necessary.

Similarly, further information in the form of on-site water quality sampling and treatment measures to achieve compliance with Drinking Water Standards, with particular regard to the likely presence of metals, PAHs and petroleum hydrocarbons, at elevated levels was requested in order to demonstrate the acceptability of potable water supply to the proposed development.

3.5 **HDC Housing:** Clarification requested

[Summary]

The Council's housing team responded to note that, in the context of a development of 43x dwellings, that it would be expected to see 35% of units (15x units) delivered as affordable housing, with the proposal seeking to deliver 50% (22x) units as affordable housing.

The Council's housing team, further, responded to advise of local demand on the housing register broken down by dwelling size, with the greatest local demand respectively falling within the 3-bed category (48%) and 1-bed category (22%).

The Council's housing team noted that the proposed development identifies 10 units to be delivered as affordable rent, equivalent to 45% of total affordable housing provision, with an additional 7 affordable units to be delivered as an 'unconfirmed' tenure. The housing officer advised that existing policy would expect affordable housing to be delivered at 70% of total affordable housing provision, demanding at least 5x of the 'unconfirmed' units to be delivered as affordable rent in order to achieve policy compliance.

The housing team, further, recommended that the applicant seek to reach an agreement a registered affordable housing provider as soon as possible in order to clarify and confirm tenure split and secure funding arrangements for the affordable homes.

3.6 **HDC Design and Conservation:** No objection

"The proposed development will not impact the setting of the Conservation Area. There is documentary evidence of a windmill on the site, or slightly beyond, but there is no physical evidence remaining above ground."

3.7 **WSCC Highways:** No objection

[Summary]

The Local Highways Authority responded to note that the proposed development would be accessed by three main means, via a new main vehicular access on East Street, via an upgrade of the existing public right of way No. 1502 and an upgrade of the existing access to Millfield Farm Cottages to Horsham Road to serve as a pedestrian and cycle route in/out of the site.

The LHA officer noted that the primary access onto East Street is subject to a 40mph speed limit, necessitating a visibility splay of 2.4m by 120m in both directions to achieve compliance with DMRB standards, which could not be achieved in this instance. The LHA officer, though, acknowledged that that automated traffic count surveys had been completed demonstrating speeds of 37.6 and 36.5mph. The LHA officer noted that the current submission

demonstrates that visibility splays of 57m to the west and 60m to the east are achievable in response to these recorded speeds.

The LHA officer, further, acknowledged that Road Safety Audit (RSA) exercise had been completed and had resulted in a recommendation to progress a Traffic Regulation Order to reduce the posted speed limit to 30mph. The LHA officer identified that the current proposal advances two options for visibility splays, the first being the incorporation of splays responsive to vehicle speeds recorded within the automated traffic count, or the incorporation of lesser splays designed for a 30mph speed limit. Either option was deemed acceptable to the LHA officer, though, it was commented that an extension of the 30mph speed limit would prove appropriate in this instance given the number of proposed dwellings.

The LHA officer advised that the applicant would have to progress and cover all associated costs associated with a Traffic Regulation Order, which would benefit from the support of the Highways Authority. The LHA officer advised that residential units on the eastern side of the development should also be included within the 30mph speed limit and a suitable position for a gateway feature east of the development be provided to ensure the Traffic Regulation order gains support.

In respect of pedestrian access the LHA officer recognised that the upgraded course of PROW 1501 would continue to serve as a pedestrian only footpath and would provide direct access to the village centre, where a pub, store, village hall, bus stop and primary school are present.

The retained access serving Millfield's Cottage was noted to remain a no-through road and to offer access to the site only for pedestrians and cyclists. This access was noted at between 3.2-3.5m in width, with the LHA officer noting the LTN1/20 recommendation at Table 6.3 for a minimum width of 3m if the route is likely to experience fewer than 300 cyclists per hour. The applicant, similarly, was referred to LTN1/20 guidance in respect of surface composition for this route.

The LHA requested that the LPA attach a condition requiring details of a suitable bollard feature to be approved by the LPA in advance of first occupation on the retained access via Millfield's Cottage, which is proposed to be made available for emergency vehicle access.

In respect of proposed off-site works, the proposals were noted to include informal pedestrian crossings on Horsham Road and East Street and the formation of a raised table as a traffic calming feature at the access to Millfields Farm Cottages. These measures were welcomed to assist walking and wheeling, with good visibility splays noted in excess of manual for streets guidance of 2x2m. The proposed raised table would act as a traffic calming feature, beneficial for slowing traffic in the 20mph speed-limit area, with informal pedestrian crossings, raised table and relevant visibility splays at the point of primary access onto East Street deemed capable of being addressed by way of suitably worded condition and incorporated into a S.278 agreement.

Detailed comments were made within the LHA response in respect of the Stage 1 RSA, which was considered completed in accordance with relevant standards. It was noted that 5 problems were identified within the RSA, with appropriate responses provided by the designer and agreed by the LHA.

In respect of anticipated vehicle movements the LHA noted that the proposal models anticipated movements by way of the TRICS database. The proposal was considered to generate ~171 daily movements, 21 of which would be in the AM peak and 20 in the PM – approximately equivalent to a vehicle movement every 2-3 minutes. It was, additionally, recognised that the applicant has considered local census data to understand how additional movements will impact to the local road network, with the primary trip distribution being via East Street and southbound onto Horsham Road. The additional 20 trips in the peak hours

was not considered to generate a considerable number of movements or to prove of concern to highway capacity. The LHA, though, did recommend that a construction management plan be agreed to ensure that all construction traffic has been considered, with vehicles routed and timed to avoid travelling via the village where possible.

With regard to the proposed site layout and arrangement of streets the LHA advised that a pedestrian link via the primary access onto East Street is omitted to encourage pedestrians to utilise walking routes within the site to village amenities and to avoid walking via East Street, which lacks a footway in this location.

The LHA officer recommended that pedestrian footpaths within the site should be 2m in width, and provide links to PROW 1502. The LHA, though, questioned what street lighting would be provided in association with pedestrian accesses.

The LHA considered that the proposed use of surface materials to internal accesses and driveways would prove appropriate, with internal access spaces designed to demonstrate suitability for refuse and fire appliance movements.

The LHA, similarly, were satisfied that the proposed parking provision is in accordance with LHA's published guidance for parking in residential developments, providing 80x spaces to serve the 43x dwellings and with 8x unallocated spaces for vehicles.

In summary, overall no objection was raised by the LHA, with the proposal not considered objectionable in relation to the provisions of NPPF 115. The applicant was advised to progress a Traffic Regulation Order and provide additional information for approval prior to commencement subject to the LHA's recommended conditions.

3.8 WSCC Public Rights of Way: No objection

[Summary]

The County Council Public Rights of Way team responded to raise no objection to the proposals. The PROW team noted that PROW 1501 is to be diverted within the development site, which would necessitate that the PROW team be engaged as a consultee in the formal diversion process. The surface specification for the PROW would need to be agreed with the PROW team prior to development proceeding. Where this path is to function as a cycle route through the development the PROW team requested that a width of 3m be provided to the shared use path.

It was, additionally, recognised that PROW 1502 is to be resurfaced within the site and northwards of the site to the junction with Horsham Road. It was advised, similarly, that the specification for this resurfacing work would need to be agreed with the PROW team prior to the commencement of development.

The PROW team response included a number of advisory remarks, advising the applicant of the need to maintain the surface/route of relevant PROWs through the duration construction operations or to seek relevant diversion/temporary closure orders from the PROW team.

3.9 WSCC Lead Local Flood Authority: No objection

[Summary]

In response to a drainage technical note submitted in June 2024, and further to initially submitted Drainage and Flood Risk Assessments, the Lead Local Flood Authority responded to confirm no objections to the proposals subject to the inclusion of relevant conditions.

The conditions recommended by the LLFA include the submission of construction drawings for surface water drainage components for approval by the LPA in accordance with the submitted drainage/flood-risk reports and accompanying technical note prior to the commencement of development, details as to the maintenance and management of drainage

systems and a verification survey/report from an independent surveyor to be approved by the LPA subsequent to the completion of drainage works.

3.10 WSCC Fire and Rescue: Comment

[Summary]

The Fire and Rescue Service responded to recommend the inclusion of a condition requiring the provision of fire hydrants within the proposed development, noting that the proposed development is in excess of 200m distant from the nearest existing hydrant. Evidence was also requested that the fire service vehicle access meets the requirements of the Building Regulations document B volume 1 2019 Edition: B5 Section 13 including Table 13.1.

3.11 Place Services Landscape: Supportive on landscape grounds

[Summary]

Subject to revisions to the Landscape and Visual Impact Assessment undertaken in July 2024, and changes to the initial site layout and soft landscaping strategy, the Council's landscape consultants welcomed the amendments made and considered that any outstanding queries can be secured by way of condition.

Initial concerns regarding the assessment of landscape impacts from viewpoint 23, as categorised within the submitted Landscape and Visual Impact Assessment (LVIA), were, on balance, considered to be satisfied on the basis of additional information and findings contained within the updated LVIA.

