Horsham District Council

Ms Debra Higginbotham
SLR Consulting
Mountbatten House
Grosvenor Square
Southampton

The Copse, Worthing Road, Horsham, West Sussex
Erection of a 70-bed care home, access, landscaping and associated infrastructure

Your application DC/24/0622 has now been determined and I enclose the decision notice. The decision notice contains important information. Please take a moment to read it as further action may be required.

Conditions
Before you start work, information must be submitted for any conditions that require discharge before development can begin. The decision notice will set out what information need to be sent.

Biodiversity Net Gain Condition
Please note the requirement within the Environment Act 2021 for development to deliver a minimum of 10% net gain in biodiversity may be applicable to your development. In the event your development is required to achieve a minimum 10% net gain in biodiversity then a Biodiversity Net Gain Condition (separate to the main list of conditions) will appear on your decision notice requiring the submission of a Biodiversity Gain Plan for approval prior to development commencing.

Failure to discharge conditions before commencing development could result in the development being unlawful or enforcement action being taken. You can notify us of your intention to initiate development by completing a pre-commencement notification which will help us to monitor your development. There is no fee to use this service. To do this, or for further information about discharging planning conditions, visit us online at horsham.gov.uk/planning/discharging-a-planning-condition

Community Infrastructure Levy (CIL)
If this development is CIL liable, the requirements of CIL must be met before you start work. Failure to do so could result in additional financial penalties. For further information relating to CIL visit horsham.gov.uk/planning/planning-policy/community-infrastructure-levy/cil-charges-and-how-to-pay

If you have any questions about the decision notice, you can call us and speak to a member of the team on 01403 215187 between 9AM - 5PM, Monday to Friday.

If you are acting as the planning agent for this application, please ensure that the applicant is given a copy of the decision notice and this letter.

Yours Sincerely,
Development Management

Horsham District Council

Ms Debra Higginbotham
SLR Consulting
Mountbatten House
Grosvenor Square
Southampton

Application Number: DC/24/0622

TOWN AND COUNTRY PLANNING ACT, 1990 (as amended)
TOWN AND COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Starbuild Ltd.

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that they PERMIT the following development, that is to say:

Erection of a 70-bed care home, access, landscaping and associated infrastructure

The Copse, Worthing Road, Horsham, West Sussex

to be carried out in accordance with Application No. DC/24/0622 submitted to the Council on 08/07/2024 and subject to compliance with the plans/documents and conditions specified hereunder.

Emma Parkes
Head of Development and Building Control

Date: 26/03/2025

1 **Plans Condition**: The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

SCHEDULE OF PLANS/DOCUMENTS

Plan Type	Description	Drawing Number	Received Date
Details plan	FIRE TENDER VEHICLE TRACKING	12449/2200 P7	05.08.2024
Details plan	REFUSE VEHICLE TRACKING	12449/2201 P8	05.08.2024
Details plan	DELIVERY & CAR PARKING VEHICLE TRACKING	12449/2202 P3	05.08.2024
Details plan	Access Plan	12449/2200 P7	05.08.2024
Location plan		FL24-2145-050 REV B	05.08.2024
Layout plan	Proposed Site	FL24-2145-055 REV E	20.08.2024

Layout plan	Proposed Site - Colour	FL24-2145-056 Rev A	05.08.2024
Details plan	Building Heights	FL24-2145-060 Rev A	05.08.2024
Details plan	Building Mix	FL24-2145-061 Rev A	05.08.2024
Details plan	Refuse Strategy	FL24-2145-062 Rev A	05.08.2024
Details plan	Parking	FL24-2145-063 Rev A	05.08.2024
Details plan	Tenure	FL24-2145-064 Rev A	05.08.2024
Section plan	Proposed Site	FL24-2145-085	22.04.2024
Floor plan	Basement	FL24-2145-250 REV A	22.04.2024
Floor plan	Ground	FL24-2145-255 REV A	05.08.2024
Floor plan	First	FL24-2145-260 REV A	22.04.2024
Floor plan	Second	FL24-2145-265 REV A	22.04.2024
Roof plan		FL24-2145-270 REV A	22.04.2024
Elevation plan	Elevations 1	FL24-2145-275 REV A	22.04.2024
Elevation plan	Elevations 2	FL24-2145-276	22.04.2024
Section plan	Sections	FL24-2145-285	22.04.2024
Layout plan	Illustrative Masterplan	LLD3035-LAN-DWG-010 REV 02	02.08.2024
Supporting Statement	Arboricultural Impact Assessment and Arboricultural Method Statement	841.001.ENZ.XX.00.RP.AR.45.101 PL01	05.08.2024

Reason: For the avoidance of doubt and in the interest of proper planning.

