Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0977
Chanctonbury Nurseries, Rectory Lane, Ashington, Pulborough, West Sussex, RH20 3AS

DESCRIPTION:
Variation to condition 1 to approved application DC/22/0372 (Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping) To enable a substation to be provided.

RELEVANT PLANNING HISTORY:

DC/22/0372	Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping.	Application Permitted on 04.09.2023
DC/24/1081	Variation of condition 1 of previously approved application reference DC/22/0372 (Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping) amendment to the approved site layout and affordable housing plans.	Pending determination
DISC/24/0121	Application for Approval of Details Reserved by Condition 5, 11 and 16 to approved application DC/22/0372	Application Permitted on 22.07.2024
DISC/24/0129	Application for approval of details reserved by conditions 7 & 14 to approved application DC/22/0372	Application Refused on 29.08.2024
DISC/24/0135	Application for approval of details reserved by conditions 3, 4, 6 and 8 to approved application DC/22/0372	Split Decision on 29.08.2024

SITE AND SURROUNDS
Development across this site to replace an existing storage use and horticultural glasshouses, was permitted in full under application reference DC/22/0372. The approved development was for the provision of 74 dwellings with the inclusion of landscaping enhancements of a PRoW which runs around the site, public open space and a outdoor gym within the centre of the site available to all users.

As approved, the consented development scheme does not provide for the inclusion of a sub-station within the site. Landscape and tree removal and retention details have been submitted under DISC/24/0129 and remain outstanding pending receipt of further details. The submitted details for the northern landscaped area of the site, abutting Rectory Land and the PRoW follows the principles established under the consented scheme, including the planting of a new Oak tree to form a focal point at the entrance to the development site, maintaining the existing native shrub planting with the wider verge to be seeded with Emorsgate EM3 - Special General Purpose Meadow Mixture.

DETAILED DESCRIPTION
The application seeks an amendment under Section 73 of the Town and Country Planning Act to planning permission DC/22/0372, which was permitted on 4th September 2023. The approved consent (DC/22/0372) reads:
“Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping.”

The s73 seeks to introduce a substation at the northern edge of the site, located on a landscaped area right at the entrance to the site off Rectory Lane, and to the south of the PRoW. The proposed sub-station would measure some 4m x 4m with a hipped roof to an overall height of around 4.5m. The specification of the facing bricks and roof tiles would need to be confirmed. Revised plans show the sub-station accessed form the southern side by way of revised kerb-lines for the on-street visitor parking spaces.

The submitted justification for the new sub-station reads:
"The substation is an essential requirement of the development which wasn't considered as part of the original layout and as such, needs to be retrofitted. The substation needs to be sited as close to the entrance of the site as possible, with its own service bay and ideally away from dwellings. It is considered there are no other reasonable alternative locations for the substation."

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 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

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 considered to be consistent such that they continue to attract significant weight in decision making.

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

Ashington Neighbourhood Plan (June 2021)
Policy ASH1: Overall Spatial Strategy for Ashington
Policy ASH5: Landscaping and Countryside Access
Policy ASH10: Chanctonbury Nursery

Planning Advice Notes:
Biodiversity and Green Infrastructure

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:
27th August: Comments

- If it is not possible to relocate then this is a better outcome – less prominent form entrance

24th July: Holding Objection

- The proposal is not supported on landscape grounds. Please review comments made under DISC/24/0129 in regard to securing landscape strategy and ecological enhancements set out in the EIA, as well as comments made under DC/22/0372 in regard to the visual prominence of the development as seen in the wider landscape and therefore the importance of a designed 'sense of arrival' to the development

HDC Trees: No Objection

- There are no mature trees of significant landscape value within close proximity to the siting of the proposed sub-station, only those on the opposite side of the Lane which will not be directly affected – no arboricultural concerns in this respect.

OUTSIDE AGENCIES

WSCC Highways: Comment

- The applicant has submitted drawing C9_23_46_PL_150 which shows the substation near the approved site access. Having assessed the drawing, the LHA would not have any concerns with the location shown. The substation will only likely see periodic maintenance and would not be in a position that would interfere with the operation of the access point. Therefore no highway concerns with the variation of Condition 1.

