

PLANNING COMMITTEE APPLICATIONS

POST COMMITTEE REPORT

APPLICATION REFERENCE / ADDRESS:
DC/25/0629

Residential development comprising up to 204 dwellings and a commercial unit / residential unit, including the part-demolition and conversion of 'Building 3' and demolition of 'Building 36'. Vehicular access taken from Wimblehurst Road. Car and cycle parking, landscaping and open space and associated works. The replacement of the existing cedar trees at the site.

RESOLVED:

At its meeting on 17th March 2026, the Planning Committee resolved to approve the application, in accordance with the Officer recommendation. The recommendation was to approve permission subject to the completion of the necessary section 106 agreement.

The S106 agreement has now been completed. The conditions outlined below take into account the amendments presented to committee in an addendum. The wording of condition 20 has also been amended, as agreed by the LLFA, as requested by the applicant. The amendments are considered minor and do not require the scheme to be reconsidered by Planning Committee.

Since this application went to Planning Committee, it has been agreed with the agents to amend the description of development to include the wording 'up to' 204 dwellings. This amendment is considered minor and would allow a lower number of dwellings to be delivered factoring in the later loss of a ground floor flat unit to cater for the retention of a tree root protection area. This would not increase the quantum of development proposed or change any of the assessments made. The applicant has been informed that if there are any amendments proposed to the approved housing mix, this would need the approval of HDC.

Since the application went to committee, WSCC Fire & Rescue service have commented that a condition is required regarding the submission of fire hydrants. To address fire hydrants, condition 20 requires the scheme to deliver fire hydrants in accordance with the details outlined in the application.

Since the application went to committee in March, an additional objection has been received from the Wimblehurst Road Residents Group. The objection does not raise any new material considerations.

This decision can now be issued.

Case Officer: Jason Hawkes	Date: 21.07.2026
Authorising Officer: Adrian Smith	Date: 21/07/2026

1 **Plans Condition.**

2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun 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:** Other than works of site survey and investigations, the development hereby approved shall not commence until the following demolition and construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:

(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

(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:** Other than works of site survey and investigations, no development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

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

- 5 **Pre-Commencement Condition:** Other than works of site survey and investigations No development shall commence until a construction environmental management plan (CEMP: Biodiversity) shall be 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 e.g. for Falcon and Little Ringed Plover) and sensitive lighting scheme during construction..
- (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).

- 6 **Pre-Commencement Condition:** Other than works of site survey and investigations No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

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

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.
- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

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

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

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

- 7 **Pre-Commencement Condition:** Other than works of site survey and investigations No development shall commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of the roofs of the apartment blocks which may be attractive to nesting, roosting and 'loafing' birds. The Bird Hazard Management Plan shall be implemented as approved, upon completion of the roofs and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: To manage the roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and operation of London Gatwick in accordance with Policy 33 of the Horsham District Planning Framework.

- 8 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

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

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

- 9 **Pre-Commencement Condition:** Other than works of site survey and investigations, notwithstanding the submitted details, no development shall hereby commence a full detailed Air Quality Mitigation Measures Report has been submitted and approved by the Local Planning Authority. The report shall outline modelling and all mitigations measures stating how the measures will be delivered. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document, as well as West Sussex County Council's 'Guidance on Parking at New Developments'. The measures shall be implemented in accordance with the approved details and be retained as such thereafter.

Reason: To ensure the development provides appropriate and deliverable air quality mitigation measures in accordance with Policies 24 & 40 of the Horsham District Planning Framework (2015).

- 10 **Pre-Commencement Condition:** Prior to commencement of development (other than demolition) for blocks C01, C02a, C02b, C03, C07, C10, C11, C15 and C26 as shown on drawing reference HOR-ACG-XX-00-DR-A-1061 dated 17.02.26, a scheme of noise mitigation and mechanical ventilation sufficient to prevent overheating and maintain thermal comfort shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall demonstrate that CIBSE TM59 compliance would be achieved with the proposed design, and that CIBSE TM49 has been considered as part of the modelling. Any mechanical ventilation shall then be designed in accordance with the ANC Acoustics Ventilation and Overheating: Residential Design Guide 2020. The scheme shall include but not be limited to.

a) A scheme of façade insulation including performance details and a glazing plan that shall achieve the habitable and commercial room standards as detailed in BS8233:2014 with no relaxation for exceptional circumstances and appropriate consideration of L_{Amax} with suitable measures to ensure the thermal comfort of occupiers and prevent overheating.

b) A scheme of validation including at least three interim stages of construction work that shall be validated by site visit with suitable supporting records and photographs. The scheme of validation shall be submitted to and approved by the local planning authority prior to occupation

All work must be carried out by suitably qualified person prior to occupation and the approved noise, vibration attenuation and ventilation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details

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

- 11 **Pre-Commencement Condition:** Other than works of site survey, investigations and any demolition works, no development shall commence until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA dated 24.11.2025 and Drawings 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 NPPF and Policy 38 of the Horsham District Planning Framework (2015).

- 12 **Pre-Commencement Condition:** Other than works of site survey and investigations, no development shall commence to Block C11 until details of the proposed panelling to the ground floor of Block C11 have been submitted 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).

- 13 **Pre-Commencement Condition:** No development shall commence, which would impact the resting place of bats, 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 supplied by an individual registered to use a Bat Mitigation or Earned Recognition 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.

