Horsham District Council

Vail Williams LLP
Savannah House
3 Ocean Way
Southampton
SO14 3TJ

Harwoods Garages Ltd London Road Pulborough West Sussex
Demolition of the existing car showroom and ancillary buildings and the erection of a new car dealership building and standalone workshop structure, and the reconfiguration of the car parking layout associated hard and soft landscaping.

Your application DC/23/1865 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.

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

Vail Williams LLP
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3 Ocean Way
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SO14 3TJ

Application Number: DC/23/1865

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

On behalf of: Suzanne Holloway - Vail WilliamsLLP

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 the existing car showroom and ancillary buildings and the erection of a new car dealership building and standalone workshop structure, and the reconfiguration of the car parking layout associated hard and soft landscaping.

Harwoods Garages Ltd London Road Pulborough West Sussex

to be carried out in accordance with Application No. DC/23/1865 submitted to the Council on 09/10/2023 and subject to compliance with the plans/documents and conditions specified hereunder.

Emma Parkes
Head of Development and Building Control

Date: 18/07/2024

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
Supporting Statement	Desk Study & Ground Investigation	J23187 REV 2	01.03.2024
Supporting Statement	WATER NEUTRALITY STATEMENT	14121	14.02.2024
Supporting Statement	TRANSPORT STATEMENT	REV 02	09.10.2023
Supporting Statement	ARBORICULTURAL IMPACT ASSESSMENT AND METHOD STATEMENT	LLD2993-ARB-REP-001	09.10.2023
Supporting Statement	HARD AND SOFT LANDSCAPE DESIGN STRATEGY	LLD2993-LAN-REP-001	09.10.2023

Supporting Statement	NOISE IMPACT ASSESSMENT	90544	09.10.2023
Supporting Statement	EXTERNAL LIGHTING REPORT	23-045	09.10.2023
Elevation plan	Existing	22056-HNW-ZZ-ZZ-DR-A-1300 REV P01	09.10.2023
Location plan		22056-HNW-ZZ-ZZ-DR-A-1100 REV P02	09.10.2023
Site plan	Existing with site levels	22056-HNW-ZZ-ZZ-DR-A-1120 REV P01	09.10.2023
Floor plan	Existing	22056-HNW-ZZ-ZZ-DR-A-1200 REV P02	09.10.2023
Site plan	Proposed	22056-HNW-ZZ-ZZ-DR-A-2101 REV P11	02.04.2024
Floor plan	Proposed	22056-HNW-ZZ-ZZ-DR-A-2200 REV P02	09.10.2023
Elevation & Floor plan	Proposed Workshop	22056-HNW-ZZ-ZZ-DR-A-2202 REV P03	02.04.2024
Elevation & Floor plan	Proposed bin and Cycle store	22056-HNW-ZZ-ZZ-DR-A-2203 REV P02	09.10.2023
Elevation plan	Proposed Elevations	22056-HNW-ZZ-ZZ-DR-A-2300 REV P02	09.10.2023
Elevation plan	Contextual existing and proposed	22056-HNW-ZZ-ZZ-DR-A-2305 REV P01	09.10.2023
Section plan	Existing and Proposed Site	22056-HNW-ZZ-ZZ-DR-A-2400 REV P01	09.10.2023
Layout plan	Parking Arrangement	22056-HNW-ZZ-ZZ-DR-A-2102 REV P06	02.04.2024
Layout plan	Phasing	22056-HNW-ZZ-ZZ-DR-A-2150 REV P04	09.10.2023
Roof plan	Proposed	22056-HNW-ZZ-02-DR-A-2201 REV P02	09.10.2023
Roof plan	Proposed	22056-HNW-ZZ-02-DR-A-2202 REV P02	09.10.2023
Layout plan	Landscape Masterplan	LLD2993-LAN-DWG-010 REV 01	09.10.2023

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 construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall include 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
iii. 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;
iv. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

The construction 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**: No development shall commence until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

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).

