Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0976
Rikkyo School, Guildford Road, Rudgwick, West Sussex, RH12 3BE

DESCRIPTION:
Variation of Condition 1 of previously approved application DC/23/1912 (Erection of a detached two storey Dormitory building, with associated landscaping) To update plans to show a larger air source heat pump enclosure.

RELEVANT PLANNING HISTORY:

DC/23/1912	Erection of a detached two storey Dormitory building, with associated landscaping	Application Permitted on 30.04.2024.

SITE AND SURROUNDS

The application site known as 'Rikkyo School' was established in 1972, and is set within large, secluded grounds measuring 24.3 ha, located outside of any defined settlement boundaries, approximately 7.3 miles to the west of Horsham and close to Rudgwick.

The school is set on a sloping site (north to south) within the Wealden Countryside on the brow of a hill with long views towards the South Downs and is accessed via a tree lined private driveway off the A261 Guildford Road. The area surrounding the wider school grounds comprises countryside with a matrix of fields and field boundaries, sporadic residential and agricultural built form, with the Built-up Area Boundaries of Bucks Green 1.9Km to the southeast, and Rudgwick 2.6km.

The wider site comprises a cluster of buildings which include the original 1940's Pallingshurst House and stable buildings and a cluster of newer 1970, 80's and 90's buildings. Buildings within the site a typically 2-3 storeys in height (over 10 metres in height), are of masonry construction under pitched roofs. There is no one architectural style and buildings. None of the buildings are listed for their architectural merit. The site has an overall on-site provision for 160 car parking spaces (including spaces for up to 4 minibuses).

The application site itself (approximately 0.89ha) forms an existing hardstanding area of land used as an overspill car parking area for 39 cars, and areas of woodland and grassland. The applications site is located between a non-designated area of woodland (Upper Furze Wood to the west), LPG gas tanks (5 in total) located in the southwest corner of the site; a hard landscaped car park area which falls away. from the site (to the east); a sports hall set on land that falls steeply away from the site (to the north); and the cluster of buildings (including the original Pallingshurst House) set on higher grounds to the south. Existing buildings within the site are typically 2-3 storeys in height.

Woodland is located to the northwest (Great Muttons Copse), beyond which is an area of Ancient Woodland well separated from the site (approx. 130 metres to nearest point). The site falls within an area identified as a Great Crested Newt Impact Risk Zone. There are two ponds close by, the nearest and smallest of which is approximately 40m to the southeast, immediately south of a bridleway (ROW 399Sy); the larger pond is approximately 143m further to the southeast between the Garden House and West House. The bridleway (ROW 399Sy) commences at the entrance of the school on Guildford Road and cuts northeast to southwest through the wider school site (passing 'the site' on its southern side); A

further PROW (footpath ROW 1381) adjoins ROW399Sy and spurs along the northwest to southeast axis, before joining ROW 1380 (which runs along the north / southwest axis) to the southeast.

It is noted that whilst the main complex of school buildings sits within the designated North Sussex Water Neutrality Zone which is subject to Water Neutrality measures, 'the site' (subject to the application) is located to the north of the boundary and is located outside of the identified and designated water neutrality zone.

The site lies approximately 7.9km north of The Mens Special Area of Conservation (SAC) and 9.4km north of Ebernoe Common SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and therefore falls within the 12 km Wider Conservation Area for the SACs.

DETAILED DESCRIPTION

Variation of Condition 1 of previously approved application DC/23/1912 (Erection of a detached two storey Dormitory building, with associated landscaping) to update plans to show a larger air source heat pump enclosure.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF):

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure, and Recreation

Rudgwick Neighbourhood Plan (2021)
Relevant policies include:
RNP1 – Spatial Development
RNP6 – Materials
RNP7 – Architectural Style
RNP8 – Development Height
RNP10 – Local Economy
RNP17 Green Infrastructure and Trees

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

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within

Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the district (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

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

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

Supplementary Planning Guidance:
Community Infrastructure Levy (CIL) Charging Schedule (2017)

REPRESENTATIONS AND CONSULTATIONS RESPONSES
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.

