Horsham District Council

Rob Pearson
Nexus Planning
Holmes House
4 Pear Place
London
SE1 8BT

Millfields Farm, Horsham Road, Rusper, West Sussex
Demolition of existing structures and erection of 43no. dwellings (Use Class C3), creation of a new access and provision of public open space, alongside associated landscaping and other works.

Your application DC/24/0699 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

Rob Pearson
Nexus Planning
Holmes House
4 Pear Place
London
SE1 8BT

Application Number: DC/24/0699

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

On behalf of: Stonebond Properties (Guildford) Limited

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:

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

Millfields Farm, Horsham Road, Rusper, West Sussex

to be carried out in accordance with Application No. DC/24/0699 submitted to the Council on 21/05/2024 and subject to compliance with the plans/documents and conditions specified hereunder.

Emma Parkes
Head of Development and Building Control

Date: 07/05/2025

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
Plans	Proposed Block Plan	PL-03 Rev H	12.08.2024
Plans	Proposed Site Layout	PL-04 Rev H	12.08.2024
Plans	Detailed Site Layout	PL-05 Rev I	12.08.2024
Plans	External Materials Plan	PL-06 Rev D	31.07.2024
Plans	Open Space Plan	PL-07 Rev F	31.07.2024
Plans	Indicative Street Scene Elevations	PL-10 Rev E	12.08.2024
Plans	Indicative Visualisation	PL-11	12.08.2024

Plans	Plans and Elevations - House Type A1.2 (Plots 32, 33, 36 and 37)	PL-50 Rev C	03.05.2024
Plans	Plans and Elevations - House Type P2.2 (Plots 4, 5, 8, 9, 10, 13 and 14)	PL-51 Rev D	31.07.2024
Plans	Plans and Elevations - House Type P2.2 (Plots 25 and 26)	PL-52 Rev D	03.05.2024
Plans	Plans and Elevations - House Type P2.2 (Plots 38 and 39)	PL-53 Rev E	31.07.2024
Plans	Plans and Elevations - House Type P3.1 (Plots 3 and 15)	PL-54 Rev D	03.05.2024
Plans	Plans and Elevations - House Type P3.1 (Plots 16, 20, 24, 27 and 31)	PL-55 Rev F	12.08.2024
Plans	Plans and Elevations - House Type P3.12 (Plots 6 and 7)	PL-56 Rev D	03.05.2024
Plans	Plans and Elevations - House Type P3.12 (Plots 11, 12, 34 and 35)	PL-57 Rev E	31.07.2024
Plans	Plans and Elevations - House Type P3.12 (Plot 30)	PL-58 Rev G	12.08.2024
Plans	Plans and Elevations - House Type P3.12 (Plot 23)	PL-59 Rev E	31.07.2024
Plans	Plans and Elevations - House Type P4.1.2 (Plots 21 and 22)	PL-60 Rev C	03.05.2024
Plans	Plans and Elevations - House Type P4.13 (Plots 1 and 2)	PL-61 Rev E	03.05.2024
Plans	Plans and Elevations - House Type P4.13 (Plots 42 and 43)	PL-62 Rev D	31.07.2024
Plans	Plans and Elevations - House Type P2.2 (Plot 17)	PL-63 Rev A	31.07.2024
Plans	Plans and Elevations - House Type P2.2 (Plots 18 and 19)	PL-64 Rev B	12.08.2024
Plans	Plans and Elevations - House Type P4.13 (Plot 28)	PL-65 Rev A	31.07.2024
Plans	Plans and Elevations - House Type P4.13 (Plot 29)	PL-66 Rev A	31.07.2024
Plans	Plans and Elevations - House Type P3.12 abd P2.2 (Plots 40 and 41)	PL-67 Rev A	31.07.2024
Plans	Hard Surface Finishes Plan	CLDL 2431 (08) 01 01 Rev P12	12.08.2024
Plans	Public Right of Way Access Plan	CLDL 2431 (08) 2011 Rev R01	31.07.2024
Plans	Section Through Drainage Basin	CLDL 2431 (08) 2010 Rev R01	31.07.2024
Plans	Location Plan	PL-01 Rev D	03.05.2024
Plans	Existing Block Plan	PL-02 Rev B	03.05.2024