WSCC Fire and Rescue: Comment

- Fire Hydrant condition

Ashington Parish Comments: No Objections

Representations:

To date, two separate letters have been received from a neighbouring property in response to the proposed substation (noted to have been indexed under DC/24/1081):

- The new proposed electricity sub-station is positioned directly opposite our driveway. It will be visible from our kitchen and upstairs rooms. Furthermore, it is well documented that sub-stations produce a constant audible humming and buzzing.
- Also we have concerns about potential health risks associated with exposure to the electromagnetic fields and radiation that is emitted by these sub-stations.
- There is room on the plans for this to be moved further away from our property.

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

As set out above, consent is sought under s73 of the Town and Country Planning Act to amend the plans under condition 1, with the effect of introducing a new substation within the site, which is shown to be located to the northern area of vegetation alongside the site entrance off Rectory Lane and the line of the PRoW.

Section 73(2) of the Town and Country Planning Act 1990 (TCPA) states:

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application

Whilst a consent under s73 creates a new planning permission for the site, government guidance set out in the PPG is clear that only the matters being amended are to be considered. It is not the purpose or function of a s73 consent to revisit the principle of development on the site.

Fundamental to s73 applications is that this cannot be used to extend the time limit within which the permission can be implemented. Furthermore, it is clear that a s73 application can only relate to the conditions and cannot be used to change the operative part of the permission.

In this instance, the s73, the proposed amendment to the approved plans to facilitate the siting of an electricity sub-station, would not alter the description of development in the original permission.

Landscape and Appearance:
The approved development was considered to achieve an appropriate layout within the site and acknowledged the requirements of policies 25 and 33 of the HDPF, as well as ASH5 and ASH10 of the Ashington Neighbourhood Plan.

Having reviewed the proposal to introduce the substation at the northern edge of the site, alongside the vehicular entrance off Rectory Lane, the Council's Landscape officer has raised the following concerns:

1. Proposals under DC/22/0372 and DISC/24/0129 set out to retain and enhance the northern boundary vegetation, with the intention of managing it for the benefit of biodiversity by allowing it to develop into a tall, dense, bushy structure maintained at a height of 3-4 metres. Please review section 4.3 of the LMP, 4.8.1 and 4.8.2 of the LEMP for proposed landscaping and sections 2.2.6.1-2, 2.4.2, 3.1.3-4 of the LEMP for ecological importance.

2. Proposals under DC/24/0977 state that the substation would be screened with a high quality landscaping scheme, however no detailed information has been provided.

3. We recommend that the large area of vegetation on the northern boundary is retained for landscape, biodiversity and amenity benefit, and continue to recommend the addition of a Heavy standard Quercus robur (English Oak) in order to provide a designed sense of arrival and therefore improve visual amenity to the scheme.

4. As an alternative, we recommend locating the substation to the east of the retained and enhanced vegetation, where it will be relatively well screened by existing vegetation and the currently proposed hard surfacing can be utilised for maintenance. (See below in blue for indicative location)

5. We noted that trees T03a are to be removed as part of this application, however this is not reflected in landscaping proposals under DISC/24/0129. Further clarification is requested.

6. As required under DISC/24/0129, co-ordination with utilities layout must be provided in order for the landscape strategy to be secured.

7. Please note that the boundary comprises a dark corridor (see Fig. 19 in the LEMP) and therefore light levels will be restricted to 0.4 Lux.

Having taken the above into account, an amended site plan has been received which shifts the location and orientation of the proposed sub-station so that its access facing south, directly onto the estate roads. This achieves a better relationship with the retained screening, and enables a robust element of screening to be established around the east, west and north sides of the sub-station and the wider vegetated area in which it is to be located.

Officers have been advised by the applicant that a 1m area around the sub-station is required to be kept clear, beyond which planting can be established as normal. In reviewing the revised plan, the location of the sub-station would not conflict with the provision of the heavy standard English Oak that was envisaged to be delivered to the south-west of the sub-station, serving as an entrance feature to the development.

Officers also note that landscape details are yet still required under Conditions 7 and 14 of the original consent. Overall, the proposed revisions still achieve an appropriate layout within the site in alignment with policies 25 and 33 of the HDPF, as well as ASH5 and ASH10 of the Ashington Neighbourhood Plan.

Residential Amenity:
Officers have sought advice from the Council's Environmental Health team in relation to the potential for noise and EMF generated by the proposed substation. Of note, is that Electro-magnetic fields (EMF) and Ionising radiation do not present a health concern with sub-stations, as the fields reduce very quickly with distance, to a level where they are generally not detectable beyond 3m from the source (substation). Officers are also aware that most electric appliances within a household also generate EMF exposure.

