Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1010
Kingsmead Nursing Home , Crawley Road, Horsham, West Sussex, RH12 4RX

DESCRIPTION:
Demolition of the existing buildings and erection of an 80-bedroom specialist dementia care home (Use Class C2) together with a retained access from Crawley Road and associated car and cycle parking and landscaping.

RELEVANT PLANNING HISTORY:

NH/124/98	Erection of equipment/wheel chair store Site: Kingsmead Nursing Home Crawley Road Horsham	Application Permitted on 27.11.1998
NH/19/97	Erection of a special residential/nursing care unit Site: Kingsmead Nursing Home Crawley Road Horsham	Application Permitted on 22.04.1997
NH/18/89	Erection of 20 flats (From old Planning History)	Application Permitted on 11.04.1989
HR/47/76	Geriatric/old peoples wing annexe (From old Planning History)	Application Permitted on 03.05.1976
HR/4/71	Additional patients quarters (phase 1) Comment: + br (From old Planning History)	Application Permitted on 05.03.1971
HR/32/86	Extension to nursing home erection of 49 sheltered housing units & 5 units of staff accommodation Comment: Appeal (From old Planning History)	Application Refused on 19.06.1986
HR/232/86	Erection of 26 sheltered housing units & extension to nursing home Comment: Appeal allowed 27.8.87 (From old Planning History)	Application Permitted on 27.08.1987
HR/180/74	Outline;single storey building (From old Planning History)	Application Permitted on 16.12.1974
HR/109/69	Conv.of double garage into staff quarters for proposed nursing home Comment: + br (From old Planning History)	Application Permitted on 25.07.1969

SITE AND SURROUNDS
The application site is around 0.9ha and set on the southern side of Crawley Road, within the Horsham built-up area boundary. The site is currently occupied by a cluster of buildings which form the Kingsmead Nursing Home, now vacant, comprising some 54 residential rooms and other staff and residential facilities. Officers understand that the site has been fully vacant since May 2021. The front block (Kingsmead Lodge) is a low-rise single storey building set at an angle to Crawley Road, and dating from the 1980's. To the rear, and original inter-war property has been extended to form the accommodation wings and service functions of the nursing home facility (Kingsmead Nursing Home). The buildings have a combined footprint of 2,580sq.m.

Parking, ambulance and delivery bays are currently dotted around the site which has a large area of hard-standing wrapping throughout the site. The amenity gardens are located along the south and east sides of the rear building, and there is a large sitting out patio area to the north of the front building. Vehicular access comes off Crawley Road and is shared with 4 residential properties (Inglewood, Lynmead House, Quadrant house and Foxbury House) which lie to the south-west corner of the application site.

A PRoW (footpath_3571) runs alongside the site's southern boundary, and a terrace of three Grade II listed buildings lie to the north-west (Fernbank Cottage, old Timbers, and Oak Tree Cottage).

There is a significant tree belt along the rear (east) boundary and the southern boundary, which are not subject to any protection orders. However, records show several Preserved Trees (TPOs) are dotted within the site:

- TPO/0902: Horse Chestnut, Rowan and Scots Pine in the centre of the site - removed, Horse Chestnut and Maple in the northern area of the site – removed, Yew and Sycamore alongside the boundary with Fernbank – Yew removed, and Scots Pine and Douglas Fir at the front of the site, alongside the vehicular entrance – still present.

Although there are no apparent records or applications relating to the removal of these trees, aerial photographs show that these trees were removed at some point between 2012 and 2018. The Officer's site visit confirms the lack of a number of these identified trees subject to the TPO within the site, but that the Scots Pine and Douglas Fir along the site's frontage remain in place.

DETAILED DESCRIPTION

The proposal involves the redevelopment of the entire site, with the demolition of all buildings followed by the erection of a new 80-bed specialist care home (dementia) with a footprint of around 2,344sq.m (GEA).

Access is to be retained from Crawley Road, and a new cohesive parking area would provide 25 car parking spaces, of which 2 are marked as disabled bays and 6 provided with EV charge points, 1 ambulance bay, a drop off-pick up bay and 12 cycle spaces. The layout includes a refuse and gas store building and a substation unit in the southern area.

Landscaped grounds connected by pathways are located to the rear (east) side, the north side and wrap around the front wing that extends towards Crawley Road. The submitted plans shows the retention of the tree remaining TPO trees on the site, located along the front boundary, as well as other existing vegetation.

Some 40 part-time staff, and 40 full-time staff are envisaged for the site (60 Full-time equivalent).

The exterior of the building reflects the clay tile roofs, brick and tile-hanging found in the locality of the site, but incorporating large windows and patio doors at ground floor. The T-shaped stepped building adopts a lower profile to the front wing which adjoins Crawley Road whilst the rear wing steps up to accommodate service and staff functions within the roof-space. A first-floor resident terrace is located on the northern side of the front wing, provided with a 2m high glass screen.

The site would be provided with boundary fencing and entrance gates to facilitate the safety of residents and create secure private grounds.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF):

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 18 - Retirement Housing and Specialist Care
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

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

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

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

Horsham District Local Plan (Reg 19)
Draft policy 1: Sustainable Development
Draft policy 2: Development Hierarchy
Draft policy 11: Environmental Protection
Draft policy 12: Air Quality
Draft policy 13: The Natural Environment and Landscape Character
Draft policy 17: Green Infrastructure and Biodiversity
Draft policy 19: Development Quality
Draft policy 20: Development Principles
Draft policy 21: Heritage Assets and Managing Change within the Historic Environment
Draft policy 24: Sustainable Transport
Draft policy 25: Parking
Draft policy 27: Inclusive Communities, Health and Wellbeing
Draft policy 42: Retirement Housing and Specialist care

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Neighbourhood Plan:
The North Horsham Parish Council voluntarily withdrew from the Neighbourhood Development Plan process on 30th July 2018

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 Architect: No Objection subject to conditions / recommendations
(see body of the report for detailed comments)

HDC Conservation: No Objection
(see body of the report for detailed comments)

HDC Environmental Health: No Objection subject to conditions

HDC Arboricultural officer: No Objection
(see body of the report for detailed comments)

HDC BNG Ecology: Comment
[Summary dated 22.10.2024] – updated information and response has been reviewed., along with walkover photographs (May 2024) The only outstanding comment is that whilst the final HMMP can be submitted alongside the Biodiversity Net Gain Plan, an idea of what condition assessment criteria are proposed to be met for each habitat creation and enhancement. I'd recommend adding this information into the BNG report and/or the metric in the 'user comments' column.

