Horsham District Council

David Buczynskyj
Elivia Homes Ltd
First Floor West
Prism
1650 Parkway
Solent Business Park
Whiteley
Fareham
Hants
PO15 7AH

Application Number: DC/24/1081

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

On behalf of: C/O Agent

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the following development, that is to say:

**Variation of condition 1 of previously approved application reference DC/22/0372 (Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping) amendment to the affordable housing plans and to the approved site layout to include a sub-station.**

**Chanctonbury Nurseries, Rectory Lane, Ashington, Pulborough**

to be carried out in accordance with Application No. DC/24/1081 submitted to the Council on 08/07/2024 and subject to compliance with the plans/documents and conditions specified hereunder.

Emma Parkes
Head of Development and Building Control

Date: 04/10/2024

1 **Plans Condition**: The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

Schedule of plans/documents:

| Plan Type | Description | Drawing Number | Received Date |
|---|---|---|---|
| Plans | Proposed Substation | C9_23_46_PL_150 A | 27.08.2024 |
| Floor plan | Type 14 (plot 49-50), as proposed | 7071-PL-55 B | 02.02.2023 |

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| Elevation plan | Type 14 (plot 49-50), as proposed | 7071-PL-56 B | 02.02.2023 |
| Floor plan | Flat ground (plots 9-11 and 16-18), as proposed | 7071-PL-57 A | 09.02.2023 |
| Floor plan | Flat first (plots 12-14 and 19-21), as proposed | 7071-PL-58 B | 02.02.2023 |
| Floor plan | Flat second (plot 15 and 22), as proposed | 7071-PL-59 A | 09.02.2022 |
| Elevation plan | Flats (plots 9-22), as proposed | 7071-PL-60 B | 02.02.2023 |
| Elevation plan | Type 8B (plot 39), as proposed | 7071-PL-61 A | 09.02.2022 |
| Elevation plan | Garage Type 1 | 7071-PL-62 A | 09.02.2022 |
| Elevation plan | Garage Type 2 and 3 | 7071-PL-63 A | 09.02.2022 |
| Elevation plan | Garage Type 4 and 5 | 7071-PL-64 A | 02.02.2023 |
| Plans | Indicative visual 1 (plots 3-8) main access, as proposed | 7071-PL-70 A | 09.02.2022 |
| Plans | Indicative visual 2 (plots 61-64 and 70-72), as proposed | 7071-PL-71 A | 09.02.2022 |
| Plans | Indicative visual 3 (plots 44-47) view from southern POS, as proposed | 7071-PL-72 A | 09.02.2022 |
| Elevation plan | Street, sheet 1, as proposed | 7071-PL-80 B | 02.02.2023 |
| Elevation plan | Street, sheet 2, as proposed | 7071-PL-81 B | 02.02.2023 |
| Supporting Statement | Flood Risk Assessment | NONE | 02.02.2023 |
| Supporting Statement | Energy Statement | NONE | 09.02.2022 |
| Supporting Statement | Ecological Impact Assessment | NONE | 09.02.2022 |
| Supporting Statement | Biodiversity Impact Calculation | NONE | 09.02.2022 |
| Supporting Statement | Utilities and Drainage Assessment | NONE | 09.02.2022 |
| Supporting Statement | Transport Statement Report | NONE | 09.02.2022 |
| Supporting Statement | Phase 1 Geo-Environmental Investigation | NONE | 09.02.2022 |
| Supporting Statement | Travel Plan | NONE | 09.02.2022 |
| Supporting Statement | Water Neutrality Statement | NONE | 01.02.2022 |
| Supporting Statement | Planning Statement | NONE | 09.02.2022 |
| Supporting Statement | Accommodation breakdown by plot | NONE | 09.02.2022 |
| Supporting Statement | Mineral Resource Assessment | NONE | 09.02.2022 |
| Supporting Statement | Existing Tree Constraints | NONE | 09.02.2022 |
| Supporting Statement | Existing Tree Schedule | NONE | 09.02.2022 |
| Supporting Statement | Archaeological Desk-Based Assessment | NONE | 09.02.2022 |
| Supporting Statement | Site Habitat Baseline Report | NONE | 09.02.2022 |
| Design & Access Statement | | NONE | 09.02.2022 |
| Elevation plan | Type 4 and 6 (plots 59-60, 73-74), as proposed | 7071-PL-36 A | 09.02.2022 |
| Elevation & Floor plan | Type 8 (plots 3, 36 and 39), as | 7071-PL-37 B | 09.02.2022 |