The substation would be managed by a utility company such as UK Power Networks or the National Grid, who are noted to be quick to respond to faults.

Given the above considerations, officers consider that the proposal would accord with HDPF policy 33(2).

Biodiversity Net Gain (BNG):
Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The application comprises a s73 amendment application, which is exempt from requiring the delivery of BNG across this site over and above what may have been agreed as part of the original submission as the original application was made prior to BNG being a statutory requirement from 12 February 2024.

Conclusion and planning balance:
The proposed s73 revision is therefore considered to be in accordance with the relevant HDPF and Neighbourhood Plans policies, with revised conditions reflecting the inclusion of the substation.

Recommendation: Application Permitted

Conditions:

1 Plans list

2 **Standard Time Condition**: The development hereby permitted shall begin before 4th September 2026.

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

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

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

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

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

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

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015) and policy ASH10(xi) of the Ashington Neighbourhood Plan.

4 **Pre-Commencement Condition:** The development hereby approved shall be carried out strictly in accordance with the details and measures approved in the CEMP under DISC/24/0135 (as approved on 29.08.2024). The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the local planning authority.

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).

5 **Pre-Commencement Condition:** The development hereby approved shall be carried out strictly in accordance with the approved CEMP: Biodiversity, under DISC/24/0121 (as approved on 22.07.2024). The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the local planning authority.

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).

6 **Pre-Commencement Condition:** The development shall be completed in accordance with the approved finished floor levels under DISC/24/0135 (as approved on 29.08.2024), unless otherwise agreed in writing by the local planning authority.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

7 **Pre-Commencement Condition:** No development shall commence until a plan detailing all trees and planting to be removed, and all trees to be retained on and adjacent to the site, including means for their protection during construction work, has been submitted to and approved, in writing, by the Local Planning Authority. Development shall be carried out in accordance with the approved details and no trees or hedges shown to be retained 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.

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) and policy ASH5(B) of the Ashington Neighbourhood Plan.

8 **Pre-Commencement Condition:** No development shall commence until a Drainage Strategy detailing the proposed means of foul water disposal and a detailed surface water drainage scheme (including finalised surface water drainage designs and calculations) has been submitted to and approved in writing by the Local Planning Authority. The submitted details should include a Surface Water Drainage Statement (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development). The drainage designs shall show full coordination with a detailed landscape scheme and should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

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)

9 **Pre-Commencement Condition:** Prior to the commencement of development details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities (such as those required for street lights and EV charge points and the sub-station), and required ground excavations therefore, shall be submitted to and approved, in writing, by the Local Planning Authority. These details shall coordinate with the landscape scheme pursuant to condition 14, and with existing trees on the site. All such underground services shall be installed in accordance with the approved details.

Reason: As the matter is fundamental to protect roots of important existing trees and hedgerows on the site and future trees identified in the approved landscaping strategy in accordance with Policies 25, 32, 33 & 34 of the Horsham District Planning Framework (2015) and policy ASH5(B) of the Ashington Neighbourhood Plan.

10 **Pre-Commencement Condition:** No development, which has the potential to impact on the breeding / resting place of Hazel Dormouse and Bats, shall commence until the Local Planning Authority has been provided with either:

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

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

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

11 **Pre-Commencement (Slab Level) Condition:** The development hereby approved shall be carried out strictly in accordance with the approved Biodiversity Enhancement Strategy for Protected and Priority species, under DISC/24/0121 (as approved on 22.07.2024). The approved Biodiversity Enhancement Strategy for Protected and Priority species shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the local planning authority.

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

12 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials and details 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) and policy ASH10(iv) of the Ashington Neighbourhood Plan.

13 **Pre-Commencement (Slab Level) Condition:** Notwithstanding the submitted details, no development above ground floor slab level of any part of the development hereby permitted shall take place until a layout of the development has been submitted to and approved in writing by the Local Planning Authority, showing the location and tenure of the dwellinghouses which are to comply with Building Regulations Part M4(2) and M4(3) in a more proportionate split amongst open market and affordable dwellings. Once agreed, the specified units shall be provided and retained permanently thereafter

Reason: As this matter is fundamental to in order to improve the sustainability of the development and to ensure homes are fit for all ages in accordance with Policy 37 of the Horsham District Planning Framework (2015) and Policy ASH10(ii) of the Ashington Neighbourhood Plan.