Revisions to the site layout surrounding plot 20 to include planting around the substation and relocation of parking bays were welcomed. Similarly, the relocation of tree planting to preserve an important vista identified within the Rusper Local Plan was welcomed, as was the incorporation of public seating at the identified viewpoint. The relocated play area was deemed satisfactory, as was the proposed use of natural play elements.

Improvements to the proposed soft-landscaping strategy to enhance playing on the southern site boundary to screen views from the south-east while maintain long-views out of the site from the important vista were welcomed, and to provide a greater variety of planting within the built development.

The details for SUDS basins, and their multifunctional purpose, were also deemed satisfactory.

A number of additional recommendations were made, including the additional of informal seating and/or public art to the entrance of the public right of way adjacent to plot 20 and the delivery of SUDS features absent of pre-cast concrete inlet/outlet structures and metal failing. Such details were deemed capable of being secured by way of appropriately worded condition.

3.12 Place Services Ecology: No objection

[Summary]

Subsequent to receipt of a Bat Survey Report and accompanying Technical Note, as requested within an earlier response, the Council's consultant ecologists responded to confirm that sufficient ecological information was available for determination, that ecological impacts would prove acceptable (subject to relevant conditions) and that a reasonable biodiversity enhancement could be delivered.

The Council's consultant ecologists identified that offsite building B1 and offsite building B2 contain current day/maternity roosts for bats, though, with both offsite building proposed to be retained. It was, further, noted that bat emergence surveys were performed on buildings within the site with low roost potential, with no records of bats utilising these buildings. Remaining unsurveyed buildings were accepted to possess negligible roost potential, negating the need for emergence surveys.

Trees 29 and 33, as proposed to be removed, were noted to feature multiple roost features, though, that three aerial inspections did not record evidence of roosting bats in either tree, with no further bat surveys deemed necessary.

The consultant ecologist recognised that ecological compensation would be required in advance of works effecting trees with roost potential, in accordance with bat mitigation guidance, and that relevant trees must be subject to relevant inspection by a bat ecologist on the day felled under a precautionary working method statement, which should be secured and submitted by way of condition in advance of the commencement of relevant tree-works. Additional trees were identified to possess roost potential, though, would be retained by the proposed works.

The implementation of a wildlife friendly lighting strategy for the remainder of development, in accordance with the conclusions of the Bat Survey Report, was supported by the Council's consultant ecologists, who recommended that relevant technical specifications be submitted prior to occupation to avoid detrimental impacts upon foraging and/or commuting bats.

With regard to hazel dormouse it was accepted that, although there is suitable habitat within treelines, hedgerows and scrub present to the northern, north-western and eastern site boundaries, no evidence of Hazel Dormouse was observed during surveys with no desktop records of Hazel Dormouse within 2km of the site negating the need for further species specific surveys.

With regard to reptiles it was noted that the seven reptile survey visits concluded as to the presence of a low population of slow worm and very low population of grass snake on the site. The recommendation for a precautionary method statement for reptiles set out within the Reptile Survey Report was supported and should be secured by way of condition.

Subsequent to changes made to site layout effected on 12th August 2024, the Council's consultant ecologists responded to confirm that the changes to site layout did not influence conclusions reached in the earlier response of 12.08.2024 and the acceptability of the proposal in ecological terms.

3.13 **Naturespace:** No objection

[Summary]

Subsequent to receipt of an updated ecological report, containing habitat suitability assessments and eDNA surveys for Great Crested Newt, Naturespace responded to confirm no objection to the proposals subject to the inclusion of appropriate conditions.

Naturespace, operators of the district-wide licencing scheme for Great Crested Newt, noted that the updated ecological reports identified a number of ponds within 300m of the proposed development. Pond 4 was considered to have direct connectivity to the site, though, with no Great Crested Newt presence as confirmed by eDNA surveys undertaken in 2024.

Naturespace, further, acknowledged that a limited risk to Great Crested Newt may remain as a number of ponds were unable to surveyed as a consequence of access issues, with their status consequently unknown. These ponds were noted as in the locality of known breeding pond, and have limited connectivity to the site being 250-300m of the site boundary. Great Crested Newt may migrate from these ponds to/through the site, with East Street deemed unlikely to prevent the dispersal of Newt, notwithstanding that habitat surrounding the site is unlikely suitable for foraging.

In the context of the assessed degree of limited risk, Naturespace considered that the use of conditions requiring reasonable avoidance measures to mitigate against outstanding risk

would prove appropriate in this instance and should not prevent a grant of planning permission.

3.14 **Natural England:** No objection

"We concur with the conclusion of your Authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites can be ruled out, as such, we have no objections subject to the delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality."

3.15 **Forestry Commission:** Comment

[Summary]

The Forestry Commission, subsequent to an initial 'standing' comment of 4th June 2024, commented that the principle of maintaining an ecological buffer between ancient woodland and development was welcomed, with the proposed development noted as located a good distance away.

It was, though, questioned whether a proposed swale could have a negative impact on the woodland, if discharging to the woodland. The Council was invited to assess potential impacts upon the woodland with regard to relevant Standing Advice and with reference to the submitted drainage strategy.

The Commission, further, sought to encourage the applicant to provide improved ecological connectivity between the two separate parcels of ancient woodland which sit to the south of the site. The delivery of hedgerows, hedge trees, linear planting and the formation of an extended canopy between these two parcels would be considered a priority for biodiversity gains associated with the proposal and could provide an overall significant positive contribution to the wider ecological context of the site.

3.16 **Southern Water:** No comments

Southern Water declined to comment on the development proposals, noting that the site is located outside of Southern Water's statutory area for drainage services. Thames Water were consulted but did not respond.

3.17 **Rusper Parish Council:** Objection

[Summary]

Rusper Parish Council responded to object to the proposals. The Parish Council noted that this is the third application in recent years which seeks to develop a green field on a ridge at the edge of Rusper Village that will have a significant impact on rural views.

The Parish Council commented that the two previous applications (ref: DC/15/1736 and DC/15/2857) were refused on a number of important planning grounds, with the latter being dismissed at appeal in July 2017 pursuant to ref: APP/Z3825/W/17/3166501, and with the outcome of that appeal being supported by the Parish Council. The Parish Council noted that the appeal proposal was previously for a development of lesser scale, with the current proposal considered to have a relatively greater impact, notwithstanding the advantages of social housing.

The Parish Council considered that there have been no significant changes which would change the appeal decision, noting that the Rusper Neighbourhood Plan is now adopted and makes specific reference to this site. The Parish Council referenced the conclusions of the Neighbourhood Plan Site Assessments in respect of this site, considered unsustainable outside of the current built-up area of the village and to occupy a prominent position at the top of an open area of grassland.

The Parish Council, though, did note that the site could benefit from some controlled development limited to the existing brownfield area and with the number of units limited to a maximum of 14x units in order to avoid access issues.

The Parish Council, further, sought to raise concerns regarding the proposed means of access onto East Street, commenting that the Highways Authority assessment would appear to be a desktop assessment. The Parish Council commented that issues of evening sunlight for drives approaching the village from the east is a specific problem for approximately half the year during the evening rush. Concern, additionally, was raised in respect of the creation of 43x dwellings in an area with no public transport.

PUBLIC REPRESENTATIONS:

- 3.18 27 letters of representation were received from 19 independent addresses in conjunction with the proposed development. 23 letters were received in objection to the proposal, with 4 letters received in support of the proposals.
- 3.19 The main material grounds for objection can be summarised as:
- Concern regarding an increase in traffic movements as a consequence of proposed development and resultant impacts upon highway safety and operation;
 - Concern regarding the safety of the proposed access onto East Street and its ability to support a development of the scale proposed;
 - Concern regarding the loss of countryside cumulative with strategic scale development elsewhere within the District, including the Land North of Horsham development;
 - Concern regarding the loss of currently undeveloped land;
 - Concern regarding the proposed affordable housing provision and its availability for local residents;
 - Concern regarding the effects of proposed development upon water pressure;
 - Concern regarding the effects of development upon local species and habitats;
 - The development would not take place in a sustainable location, with likely significant reliance on the use of the private car;
 - Concern regarding the loss of existing farm buildings deemed viable for continued operation;
 - The proposal does not take account of the character and appearance of existing rural areas;
 - Concern regarding increased surface water run-off resulting from the proposal;
 - Concern regarding the potential for damage to the existing highway resulting from construction operations;
 - Concern regarding the capacity of public infrastructure and services to support a development of the scale proposed;
 - Concern regarding the reliability of traffic surveys undertaken in support of the proposals;
 - Concern regarding the adverse landscape effects of proposed development;
 - The site occupies a prominent position and is publicly accessible/visible from existing footpaths;
 - Previous appeal determinations for development of a comparable scale in this location have been dismissed;
 - The site was not identified within the made local or neighbourhood plan for development;
 - The site is not identified within the emerging local plan for development;
 - Concern regarding harm to living conditions of nearby occupiers of land resulting from proposed development;
- 3.20 Additional concerns regarding the alleged loss of greenbelt land, as raised within a number of public objections, are noted, though, are not material to the determination of this application in the absence of any designated greenbelt within the District.

- 3.21 The main material grounds for support can be summarised as:
- Support for the proposed provision of affordable housing as needed in all areas;
 - The proposal is made to a high standard and is well thought-out;
 - Support for proposed housing needed both locally and nationally.