Consultations:
INTERNAL CONSULTATIONS

HDC Landscape Architect: No Objection (Subject to conditions)

HDC Environmental Health: No Objection

HDC Arboricultural officer: No Objection

OUTSIDE AGENCIES

WSCC Highways: No Objection

Archaeology Consultant: No Objection

Ecology Consultant: No Objection

Southern Water: No Objection

WSCC Flood Risk Management: No Objection

'If there is any increase in impermeable area due to this variation of condition, this will need to be considered when the applicant prepares documents to submit in relation to condition 4'.

Natural England: Commented that: (summary)

'Natural England currently has no comment to make on the variation of condition 1.'

Nature Space: Commented that:

'The applicant has joined the District Licence scheme and therefore have met their obligations regarding great crested newts. The proposed alteration does not change the impact map conditioned under the District Licence and therefore no comments to make on this application.'

Health and Safety Executive (HSE): Commented that: (summary)

'This application does not fall within the Consultation Distance Zones of either a Major Hazard Site, Major Accident Hazard Pipeline or Explosive Site.'

Waverley Borough Council: (Neighbouring Authority) – No Objection

Rudgwick Parish Comments: No Objection

Representations: None received

Member Comments: None received.

HUMAN RIGHTS AND EQUALITY:
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.

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.

PLANNING ASSESSMENT

This application seeks to amend planning permission DC/23/0639 via S.73 of the Town and Country Planning Act 1990 to update plans to show a larger air source heat pump enclosure located to the northwest of the dormitory for which approval was sought and granted as part of DC/23/1912. The approved location for the Air Source Heat Pump (ASHP) enclosure as shown on the approved layout plan (based at the time on its anticipated size), was close to the dormitory building and was considered as being sensitively located to ensure no landscape or noise impacts. The ASHP enclosure as indicated is located towards the top of an existing grass bank, and to the southeast corner of the school's sports hall.

It is advised within the supporting statement submitted with this application, that it has become evident that two separate enclosures are required, one for the ASHP units and a second one for the condensing units. The previous application had not anticipated this, and therefore a larger enclosure is now required, albeit it will remain in the same location, its footprint would project further north.

The Applicants advise that the south and east elevations would be contained by brick walls and that the north and west elevations (looking away from the dormitory) would be contained by wire mesh fencing. It is advised that 'm*aterials would be black in colour, to ensure they would appearance recessive'* and that '*the eastern wall would be landscaped with climbing plants, to ensure this elevation was greened as part of the development and did not stand out negatively against the backdrop of the woodland to the west.'* The structure would have two separate entrances to access each separate part of the ASHP within the enclosure. An access path and steps are proposed to the east side of the enclosure.

The approved layout would be largely unchanged as the enclosure is a minor part of the approved scheme and previously approved plans. It is considered that the slight increase in size would have no impact on the overall scheme. The Applicant advises that *the Lighting Plan and updated DAS are submitted solely for completeness as they both contained details of the originally approved ASHP enclosure. Therefore, amended versions of these are provided to ensure consistency*.'

Other

The Landscape Officers have been consulted and have requested that further information is provided in regard to requirements for Hard and Soft Landscape details (new Condition 20) and Landscape Management and Maintenance Plan (new pre-occupation Condition 21). It should be noted therefore that the regulatory conditions have therefore been re-numbered.

Environmental Health have been consulted and advised that '*no technical detail on the proposed air source heat pumps and condensers has been provided, however, given that the pumps and condensers*

will be located in enclosures and the closest noise sensitive premises is located approximately 600m from the site of the enclosures we consider it unlikely that they will have any impact on residential amenity.' No objections have been raised.

No other amendments are proposed. This amendment would not compromise the character or appearance of the site or wider surroundings in accordance with HDPF policies 32, 33 and 35 is recommended for approval. As permissions under s.73 create a new planning permission for the development, all previously applied conditions are attached to the new decision notice.