[Summary dated 24.07.2024] – More information / No Objection

- The application plans to exceed the requirement to deliver a 10% uplift in biodiversity, delivery of 20.11% net gain in area habitat, and 2511.93% net gain for hedgerows. The BNG proposals are feasible and achievable and are considered significant on-site BNG as per definitions within the planning practice guidance – to be secured by way of legal agreement
- A phase 1 habitat survey was undertaken on 23rd September 2022, and according to the BNG Design Stage Report (2024), updated site photographs taken in May 2024 confirm the habitats on Site have remained in the same condition. However, the 2024 photographs are not provided within PEA/BNG reports. These should be provided or appended to an updated PEA report to corroborate this statement.
- No draft Habitat Management and Monitoring Plan (HMMP) submitted, which is a requirement as per HDC's Local Validation List. Whilst the habitat types proposed are believed to be achievable, it is not clear how the Applicant intends to reach the target conditions and any selected criterions of the proposed habitat creation on Site.

OUTSIDE AGENCIES

WSCC Highways: No Objection – conditions advise
[Summary dated 04.12.2024] - Drawing 'Proposed Uncontrolled Crossing nr Norfolk Arms PH' drawing no. FIGURE_3 REV A shows dropped kerb/tactile paving of the pub car park access. This is considered to improve continuous pedestrian connectivity from the care home to the nearest bus stops on B2195. The works should be funded and undertaken by the developer under a s278 minor works licence (applied to WSCC Highways Agreements team as per below informative). The LHA advise that both the off-site highways works and Travel Plan are secured via legal agreement (s106).

[Summary 22.11.2024] – More Information as per previous request dated 14.10.2024

[Summary 14.10.2024] – No Objection/ plan required before final conditions can be advised

- Provision of tactile paving / dropped kerb at Norfolk Arm side access accepted, works would be secured under a minor works license and should be secured under a s106 agreement. Still

required to be demonstrated on plan for review. Comment regarding the provision of tactile paving on the central refuge and the position of the lighting column is accepted
- Mobility parking layout provided and shows the required hatching
- Updates to the Travel Plan have been provided. Monitoring fee to be secured by way of the legal agreement

[Summary 29.07.2024] – More information
- The site is accessed from Crawley Road, subject to 30mph though this increases to 40mph a short distance north of the existing access. The existing vehicle access will be retained with no changes – this served the lawful care home use and still serves residential properties at Kingsmead Close. An ATC speed survey revealed 85th percentile speeds of Northbound 36.7mph and Southbound 35.5mph. Vehicular visibility splays of 2.4m x 60m are achievable and thus no concerns are raised in safety terms to use of the existing access.
- A car parking accumulation assessment was undertaken using TRICs data. This found the most vehicles parked at one time as 20. Whilst this was not undertaken on specific demand/staff numbers/ shift patterns of this development, the LHA consider that 28 x spaces proposed is sufficient considering the opportunity for sustainable/ active transport uptake and car sharing (To be conditioned):
    - The disabled parking bays should be provided with additional access/hatching as per fig 10. Of DfT Inclusive Mobility
- Travel Plan submitted to include a number of measures to promote sustainable/active travel uptake and decrease single occupancy vehicle trips, the following updates/additions to the TP are advised:
    - Commitment to the TP being monitored in accordance with the TRICS UK Standard Assessment Methodology (aka TRICS SAM). This involves 3 multi-modal surveys over a 5-year period whereupon the 15% trip rate reduction target should be achieved or further TP measures implemented. The developer/Travel Plan Coordinator should commission these directly with the TRICS organisation. The initial TRICS SAM survey should be conducted within six months of occupation (year 1) with subsequent surveys in years three and five
    - The target for reduction of single occupancy vehicle trips should be 15% not 10% considering the urban location of site
    - Commitment to monitor cycle stand usage and provide additional stands if demand arises.
- There are street lit footways either side of Crawley Road and central refuge crossings within the vicinity. Side road crossings are generally dropped kerbs within the area.
- The nearest bus stops are to the north with regular services to Horsham, Worthing, Crawley and Gatwick. Considering the increase in staff footfall from the development and opportunity to improve existing pedestrian infrastructure, the LHA request the following:
    - Install dropped kerb/tactile paved crossing of Norfolk Arm side access which is currently full height kerb
    - Explore potential for tactile paving at existing dropped kerb/central refuge.

Ecology Consultant: No Objection subject to conditions
[Summary dated 31.10.2024] – Additional details Email (PJC Consultancy, 9th September 2024), DNA Analysis Letter Report (PJC Consultancy, May 2024), Bat Survey Report (CSA Environmental, October 2022 and Preliminary Ecological Appraisal (PJC Consultancy, September 2022) has been reviewed. Conditions advised in respect of the following:
- A Bat Mitigation Class Licence will require that the site is registered before commencement of any works
- Non-licensed Precautionary Method Statement for Hazel Dormouse in Section 4.3.18 of the Preliminary Ecological Appraisal (PJC Consultancy, September 2022)
- Precautionary Method Statement for mobile protected species, such as reptiles and Hedgehog (Priority species) in Sections 4.3.28 and 4.3.29 of the Preliminary Ecological Appraisal (PJC Consultancy, September 2022)
- Mitigation measures identified in the DNA Analysis Letter Report (PJC Consultancy, May 2024), Bat Survey Report (CSA Environmental, October 2022) and Preliminary Ecological Appraisal (PJC Consultancy, September 2022)

- Wildlife Friendly Lighting Strategy

WSCC Fire and Rescue: Comment
[Summary dated 23.10.2024] – revised details satisfy the B5 requirements, water supply for firefighting and Fire Service access – considered acceptable

[Summary dated 13.09.2024] - No current details in whether the building is to be fully sprinklered and whether turning can be achieved on site for fire tenders

WSCC Flood Risk Management: No Objection subject to conditions
[Summary dated 29.06.2024] – Drainage Strategy provided to account for the local flood risk issues and surface water drainage at this location reviewed.