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:

Spatial Policy:

- 6.1 Policy 2 of the Horsham District Planning Framework (HDPF) (2015) sets out the strategic spatial strategy of the development plan. This policy seeks to satisfy community needs through sustainable growth which maintains suitable access to services and local employment while maintaining the unique rural character of the District. HDPF Policy 2, amongst other things, seeks to focus development around the main settlement of Horsham while allowing growth in the rest of the District in accordance with the identified settlement hierarchy, bring forward strategic allocations for housing development and support the sustainable development of settlements in a manner which preserves existing settlement patterns, protects rural character and landscapes and prevents the merging of settlements.
- 6.2 Policy 3 of the HDPF outlines the settlement hierarchy of the District and establishes that development will be permitted within towns and villages which possess defined built-up areas. Ruspur is defined as a 'medium village', characterised within the settlement hierarchy as a settlement which benefits from a moderate level of service, amenities and community infrastructure together with some access to public transport. Such settlements are, broadly, capable of meeting some day-to-day needs of residents, but rely on larger settlements to satisfy a full range of employment, educational and amenity needs.
- 6.3 Policy 4 of the HDPF relates to settlement expansion and provides that the growth of settlements will be supported in order to meet identified needs. Beyond defined built-up area boundaries settlement expansion will be supported where;
- 1.) a site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge;
 - 2.) where the level of expansion is appropriate to the scale and function of the settlement;

- 3.) where the development would satisfy identified local housing (or employment) need or would assist with the retention and enhancement of community facilities/services;
 - 4.) Where development would not prejudice long-term strategic development and;
 - 5.) Where development is contained within an existing defensible boundary and would maintain features of landscape and townscape character.
- 6.4 Policy 26 of the HDPF seeks to protect the countryside of the District against inappropriate development. This policy seeks to ensure that development outside of defined built-up area boundaries is essential to its respective countryside location, does not result in a significant intensification of activity within the countryside (cumulatively or individually) and, in addition, relates to the needs of agriculture or forestry, mineral extraction or waste disposal, quiet recreational use or allows for the sustainable development of rural areas.
- 6.5 Policy 1 of the Rusper Neighbourhood Plan (RNP) defines the built-up area boundary of Rusper and is intended to inform the application of HDPF Policy 4, as confirmed within the supporting text to RNP Policy 1 at paragraphs 6.4-6.6. The RNP does not offer any alternative spatial and/or countryside protection policy provisions to the HDPF, nor are housing allocations contained within the RNP. The supporting text to the RNP at paragraph 3.13 indicates that the Parish Council are committed to an early review of the RNP at a point in time when an appropriate housing need figure can be provided to the Parish Council and opportunities for small/medium site allocations can subsequently be determined.
- 6.6 Collectively the policies of the existing development plan operate to promote development within defined built-up area boundaries and establish a planned approach to settlement expansion in order to satisfy community needs in a manner which preserves the rural character of the District, the identity of individual settlements, promotes a re-balancing away from reliance on the use of the private car (HDPF Policy 40 additionally refers) and maintains sustainable access to services and employment. These provisions, in addition, are largely consistent with the spatial provisions of the submission Horsham District Local Plan (HDLP), including HDLP Policies 2, 3 and 14.
- 6.7 The application site is located beyond a defined built-up area boundary and constitutes a countryside location for the purposes of spatial policy, where development is to be more strictly controlled and where the provisions of HDPF Policy 26 apply.
- 6.8 The site is not allocated for development within the made development plan, neither within the submission HDLP. The proposed development, therefore, is in conflict with the provisions of existing and emerging spatial strategy and the planned approach to settlement expansion which existing and emerging policy respectively promotes at HDPF Policies 2, 3 and 4 in addition to Policy 3 of the HDLP.
- 6.9 In addition, the provision of housing is not considered to represent an essential form of development to a countryside location, or to meet any of the four additional criteria defined within HDPF Policy 26 such that the proposal is considered in conflict with this countryside protection provision, and similar provisions at submission HDLP Policy 14.
- 6.10 It is noted that a similar conclusion was reached by the Inspector pursuant to ref: APP/Z3825/W/17/3166501 at paragraphs 10 to 16 in respect of previous conflict with the provisions of the HDPF in conjunction with a previous appeal proposal for housing development on the application site.
- 6.11 It should, though, be noted that the Local Planning Authority is presently unable to demonstrate a 5-year supply of deliverable housing sites, with the Council's latest Authority Monitoring Report confirming 2.9 year housing land supply. This represents a substantial shortfall relative to the Council's assessed housing need and significantly diminishes the degree of weight which can be attributed to conflict with existing spatial policy. Similarly, though, the HDLP has now been formally submitted for examination, the expected timescale

for examination is not yet known and is not likely to take place until December 2024/January 2025. In the context of Paragraph 48 to the NPPF it is considered that only limited weight could be assigned to the provisions of the HDLP at this stage in recognition of its early stage of preparedness and extent of unresolved objections against individual emerging policies.

Facilitating Appropriate Development:

- 6.12 In recognition of the Council's inability to demonstrate a 5-year housing land supply the Authority has published a Facilitating Appropriate Development document (FAD) (2022) as an advice note. The provisions of the FAD constitute a material planning consideration and are intended to inform the approach of the Authority to decision making prior to the adoption of a new local plan.
- 6.13 Key to the consideration of this application is paragraph 5.7 of the FAD, which recognises that the Council is likely to receive applications on unallocated sites and outside of defined settlement boundaries. Paragraph 5.7, further, confirms that the Council will consider applications positively which meet all of a range of defined criteria, comprising:
- That the site adjoins the existing settlement edge as defined by the BUAB (built-up area boundary);
 - That the level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
 - The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
 - The impact of development individually or cumulatively does not prejudice comprehensive long-term development; and
 - The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.
- 6.14 The current proposal does not overlap and/or frustrate any strategic scale allocation, or draft allocation, such that the proposal prejudices comprehensive long-term development. A development of 43x homes, further, is considered appropriate to Rusper's status as a medium village within the existing settlement hierarchy, with the proposal adjoining the defined built-up area boundary of Rusper to the adjacent west.
- 6.15 Key to compliance with the provisions of the FAD, therefore, are deemed to be the degree of which the development contributes to housing need and the respective landscape context and effects of development. These aspects of the proposal will be discussed within separate sections of this report.
- 6.16 It should, further, be recognised that compliance with the FAD does not necessarily influence the application of a 'tilted balance' pursuant to Paragraph 11(d) of the Framework. This will, also, be returned to later within this report.

Character and Landscape Effects

- 6.17 Policies 25 and 26 of the HDPF seek to protect the natural environment and landscape character of the District, including the landform and development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.
- 6.18 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

- 6.19 Policy RUS3 to the RNP provides that proposals for new development must be of the highest standard of design and reflect the character and scale of surrounding buildings. Proposals should take into account the significance and setting of relevant heritage assets, including the Rusper Conservation Area, the retention of key views, including those out of the village towards the countryside, the retention of mature trees and hedgerows, the retention of Rusper's dark-skies status, the achievement of current heat and noise insulation standards and incorporate elements of sustainable design.
- 6.20 The proposed development would make use of land beyond the eastern extent of Rusper. Housing development within the southern portion of the site would be undertaken on previously developed land, owing to the existing status of Millfields Farm, with housing development within the northern portion of the site undertaken on undeveloped (greenfield) land.
- 6.21 The proposal is supported by a detailed Landscape and Visual Impact Assessment (LVIA), which considers the likely visual and landscape effects of the proposed development. The submitted LVIA is considered properly conducted in terms of methodology and scope, and should be noted to take account of relevant public viewpoints up to 2km in radius from the application site.
- 6.22 Viewpoint analysis, together with zone of theoretical visibility modelling, contained within the LVIA indicate a low degree of general visibility within landscape and distant views, with the site largely screened by pre-existing woodland within landscape views to the south and east. The greatest visual impacts associated with the proposals are confined to views on PROWs 1502 and 1501 both within the site, and on approach to the site from the south-east within 500m of the site and where minor adverse visual effects are likely to arise prior to the establishment of soft landscaping as a form of landscape mitigation along the south-eastern site boundary. This is considered to align with the Officers own observations on-site, with the site benefiting from well-established treed-hedgerows and woodland beyond the site to the south, south-east and east. Views of the site outside of the site itself, and from PROW 1502 within immediate paddock to the south-east, are limited, with the proposals not anticipated to represent a visually prominent form of development at landscape scale, notwithstanding the fall in levels away from the site to the south-east. Soft landscaping and appropriate lighting design, further, would lessen the visual impacts of development upon maturity and during night-time hours.
- 6.23 The extent of built development proposed in this instance is considered proportionate to the existing settlement and to the receiving landscape. The proposals are edged by pre-existing built development to the west, or by approved development along East Street noting the presence of extant approvals for residential development to the adjacent west pursuant to refs: DC/23/0069 and DC/21/2172. In that context the proposals do represent a logical expansion of the existing built form of the village.
- 6.24 The proposals would, inevitably, result in an urbanising effect relative to the existing condition of land and agricultural character of existing facilities contained within Millfields Farm. As reasoned above, though, it is considered that those adverse urbanising effects would be mostly appreciated within the immediate context of the site. The development is designed to preserve landscape views away from the site to the south-east, identified as a key view at Policy RUS3 of the Rusper Neighbourhood Plan, with the provision of public open space affording greater opportunity for an appreciation of the encompassing countryside through the creation of alternative viewpoints to those afforded by PROWs 1501 and 1502, seating and amenity greenspace for public use.
- 6.25 The proposed development is laid out in a fashion which would present the primary elevation of proposed dwellings to the receiving countryside/public open space, and with relatively significant separation between dwellings along the main internal access. The use of cul-de-

sacs and parking courts to the rear (west) of the main internal access contains a quantity of proposed built development away from expected public views from PROWS 1501 and 1502, and proposed public open space, with secondary urbanising elements such as boundary fencing and parking also contained to the rear or side of buildings contained within the main frontage to the south-east.