14 **Pre-Occupation Condition:** Notwithstanding the submitted plans, no part of the development hereby permitted shall be first occupied until full revised 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 as required under Condition 7
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of cycle storage provisions and refuse / recycling bin locations
- Details of all boundary treatments
- Ecological enhancement measures set out in (The Ecology Co-Op, December 2021)
- Co-ordination with the utilities layout as required under Condition 9
- Planting and screening details to the sub-station

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) and policy ASH5(B) of the Ashington Neighbourhood Plan.

15 **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, including Public Open Spaces, provision of outdoor gym equipment and the buffer zone along the southern boundary, has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be provided, 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).

16 **Pre-Occupation Condition:** The development hereby approved shall be carried out strictly in accordance with the approved Landscape and Ecological Management Plan (LEMP), under DISC/24/0121 (as approved on 22.07.2024). The approved Landscape and Ecological Management Plan (LEMP) shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the local planning authority.

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).

17 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a lighting design scheme for biodiversity 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, lsolux 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: 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).

18 **Pre-Occupation Condition:** Prior to the first occupation (or use) of each phase of the development hereby permitted, a verification report demonstrating that the SuDS drainage system for that phase has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

19 **Pre-Occupation Condition:** Prior to the first occupation of any part of the flatted development hereby permitted, a scheme to show active EV charge spaces within the communal parking area, and passive ducting to provide for future EV charge points / upgrading within the wider site, with a timeline for the implementation of such works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved details.

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).

20 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be 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).

21 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Design Stage Water Neutrality Report By Melin Rev E). 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. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures, including all water butt provision as detailed in the approved water neutrality strategy, shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

22 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces and EV charging points (including garages and car-ports where applicable) necessary to serve it have been constructed and made available for use in accordance with approved drawing number [Proposed Site Layout 7071 PL-03 Rev C]. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

23 **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 garage, car port, side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

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

24 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details have been submitted to and approved in writing for the refuse / recycling store and bicycle store to serve the flatted units 9-22. The approved facilities shall thereafter be implemented in accordance with the approved details and retained for the designated use at all times.

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

25 No dwelling hereby approved shall be first occupied until the cycle parking facilities serving it have been provided within the garage, car-port, side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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).

26 **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).

27 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a scheme to show the passive ducting to provide for future EV charge points / upgrading within the site to serve the flatted development, along with a timeline for the implementation of such works, shall be submitted to and approved in writing by the Local Planning Authority. The means for charging electric vehicles shall be retained as such thereafter.

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

28 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access and numbered 104333-T- 001 rev D.

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

29 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the Applicant has implemented the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

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

30 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (The Ecology Co-Op, December 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will 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 Local Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework.

31 **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).

32 **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).

33 **Regulatory Condition:** The first-floor east side windows to Plots 01 and first floor west side windows 66 shall be fitted with obscure glass and shall be retained as such thereafter.

Reason: To protect the amenities of adjoining residential properties (Chanctonbury Lodge and Chanctonbury House) from loss of privacy and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

34 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Class B of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of Plots 56-58, and 63-67 of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to potential increased and elevated overlooking of Chanctonbury House and in accordance with Policy 33 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
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
The applicant is advised to contact West Sussex County Council Highways, tel no: 01243 642105 or to visit https://www.westsussex.gov.uk/ for information on how to obtain formal approval from the highway authority to carry out works to the public highway. All necessary costs, the appropriate license and application fees for any works and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed.

NOTE TO APPLICANT
Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk .

NOTE TO APPLICANT

A Surface Water Drainage Statement is a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems. An Advice Note and a proforma for the statement can be found using the following link https://www.horsham.gov.uk/planning/development-management.

NOTE TO APPLICANT
The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- Tree pit and staking/underground guying details
- A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- Hard surfacing materials - layout, colour, size, texture, coursing, levels
- Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

NOTE TO APPLICANT
The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

NOTE TO APPLICANT
A. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.
B. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.
C. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.
D. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.
E. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.
F. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.
G. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.
H. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.
I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private

vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

K. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

L. Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

M. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

N. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing as often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

NOTE TO APPLICANT

Under the Land Drainage Act 1991, any works (permanent or temporary) that have the potential to affect the existing watercourse or ditch's ability to convey water will require Ordinary Watercourse Consent.