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

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

3 **Pre-Commencement Condition**: The development hereby approved shall not commence until the following demolition and construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:

i. Details of site management contact details and responsibilities;
ii. A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
    a. location of site compound,
    b. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
    c. site offices (including location, height, size and appearance),
    d. location of site access points for construction vehicles,
    e. location of on-site parking,
    f. locations and details for the provision of wheel washing facilities and dust suppression facilities (with particular regard to the recommendations of the submitted Emissions Mitigation Assessment (GEM air quality, ref: AQ2404) at Table 10.
    g. The arrangements for public consultation and liaison prior to and during the demolition and construction works - newsletters, fliers etc, to include site management contact details for residents;
    h. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
iii. Identification of biodiversity protection zones and associated protection fencing, exclusion zones and/or barriers;
iv. Practical measures (both physical and working practices) to avoid ecological impacts during construction;
v. The location and timing of sensitive works to avoid harm to biodiversity features;
vi. Times when overseeing ecologists need to be present on site to oversee works and the roles and responsibilities of an ecological clerk of works or similarly competent person;
vii. Measures for the control, containment and removal of any invasive non-native species.

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

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

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

(a) A post demolition investigation of ground underlying existing building footprints based on the recommendations of the Geo-Environmental Assessment (Idom, ref: GEA-22623-23-405, dated April 2024), to provide an understanding of contamination risk and any necessary remediation measures;

(b) Full details of site-wide remediation measures and how these measures are to be undertaken based on the results of the Geo-Environmental Assessment (Idom, ref: GEA-22623-23-402, dated April 2024) and post demolition investigation.

(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

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

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

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

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

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

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

7 **Pre-Commencement Condition**: No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and approved Tree Survey Report and Arboricultural Impact Assessment (Hankinson Duckett Associates, April 2024, ref: 1127.3) The development shall thereafter be carried out in accordance with the approved details.

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

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

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

9 **Pre-Commencement (Relevant Works) Condition**: The approved access onto East Street shall not be used by occupiers of and visitors to the approved development unless and until the completion of the following off-site highways works:-

(a) The introduction of a gateway feature to the East of the approved access together with associated 30mph signage as detailed on plan ref 70116686-SK-002 P02 as contained within the submitted Transport Statement (WSP, ref: TS-01, dated April 2024), or to an alternative position East of the approved access agreed with the Local Highways Authority.

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

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

Reason: To ensure that future occupiers are not exposed to unreasonable levels of acoustic disturbance and would otherwise benefit from sufficient internal ventilation without risk of

overheating in accordance with Policies 24 and 32 of the Horsham District Planning Framework (2015).

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

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

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

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

13 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

(a) Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details;
(b) Details of all hard surfacing materials and finishes;
(c) Details of all boundary treatments;
(d) Details of all public seating;
(e) Details of all public play equipment, including plans and details of equipment type, design, height and material composition.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

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

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

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

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

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

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

18 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the approved Water Neutrality Statement (Motion, ref: 1sbrus/2310060, June 2024). No dwelling hereby permitted shall be first occupied until evidence has been submitted

to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full, and with regard to measures specified at section 5 of the Water Neutrality Statement. Evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, as detailed within the Water Neutrality Statement, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained and operated as such at all times thereafter.

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

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

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

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

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

21 **Pre-Occupation Condition**: No dwelling hereby permitted shall be occupied unless and until the completion of off-site highway works comprising:

(a) The construction of a raised table on Horsham Road as detailed on plan ref: 70116686-SK-002 Rev P02 as contained within the submitted Transport Statement (WSP, ref: TS-01, dated April 2024).

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

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

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

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

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

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

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

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

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

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

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

27 **Regulatory Condition**: The proposed development shall be constructed to achieve the specified standards of thermal performance and energy efficiency detailed within the submitted Energy and Sustainability Statement (Abbey Consultants, ref: SS-ES-MFR-24-01

dated April 2024), unless the Local Planning Authority consents to any written variation in writing prior to the commencement of relevant works above ground floor slab level.

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

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.