- 6.26 Proposed dwellings (except for plots 21 and 22) would be limited to 2x storeys in height, would incorporate traditionally pitched roof forms and vernacular details. Development within the southern section of the site (corresponding to the existing extent of Millfields Farm) would make extensive use of black-weatherboard materials, with some dwellings featuring open-frame carports and catslide components as a contextual reference to rural/agricultural design. This is considered an appropriate response, with the proposed development considered to take sufficient account of locally distinctive vernaculars and materials in compliance with the requirements of HDPF Policies 32 and 33 in addition to RUS 3 of the RNP in respect of design quality.
- 6.27 Overall, while it is recognised that the proposed development would result in urbanising effects and resultant landscape harm, the degree of harm in this instance is considered to be minor and limited to the immediate context of the application site. The degree of harm, further, would lessen over time as relevant soft landscaping matures and is reduced by the proposed use of previously developed land within Millfields Farm present towards the south-western extent of the application site. The Council's Landscape Consultants have not raised any objection to the development proposals, neither to assessment contained within the LVIA. The proposals, therefore, are not considered to warrant objection in landscape character terms, with the proposals considered in compliance with the provisions of HDPF Policies 25 and 26.
- 6.28 The proposed development is not considered to affect the setting of the Rusper Conservation Area, or any other designated/non-designated heritage asset, as considered within the response of the Council's Conservation Officer, that the proposal does not conflict with the requirements of HDPF Policy 34.

Housing Mix and Affordable Housing

- 6.29 HDPF Policy 16 provides that development should provide a mix of housing sizes, types and tenures to meet the needs of the District's communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). Policy 16, though, does recognise that the appropriate mix of housing types and sizes will also depend on the established character and density of the neighbourhood and development viability. Policy 16, in addition, requires that 35% of total housing is provided as affordable housing, and that affordable housing is delivered on a 70/30 ratio in favour of affordable rent over alternative affordable housing products.

Market Housing Mix:

- 6.30 The proposed development would provide 21x total market dwellings, comprising 5x four bed (~24%), 9x three bed (~43%) and 7x two bed (~33%) units. This proposed provision closely aligns with the strategic recommendations of the SHMA, which advises that development should provide 25% of units as four bed units, 40% as three bed units, 30% as two bed units and 5% as one bed units, and is considered acceptable in this instance.

Affordable Housing:

- 6.31 The proposed development would provide 22x units (~51% of total provision) as affordable housing. This scale of provision is significantly in excess of the requirements of existing development plan policy (35%) and would further exceed the expectations in the submission HDLP (45%).

- 6.32 The accommodation schedule submitted in support of the development confirms that the proposal would provide 10x units for affordable rent and 5x shared-ownership units. The remaining 7x affordable units are denoted to be of a tenure yet to be confirmed.
- 6.33 The applicant has provided a 'letter of intent' from Moat Homes, a registered provider, confirming an intention to purchase the application site subject to planning approval and contractual matters. The letter of intent denotes the intention to deliver all of the unconfirmed units as affordable rent, which would result in a total provision of 17x affordable rental units (~77%) and 5x shared ownership units (~23%), which would be considered a favourable ratio if delivered. In any instance, if this intention is not realised, the known ratio of affordable rent to shared ownership units achieves a 70/30 ratio in favour of the provision of affordable rent relative to a 35% affordable housing provision (15x units) such as to satisfy the requirements of HDPF Policy 16 without consideration of the additional unconfirmed tenure units.
- 6.34 In respect of unit sizes, it should be noted that the proposal denotes the provision of 6x four and three bed affordable rental units (60%), 3x one bed units (30%) and 1x two bed unit (10%). This type of provision, particularly the greater percentage of larger affordable rent units, is greater than that typically seen elsewhere in the District and is best responsive to current demand on the local housing register in Rusper, which sees the greatest scale of demand within the three bed (48%) and one bed categories (22%) respectively.
- 6.35 The proposed provision of shared ownership units is broken down as 2x two bed units (40%), 2x three bed units (40%) and 1x four bed unit (20%). This is generally in accordance with the strategic recommendations of the SHMA.
- 6.36 A total of 152 households currently feature on the waiting list for housing in Rusper. The proposed provision of affordable housing (of any type) attracts substantial weight in favour of a grant of planning permission. Even greater weight should be attributed to the proposed provision of 50% affordable housing in this instance, which exceeds the requirements of existing development plan policy and emerging development plan policy, and where the proposed mix of affordable rental units would provide units best responsive to demand within the local area. Subject to the completion of a S.106 agreement to secure the 50% affordable housing provision, the proposed development exceeds the requirements of HDPF Policy 16.

Amenity and Contamination:

- 6.37 Policy 33 of the HDPF, *inter alia*, seeks to ensure development does not lead to unacceptable harm to occupiers and users of nearby land and property, including by way of overlooking, loss of privacy and/or disturbance. Policy 24 of the HDPF, similarly, seeks to ensure that future occupiers are not exposed to unacceptable levels of pollutants, including noise, odour, air and light pollution and ground contamination.
- 6.38 The proposed development is generally arranged in a manner where proposed dwellings would be well-separated from neighbouring development. The closest distance between existing/proposed dwellings is between Plot 21 and the existing 'Coach House' to the adjacent west at a minimum distance of 7.5m. Plot 21, though, is orientated such that the degree of separation increases moving southwards and where the Coach House would still be considered to receive an acceptable level of daylight to east facing windows. Any unacceptable relationship of mutual overlooking is considered to be preventable through the incorporation of a condition necessitating the use of obscure glazing within a side-facing window of Plot 21 at first floor level which serves a bathroom space.
- 6.39 A relationship of mutual overlooking between Plots 1 and the easternmost dwelling approved pursuant to ref: DC/21/2172 and between Plot 3 and 'Conifer Cottage' is prevented through the omission of side and rear facing windows at first floor level to these respective plots. The separation between Plots 1 and 3 and their existing/approved neighbour, otherwise, is deemed sufficient to prevent an unacceptable loss of natural light.

- 6.40 It is, similarly, considered that the relationship between Plots 18/19 and Plot 3 featured within the neighbouring approval ref: DC/23/0069 is acceptable in excess of 21m in distance and between Plot 24 and No.14 Cooks Meadow in excess of 22m in distance.
- 6.41 Within the development site it is considered that each plot would benefit from an appropriately sized garden space, and that dwellings incorporate appropriate minimum separations. The closest rear to rear distance within the development site is between Plots 21 and 34 and Plots 43 and 35-37 at 20m in distance.
- 6.42 The applicant has conducted a Noise Impact Assessment (NIA) to determine the likely effects of aircraft noise upon future occupiers of the application site, including with regard to a potential increased future effect arising from an expansion of Gatwick Airport. The submitted NIA concludes that acceptable levels of noise would be achieved within external areas without mitigation, and that acceptable internal noise levels can be achieved subject to the construction of windows and walls to a specified standard of acoustic performance. The NIA, additionally, concludes that acceptable levels of ventilation can be achieved to all dwellings, irrespective of the varying degree risk of acoustic disturbance (medium to low) across the development site. Subject to the inclusion of relevant details requiring adherence to acoustic standards specified within the NIA, and an approval of relevant details pertaining to ventilation, it is considered that future occupiers would benefit from an adequate standard of amenity.
- 6.43 It is, further, considered that standard conditions would be required addressing the potential risk of ground contamination within the site and addressing hours of construction. Subject to those measures it is considered that the proposal achieves compliance with the relevant provisions of HDPF Policies 24 and 33.

Highway Safety and Operation

- 6.44 Policy 40 to the HDPF seeks to promote the development of an integrated transport systems and proposals which promote a rebalancing away from reliance on the use of the private car as a means of access to jobs, services and facilities. Policy 40, further, confirms that development will be supported if it is appropriate in scale to existing infrastructure, is integrated with the wider network of routes, including footpaths and cyclepaths, includes opportunities for sustainable transport, minimises the need to travel, affords access to a range of transport options and provides safe and convenient access for highways users.