Ordinary watercourses include streams, drains, ditches and passages through which water flows that do not form the network of main rivers.

NOTE TO APPLICANT

If your development site includes a watercourse or water-dependent habitat, such as wet woodland or floodplain marsh, you must always seek to conserve and enhance these habitats and where possible provide new similar habitats.

Watercourses should be left with an appropriately sized, development-free buffer zone on both sides of the channel. Usually, a minimum of 5 metres on both sides of the watercourse will be required.

Riparian owners should seek to protect and enhance the watercourses on their land and carry out any Water Framework Directive actions in line with the South East River Basin District Management Plan.

(Refs; Planning Policy Guidance (PPG) & Horsham District Planning Framework Policy 24).

<u>POSITIVE AND PROACTIVE STATEMENT</u>

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.

Plans list for: DC/24/0977
(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
Plans	Proposed Substation	C9_23_46_PL_150 A	27.08.2024
Supporting Docs	Covering Letter		19.06.2024
Floor plan	Type 14 (plot 49-50), as proposed	7071-PL-55 B	02.02.2023
Elevation plan	Type 14 (plot 49-50), as proposed	7071-PL-56 B	02.02.2023
Floor plan	Flat ground (plots 9-11 and 16-18), as proposed	7071-PL-57 A	09.02.2022
Floor plan	Flat first (plots 12-14 and 19-21), as proposed	7071-PL-58 B	02.02.2023
Floor plan	Flat second (plot 15 and 22), as proposed	7071-PL-59 A	09.02.2022
Elevation plan	Flats (plots 9-22), as proposed	7071-PL-60 B	02.02.2023
Elevation plan	Type 8B (plot 39), as proposed	7071-PL-61 A	09.02.2022
Elevation plan	Garage Type 1	7071-PL-62 A	09.02.2022
Elevation plan	Garage Type 2 and 3	7071-PL-63 A	09.02.2022
Elevation plan	Garage Type 4 and 5	7071-PL-64 A	02.02.2023
Plans	Indicative visual 1 (plots 3-8) main access, as proposed	7071-PL-70 A	09.02.2022
Plans	Indicative visual 2 (plots 61-64 and 70-72), as proposed	7071-PL-71 A	09.02.2022
Plans	Indicative visual 3 (plots 44-47) view from southern POS, as proposed	7071-PL-72 A	09.02.2022
Elevation plan	Street, sheet1, as proposed	7071-PL-80 B	02.02.2023
Elevation plan	Street. sheet 2, as proposed	7071-PL-81 B	02.02.2023
Supporting Statement	Flood Risk Assessment	NONE	02.02.2023
Supporting Statement	Energy Statement	NONE	09.02.2022
Supporting Statement	Ecological Impact Assessment	NONE	09.02.2022
Supporting Statement	Biodiversity Impact Calculation	NONE	09.02.2022
Supporting Statement	Utilities and Drainage Assessment	NONE	09.02.2022
Supporting Statement	Transport Statement Report	NONE	09.02.2022
Supporting Statement	Phase 1 Geo-Environmental Investigation	NONE	09.02.2022