[Summary dated 29.06.2024] - Objection

- Drainage Strategy has not provided sufficient evidence that the development will not increase the risk of flooding to the site or elsewhere. Specifically, BRE365 infiltration testing or equivalent should be undertaken for this site. The LLFA would also recommend further consideration to the SuDS hierarchy giving further detail as to why some SuDS features have not been considered. Greenfield calculations should also be submitted for review.

WSCC Rights of Way: No Comments

Natural England: No Objection subject to Water Neutrality Mitigations being secured

North Horsham Parish Council: No Objection
Members would assume that usual conditions would be in place during the demolition and construction stage regarding excessive noise, dust and restricted working hours on weekdays and weekends.

Representations:
To date, two letters of representation have been received, one of which has raised objections, the other has raised comments, neither objecting nor supporting the proposal.

Objections:

- 80-bed unit appears excessive – more than double on site now
- Parking an issue – not enough on site

Comments:

- Working from home in an attic room and essential to be able to open windows – concern that the construction noise will disrupt working and important telephone calls when windows are open
- Would like developer to maintain trees along their property line that back onto the footpath as they are dangerously high and block light – but want them kept for privacy

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

Principle of Development:
The site is located within the Horsham built-up area boundary (BUAB), which is the main settlement town within the district. There are reasonable bus and rail network connections available.

Development under HDPF Policy 3 of the Horsham District Planning Framework (2015) should be of an appropriate scale and nature to maintain the characteristics and functions of the relevant settlement according to the hierarchy of Policy 3.

The proposed development would increase access to specialist care housing within the district, specialising in dementia care, resulting in 80 bed-spaces, each of which is a private en-suite room.

The proposed development would replicate and enhance the functions of the existing care home across the application site, utilising the existing vehicular access off Crawley Road, and not ensuring that amenity gardens are to be retained around the replacement building.

As such, the principle of the proposed development is considered to accord to national and local planning policies relating to the development of sites within established BUAB, and making efficient use of land. Officers note that the proposal would accord with the emerging policy 2 in the draft Horsham District Local Plan (Reg 19).

Need:
HDPF policy 18 supports the provision of retirement housing and specialist care housing, recognising the growing elderly population of the district, and seeking to ensure that these sites are accessible by foot or public transport to local shops, services, and community facilities. HDPF policy 42 refers to inclusive communities, seeking to ensure that socially inclusive and adaptable environments are supported which, amongst other criteria, meet the long-term needs of an aging population.

The submitted documents state that the existing facilities presented 'significant challenges in meeting the quality standards set out by the Care Quality Commission (CQC) and the expectations of the residents and their families'. Therefore, any re-use of the site and its existing buildings was not considered to be feasible. The proposal would therefore seek to address these improvements and increase the level and range of specialist care that is provided on the site, whilst re-configuring and re-building existing structures on the site to a more cohesive and fit-for-purpose development.

This development would help to meet the need for specialist accommodation within the district as well as providing a benefit to the local economy by providing and retaining on-site employment opportunities.

The proposal therefore accords with the principles of HDPF policies 18 and 42. As part of the draft Horsham District Local Plan (Reg 19), emerging policy 27 expands upon the existing HDPF policy 42, by referring to the desire to support Horsham as a 'dementia-friendly' District and meeting the needs of residents with sensory and mobility difficulties, creating 'healthy, safe and inclusive places which enable and support healthy lifestyles and address health and wellbeing needs'. Draft policy 42 looks to support specialist care housing, particularly where it is located within or adjoining defined built-up areas.

Elderly Accommodation, Affordable Housing and Mix
The scheme would provide important niche market care offering 80 x dementia care bedrooms, and access to support staff and complementary facilities.

The whole site would be regarded as a 'Residential Institution', falling within Use Class C2 on account of the level of care provided to the prospective residents. As such, this element would not be required

to generate an affordable housing contribution and is £0 rated development for the purposes of the Authority's Community Infrastructure Levy (CIL) charging schedule.

Having drawn that distinction, Officers consider that the proposed care element cannot be considered as providing 'dwellings' and thus HDPF Policy 16 (which seeks 35% affordable housing contributions to be secured on all proposals for residential developments above a certain scale) cannot apply. However, Policy 18 requires supported schemes to meet identified needs for those on lower incomes, including the requirement for an 'affordable' element, although there is nothing further within the policy or its associated text on the percentage and type of affordable housing such development should provide. Likewise, the Council's Planning Obligations and Affordable Housing SPD provides no further relevant detail.

Within the emerging Horsham District Local Plan (Reg 19) draft policy 39 requires a provision towards affordable homes on sites including specialist care housing (at a minimum of 30%) but only where the accommodation is self-contained as clarified at para 10.61 of draft policy 42. This site would therefore not be expected to contribute towards affordable housing under the emerging local plan.

It is likely that many prospective residents within this type of accommodation will have previously lived within the district or will have family connections nearby. Officers therefore conclude that the significant and growing need within the district makes it likely that residents of the district would occupy most of the units, thus reflecting a local need.

Design and Appearance:
The built development in the immediate locality is one that reflects the date or origin for much of the development, largely dating from the 1960's and 1970's, exhibiting the use of clay pantiles, rendered, brick or tile-hung elevations. There are a few historic buildings dotted throughout the area, such as the listed terrace to the north of the application site, and the pub to the south (The Norfolk Arms), which is a white painted stone building with clay tiled roof, gablets and fish-scale hanging tiles to the gable-ends. The design approach adopted for the proposed development echoes this unassuming architectural style, introducing double-height bay features throughout the development to add elevational interest to the building, large windows, and a palette of materials identified which seeks to reflect the nearby development: brick, tile-hanging and slate roofs. Officers note the use of slate roof tiles is not found in the locality, and would therefore suggest a clay tile is used instead. However, this can be secured by way of a suitable planning condition.

Details on new and replacement boundary fences or walls has not been provided and will be an essential component for consideration as part of the overall hard and soft landscaping, particularly across the site's frontage. Further reference is made to the design of the boundary walls, and retaining walls to the grounds by the Council's Landscape Officer, which could incorporate water features, benches or raised planters as part of the cohesive garden design. Officers consider this can be secured as part of a suitable planning condition.