East Street Access:

- 6.45 The proposed development would rely on a newly created highway access onto East Street, to the adjacent west of the existing dwelling of 'Conifers Cottage' and footpath No. 1501. East Street in this location is subject to a 40mph speed limit, though, recorded 85th percentile vehicle speeds ascertained by way of automated traffic count are 37.6mph (eastwards) and 36.5mph (westwards).
- 6.46 The submitted plans indicate that visibility splays of 57m can be achieved in the westwards direction and 60m in the eastwards direction.
- 6.47 The Road Safety Audit (RSA) conducted in support of the proposal, though, identifies at section 2.3 a road safety 'problem' (problem 2.3.1) associated with the construction and arrangement of the proposed new priority 'T' junction onto East Street. The identified problem recognises that visibility splays to the right for vehicles emerging onto East Street are below those commensurate for the posted speed limit and that drivers approaching the site from the east are legally permitted to travel at the posted speed limit (40mph) until transition to the 30mph limit westwards of the site access. This is notwithstanding that the 85th percentile recorded speed of approaching vehicles was recorded as being 36.5mph. The RSA, further,

acknowledges that eastward visibility splays from the junction may also be impacted by vegetation within the highway verge, especially after growth over several seasons.

- 6.48 In order to redress the identified problem the RSA recommends that, unless visibility splays can be increased to a level commensurate with the 40mph speed limit, that the existing 30mph speed limit be relocated to a suitable point east of the proposed East Street access and supported by the installation of an appropriate village gateway feature, together with the clearance of vegetation within the relevant visibility splay.
- 6.49 The Designer's Response to problem 2.3.1 confirms agreement with the recommendations of the RSA process, with the corresponding plans as Appendix B showing the suggested positioning of the 30mph speed limit extent and gateway feature location. The submitted Transport Statement, at paragraphs 4.2.8 and 4.2.9, confirm that these off-site works are proposed such that these should be considered a component of the proposed development. Paragraph 4.2.11 of the Transport Statement indicates that the results of the speed survey and recommendations of the Stage 1 RSA are considered to provide justification for extending the 30mph speed limit to the east of the proposed site access (understanding that this will need to be made subject of a Traffic Regulation Order).
- 6.50 The Local Highways Authority (LHA) response indicates that the LHA are supportive of the proposed extension of the 30mph limit and RSA recommendations, though, suggest that the extent of the 30mph limit and corresponding gateway feature are positioned further eastwards than currently indicated (beyond Red Fox Barn and Red Barn Cottage) in order to address likely objections to the Traffic Regulation Order process.
- 6.51 The response of the Local Highways Authority recognises that visibility splays of 2.4x43m, corresponding to a 30mph limit, or 2.4x60m, corresponding to recorded speeds, are demonstrated on the submitted plans and that either option would be considered acceptable to them. It would, though, appear that the LHA remarks in this regard are solely in respect of options for visibility splays and anticipate the remaining recommendations of the RSA, including an extension to the 30mph limit and introduction of a gateway feature, being pursued in either instance. It is not considered that the LHA comments should be read in a manner to justify overlooking the recommendations of the RSA.
- 6.52 The Traffic Regulations Order process is regulated by the LHA and is subject to a statutory mechanism outside the scope of Town and Country Planning Act 1990. The physical works to the highway would necessitate an agreement to be entered into between the developer and LHA pursuant to S.278 Highways Act 1980. In order to ensure that the increased risk of vehicular collisions is adequately mitigated, it is considered that a planning condition requiring evidence of a Traffic Regulation Order and the prior completion of physical works on East Street prior to use of the approved access is necessary and justified in this instance.
- 6.53 The RSA process, additionally, identified potential increased safety risks associated with the vertical alignment of the priority T-junction (problem 2.3.1) and the potential for larger vehicles (including refuse vehicles) crossing the centerline on entry/exit to the site (2.3.3). In response to the first of these problems the RSA advises that, ideally, the approach gradient to the T-junction should not exceed a gradient of 2% and incorporate a level element if possible. This recommendation is agreed by both the designer and by the LHA, which recommend that precise details of junction design be submitted to the Council for approval. A corresponding planning condition, therefore, is recommended to be included requiring vertical sections through the proposed point of access.
- 6.54 The final problem associated with the East Street access, in relation to the potential for larger vehicles crossing the centerline, was recommended to be addressed through the provision of vehicle swept-path tracking and analysis and which may inform alterations to junction geometry. Swept-path tracking provided in support of the proposals does model minor crossing of the centreline for larger vehicles entering/exiting the site, though, as recognised

by the LHA officer this arrangement is not uncommon, with anticipated movements of larger vehicles in/out of the site considered to be at a low level. In the context of a 30mph speed limit the LHA considered that such an arrangement would prove acceptable.

Horsham Road/Millfields Farm Access:

- 6.55 The proposed development would retain the existing Millfields Farm access to the west of the site solely for use by pedestrians, cyclists and emergency service vehicles. The retained access, further, would continue to serve the existing Millfields Farm Cottage and Coach House. Details as to the composition of the modal filter, and to ensure suitability for use by emergency service personnel, are recommended to be secured by way of appropriately worded condition.
- 6.56 The RSA identifies two problems (2.3.1 and 2.4.1) associated with the pedestrian use of the filtered retained access, namely the increased risk of pedestrian and vehicular collision, arising from a narrowing of the Horsham Road carriageway and as a consequence of the absence of footway on the eastern side of the Horsham Road carriageway. Both issues are recommended to be resolved within the RSA through the introduction of a speed-reducing raised table installed at the junction of Horsham Road with PROW 1501 (which runs along the Millfields Farm access road). This recommendation is endorsed by the designer, demonstrated on the off-site highways works plans and also endorsed by the LHA by an appropriate response. It is considered that the implementation of these off-site works, similarly, can be secured by way of appropriately worded condition.
- 6.57 Overall, subject to the receipt of details reserved by way of condition and relevant off-site works it is considered that the proposed development would address all identified highway safety concerns and would prove a safe and convenient means of access in accordance with the requirements of HDPF Policy 40 and NPPF Paragraph 115.

Highway Operation and Sustainability:

- 6.58 The proposed development is not of strategic scale with standardised TRICs assessment estimating 171 daily vehicle movements associated with the proposals, including approximately 20 vehicle movements during the AM and PM peaks. These additional movements would not amount to a severe impact on highway operation such as to warrant objection pursuant to NPPF Paragraph 115, with no objection registered by the LHA in this respect.
- 6.59 It is acknowledged that the application site is located within a comparatively rural context. While Rusper village does contain some facilities, including a public house, convenience store and primary school, accessible by foot or cycle it is anticipated that future occupiers would prove largely dependent upon the use of the private car for the majority of trips and to access a full range of employment, educational, healthcare and recreational opportunities. NPPF Paragraph 83, though, recognises that planning decisions should recognise that needs may need to be met adjacent to or beyond existing settlements and in locations not well served by public transport. Paragraph 83, further, recognises that such development should take advantage of opportunities to render a site more sustainable (including by improving scope for access on foot, cycling or public transport), in addition to prioritising the use of previously developed land and sites physically well related to existing settlements. In these regards it is considered that the proposal achieves a proportionate betterment and is well related to the existing settlement. The proposed contribution for the upgrade of PROW 1502 leading towards the village centre and retention of the existing farm access for pedestrian/cycle access would provide a direct and convenient route to the site.
- 6.60 The proposal, further, incorporates footways of sufficient width at 2m within the development site and alternative surface materials to non-shared, shared and private driveways such as to provide an appropriate access hierarchy.

- 6.61 The proposals, further, would provide each of the proposed dwellings with a charging point for electric vehicles (EVs) and provision for the parking and storage of cycles. These measures would increase opportunities for sustainable transport modes (as defined at Annex 2 to the NPPF), with the proposal overall considered to incorporate appropriate opportunities for the enhancement of sustainable travel in accordance with the provisions of HDPF Policy 40.

Parking

- 6.62 Policy 41 of the HDPF provides that development should provide adequate parking within developments to meet the needs of anticipated users, and that parking provision must ensure a balance between good urban design, highway safety and residential amenity.
- 6.63 The proposed development would provide 90x total allocated spaces, 2x unallocated spaces and 13x defined visitor spaces. This proposed provision would ensure a minimum of 2x vehicular parking spaces per dwelling, except to the one bed Plots 32, 33, 36 and 37, which respectively share the 2x unallocated spaces in addition to a single allocated space per plot. The type and scale of proposed parking provision accords with LHA guidance for the provision of parking within residential developments, and is considered satisfactory in terms of quantity and quality.
- 6.64 The submitted plans denote the provision of timber stores for 2x cycles to each dwelling. This provision is sufficient in capacity terms, but no detail is available as to the composition and design of those stores. In order to ensure that stores are covered and secure it is deemed appropriate to require the submission of details in this regard to ensure suitability for use by way of appropriately worded condition.
- 6.65 Each proposed dwelling is indicated to benefit from a single EV charging point, sufficient to meet the needs of the development and which can also be secured by way of appropriately worded condition.

Ecology

Site Specific Effects

- 6.66 Policy 31 of the HDPF, *inter alia*, requires that consideration is given to the hierarchy of habitat sites within the District and provides that development anticipated to directly or indirectly adversely impact upon a habitat site be refused unless the reasons for development clearly outweigh the need to protect the value of the site and appropriate mitigation and compensation is provided. Any development with the potential to impact upon special-protection areas will be subject to a Habitats Regulations Assessment to determine the need for Appropriate Assessment pursuant to Regulation 63 of the Protection of Habitats and Species Regulations 2017 (as amended).
- 6.67 The application is supported by professionally conducted ecological assessment and species-specific surveys in respect of bats, Great Crested Newt, reptiles and Hazel Dormouse. Relevant surveys have been reviewed by the Council's ecological consultants and by Naturespace and deemed to provide confidence of the absence of unacceptable effects upon protected species and habitats, subject to the various mitigations set out within supporting ecological assessments. These measures are capable of being secured by way of appropriately worded condition.