Supporting Statement	Travel Plan	NONE	09.02.2022
Supporting Statement	Water Neutrality Statement	NONE	01.09.2022
Supporting Statement	Planning Statement	NONE	09.02.2022
Supporting Statement	Accommodation breakdown by plot	NONE	09.02.2022
Supporting Statement	Mineral Resource Assessment	NONE	09.02.2022
Supporting Statement	Existing Tree Constraints	NONE	09.02.2022
Supporting Statement	Existing Tree Schedule	NONE	09.02.2022
Supporting Statement	Archaeological Desk-Based Assessment	NONE	09.02.2022
Supporting Statement	Site Habitat Baseline Report	NONE	09.02.2022
Design & Access Statement		NONE	09.02.2022
Elevation plan	Type 4 and 6 (plots 59-60, 73-74), as proposed	7071-PL-36 A	09.02.2022
Elevation & Floor plan	Type 8 (plots 3, 36 and 39), as proposed	7071-PL-37 B	09.02.2022
Floor plan	Type 5 (plot 28-29), as proposed	7071-PL-38 A	02.02.2023
Elevation plan	Type 5 (plot 28-29), as proposed	7071-PL-39 A	09.02.2022
Floor plan	Type 5 (plot 32-35), as proposed	7071-PL-40 A	09.02.2022
Elevation plan	Type 5 (plot 32-35), as proposed	7071-PL-41 A	09.02.2022
Floor plan	Type 4 and 5 (plot 46-47), as proposed	7071-PL-42 A	09.02.2022
Elevation plan	Type 4 and 5 (plot 46-47), as proposed	7071-PL-43 A	09.02.2022
Floor plan	Type 9 (plot 51, 54, 63, 64), as proposed	7071-PL-44 A	09.02.2022
Elevation plan	Type 9 (plot 51, 54, 63, 64), as proposed	7071-PL-45 A	09.02.2022
Floor plan	Type 10 (plot 1, 2, 44, 45, 58), as proposed	7071-PL-46 A	09.02.2022
Elevation plan	Type 10 (plot 1, 44, 58), as proposed	7071-PL-47 A	09.02.2022
Section plan	Type 10 (plot 2 and 45), as proposed	7071-PL-48 A	09.02.2022
Elevation & Floor plan	Type 11 (plot 27), as proposed	7071-PL-49 C	02.02.2023
Floor plan	Type 12 (plot 48 and 55), as proposed	7071-PL-50 B	09.02.2022
Elevation plan	Type 12 (plot 48 and 55), as proposed	7071-PL-51 B	02.02.2023
Floor plan	Type 13 (plot 56-57), as proposed	7071-PL-52 A	09.02.2022
Elevation plan	Type 13 (plot 56), as proposed	7071-PL-53 A	09.02.2022
Elevation plan	Type 13 (plot 57), as proposed	7071-PL-54 A	09.02.2022
Location plan		7071-PL-01	09.02.2022

Site plan		7071-PL-03 C	26.05.2022
Details plan	Site, sheet 1	7071-PL-04 A	09.02.2022
Materials	Key plan	7071-PL-06 A	09.02.2022
Block plan		7071-PL-02 A	09.02.2022
Materials	Site, sheet 2	7071-PL-05 A	09.02.2022
Plans	Landscape masterplan sheet 1	PJC-1072.001 B	06.07.2022
Plans	Landscape masterplan sheet 2	PJC-1072.001 B	06.07.2022
Elevation & Floor plan	Type 1, (plot 6), as proposed	7071-PL-20 B	09.02.2022
Floor plan	Type 2, (plots 37, 38, 52, and 53), as proposed	7071-PL-21 A	09.02.2022
Elevation plan	Type 2, (plots 37, 38, 52 and 53), as proposed	7071-PL-22 A	09.02.2022
Floor plan	Type 2 and 3, (plots 67-69), as proposed	7071-PL-23 A	09.02.2022
Elevation plan	Type 2 and 3, (plots 67-69), as proposed	7071-PL-24 B	02.02.2023
Floor plan	Types 2 and 4 (plots 70-72), as proposed	7071-PL-25 A	09.02.2022
Elevation plan	Types 2 and 4 (plots 70-72), as proposed	7071-PL-26 A	09.02.2022
Floor plan	Types 2 and 5 (plots 4, 5, 40-43, 61, 62, 65, 66), as proposed	7071-PL-27 A	09.02.2022
Elevation plan	Types 2 and 5 (plots 4, 5, 40-43, 61, 62, 65, 66), as proposed	7071-PL-28 A	09.02.2022
Floor plan	Type 2 and 5 (plots23-26), as proposed	7071-PL-29 A	09.02.2022
Elevation plan	Type 2 and 5 (plots 23-26), as proposed	7071-PL-30 A	09.02.2022
Floor plan	Type 2 and 4 (plots 7 and 8), as proposed	7071-PL-31 A	09.02.2022
Elevation plan	Type 2 and 4 (plots 7 and 8), as proposed	7071-PL-32 A	09.02.2022
Floor plan	Type 6 and 7 (plots 30-31), as proposed	7071-PL-33 A	09.02.2022
Elevation plan	Type 6 and 7 (plots 30-31), as proposed	7071-PL-34 A	09.02.2022
Floor plan	Type 4 and 6 (plots 59-60, 73-74), as proposed	7071-PL-35 A	09.02.2022
Elevation plan	CYCLE STORES	7071-PL-65	02.02.2023

DELEGATED

Case Officer sign/initial Nicola Pettifer Date: 13/09/2024

Authorising Officer sign/initial _____ Date: _____