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

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

3 **Pre-Commencement Condition**: No development, including demolition pursuant to the permission granted, which has the potential to impact on the breeding / resting place of Bats, shall commence until the Local Planning Authority has been provided with either:

a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) Evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or

c) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998, and in in accordance with Policy 31 of the Horsham District Planning Framework (2015).

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

- All trees on the site shown for retention on approved drawing numbers [Arboricultural Impact Assessment/Method Statement / Tree Protection Plan, 841.001.ENZ.XX.00.RP.AR.45.101 Rev PL03, 41.001.ENZ.XX.00.RP.AR.45.102 Rev PL03 and 841.001.ENZ.XX.00.RP.AR.45.103 Rev PL01, by Enzygo Ltd, received 21.08.2024] 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 within a specific phase 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 31 and 33 of the Horsham District Planning Framework (2015).

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

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

6 **Pre-Commencement Condition**: No development, including demolition pursuant to the permission granted, shall commence until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

i. An introduction consisting of a demolition and construction phase environmental management plan, definitions and abbreviations and project description and location;
ii. A description of management responsibilities
iii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust;
iv. Site working hours and a named person for residents to contact;
v. Detailed Site logistics arrangements;
vi. Details regarding parking, deliveries, and storage;
vii. Details regarding dust and noise mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring
viii. Details of hours of work, site delivery hours and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
ix. Communication procedures with the local planning authority and local community regarding key construction issues - newsletters, fliers etc.

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

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

7 **Pre-Commencement Condition**: No development, with the exception of demolition, shall commence until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement has been submitted to and approved in writing by the Local Planning Authority (in agreement with the Local Lead Flood Authority), avoiding the Root Protection Areas of trees. The scheme shall then be constructed as per the agreed drawings, method statement, FRA (Price & Myers, NO DATE, Revision 3) and Drawing 31276/6000 (Drainage Strategy by Price & Myers, 23/07/2024, revision P2) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drainage scheme.

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

8 **Pre-Commencement Condition**: No development, with the exception of demolition, shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved, in writing, by the local planning authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the developer has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the local planning authority. Works shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy 34 of the Horsham District Planning Framework (2015).

9 **Pre-Commencement Condition**: No development, with the exception of demolition, 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, ensuring the services are clear of Root Protection Areas of trees. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, roofs, windows, and ancillary structures has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

11 **Pre-commencement (slab level) Condition**: No development above ground floor slab level shall commence until a mitigation scheme, undertaken by a suitably qualified and competent consultant, has been submitted to and approved in writing by the Local Planning Authority that demonstrates how the water from the borehole(s) will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The components of the proposed treatment system will be compliant with Regulation 31 of The Water Supply (Water Quality) Regulations 2016 (or subsequent superseding equivalent) and Water Regulations Approval Scheme (or subsequent superseding equivalent). The mitigation scheme shall be implemented in full prior to first occupation of the development and shall be retained and maintained 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 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

12 **Pre-commencement (slab level) Condition**: No development above ground floor slab level shall commence until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the Local Planning Authority. The PWSMP shall include, but not necessarily be limited to, the following information:

i. Detail on the sampling and testing regime, undertake in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), with detail on how any failure of any samples will be investigated and managed.
ii. Confirmation that a Regulation 6 risk assessment (or subsequent superseding equivalent), undertaken by a suitably competent and experienced person in

accordance with relevant guidance and statutory requirements, shall be undertaken before the private water supply is brought into use and at least once every five years thereafter with the findings of the risk assessment submitted to the LPA.

iii. Detail on the maintenance, servicing and cleaning of the pump, pumphouse, water treatment equipment, tanks, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of use.

iv. Full specifications and details, including a plan or schematic, showing the supply - storage tanks, treatment etc, and means to record the total water consumption of each unit

v. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, maintenance and for making these records available to Local Authority officers when reasonably requested.

vi. A named person for residents to contact (24/7) in an event of a failure or issue with the private water supply;

The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority.

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

13 **Pre-commencement (slab level) Condition**: No development above ground floor slab level shall commence until a scheme for protecting the proposed development from road traffic noise, including a scheme of appropriate ventilation to prevent overheating, shall be submitted and approved in writing by the Local Planning Authority. The approved details hereby permitted shall be implemented prior to first occupation of the building and shall be retained as such thereafter.

Reason: In the interests of the amenities of prospective residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14 **Pre-Occupation Condition**: No development hereby permitted shall be first occupied until full details of all hard and soft landscaping works, including boundary treatments and retaining features, 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 existing trees and planting to be retained
- Details of no less than 106 new trees
- Details of all proposed trees and planting, including schedules specifying species, planting size, girth and canopy spread, densities, plant numbers and tree pit details
- Details of all hard surfacing materials and finishes, as well as fixed features such as benches, shelters, pergola structures and raised planters, sheds and greenhouses, and retaining walls
- Details of all boundary treatments - specifying the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation
- Details of all external lighting to be wildlife sensitive

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).