Biodiversity Net-Gain

- 6.68 Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires

that development must achieve at least 10% BNG The Council's Ecologist, responsible for the review of BNG proposals, has confirmed satisfaction with the completion of the statutory metric and accompanying explanatory notes. The proposal would achieve a broad habitat unit gain of 3.10 units, equivalent to a 14.88% gain relative to the baseline condition of the site. A very substantial gain of 371.31% for linear features (hedgerows and treelines) relative to the existing baseline condition is similarly noted, largely as a consequence of additional tree and hedgerow planting incorporated with the proposals. It is considered that relevant statutory requirements for BNG have been demonstrated, with the proposals considered to indicate a 'significant' on-site gain capable of being secured by way of S.106 agreement, together with corresponding maintenance and monitoring requirements.

- 6.69 In respect of general biodiversity enhancements, as referenced within supporting ecological assessments separate to the statutory BNG assessment, it is considered that a planning condition is required necessitating the submission of details in order to establish precise enhancements and to secure their delivery. It is considered that the scope of details to be approved either pursuant to the statutory BNG condition, or in respect of general biodiversity enhancement, would provide opportunity to demonstrate improved connectivity between two parcels of Ancient Woodland to the south-east of the site as addressed by the Forestry Commission. It should, though, be noted that the two parcels of ancient woodland are already linked by a well-established treed hedgerow deemed to be unaffected by the proposals which does not appear to be recognised within the Forestry Commission response.

Water Neutrality

- 6.70 The proposed development falls within the Sussex North Water Supply Zone, as subject of the Natural England 'Position Statement' of September 2021. Development within the Supply Zone must demonstrate 'water neutrality' in order to avoid contribution to the possible adverse effect associated with public mains water abstraction underlying the Arun Valley SAC, SPA and Ramsar designations.
- 6.71 The applicant has provided metre readings associated with the existing use of facilities contained within Millfields Farm for the period of August 2023 to April 2024, revealing an existing average daily mains-water demand of ~5,265 litres/day. This is considered to represent a reliable 'baseline' figure and has been accepted within the Authority's appropriate assessment pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended).
- 6.72 In support of the proposed development the applicant has outlined a range of mitigation measures within a Water Neutrality Statement (WNS). The WNS relies, firstly, on on-site measures to significantly reduce anticipated consumption in the form of specified efficiency measures and the incorporation of rainwater harvesting systems to service non-potable W/C and washing machine uses. It is considered that these measures, in combination, would successfully reduce anticipated consumption to 5,413.3 litres/day relative to the total anticipated consumption of 10,546.8 litres/day in the absence of mitigation measures. It is considered that the standard of 84.45 litres/person/day prior to the incorporation of rainwater systems is achievable, as detailed within the 'Part G' calculations contained within the WNS, and that a further of 27.99 litres/person/day through the incorporation of rainwater systems is also achievable, with sufficient rainwater yield considered to be available in this instance.
- 6.73 The minor residual consumption of ~150 litres/day, subsequent to the incorporation of on-site measures, is proposed to be offset by the retrofitting of the two existing dwellings of Millfields Farm Cottage and the Coach House to the adjacent west of the application site to the same standard of proposed dwellings absent of rainwater harvesting (84.45 litres/person/day). Evidence of the average daily consumption for both existing dwellings has been provided within the WNS, well in excess of ~150 litres/day, and with the offsetting measures deemed capable of delivering a saving of 223.41 litres/day such as to result in an overall net reduction of 91.44 litres/day within the Supply Zone.

- 6.74 The proposed water neutrality mitigations have been considered in detail within a formal Appropriate Assessment, which has been provided to Natural England for comment. The response of Natural England confirms agreement with the conclusions of the Authority's assessment, and as to the absence of likely adverse effects upon the Arun Valley designations, subject to the delivery of relevant mitigations. In this respect on-site measures, including specified efficiency standards and the incorporation of rainwater systems, are capable of being secured by way of appropriately worded condition. Off-site measures affecting Millfields Farm Cottage and the Coach House are best secured by way of S.106 agreement.
- 6.75 It is noted that the Council's Environmental Health team have responded to request detail as to treatment of collected rainwater to potable standard, and to request further detail concerning the provision of an on-site borehole forming an independent source of abstraction. It should, though, be noted that these mitigations are detailed only as alternative options discounted by the applicant within the submitted WNS. For the avoidance of doubt the proposed development does not propose to utilise collected rainwater for potable purposes, or to create a borehole forming an independent source of abstraction to the mains network.

Drainage and Flood Risk:

- 6.76 Policy 38 to the HDPF, *inter alia*, requires that development follows a sequential approach to flood risk management, giving priority to sites with the lowest risk of flooding. Development, further, must be designed to make development safe without increasing flood-risk elsewhere and incorporate sustainable drainage systems (SUDS) wherever feasible.
- 6.77 The application site is located within Flood Zone 1, classified as land beyond strategic risk of fluvial flooding, with the site similarly not modelled as at risk of groundwater and/or reservoir flooding.
- 6.78 Three small areas of 'low' surface water flood risk are modelled within the site to the adjacent east of Millfields Farm and below a depth of 30cm. These areas of flooding are not represented within Environment Agency modelling to form part of a wider surface water flow-path, as such, are considered likely representative of pooling during the heaviest rainfall events. This type of surface water flood risk is deemed capable of being controlled and managed by way appropriate drainage design, such as to negate the necessity for a sequential test to be undertaken pursuant to NPPF Paragraph 168.
- 6.79 The proposals are supported by a professionally conducted Flood Risk and Drainage Report, which specifically addresses the modelled surface water flood-risk on the site and models that greenfield equivalent run-off rates can be achieved through the incorporation of two multifunctional SUDS basins adjacent to the southern site boundary and subsequent disposal to a drainage swale extending to the south-east. The Flood Risk and Drainage Report, further, outlines that external levels will be designed to fall away from ground floor entrances to ensure surface water collects within the proposed drainage system. A planning condition requiring detail of external levels and proposed finished floor levels, therefore, is deemed to be necessary to establish this as a form of flood risk mitigation.
- 6.80 The Lead Local Flood Authority have reviewed the proposals and relevant drainage calculations and have indicated no objection to the proposals, subject to the delivery of drainage systems and approval of construction drawings for relevant drainage components by way of appropriately worded condition.
- 6.81 In the absence of any other form of flood-risk it is considered that the proposals satisfy the requirements of HDPF Policy 38.

Arboriculture:

- 6.82 The proposed development is supported by an Arboricultural Impact Assessment (AIA) detailing relevant tree-works and anticipated effects upon retained trees and woodland. The submitted AIA details the full removal of 5x 'category C' tree groups to accommodate the proposals in addition to 2x individual 'category B' trees, 1x 'category C' tree, the part removal of two 'category B' groups and three 'category C' groups. This proposal removal is largely contained within the northern section of the site in order to accommodate access via East Street, though, with a lesser amount of felling proposed at the southern extent of the existing Millfields Farm complex adjacent to the boundary with Millfield House.
- 6.83 The proposed tree works, while regrettable, do not impact trees considered of high intrinsic and/or landscape value. Key trees, including those adjacent to PROW 1502 and on the western site boundary, are retained by the proposals in addition to those contained within woodland or hedgerow boundaries to the south and east of the proposals. The AIA advances a number of mitigations to ensure the retention of retained trees, including the formation of buffer zones to retained trees and ground protection where necessary.
- 6.84 In respect of effects upon ancient woodland it should be noted that no development and/or felling is proposed within parcels of ancient woodland. In order to avoid additional surface water disposal to a parcel of ancient woodland to the adjacent east of the site, the proposal seeks the creation of a drainage swale connecting to an existing drainage ditch beyond the southern/easternmost extent of the woodland. This drainage swale is positioned outside of the minimum 15m buffer to the ancient woodland, and is considered to maintain the integrity of ancient woodland.
- 6.85 The AIA and its recommendations have been reviewed by the Council's arborist, who has indicated no overall objection to the scheme. A comment raised by the Council's arborist in respect of a prospective widening of the existing to Millfield Farm in conjunction with the proposals, and associated arboricultural effects, is noted, though, no widening works are proposed to this route which exists at a minimum width of 3m to its length.