- 14 **Pre-commencement Condition:** No works of demolition of the wings of Building 3 shall take place before a timetable showing when works will commence on the rebuilding of the wings of Building 3 has been submitted to and approved in writing by the Local Planning Authority. The rebuilding of the wings of Building 3 shall be commenced in accordance with that timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the works to Building 3 are completed to ensure a satisfactory appearance to the Locally Listed Building in accordance with Policy 34 of the Horsham District Planning Framework (2015).

- 15 **Pre-commencement Condition:** No demolition shall take place until an updated Habitat Monitoring and Management Plan has been submitted for the approval of the Local Planning Authority. The scheme shall be implemented in accordance with the amended HMMP.

Reason: In order to achieve Biodiversity Net Gain on site in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 16 **Pre-commencement Condition:** No development shall take place for the construction of the sub-station until details of its layout and appearance have been submitted to and approved in writing by the Local Planning Authority. The sub-station shall be implemented in accordance with the agreed details.

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).

- 17 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a

Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the approved report, shall be 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 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, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended) and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 18 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved 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.

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).

- 19 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of any dwelling hereby permitted shall take place until details of all air source heat pumps proposed and any photovoltaic panels, including their location and appearance, have been submitted to and approved in writing by the local planning authority. The air source heat pumps shall be installed in accordance with the approved details.

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

- 20 **Pre-Occupation Condition:** Each dwelling / unit in the development hereby approved shall not be first occupied until details of the maintenance and management of the elements of the sustainable drainage scheme serving the respective dwelling / unit 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 relevant dwelling / unit 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:

- (a) a timetable for its implementation,
- (b) details of SuDS features and connecting drainage structures and maintenance requirement for each aspect
- (c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

- 21 **Pre-Occupation Condition:** Prior to the occupation of any dwellings hereby permitted, the relevant fire hydrant serving that dwelling, in accordance with the submitted Fire Statement Form, shall be provided and thereafter retained as such.

Reason: To ensure fire hydrants are provided for fire safety in accordance with Policy 32 of the Horsham District Planning Framework (2015).

- 22 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling in accordance with the approved plans. 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).

- 23 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Planting and seeding plans, including a schedule specifying plant numbers, sizes, densities and species in Latin names
- Details of the Dawn Redwoods to the central boulevard
- Coordination of planting plans with proposed ecological enhancement measures
- Hard and soft written specifications (NBS compliant) including ground preparation, cultivation and other operations associated with plant and grass establishment
- Tree pit and staking/underground guying details, including details for sloping ground and position of root barriers if required
- Details of all hard surfacing materials and finishes, including layout, colour, size, texture, coursing and levels
- Details of all boundary treatments - such as walls, fencing and railings - including location, type, heights and materials
- Details of minor artefacts and structures – street furniture and signage – including location, size, colour and specification
- Details of existing and proposed levels for all external earthworks associated with the landscape proposals – such as SuDS, play areas, retaining walls, banking etc - including cross sections where necessary
- Proposed and existing services above and below ground – such as drainage, power, communications cables and pipelines – including lines, manholes, supports and other technical features
- Details of all external lighting

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season subject to an agreed landscaping phasing plan. 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 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).

- 24 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a “lighting design strategy for biodiversity” for areas to be lit in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- (a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- (b) Show how and where external lighting will be installed (through 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 the above species using their territory or having access to their breeding sites and resting places.

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) and s40 of the NERC Act 2006 (as amended) and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 25 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been provided to the premises.

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

- 26 **Pre-Occupation Condition:** No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved

site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

- 27 **Pre-Occupation Condition:** No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

- 28 **Pre-Occupation Condition:** No part of the development shall be first occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by, the local planning authority prior to the occupation of the development [or specified phase of development]. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organisation responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures e.g. reptiles translocated to receptor site to inform ongoing management.
- (i) Maintenance schedules.
- (j) Accompanying plan delineating areas of responsibility.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details or a minimum of 30 years to deliver the required condition of habitats created.

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).

- 29 **Pre-Occupation Condition:** No dwelling shall be first occupied until the road(s), footways, and casual parking areas serving that dwelling have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

- 30 **Pre-Occupation Condition:** Prior to occupation of any dwelling hereby permitted, details shall be submitted of proposed bird habitat enhancements (species specific) such as boxes or bricks, including their location, design and fittings, for the approval of the Local Planning Authority in writing. The approved details shall be installed prior to occupation of a dwelling and thereafter retained.

Reason: To ensure provision of bird bricks and boxes to the development in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 31 **Regulatory Condition:** Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy 38.

- 32 **Regulatory Condition:** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greengage Environmental, 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 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 Planning Framework 2015.

- 33 **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).

- 34 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the commercial premises hereby permitted shall be used for uses within Class E(a)(b)(g)(i) and F2(a)(b) of the Town and Country Planning (Use Classes) Order 1987 and for no other purposes whatsoever,

(including those defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to (insert with reasons) under Policy 33 of the Horsham District Planning Framework (2015).

- 35 **Regulatory Condition:** The commercial premises shall not be open for trade or business except between the hours of 08.00 and 22.00 daily.

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

- 36 **Regulatory Condition:** The scheme shall be implemented strictly in accordance with the Peregrine Falcon Mitigation Strategy received on the 9th December 2025.

Reason: To safeguard a protected species in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 37 **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

Note to Applicant:

The applicant is advised that condition 23 should include details of wild flower planting.

Note to Applicant:

The applicant is advised that the larger units should be M4(3) compliant units, as referred to in the committee report.

Biodiversity Net Gain Conditions

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.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan)

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.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -

- (a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
 - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.