The proposal would accord with the objectives of Policies 32 and 33 of the HDPF, insofar as the architectural design approach is concerned. The proposal takes account of the sensitivities of the surrounding development and relates sympathetically with the built surroundings, in line with the requirements of policies 32 and 33 of the HDPF 2015. The proposal would accord with the expectations set out in the emerging policies 19 and 20 of the draft Horsham District Local Plan (Reg 19), which seek to ensure development character, design and quality respects and responds to the localised context of the site.

Trees and Landscaping:
The Council's Tree Officer has reviewed the submitted details and notes the site context, where there are several mature roadside tree specimens that make a positive contribution to the street-scene. Three of these are subject of Tree Preservation Order 0902, which are not shown to be directly impacted upon by the development. The remainder of the principal arboricultural features of the site comprises the collective belt of trees and understorey vegetation that wraps around the Southern and Eastern boundaries.

Officers are satisfied that these trees would be reasonably retained subject to their appropriate protection from the development processes. Furthermore, the Council's Tree Officer advises that the extent of tree loss across the wider site. and incursions for specialist engineering into the recommended root protection areas of retained trees, should not have a significant foreseeable impact on the current landscape setting, subject to appropriate tree protection measures being implemented in accordance with the submitted Arboricultural Method Statement.

The Council's Landscape Consultant has reviewed the proposal and is broadly supportive of the proposal, noting that the central building position allows for greater landscaped edges, also allowing for a greater separation from the listed terrace to the north-west of the site.

Whilst the proposed design and layout accords with a number of principles advised for landscape design for people living with dementia, the efficacy of the growing gardens to the north of the block is queried, as this area is likely to be in shade for a large part of the day. Further suggestions which could be secured by way of planning conditions:

- *loss of a total of 17 individual trees, three partial groups and one hedgerow require removal to facilitate the proposals. Of these, six trees are assessed as category B and within these 6, 4 are Lawson Cypress. As a guide, generally we would expect to see mitigation for the loss of category B specimens at a minimum of 2-1 ratio dependent on the available planting area. Furthermore, given the loss of 4 Cat B coniferous species, we would welcome the inclusion of similar such as Cedrus deodara or Cedrus libani.*
- *note the proposed new tree planting on the outer edge of the site, without levels information it is difficult which area is proposed higher. If the proposed trees are within the higher ground, we recommend seeking advice around planting trees within made up ground to avoid failure.*
- *Sustainable Drainage Strategy Report (dated: June 2024) indicates three areas as tree pits/rain gardens across the site. Two to the north and one the south around the entrance together with a Bioretention Area. This is also shown on both Drainage General Arrangement Plans (24016 - ARC - XX - XX - DR - D - 5001 - P2 & 24016 - ARC - XX - XX - DR - D - 5002 - P2). However, this detail appears to have been omitted from the General Arrangement Plan (dwg. 12586-FPCR-XX-XX-DR-L-0001) and we would welcome detailed drawings of this inclusion moving forward.*
- *To improve biodiversity, the rain gardens should be combined with a range of vegetation types such as wildflowers and other nectar rich plants, trees and shrubs, grasses of various heights, drought tolerant species as well as marginal aquatics and wet grassland.*

As indicated in the Landscape Masterplan, the proposal introduces peripheral landscaped grounds including walkways and seating areas. The resulting layout therefore offers benefits over the existing site layout, where garden areas where fragmented and dominated by central hard-standing and parking areas. The allocation of parking and other service / staff related facilities along the southern side of the building an site reflect this being the darkest and dampest part of the site, as noted by officers during their site visit, given the density of the boundary vegetation. The re-planning of the entire site therefore enables the amenity gardens to be focussed in areas which benefit from more light and sun.

New trees, formal planting blocks and native hedgerows would complement the site layout and provide new ecological and biodiversity enhancements to the existing site, with a number of new trees planted within the parking area to generate shade and vertical interest.

Officers therefore consider the proposed site layout is capable of relating sympathetically to the character and appearance of its surroundings, and would therefore be compliant with HDPF policies 25, 31, 32 and 33. Conditions are advised to ensure the expected landscape features within the site are appropriately carried out and enhanced. The proposal is considered to accord with the provisions set out in draft policies 13 and 17 of the emerging Horsham District Local Plan (Reg 19).

Heritage Impacts:
The Council's Heritage Officer has reviewed the proposal and notes that the origins of the terrace of three Grade II listed buildings to the north-west of the site (Fernbank Cottage, Old Timbers, and Oak Tree Cottage) may have formed as part of Rowlands Farm, in the late nineteenth and early twentieth centuries. There is evidence for a courtyard of buildings to the south on the proposal site, that may

have been a farm yard complex. However, development within this area has resulted in the row of cottages now being completely surrounded by suburban development, thus having lost their historic context.

Within this context, the Council's Heritage officer finds that the proposal would appear as a suburban form of design which would not appear out of context in this location, and which would have a neutral impact on the setting of the listed cottages.

Officers consider that there would be a public benefit in delivering the care facilities within the site which has previously been used for the provision of care facilities over the last 40+ years, and which would outweigh any visual harm which may otherwise have been identified to the setting of the listed terrace.

In conclusion, it is considered that the proposed development would not lead to any adverse impact on the setting of a heritage asset, as required by HDPF policies 33 and 34 and para 208 of the NPPF (2024). The proposal would accord with the provisions set out under emerging policy 21 of the draft Horsham District Local Plan (Reg 19).

Amenity Impacts:
The proposed development lies in close proximity to residential properties to the north, south and east sides, noting the intervening PRoW along the southern side (to Furzefield). Furthermore, there are adjoining garage and parking courts off Sycamore Avenue which adjoin the application site at the north and east sides.