Water Neutrality

The application submitted under DC/23/1912 demonstrated that the proposed dormitory is located outside of the Sussex North Water Supply Zone (SNWSZ) and would not be supplied by the SNWSZ, as such it is not necessary to demonstrate water neutrality in this case.

Biodiversity Net Gain
As the application is made under s.73, and relates to a host permission that pre-dates BNG, this application is exempt from the requirement for a minimum 10% BNG.

Recommendation: Application Permitted

Conditions:

1. PLANS

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 **Regulatory Condition:** The development shall be carried out in accordance with the Construction Management Plan (CEMP) (Plan PD-0003 received 31/05/24) and CEMP Construction Management Statement (received 31/052024) as approved under DISC/24/0124, unless an alternative CEMP has been submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The approved Plan shall be implemented and adhered to throughout the entire construction period.

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

4 **Pre-Commencement Condition**: Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement 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, SuDS Report (Webb Yates Engineers Ltd, Ref: J5338-C-RP-0001) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Local Planning Policies.

5 **Pre-Commencement Condition**: The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local

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

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

6 **Regulatory Condition**: The development shall be carried out in accordance with the CEMP Biodiversity (The Ecology Partnership, May 2024) as approved under DISC/24/0124, unless an alternative CEMP has been submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The approved Plan shall be implemented and adhered to throughout the entire construction period.

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

7 **Pre-Commencement Condition**: No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WMLOR136, or a 'Further Licence') and with the proposals detailed on plan "Rikkyo School: Impact Plan for great crested newt District Licensing (Version 2)", dated 11th April 2024.

Reason: To ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

8 **Regulatory Condition:** The development shall be carried out in accordance with the Great Crested Newt Mitigation Licence for Great Crested Newts. The approved scheme shall be fully implemented in accordance with details submitted to and as approved by Natural England and as approved under DISC/24/0124 unless alternative details have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Reason: To conserve Protected and priority species and allow the LPA to discharge its duties under the UK Habitats Regulation 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime and Disorder Act 1998.

9 **Pre-Commencement Condition**: No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence') and in addition in compliance with the following:
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: To ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-

OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

10 **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 approved drawing number [insert number], 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 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).

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

(a) An intrusive site investigation scheme 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 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).

12 **Regulatory Condition:** The development shall strictly accord with the schedule of materials as set out and approved under DISC/24/0149 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority, prior to commencement of development

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).

13 **Regulatory Condition:** The development herby permitted shall only be implemented in strict accordance with approved Biodiversity Enhancement Layout (The Ecology Partnership – (unnumbered) received 14/06/2024) as approved under DISC/24/0149.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework.

14 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until A Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following:
a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on site that might influence management.
c) Aims and objectives of management.
d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
g) Details of the body or organisation responsible for implementation of the plan.
h) Ongoing monitoring and remedial measures.
The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.

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

15 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until A lighting design scheme for biodiversity based on GN: 08/23 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 and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the 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.

16 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the parking necessary to serve that development have been implemented in accordance with the approved details as shown on plan [Proposed Site Plan PD-1000] and shall be thereafter retained as such.

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

17 **Pre-Occupation Condition**: Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 4. 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 Local Planning Policy.

18 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 11(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 11(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 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).

20 **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 existing trees and planting to be retained and removed
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details and species in Latin names
- Tree pit and staking/underground guying details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Details of all bin stores, cycle stores and other ancillary artefacts and structures
- Details of existing and proposed levels for all external earthworks associated with the landscape proposals (including SuDS, play areas, retaining walls, banking etc). Such details to include cross sections where necessary)
- Coordination of landscape proposals, tree planting and position of root barriers (if required) with underground utility services

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).