15 **Pre-Occupation Condition**: Prior to the first occupation of the development hereby permitted, a scheme of air quality mitigation shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document, and the agreed details shall be implemented in full accordance prior to occupation of the development.

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

16 **Pre-Occupation Condition**: No development hereby permitted shall be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

i. a timetable for its implementation,
ii. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect
iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

17 **Pre-Occupation Condition**: No development hereby permitted shall be first occupied until a survey and report from an independent surveyor has been submitted to and approved in writing by the Local Planning Authority, upon completion of the surface water drainage system, including any SuDS features. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 16. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the

approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy 38 in HDPF.

18 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 5(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 5(b), unless otherwise agreed in writing by the Local Planning Authority.

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

19 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from an appropriate number of taps within the development have been a) sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies, b) has been analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and c) meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent).

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

20 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a until a risk assessment compliant with regulation 6 the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent) undertaken by a suitably competent and experienced person has been submitted to and approved in writing by the Local Planning Authority.

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

21 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas has been submitted to and approved in

writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

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

22 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until details for the provision and storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage area shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details.

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

23 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until such time as the northern and southern crossing points to Worthing Road have been constructed in accordance with plans and details, including Road Safety Audit Information, to be submitted to and approved by the Local Planning Authority (in consultation with the Highway Authority). Such plans to include any associated footpath extensions, design checks and Road Safety Audits and recommendations therein.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

24 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until such time as the access, road(s), footways, and parking areas, including the buggy / mobility scooter parking, serving the development have been constructed, surfaced, and drained in accordance with the approved plans, and thereafter be retained for the designated use at all times.

Reason: In the interests of road safety and to ensure adequate car parking, turning and access facilities are available to serve the development in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

25 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until details setting out the means for the charging of electric vehicles, the number of active charge spaces to be provided and their location within the site, along with the number and location of passive ducting, have been submitted to and approved in writing by the Local Planning Authority. The means for charging electric vehicles shall be installed prior to first occupation of the building and shall be retained as such thereafter.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015), and policy SNP 15 of the Southwater Neighbourhood Plan.

26 **Pre-Occupation Condition**: Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied until amended details of secure and covered cycle parking facilities for the staff and visitors to the development have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied or use hereby permitted commenced until the approved cycle parking

facilities 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).

27 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a lighting design scheme for biodiversity, based on Guidance Note: 08/23 (Institute of Lighting Professionals), has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

28 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Appraisal (Lizard Landscape Design and Ecology, March 2024) shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

29 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority, arising as a result from building plant and / or machinery, such as refrigeration, air conditioning, ventilation / extract). The approved sound attenuation works shall be completed before the development is occupied and be retained thereafter. No additional building plant and/or machinery to be installed without prior approval from the Planning Authority.

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

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

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

31 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (by Arc Engineers, received 03.07.2024). The development hereby permitted shall not be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for the development has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

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

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

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

33 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Reptile Survey Report (Lizard Landscape Design and Ecology, April 2024) and Ecological Appraisal (Lizard Landscape Design and Ecology, March 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Non-licenced Precautionary Method Statement for bats in Section 5.5.4; the Non-licensed Precautionary Method Statement for Hazel Dormouse in Section 5.6.2; and the Precautionary Method Statement for mobile protected species in Section 5.7.2 of the Ecological Appraisal (Lizard Landscape Design and Ecology, March 2024). This avoids impacts on European Protected Species (bats and Hazel Dormouse) and protected species.
This shall include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

34 **Regulatory Condition:** All works shall be carried out in accordance with the precautionary working measures as set out in the Great Crested Newt eDNA Report (Lizard Landscape Design and Ecology, April 2024) as submitted with the planning application..

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

35 **Regulatory Condition**: All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment in section 5.4.6 on Page 13 (Revision 3), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 38 in HDPF.

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

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

37 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement / Tree Protection Plan 841.001.ENZ.XX.00.RP.AR.45.101 Rev PL03, 41.001.ENZ.XX.00.RP.AR.45.102 Rev PL03 and 841.001.ENZ.XX.00.RP.AR.45.103 Rev PL01, by Enzygo Ltd, received 21.08.2024].

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

38 **Regulatory Condition**: No deliveries and commercial waste collections shall take place outside of 08:00 hours to 19:00 hours Mondays to Fridays and 09:00 hours to 18:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

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

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

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the “biodiversity gain condition” which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Note to Applicant – Community Infrastructure Levy (CIL):
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development**.

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk.

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Note to Applicant
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

ADDITIONAL INFORMATION

Planning Permission – Important Provisos
If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It is the responsibility of the developer to provide bins for the development. If you are a developer and need to purchase bins, please email hop.oast.admin@horsham.gov.uk.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

Amendments
Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring
Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.