Other Matters: Air Quality

- 6.86 The proposed development is supported by an Emissions Mitigation Statement, addressing the likely air-quality effects of proposed development at both construction and operational phases.
- 6.87 At construction phase the Emissions Mitigation Statement identifies a range of negligible to medium risk effects associated with demolition, construction and earthwork operations. This is considered reasonable in response to the scale and nature of proposed development, with relevant mitigations to control the escape of dust at construction stage deemed capable of being secured by way of appropriately worded condition.
- 6.88 At operational stage, the Emissions Mitigation Statement calculates an anticipated damage cost calculation of £5,265 over five years and pursuant to the methodology prescribed within the Air Quality and Emissions Guidance for Sussex (2021) document. The Emissions Mitigation Statement outlines that the proposed provision of EV charging points to each dwelling would offset the expected damage cost. The minimum provision of 1x EV charging point per dwelling, however, is a standard contemporary Building Regulations requirement such that the provision of EV charging apparatus in this manner does not constitute additional mitigation against the specific adverse air-quality affects of the proposal. It is, therefore, suggested that an alternative scheme of air-quality mitigation be secured by way of appropriately worded condition, with the modelled damage-cost calculation deemed capable of being offset by alternative on-site measures in this instance.

- 6.89 The proposed development, further, is supported by an Energy and Sustainability Statement which confirms proposed standards of thermal efficiency above minimum 'Part L' requirements and other measures to reduce resource use, including the incorporation of air-source heat pumps to all proposed dwelling as also detailed on the submitted layout plans. These measures are sufficient to achieve compliance with the requirements of HDPF Policies 35, 36 and 37, addressing sustainable construction and climate change.

Conclusion and Planning Balance:

- 6.90 The proposed development would involve land beyond a defined built-up area boundary not allocated for development within the existing and/or emerging development plan. The proposals, therefore, are considered in conflict with existing and emerging spatial policy comprising HDPF Policies 2, 3, 4 and 26 in addition to Policies 2, 3 and 14 of the submission HDLP.
- 6.91 The degree of weight, however, which can be attributed to conflict with the existing development plan in these regards is significantly diminished by the Council's inability to demonstrate a 5-year land housing supply and by the scale of the known shortfall. Similarly, while the submission HDLP has now been submitted for independent examination, the HDLP remains at an early stage of preparedness and with significant unresolved objections against individual policies. Conflict with the provisions of the submission HDLP, therefore, similarly, can only be assigned limited weight in this determination.
- 6.92 It should, further, be recognised that the Council's inability to demonstrate a 5-year land housing supply engages paragraph 11(d) to the NPPF, which establishes a presumption in favour of sustainable development. Paragraph 11(d), provides that where there are no relevant development plan policies, or the most important policies for determining an application are out-of-date, planning permission should be granted unless:
- (i) the application of policies within the Framework which protect areas or assets of particular importance provide a clear reason to refuse the development proposed, or,
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the provisions of the Framework as a whole.
- 6.93 In this instance it is not considered that there any features identified at footnote 7 to Paragraph 11(d)(i), including designated habitat sites, irreplaceable habitat, heritage assets, areas of outstanding natural beauty, local green space, green belt or land at risk of flooding which are unacceptably impacted and/or addressed by the proposals. It is, therefore, considered that the relevant test is that provided at Paragraph 11(d)(ii) to the Framework, and whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the provisions of the Framework.
- 6.94 Rusper Neighbourhood Plan does not contain housing allocations designed to meet its identified housing need, therefore the provisions of the Framework at Paragraph 14 capable of disengaging the Paragraph 11d 'tiled balance' do apply in this instance.
- 6.95 The Council's published Facilitating Appropriate Development document, produced to guide how development proposals will be considered in the absence of a five year housing land supply, represents a material planning consideration. It is considered that the proposed development achieves compliance with the provisions of the FAD at paragraph 5.7, by reason of the proposed developments relationship with the existing settlement, the acceptable scale of proposed development within its respective landscape context and in providing housing responsive to local need. Accordance with the provisions of the FAD attracts weight in favour of the grant of planning permission.
- 6.96 The proposed provision of housing (of all types) should be accorded significant weight pursuant to the provisions of the Framework at paragraph 60, 69 and 70, which establish the

ambition to significantly accelerate the delivery of housing, the importance of providing a deliverable 5-year supply of housing land and the significance of medium sized housing development (of the nature proposed in this instance) to the overall rate of housing delivery.

- 6.97 The use of previously developed land, even if only in-part, attracts additional weight in favour of the proposals in reflection of the provisions of the Framework at Paragraph 89, which encourages the use of previously developed land and delivery of sites physically well-related to existing settlements where suitable opportunities exist.
- 6.98 The proposed provision of 50% affordable housing, and at a scale in excess of existing and emerging development plan requirements, attracts very substantial weight in favour of the proposal in light of the scale of need on the local housing register. Paragraph 82 to the Framework acknowledges that decisions on housing developments in rural areas should prove responsive to local circumstances and that support should be provided to developments which reflect local needs.
- 6.99 The economic benefits associated with the delivery of housing by way of temporary construction employment and a permanent demand for services should be accorded significant weight pursuant to Paragraph 85, and may assist with the future retention and viability of locally available services as acknowledged at Paragraph 83.
- 6.100 As considered within earlier sections of this report it is considered that the proposed development would prove acceptable in terms of design quality, highway safety and operation, flood-risk, effects upon protected species, habitats, neighbouring occupiers and air-quality. The absence of harm in these regards attracts neutral weight in the planning balance.
- 6.101 It is accepted that the proposal would result in an urbanising effect and that some degree of landscape harm would inevitably result from the proposals. The degree of resultant harm to landscape character, however, is considered limited in this instance and acceptable within the context of Paragraphs 135 and 180 of the Framework, acknowledging that these provisions do not prohibit any urbanising effects and seek to ensure that development is otherwise of a suitable scale, layout and design to its respective landscape context as considered the case in this instance.
- 6.102 Overall, therefore, within the context of the presumption in favour of sustainable development (the 'tilted balance') at Paragraph 11(d) to the Framework applying in this instance, and all other material planning considerations, it is not considered that there are 'significant and demonstrable' reasons to withhold planning permission. It is, therefore, recommended that planning permission be granted accordingly, subject to the conditions outlined below and the completion of a legal agreement securing relevant off-site highway operations, contributions to footpath enhancements, 50% affordable housing and water-neutrality mitigations.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.103 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
Residential – District Wide Zone 1	4084	0	1597
	Total Gain		1597
	Total Demolition		2487

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 approve full planning permission subject to appropriate conditions and the completion of a Section 106 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 demolition and construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:
 - i. Details of site management contact details and responsibilities;
 - ii. A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
 - a. location of site compound,
 - b. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
 - c. site offices (including location, height, size and appearance),
 - d. location of site access points for construction vehicles,
 - e. location of on-site parking,
 - f. locations and details for the provision of wheel washing facilities and dust suppression facilities (with particular regard to the recommendations of the submitted Emissions Mitigation Assessment (GEM air quality, ref: AQ2404) at Table 10.
 - g. 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;
 - h. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
 - iii. Identification of biodiversity protection zones and associated protection fencing, exclusion zones and/or barriers;
 - iv. Practical measures (both physical and working practices) to avoid ecological impacts during construction;
 - v. The location and timing of sensitive works to avoid harm to biodiversity features;
 - vi. Times when overseeing ecologists need to be present on site to oversee works and the roles and responsibilities of an ecological clerk of works or similarly competent person;

- vii. Measures for the control, containment and removal of any invasive non-native species;

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

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

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

- (a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

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

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site;
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal;
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

5. **Pre-Commencement Condition:** No development shall commence unless and until precise details (to include details shown on a plan) proposed finished floor levels and external ground levels throughout the development in relation to existing Ordnance Survey datum points site have been submitted to and approved by the Local Planning Authority in writing. The development shall, subsequently, be completed in accordance with the approved details.

Reason: To ensure that the proposed development is of an appropriate character and appearance, and to ensure that proposed dwellings are adequately protected from the risk of surface water flooding pursuant to Policies 33 and 38 of the Horsham District Planning Framework (2015).

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

- All trees on the site shown for retention on the tree-protection plans contained at Appendix E to the approved Tree Survey Report and Arboricultural Impact Assessment (Hankinson Duckett Associates, April 2024, ref: 1127.3) as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

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

7. **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 approved Tree Survey Report and Arboricultural Impact Assessment (Hankinson Duckett Associates, April 2024, ref: 1127.3) 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).

8. **Pre-Commencement Condition:** No works to implement the vehicular access onto East Street shall commence until precise details of the vertical alignment of the approved access connecting to East Street shall be submitted to and approved by the Local Planning Authority in writing. The details to be submitted shall include section plans through the approved highway course in relation to existing ground levels and the existing level of East Street

Reason: To ensure that identified safety risks to vehicular users of East Street, as identified within submitted Stage 1 Road Safety Audit, are adequately addressed and that the proposed development provides for a safe and convenient means of access to the west of the site in accordance with Policy 40 of the Horsham District Planning Framework (2015)

9. **Pre-Commencement (Relevant Works) Condition:** The approved access onto East Street shall not be used unless and until the completion of the following off-site highways works:-
 - a.) The introduction of a gateway feature to the East of the approved access together with associated 30mph signage as detailed on plan ref 70116686-SK-002 P02 as contained within the submitted Transport Statement (WSP, ref: TS-01, dated April 2024), or to an alternative position East of the approved access agreed with the Local Highways Authority.