21 **Pre-Occupation Condition:** Pre-Occupation Condition: No part of the development hereby permitted shall be occupied until a Landscape Management and Maintenance Plan (LMMP) has been submitted to and approved in writing by the Local Planning Authority. The details should apply to all hard and soft landscape areas including the green roof, green ASHP walls and rain garden, and shall include:

- The long-term design objectives
- Management responsibilities
- Specifications
- Maintenance schedules and periods
- Operations details
- Implementation details and timetable

The LMMP shall be carried out in accordance with the approved details, supporting documents / reports, surveys, and timetable(s) unless the Local Planning Authority gives written consent to any variation.

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

22 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement [by Simon Stephens dated 23 November 2023].

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).

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

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

24 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat - Ground Level Tree Assessment (Ecology Partnership, December 2023) and Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (Ecology Partnership, October 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may 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.

25 **Regulatory Condition**: The development shall strictly accord with the Energy Statement (by Max Fordham dated 22 September 2023) unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority, prior to commencement of development.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

Note to Applicant
Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at Planningportal.co.uk/planning/planning-applications.

Note to Applicant
It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR136, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

Note to Applicant
Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals.

Note to Applicant
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.

Note to Applicant
The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage, or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles, and great crested newts.

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, to be able to, where possible, grant permission.

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT
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, to be able to, where possible, grant permission.

Plans list for: DC/24/0976
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water Neutrality (Letter from Castle Water) dated 13/11/2023		
Supporting Statement	Biodiversity Metric 4.0 Calculation Tool Table	NONE	27.11.2023
Design & Access Statement	Part 4 of 5	NONE	17.10.2023
Design & Access Statement	Part 1 of 5	NONE	17.10.2023
Design & Access Statement	Part 2 of 5	NONE	17.10.2023
Design & Access Statement	Part 3 of 5	NONE	17.10.2023
Design & Access Statement	Part 5 of 5	NONE	17.10.2023
Location plan	As existing	PD-0001	17.10.2023
Location plan	As proposed	PD-1000 Rev A	28.06.2024
Site plan	External lighting, as proposed	31000 REV C03	28.06.2024
Elevation plan	Site, as existing and proposed	PD-0050	17.10.2023
Floor plan	Ground, as proposed	PD-1010	31.10.2023
Floor plan	First, as proposed	PD-1011	17.10.2023
Floor plan	Loft, as proposed	PD-1012	17.10.2023
Roof plan	As proposed	PD-1013	17.10.2023
Section plan	As proposed	PD1200 REV A	31.10.2023

Elevation plan	As proposed	PD-1300 REV A	31.10.2023
Supporting Statement		NONE	17.10.2023
Supporting Statement	Energy	NONE	17.10.2023
Supporting Statement	Transport	DS/LJ/ITS19072-001B R	17.10.2023
Supporting Statement	Phase I Contamination and Geotechnical Assessment	LS6938	17.10.2023
Supporting Statement	Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment	NONE	17.10.2023
Supporting Statement	Planning and Water Neutrality	2.3	17.10.2023
Supporting Statement	Arboricultural Impact Assessment	NONE	13.12.2023
Supporting Statement	Drainage Strategy Technical Note	J5338-C-TN-0001 REV 00	17.10.2023
Supporting Statement	Flood Risk Assessment	NONE	17.10.2023
Supporting Statement	Landscape strategy	NONE	28.06.2024
Supporting Statement	Proposal	NONE	28.06.2024
Supporting Statement	Proposal	NONE	28.06.2024
Supporting Statement	Structural strategy	NONE	28.06.2024
Supporting Statement	Cover letter	NONE	28.06.2024
Elevation & Floor plan	External plant enclosure	PD-1090	28.06.2024
Design & Access Statement		NONE	28.06.2024

Schedule of plans/documents **not approved**:

Plan Type	**Description**	**Drawing Number**	**Received Date**

DELEGATED

Case Officer sign/initial Amanda Wilkes Date: 27/08/2024

Authorising Officer sign/initial Adrian Smith Date: 27/08/2024