To review the separation distances then in more detail:

- Back-to-back distance between eastern elevation and Sycamore Avenue = 23.5m - 28.5m
- Back-to-back distance between northern elevation and Sycamore Avenue = 28.8m
- Back-to-back distance between southern elevation and Furzefield Road = 40m (first-floor hallway window)
- Distance between northern elevation and Fernbank Cottage boundary = 7m at the closest point (no overlooking first-floor bedroom windows at this point)
- Distance between southern elevation and Lynmead House / Inglewood boundary = 12.5m – 17.4m
- Distance between northern elevation and 87 Sycamore Avenue boundary = 8.8m (First-floor lounge windows unopenable and frosted up to 1.7m above FFL)
- Distance between eastern elevation and 85 Sycarmore Avenue boundary = 18m
- Distance between first-floor terrace and residential boundaries at Fernbank Cottage / Old Timbers and Sycamore Avenue = 25.5m, 29.5m and 32.6m

The distances between the proposed development and surrounding residential properties have been noted and assessed. Subject to the use of obscure glazing where stated on plans, along with the location of the facing windows, officers consider that the impact acceptable, with distances of separation in excess of 21m achieved where back-to-back windows would occur, thus meeting the Council's Design Guidance.

In terms of the requirements of HDPF policies 33, seeking to ensure that development would avoid unacceptable harm to neighbouring amenities, officers are satisfied that this would be achieved, and could be ensured by way of conditions. The proposal would accord with the provisions set out under emerging policy 20 of the draft Horsham District Local Plan (Reg 19).

<u>Amenity – Future Occupiers:</u>
Paragraph 130(f) of the NPPF seeks to ensure that development is safe, inclusive, accessible and which achieves a high standard of amenity for existing and future users. Policy 32 of the HDPF, further, seeks to ensure that development provides an attractive, functional, accessible and adaptable environment.

Each of the en-suite bedrooms would have good levels of outlook and internal space to suit the needs of future occupiers. Whilst it is inevitable that some of the units would have ground-floor habitable

rooms facing communal external areas or circulation paths, passing footfall would be limited to other residents and / or their visitors. Furthermore, the occupants of these rooms would be able to access the large areas of communal open space and the gardens.

It is, therefore, considered that future occupiers would benefit from a sufficient standard of amenity so as to satisfy the provisions of NPPF paragraph 135(f), and HDPF policies 32 and 33 and emerging policy 21 of the draft Horsham District Local Plan (Reg 19).

Highways Impacts:
Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district.

Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.

Emerging policy 24 of the draft Horsham District Local Plan (Reg 19) seeks to ensure that development is located where possible to prioritise walking and cycling to meet day-to-day needs, whilst draft policy 25 sets out the expectations of parking within new development, ensuring sufficient considerations are included not only for cars ad cycles, but also for mobility scooters and electric charge points for all vehicles.

Access / Capacity / Accessibility:
There are no changes proposed to the access between the site and the public highway, being Crawley Road, with the public highway in this location subject to a 30m.p.h speed limit. The Local Highways Authority have noted that the proposal is supported by a Transport Statement (TS) and a Travel Plan (TP). They note that the existing vehicle access is to be retained with no changes – this served the lawful care home use and still serves residential properties at Kingsmead Close. An ATC speed survey revealed 85th percentile speeds of Northbound 36.7mph and Southbound 35.5mph. Vehicular visibility splays of 2.4m x 60m are achievable and thus no concerns are raised in safety terms to use of the existing access.

TRICs has been used (care home sites) to predict likely increase in vehicle movements as a result of the bedroom increase for the care home use. This found an additional 4 trips in both AM and PM peaks respectively and an additional 64 vehicle movements over typical weekday. This increase is not anticipated to be at a level that would result in detrimental impact to the operational capacity of the nearby road network.

In terms of accessibility, the site is noted to be within the BUAB of Horsham, with regular bus service available from a bus stop some 150m to the south of the site (both southbound and northbound). Whilst a pedestrian island / refuge crossing to the north of the access is provided with tactile paving and a dropped kerb, the crossing point to the south of the access, which is closer located to the bust stops, is lacking a similar provision. Therefore, infrastructure works to provide this crossing with tactile paving and dropped kerbs, should be secured by way of an appropriate s106 legal agreement.

A swept path tracking for a refuse collection vehicle has been undertaken and demonstrated within the site.

Therefore, subject to the provision of the identified infrastructure works, the proposal does not raise ay highway safety or capacity issues, leading to a severe impact that would warrant a refusal in terms of NPPF para 115, with the site suitably located where staff and visitors are provided with a meaningful choice of non-car based travel options.

Parking:

The proposal sets out an increased parking capacity at the site, over and above the existing care-home parking provision, with spaces allocated for some 28 cars, serving visitors and staff. Given the proposed nature of the care home, it is unlikely that residents would drive or own a car, so car-based traffic and parking would be derived from visitors and staff. The layout includes the provision of EV charging parking spaces, a cycle parking store (accommodating 12 cycles) and an ambulance / drop-off bay. The Local Highways Authority note that a car parking accumulation assessment was undertaken using TRICs data, which found the most vehicles parked at one time was 20. Whilst this was not undertaken on specific demand/staff numbers/ shift patterns of this development, the LHA therefore consider that 28 x spaces proposed is sufficient considering the opportunity for sustainable/ active transport uptake and car sharing. It is furthermore suggested that the Travel Plan be updated to include the provision that cycle stand use be monitored to be increased if additional demand arises.

Disabled bays and their markings have now been provided on plan to address LHA comments.

Overall, subject to the suggestions, the Local Highways Authority concludes that the proposed parking provision would be acceptable for the proposed development.

The proposed development would therefore be capable of providing an acceptable level of on-site parking facilities to meet the anticipated needs of staff and visitors, in line with HDPF policy 41 and the emphasis for sustainable transport options promoted under NPPF (para 115), along with suitable EV provision.

Ecology:
Protected Species and Biodiversity:
Policies 25 and 31 of the HDPF seek to protect the natural environment and landscape character of the district. Protected habitats and species will be protected against inappropriate development, and opportunities to enhance green infrastructure and biodiversity will be encouraged.

In support of this application, the applicants have provided a Preliminary Ecological Appraisal (PJC Consultancy Ltd, date Sept 2022, received 03.07.2024) and it is noted that a licence for bats, or further surveys would be required prior to commencement of any works as building B3 was identified for Common Pipstrelle roost.

Subject to appropriate conditions securing appropriate mitigation and an ecological enhancement strategy it is considered that the proposal would satisfy the requirements on HDPF policies 25 and 31 in respect of its effects upon local biodiversity and protected species.