Reason: To ensure that identified safety risks to vehicular users of East Street, as identified within submitted Stage 1 Road Safety Audit, are adequately addressed and that the

proposed development provides for a safe and convenient means of access to the west of the site in accordance with Policy 40 of the Horsham District Planning Framework (2015)

10. **Pre-Commencement (Slab Level) Condition:** Prior to the commencement of development above ground floor slab level a scheme of acoustic attenuation and ventilation sufficient to maintain thermal comfort and avoid overheating shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted to the Authority shall have regard to the recommendations of the Residential Noise Impact Assessment (Sweco UK Limited, ref: 65211517 C04, dated 30.04.2024) and shall be based on the CIBSE overheating position statement, demonstrate that the CIBSE TM59 methodology has been utilised and CIBSE TM49 modelling requirements suitably considered within any modelling. Any mechanical ventilation to be incorporated shall be designed in accordance with the ANC Acoustics Ventilation and Overheating: Residential Design Guide 2020, and shall include performance details and a glazing plan sufficient to achieve habitable room standards as detailed in BS8233:2015 with no relaxation for exceptional circumstances and appropriate consideration of L_{Amax} values. The approved measures shall, thereafter, be implemented as approved and subsequently retained to an equivalent and/or superior standard.

Reason: To ensure that future occupiers are not exposed to unreasonable levels of acoustic disturbance and would otherwise benefit from sufficient internal ventilation without risk of overheating in accordance with Policies 24 and 32 of the Horsham District Planning Framework (2015).

11. **Pre-Commencement (Slab Level) Condition:** Prior to the commencement of development above ground floor slab level a biodiversity enhancement layout confirming finalised details for the location and precise types of ecological enhancement measures recommended by the Ecological Appraisal (Hankinson Duckett Associates, April 2024, Rev B) shall be submitted to and approved in writing by the Local Planning Authority. Those measures shall, subsequently, be implemented as approved in advance of the first occupation of approved dwellings and retained thereafter.

Reason: To achieve a proportionate ecological enhancement in accordance with the provisions of Policy 31 of the Horsham District Planning Framework (2015).

12. **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby approved a lighting design scheme detailing all external lighting throughout the development including numbers, positions, heights, designs, lighting contours and technical specifications shall be submitted to and approved in writing by the Local Planning Authority. The lighting design scheme shall be based on biodiversity standards outlined within GN 08/23 and shall identify features on site that are particularly sensitive to bats, including commuting and/or foraging, such that it can be clearly demonstrated that areas to be lit will not prevent or disturb bats using their territory. All external lighting shall, subsequently, be installed as approved and maintained as such thereafter.

Reason: To ensure that lighting design is appropriate to the character of the site context and achieves the successful conservation and protection of protected and priority species in accordance with the provisions of Policies 31 and 33 of the Horsham District Planning Framework (2015) and to enable the Authority to discharge its duties pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 and S.40 of the NERC Act 2006 (as amended).

13. **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details;

- Details of all hard surfacing materials and finishes;
- Details of all boundary treatments;
- Details of all public seating;
- Details of all public play equipment, including plans and details of equipment type, design, height and material composition.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed 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).

- 14. Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby approved construction drawings of the surface water drainage network, including sections through drainage basins, swales, and details of flow control mechanisms shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment (Tullys, 30th April 2024, issue 2) and Technical Note (Tullys, 21st June 2024) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and does not materially increase flood risk elsewhere in compliance with Policy 38 to the Horsham District Planning Framework (2015).

- 15. Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby approved, details pertaining to the composition and nature of the modal filter adjacent to Plot 21 and the neighbouring 'Coach House' shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the proposed means of access/operation by emergency services personnel. The modal filter shall, subsequently, be implemented as approved in advance of the first occupation of any proposed dwelling and retained as such thereafter.

Reason: To ensure that the retained access route to the west of the development is suitable for pedestrians and cyclists, and is capable of affording access to emergency service vehicles.

- 16. Pre-Occupation Condition:** Notwithstanding the provisions of the submitted Landscape Maintenance and Management Plan (April 2024, Charnwood, ref: CLDL 2431 (9A) 2001 R03), any dwelling hereby approved shall not be occupied unless and until a Landscape Maintenance and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management and Maintenance Plans shall denote areas of management responsibility, including SUDS infrastructure, and have regard to the provisions and indicated habitat enhancements denoted within the accompanying Biodiversity Technical Note (HDA Landscape Architecture Masterplanning, ref: 1127.2, dated 26.07.2024).

Reason: To ensure that a Landscape Maintenance and Management Plan is coordinated with proposed biodiversity enhancements and to ensure the successful future maintenance and management of public open space to a high quality.

17. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of the type, composition and design of secure and covered cycle parking facilities for the occupants of, and visitors to, the development 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 approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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).

18. **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the approved Water Neutrality Statement (Motion, ref: 1sbrus/2310060, June 2024). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full, and with regard to measures specified at section 5 of the Water Neutrality Statement. Evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, as detailed within the Water Neutrality Statement, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained and operated as such at all times thereafter.

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

19. **Pre-Occupation Condition:** The dwellings hereby permitted shall not be occupied unless and until foul and surface water drainage infrastructure has been provided and made ready for use in the format prescribed within the Flood Risk and Drainage Strategy Report (Tullys, 15066 Issue 2, 30th April 2024) as updated by calculations contained within the drainage 'Technical Note' (Tullys, 15066, 21st June 2024).

Reason: To ensure that approved dwellings are appropriately serviced by foul and surface water drainage infrastructure and that the development avoids worsening flood-risk elsewhere in accordance with Policy 38 of the Horsham District Planning Framework (2015).

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

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

21. **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied unless and until the completion of off-site highway works comprising:
- a.) The construction of a raised table on Horsham Road as detailed on plan ref: 70116686-SK-002 Rev P02 as contained within the submitted Transport Statement (WSP, ref: TS-01, dated April 2024).

Reason: To ensure that identified safety risks to pedestrian and vehicular users of Horsham Road, as identified within submitted Stage 1 Road Safety Audit, are adequately addressed and that the proposed development provides for a safe and convenient means of access to the west of the site in accordance with Policy 40 of the Horsham District Planning Framework (2015)

- 22. Pre-Occupation Condition:** Prior to the first occupation of the development hereby permitted, and notwithstanding the provisions of the submitted Emissions Mitigation Statement (Gem Air Quality Ltd, AQ2404, June 2024) at section 5.2, a schedule of on-site air-quality mitigations sufficient to offset the expected damage cost calculation at section 4.1 of the Emissions Mitigation Statement shall be submitted to and approved by the Local Planning Authority in writing. The agreed mitigations shall be implemented in advance of the first occupation of any approved dwelling and maintained as such thereafter.

Reason: To ensure that the proposed development adequately mitigates against its expected adverse air-quality effects and to avoid duplication where mitigations are otherwise required by compliance with alternative regulatory regime.

- 23. Regulatory Condition:** If, during construction operations, contamination not previously identified is found to be present at the site no further development shall be carried out unless and until a remediation strategy has been agreed with the Local Planning Authority detailing how this unsuspected shall be addressed.

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 appropriately addressed in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 24. Regulatory Condition:** All works of demolition, construction, and ancillary activities, including deliveries and despatch, shall be restricted to 08:00-18:00 hours on Monday to Friday, from 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To ensure that nearby occupiers and users of land are not subjected to unreasonable levels of noise disturbance resulting from construction and demolition operations in accordance with the provisions of Policy 24 to the Horsham District Planning Framework (2015).

- 25. Regulatory Condition:** The development hereby approved shall be implemented in accordance with the recommended mitigations, methods and details set out within the Bat Survey Report (Hankinson Duckett Associates, July 2024), Bat Technical Note (Hankinson Duckett Associates, June 2024, Rev B), Dormouse Survey Report (Hankinson Duckett Associates, April 2024, Rev B), Reptile Survey Report (Hankinson Duckett Associates, April 2024, Rev B) and Ecological Appraisal (Hankinson Duckett Associates, April 2024, Rev B), including the precautionary method statement for reptiles outlined within the Reptile Survey Report at section 5.3.2.

Reason: To ensure the conservation and protection of protected and priority species in accordance with the provisions of Policy 31 of the Horsham District Planning Framework (2015) and to enable the Authority to discharge its duties pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 and S.40 of the NERC Act 2006 (as amended).

- 26. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any act or order amending, revoking and subsequently re-enacting the same, no additional windows other than those shown on the approved plans shall be formed within the side elevations of Plots 1 and 21 at first floor level. Windows shown on the approved plans within the east facing

elevation at first floor level of Plots 1 and 21, further, shall be fitted with obscure glazing prior to first occupation, which shall be retained as such thereafter.

Reason: To ensure that neighbouring occupiers adjacent to Plots 1 and 21 are not subject to unacceptable levels of overlooking in accordance with Policy 33 of the Horsham District Planning Framework (2015).

27. **Regulatory Condition:** The proposed development shall be constructed to achieve the specified standards of thermal performance and energy efficiency detailed within the submitted Energy and Sustainability Statement (Abbey Consultants, ref: SS-ES-MFR-24-01 dated April 2024), unless the Local Planning Authority consents to any written variation in writing prior to the commencement of relevant works above ground floor slab level.

Reason: To mitigate against and limit the contribution of proposed development to climate change and in accordance with the requirements of Policies 35, 36 and 37 of the Horsham District Planning Framework (2015).