5 **Pre-Commencement Condition**: With the exception of the demolition and removal of the existing building and any concrete hardstanding no development shall commence until the following components of a scheme to deal with the risks associated with contamination,

(including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) An intrusive site investigation scheme to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
(b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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

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

6 **Pre-Commencement (Slab Level) Condition**: No new-build 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 buildings has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved, unless otherwise agreed to and approved in writing by the Local Planning Authority.

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).

7 **Pre-Commencement (Slab Level) Condition**: No new-build development above ground floor slab level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species, prepared by a suitably qualified ecologist, has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs or product descriptions to achieve stated objectives;
c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
d) persons responsible for implementing the enhancement measures; and
e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (as amended).

8 **Pre-Commencement (Lighting) Condition**: Prior to the installation of any lighting on the site, a lighting design scheme for biodiversity based on GN: 08/23 shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the Local Planning Authority 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 (as amended).

9 **Pre-Commencement (Operation) Condition**: No internally and/or externally located plant, machinery equipment or building services plant shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

Reason: As this matter is fundamental in the interests of neighbouring amenity relating to adjacent properties on Chestnut Walk and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 5(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 5(b), unless otherwise agreed in writing by the Local Planning Authority.

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

11 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that use have been implemented in accordance with the approved details as shown on plan 22056-HNW-ZZ-ZZ-

DR-A-2102 revision 05 (received by the Council on 09.10.2023) and shall be thereafter retained as such unless otherwise agreed to and approved in writing by the Local Planning Authority.

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

12 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the siting of each charging point, the specification of each unit, and the intended users. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

13 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until details 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. The use 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 unless otherwise agreed to and approved in writing by the Local Planning Authority.

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).

14 **Pre-Occupation Condition**: No part of the development shall be first occupied until such time as the existing southern vehicular dropped kerb access onto London road has been physically closed, and re-instated to a full hight kerb in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

15 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a Delivery, Collection & Service Management Plan, which includes details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries has been submitted to and approved in writing by the Local Planning Authority. In addition, the plan shall detail the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse shall be detailed. All deliveries and collections shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).

16 **Pre-Occupation Condition**: The use hereby permitted shall not take place until evidence has been submitted to and been approved in writing by the Local Planning Authority that fixtures and fittings have been installed in accordance with the BREEAM calculator (received by the Council on 14.02.2024) of 38lpd. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built BREEAM water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

17 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the phasing indicated on approved drawing no. 22056-HNW-ZZ-ZZ-DR-A-2150 revision P04, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reflect the relevant phasing of the development hereby permitted and as the retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

18 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment and Method Statement, prepared by Lizard Landscape Design and Ecology, dated 28 September 2023 (received by the Council on 09.10.2023).

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

19 **Regulatory Condition**: The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy 38 of the Horsham District Planning Framework (2015).

20 **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).

21 **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 (Lizard Landscape Design and Ecology, September 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority 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 (as amended) and Policy 31 of the Horsham Development Framework.

22 **Regulatory Condition**: No vehicles, plant or machinery shall be operated, no process carried out and no deliveries taken or dispatched from the site outside the following times:-

- 0730 - 1900 Mondays-Friday,
- 0730 - 1800 Saturdays, and
- 1000 - 1600 Sundays and Bank Holidays.

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

23 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or Orders amending or revoking and re-enacting the same, no access, vehicular or pedestrian, shall be formed to any section of London Road without express planning consent from the Local Planning Authority first being obtained.

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

24 **Regulatory Condition**: The premises shall not be open for trade or business except between the hours of:

- 0730 - 1900 Monday-Friday,
- 0730 - 1800 Saturdays, and
- 1000 - 1600 Sundays and Bank Holidays

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

25 **Regulatory Condition**: No works relating to the construction 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, unless otherwise agreed in writing by the Local Planning Authority.

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

Note to Applicant
The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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.