Habitat Sites – Water Neutrality
The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

It is noted that the existing care home ceased to be fully occupied in 2021, but prior to this it was occupied by a range of residents of varying ages, and staffed. In support of the proposed development the applicant has provided a Water Neutrality Statement (Arc Engineers, 24016-01, Feb 2024), which takes account of the current water use of the care home site, referencing water bills of both buildings across a 4 year period up until the site's closure. Even acknowledging that occupancy was being wound down in the last year (2021) the evidenced water use at the site shows a combined staff and resident water use of 13,557 litres / day.

The proposed water demand assumes 125l/p/d for the prospective residents (125 l/p/d x 80 = 10,000 l/d). Staff are assumed to use a lower volume of water, and have been calculated as using 50% of the residents (62.5 l/p/d), but using a ratio of 40 staff, which arrives at an overall daily water demand of **12,500l/d.**

Officers note that the application form assumes a staffing ratio of full and part time staff of 60 FTE, which is a more robust figure. Officers also note that a comparable care home site has used a figure of some 50 l/p/d for staff consumption, which officers and Natural England accepted. Based on this ratio, the likely water use for the replacement care home facility is calculated to being 13,000 l/d, which is still less than the existing water bills evidence on the pre-existing care home facility. The calculations therefore establish that the proposed development would achieve a water neutral position, with a small amount of headroom.

The Authority has conducted an appropriate assessment in respect of the proposed development, and concurs with the figures and calculations set out in the submitted WNS. Natural England have raised no objection to the mitigation provided the mitigation is suitably secured; conditions are attached to this effect.

It is considered, therefore, that the proposed mitigations provide the required certainty to the Authority to demonstrate that the proposal would avoid adverse effects upon the integrity of the Arun Valley SPA, SAC and Ramsar sites, either by way of direct impact upon sites associated with an independent abstraction source and/or by reason of the efficacy of proposed mitigations in eliminating increased demand for the use of mains-water. The consultation response of the nature conservation body concurs with the conclusions of the Authority's appropriate assessment in these regards.

It is therefore concluded that the evidence supports that the proposed development would achieve a water neutral development, and therefore accords with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Subject to conditions to secure the measures set out within the WNS there is no clear or compelling evidence to suggest that the proposal would result in an adverse impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 193, or the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):
Biodiversity Net Gain (BNG) is now 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 proposals look to achieve an on-site Biodiversity Net Gain capable of delivering 20.11% in area habitat, and 2511.93% for hedgerows.

In the event the application is approved, it is a condition of the planning permission that a Biodiversity Net Gain Plan, including a Metric Tool calculation, be submitted and approved in writing by the Local Planning Authority. This should show how the development will achieve BNG and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. The identified significant on-site enhancements should be secured over this period by way of a Legal Agreement.

Officers note that the proposal would deliver a more than 10% BNG across the site, in line with mandatory targets, and would furthermore, deliver more than the emerging expectations set out under emerging policy 17 of the draft Horsham District Local Plan (Reg 19), which sets a target of 12% for BNG.

Climate change / Air Quality Impact:
Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of

development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Potential Rainwater Harvesting – aligned with the water neutrality strategy (external use and irrigation only)
- Integration of SUDS and green infrastructure to manage flood risk
- Combined Heat / power systems (ASHP and PV panels)
- Consideration towards sustainable source materials
- Natural Ventilation to circulations spaces, bedrooms, dining and work rooms, and plant and storage rooms

Subject to these measures the application will suitable reduce the impact of the development on climate change in accordance with local and national policy.

HDPF policy 14 also seeks to ensure that the wider environment within the district is protected, particularly in relation to air quality. Air Guidance (2021) and DEFRA Damage Cost guidance, arising from increased vehicular movements associated with the scheme, and using the 'Road Transport Urban Medium' model, arrives at a damage cost of £2,196.

Officers note that the parking would include the provision of 6 EV chargers, available for visitors or staff to use would satisfactorily address the air damage cost and should be secured by way of a planning condition. This level of provision would exceed the minimum expectations set out under Part S (section 4).

Therefore, in line with paragraph 199 of the NPPF, sufficient opportunities have been incorporated as part of the proposal to seek to reduce adverse Air Quality impacts arising by way of the proposed development. These measures also accord with the priorities set out in the Council's 2022 Air Quality Annual Status Report, and HDPF policy 24 and emerging policy 12 of the draft Horsham District Local Plan (Reg 19).

Other Matters:

Drainage:
The site is not located within a defined flood risk zone, and is not subject to a groundwater risk. The EA mapping shows a low risk for the site in terms of surface water flooding, with a flow path through the rear of the site subject to a potential depth of less than 30cm.

The submitted drainage strategy has been reviewed by the Local Lead Flood Authority, which shows the use of permeable paving area, geo-cellular soakaways within the forecourt and to the rear patio, along with raingardens / tree pits within the landscaped gardens. Following the submission of requested details, the LLFA have been satisfied that the proposal would not lead to localised flooding, recommending the addition of a number of planning conditions to secure suitable implementation.

Fire and Rescue Service:
The Fire and Rescue Officer notes that the revised / additional details now satisfy the required Fire Safety details.

Climate change:
Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Efficient building fabric (Fabric first approach)
- Potential for Air Source Heat Pumps for hot water / heating
- Water efficiency measures

The amended Part S of the Building Regulations would require the provision of at least one EV charger (under Section S4), and cabling for a minimum of 1/5 of all other spaces (6 spaces).

Subject to the implementation of these measures (secured by condition), the application will suitably reduce the impact of the development on climate change in accordance with local and national policy. The provision of EV spaces would be expected to meet with the nationally applied Part S of the Building Regulations.

Subject to appropriate conditions to secure the above details and measures, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

S106 Agreement:
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

HDPF Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. The provision of affordable housing must be secured by way of a Legal Agreement, as would contributions to infrastructure and off-site improvements including sustainable transport commitments and air quality mitigation measures.

A s106 legal agreement to secure the obligations necessary to make this application acceptable in planning terms is required. The headline obligations include the following:

- Provision of funds towards Travel Plan Monitoring (£3,815)
- Provision of dropped kerb/ tactile paved crossing south of the site (Norfolk Arms bus stop)
- Securing and monitoring of significant on-site BNG

The s106 agreement has been submitted to secure the above measures, in line with HDPF policy 39.

