



Mr Richard Bailey  
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Second Floor Offices  
13 Museum Street  
York  
YO1 7DT

Application Number: DC/26/0996

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

On behalf of: Grant Jensen, Barchester Healthcare

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:

**Variation of condition 1, 3, 4, 6 and removal of conditions 11, 12, 19, 20 and 31 of previously approved application reference DC/24/0622 (Erection of a 70-bed care home, access, landscaping and associated infrastructure) relating to pre-demolition conditions, compliance conditions and water neutrality.**

**The Copse, Worthing Road, Horsham, West Sussex**

to be carried out in accordance with Application No. DC/26/0996 submitted to the Council on 19/06/2026 and subject to compliance with the plans/documents and conditions specified hereunder.

**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.

Emma Parkes  
Head of Development and Building Control

Date: 22/09/2026

- 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 |
|-----------|---------------------|-----------------|---------------|
| Plans     | Basement floor G.A. | AL(1)100 REV P2 | 19.06.2026    |
| Plans     | Ground floor G.A.   | AL(1)101 REV P2 | 19.06.2026    |

|                      |                                                                                        |                                      |            |
|----------------------|----------------------------------------------------------------------------------------|--------------------------------------|------------|
| Plans                | First floor G.A.                                                                       | AL(1)102 REV P2                      | 19.06.2026 |
| Plans                | Second floor G.A.                                                                      | AL(1)103 REV P2                      | 19.06.2026 |
| Roof plan            |                                                                                        | AL(1)104 REV P2                      | 19.06.2026 |
| Elevation plan       | Proposed, sheet 1                                                                      | AL(1)140 REV P2                      | 19.06.2026 |
| Elevation plan       | Proposed, sheet 2                                                                      | AL(1)141 REV P2                      | 19.06.2026 |
| Site plan            | Proposed                                                                               | AL(9)901 REV P2                      | 19.06.2026 |
| Site plan            | Proposed                                                                               | AL(9)902 REV P2                      | 19.06.2026 |
| Tree plan            | Protection                                                                             | TSP-01 REV 1                         | 19.06.2026 |
| Supporting Docs      | Asbestos Survey Issue No: 1 Issue Date 17 Oct 2025 by Asbestos Gone                    |                                      | 15.12.2025 |
| Supporting Docs      | Bat Licence WML-CL47 [March 2025]                                                      |                                      | 11.12.2025 |
| Supporting Docs      | PHASE II AND UPDATED RISK ASSESSMENT REPORT by GeoEnviro Solutions Limited             | 4444-23 P1                           | 11.12.2025 |
| Plans                | Existing Site Plan                                                                     | FL24-2145-051                        | 11.12.2025 |
| Plans                | Tree Protection Plan TSP-01 Rev1                                                       | TSP-01 Rev1                          | 11.12.2025 |
| Supporting Docs      | Construction Environmental Management Plan December 2025 by DC Development Consultants | 25-356-DC-CEMP-12-XX-XX-R2           | 17.12.2025 |
| 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 |
| 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         | Basement                                                                               | 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.0 0.RP.AR.45.101 PL01 | 05.08.2024 |

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

- 2 **Standard Time Condition:** The development hereby permitted must be commenced by the 26.03.2028.

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

- 3 **Regulatory Condition:** The development hereby approved shall be implemented in accordance with the 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 as approved under DC/25/0002.

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 accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 4 **Regulatory 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 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the details contained in the Construction Environmental Management Plan 25-356-DC-CEMP-12-XX-XX-R2 dated December 2025.

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 N/A

12 N/A

- 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 N/A

20 N/A

- 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 and 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 N/A

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-licensed 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 \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain).

### ***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 1<sup>st</sup> 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](mailto: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](mailto: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](mailto: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.

#### **Compliance with the Approved Plans and Conditions**

The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or part of the development is started. These will appear in the 'Pre-Commencement Conditions' section of the Notice.

If works on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

### **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.

### **Conditions Compliance**

Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.

A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

### **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](mailto: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>.