Conclusions:
It is noted that the proposed re-development of this existing site would provide updated, enhanced and modern care home facilities, specialising in dementia care, for which there is an acknowledged need both now and throughout the plan period, which the proposal would help in addressing.

Accessibility of the site is considered to be good as it lies within the BUAB of Horsham, with bus stops and a bus route located at the entrance of the site, and a train station within walking distance, providing public transport choices for staff and visitors. Therefore, the proposal accords with the development plan which directs residential schemes towards existing settlement boundaries, thus according with HDPF Policy 18, other parts of the HDPF, and the SSWNP. The proposal would maintain its existing integration with the existing settlement, creating a mixed and balanced community.

The proposed site layout makes appropriate use of the previously developed site, within the BUAB, and would utilise some of the existing footprint, whilst taking the opportunity to better locate the building within the site which would provide for increased landscaping around the site's edges. Whilst it is accepted that the proposed development would resulting in a slight increase in building heights over and above the existing building, the likely impact to townscape setting, and neighbouring residential amenities have been duly assessed. There would be some residual impacts arising from the proposal in terms of residential amenities, but it is considered that these impacts would not lead to a materially detrimental, or harmful impact. The potential overlooking and perceived loss of privacy which the proposal might lead to has been mitigated by way of the layout, and by way of the distances of separation between dwelling walls being in excess of 21m.

In terms of landscape, biodiversity and ecological impact, Officers are satisfied that the submitted reports have addressed any concerns and that it would be possible to secure mitigatory conditions.

Lastly, the proposal would not lead to any harm to protected species, and can satisfactorily demonstrate a water neutral position, and therefore accords with Regulation 63 of the Conservation of Habitats and Species Regulations 2017

Accordingly, the proposal is recommended for approval, subject to the following conditions.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
All Other Development	4693	2831	1862
		Total Gain	1862
		Total Demolition	2831

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Application Permitted

Conditions:

1 Plans list

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**: No development hereby approved, including any works of demolition, shall 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:

(a) Details of site management contact details and responsibilities;

(b) A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:

i. location of site compound,

ii. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),

iii. site offices (including location, height, size and appearance),

iv. location of site access points for construction vehicles,

v. location of on-site parking,

vi. locations and details for the provision of wheel washing facilities and dust suppression facilities

(c) 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;

(d) Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

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

- All trees on the site shown for retention on approved drawing numbers [Arboricultural Impact Assessment/Method Statement / Tree Protection Plan, PJC/6593/24-01, by PJC Consultants Ltd, dated 18.06.2024, received 03.07.2024] as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

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

5 **Pre-Commencement Condition**: No development, including demolition, shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, 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 (as amended) and Policy 31 of the Horsham Development Framework (2015).

6 **Pre-Commencement Condition**: No development shall commence, excluding demolition, until construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a construction method statement have been

submitted and agreed in writing by the Local Planning Authority. This shall be supported by further winter groundwater monitoring. The scheme shall then be constructed as per the agreed drawings, Sustainable Drainage Strategy Report by Arc Engineers, June 2024, revision P3 and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with paragraphs 181 and 182 of the NPPF (2024), and Policy 38 of the Horsham Development Framework (2015).

7 **Pre-Commencement Condition**: Notwithstanding the preliminary details shown on drawings DR-D-5001-P2 1of 2 and 2 of 2, no development shall commence, excluding demolition, until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Consideration needs to be given to the provision of suitable grease traps to the commercial kitchen. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

8 **Pre-Commencement Condition**: No development, including demolition, which has the potential to impact on the breeding / resting place of 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) evidence of site registration by an individual registered to use a Bat Mitigation Class Licence; or
c) 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).

9 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, roofs, windows and bin stores has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **Pre-Commencement (Slab Level) Condition**: No development above ground level shall commence until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (PJC, dated Sept 2022, received 03.07.2024) has been submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

11 **Pre-Occupation / Use Condition**: Notwithstanding the details shown on drawing 12586-FPCR-XX-XX-DR-L-0001 Rev P03 -General Arrangement Plan, the development hereby approved shall not be occupied until full details of all hard and soft landscaping works, including boundary treatments, 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, showing accordance with the approved Arboricultural Impact Assessment/Method Statement / Tree Protection Plan, PJC/6593/24-01, by PJC Consultants Ltd, dated 18.06.2024
- Details of all proposed trees and planting, including schedules specifying species, planting size, girth and canopy spread, densities, plant numbers and tree pit details
- Details of all hard surfacing materials and finishes, as well as fixed features such as benches, shelters, pergola structures and raised planters, sheds and greenhouses, and retaining walls
- Details of all boundary treatments - specifying the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation

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).

12 **Pre-Occupation / Use Condition**: Notwithstanding the details shown on drawing 12586-FPCR-XX-XX-DR-L-0001 Rev P03 -General Arrangement Plan, the development hereby approved shall not be occupied until a landscape management plan (LMP) for all communal landscape areas has been submitted to and approved in writing by the Local Planning Authority. A Written Specification and accompanying plan shall include details of:
i. All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting.
ii. All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.
iii. Furniture (Bins, Benches and Signage).
iv. All operations and procedures for surface water drainage system; inspection of linear drains and swales, removal of unwanted vegetative material and litter.
v. Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

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

13 **Pre-Occupation / Use Condition**: The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage

scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
I. a timetable for its implementation,
II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect
III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with paragraphs 181 and 182 of the NPPF (2024), and Policy 38 of the Horsham Development Framework(2015).

14 **Pre-Occupation / Use Condition**: The development hereby approved shall not be occupied until a lighting design scheme for biodiversity based on Guidance Note: 08/23 has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework (2015).

15 **Pre-Occupation / Use Condition**: No part of the development hereby permitted shall be occupied until a survey and report from an independent surveyor has been submitted to and approved in writing by the Local Planning Authority, upon completion of the surface water drainage system, including any SuDS features. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 13. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with paragraphs 181 and 182 of the NPPF (2024) and Policy 38 of the Horsham Development Framework (2015).

16 **Pre-Occupation / Use Condition**: The development hereby approved shall not be occupied until provision for the storage of refuse and recycling has been made for the development in accordance with drawing number [12586-FPCR-XX-XX-DR-L-0001 Rev P03 -General Arrangement Plan]. These facilities shall thereafter be retained for use at all times.

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

17 **Pre-Occupation / Use Condition**: The development hereby approved shall not be occupied until 6No. charge EV points (or 3 x double/twin EV charge points) have been provided within the parking bays at the site, in accordance with drawing (A-1031 05 Rev F - Kingsmead Block Plan). The EV charge points shall thereafter remain as such.

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).

18 **Pre-Occupation / Use Condition**: The development hereby approved shall not be occupied until the vehicle parking spaces and turning and access facilities have been provided in accordance with the plans hereby approved (Site Layout Plan - 1031 01 PL rev F). The vehicle parking spaces, turning and access facilities shall thereafter be retained solely for that purpose and solely in connection with the development.

Reason: To ensure adequate car parking, turning and access facilities are available to serve the development in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

19 **Pre-Occupation / Use Condition**: The development hereby approved shall not be occupied until details of secure and covered cycle parking facilities for staff and visitors, and mobility scooter parking for residents, have been submitted to and approved in writing by the Local Planning Authority. The approved cycle and mobility scooter parking facilities shall be fully implemented and made available for use prior to occupation and thereafter be retained for use at all times.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

20 **Pre-Occupation / Use Condition**: The development hereby approved shall not be occupied until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority, arising as a result from building plant and / or machinery, such as refrigeration, air conditioning, ventilation / extract). The approved sound attenuation works shall be completed before the development is occupied and be retained thereafter. No additional building plant and/or machinery to be installed without prior approval from the Planning Authority.

Reason: As this matter is fundamental in the interests of neighbouring and prospective residential amenities by ensuring an acceptable noise level in accordance with Policy 33 of the Horsham District Planning Framework (2015).

21 **Pre-Occupation / Use Condition**: The development hereby approved shall not be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

22 **Pre-Occupation / Use Condition**: The development hereby approved shall not be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority to demonstrate that the approved Water Neutrality Strategy (by Arc Engineers, dated February 2024, received 03.07.2024) for the development 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 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), Paragraph 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

23 **Pre-Occupation / Use Condition**: In the event that a Grey Water Harvesting system is implemented as part of the Water Neutrality Strategy, for external use and irrigation purposes only, then the development hereby approved shall not be occupied until a management and maintenance plan for the greywater harvesting system has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include the following details, as relevant to the proposed use:

- o Details, including a plan or schematic, showing the supply - storage tanks, treatment etc, and means to record the total water consumption of each unit
- o Detail on what type of treatment that will be installed and how the water is to be utilised for external and irrigation purposes only
- o Details on how the external irrigation system would avoid sprinkler use or other above-ground irrigation means, so as to avoid aerosol dispersal

The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management plan shall be implemented without the written approval of the Local Planning Authority.

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 193 of the National Planning Policy Framework (2024), and to enable 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).

24 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat DNA Analysis Letter Report (PJC Consultancy, dated May 2024, received 03.07.2024), Bat Survey Report (CSA/6252/01, by CSA Environmental, dated October 2022, received 03.07.2024) and Preliminary Ecological Appraisal (4959E/22/02, by PJC Consultancy, dated September 2022, received 03.07.2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the non-licensed Precautionary Method Statement for Hazel Dormouse in Section 4.3.18 and the Precautionary Method Statement for mobile protected species in Sections 4.3.28 and 4.3.29 of the Preliminary Ecological Appraisal (4959E/22/02, by PJC Consultancy, dated September 2022, received 03.07.2024), This avoids impacts on European Protected Species and protected species.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

25 **Regulatory Condition**: 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).

26 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement / Tree Protection Plan [PJC/6593/24-01, by PJC Consultants Ltd, received 03.07.2024].

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

27 **Regulatory Condition**: No deliveries and commercial waste collections shall take place outside of 08:00 hours to 19:00 hours Mondays to Fridays and 09:00 hours to 18:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

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

NOTE TO APPLICANT
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
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 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
The applicant is advised that it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be

thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD, Tel: 0345 1300 228, email: equiries@bats.org.uk, http://www.bats.org.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
If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

NOTE TO APPLICANT
The applicant 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
A licensed waste removal contractor should remove all clearance debris and construction waste from site. No burning of materials should take place on site.

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.

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1010
(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

Location plan		A 1031 04 REV B	03.07.2024
Block plan	Block Plan	A 1031 05 REV F	22.08.2024
Layout plan	Site Layout Plan	A 1031 01 REV F	02.09.2024
Plans	FIRST FLOOR PLAN	A 1031 16 REV E	22.08.2024
Plans	SECOND FLOOR PLAN	A 1031 17 REV E	22.08.2024
Plans	PROPOSED ROOF PLAN	A 1031 18 REV E	22.08.2024
Plans	Ground Floor Plan	A 1031 15 REV E	22.08.2024
Plans	SITE SECTIONS 1 OF 2	A 1031 20 REV B	03.07.2024
Plans	SITE SECTIONS 2 OF 2	A 1031 21 REV B	03.07.2024
Plans	PROPOSED ELEVATIONS 1 OF 3	A 1031 30 REV C	22.08.2024
Plans	PROPOSED ELEVATIONS 2 OF 3	A 1031 31 REV C	22.08.2024
Plans	PROPOSED ELEVATIONS 3 OF 3	A 1031 32 REV C	22.08.2024
Plans	DRAINAGE GENERAL ARRANGEMENT (SHEET 1 OF 2)	DR - D - 5001 - P2	03.07.2024
Plans	DRAINAGE GENERAL ARRANGEMENT (SHEET 2 OF 2)	DR - D - 5002 - P2	03.07.2024
Plans	LANDSCAPE GENERAL ARRANGEMENT PLAN	DR-L-0001, REV P03	03.07.2024
Details Plan	Swept Path Analysis Fire Appliance	FIGURE_2	24/09/2024

DELEGATED

Case Officer sign/initial Nicola Pettifer Date: 17.03.2025

Authorising Officer sign/initial Adrian Smith Date: 17/03/2025