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| | proposed | | |
| Floor plan | Type 5 (plot 28-29), as proposed | 7071-PL-38 A | 02.02.2023 |
| Elevation plan | Type 5 (plot 28-29), as proposed | 7071-PL-39 A | 09.02.2022 |
| Floor plan | Type 5 (plot 32-35), as proposed | 7071-PL-40 A | 09.02.2022 |
| Elevation plan | Type 5 (plot 32-35), as proposed | 7071-PL-41 A | 09.02.2022 |
| Floor plan | Type 4 and 5 (plot 46-47), as proposed | 7071-PL-42 A | 09.02.2022 |
| Elevation plan | Type 4 and 5 (plot 46-47), as proposed | 7071-PL-43 A | 09.02.2022 |
| Floor plan | Type 9 (plot 51, 54, 63, 64), as proposed | 7071-PL-44 A | 09.02.2022 |
| Elevation plan | Type 9 (plot 51, 54, 63, 64), as proposed | 7071-PL-45 A | 09.02.2022 |
| Floor plan | Type 10 (plot 1, 2, 44, 45, 58), as proposed | 7071-PL-46 A | 09.02.2022 |
| Elevation plan | Type 10 (plot 1, 44, 58), as proposed | 7071-PL-47 A | 09.02.2022 |
| Section plan | Type 10 (plot 2 and 45), as proposed | 7071-PL-48 A | 09.02.2022 |
| Elevation & Floor plan | Type 11 (plot 27), as proposed | 7071-PL-49 C | 02.02.2023 |
| Floor plan | Type 12 (plot 48 and 55), as proposed | 7071-PL-50 B | 09.02.2022 |
| Elevation plan | Type 12 (plot 48 and 55), as proposed | 7071-PL-51 B | 02.02.2023 |
| Floor plan | Type 13 (plot 56-57), as proposed | 7071-PL-52 A | 09.02.2022 |
| Elevation plan | Type 13 (plot 56), as proposed | 7071-PL-53 A | 09.02.2022 |
| Elevation plan | Type 13 (plot 57), as proposed | 7071-PL-54 A | 09.02.2022 |
| Location plan | | 7071-PL-01 | 09.02.2022 |
| Site plan | | 7071-PL-03 G | 27.09.2024 |
| Details plan | Site, sheet 1 | 7071-PL-04 A | 09.02.2022 |
| Materials | Key plan | 7071-PL-06 A | 09.02.2022 |
| Block plan | | 7071-PL-02 A | 09.02.2022 |
| Materials | Site, sheet 2 | 7071-PL-05 A | 09.02.2022 |
| Floor plan | Landscape masterplan sheet 1 | PJC-1072.001 B | 06.07.2022 |
| Floor plan | Landscape masterplan sheet 2 | PJC-1072.001 B | 06.07.2022 |
| Elevation & Floor plan | Type 1, (plot 6), as proposed | 7071-PL-20 B | 09.02.2022 |
| Floor plan | Type 2, (plots 37, 38, 52, and 53), as proposed | 7071-PL-21 A | 09.02.2022 |
| Floor plan | Type 2, (plots 37, 38, 52 and 53), as proposed | 7071-PL-22 A | 09.02.2022 |
| Elevation plan | Type 2 and 3, (plots 67-69), as proposed | 7071-PL-23 A | 09.02.2022 |
| Floor plan | Type 2 and 3, (plots 67-69), as proposed | 7071-PL-24 B | 02.02.2023 |

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| Elevation plan | Types 2 and 4 (plots 70-72), as proposed | 7071-PL-25 A | 09.02.2022 |
| Elevation plan | Types 2 and 4 (plots 70-72), as proposed | 7071-PL-26 A | 09.02.2022 |
| Floor plan | Types 2 and 5 (plots 4, 5, 40-43, 61, 62, 65, 66), as proposed | 7071-PL-27 A | 09.02.2022 |
| Elevation plan | Types 2 and 5 (plots 4, 5, 40-43, 61, 62, 65, 66), as proposed | 7071-PL-28 A | 09.02.2022 |
| Floor plan | Type 2 and 5 (plots23-26), as proposed | 7071-PL-29 A | 09.02.2022 |
| Elevation plan | Type 2 and 5 (plots 23-26), as proposed | 7071-PL-30 A | 09.02.2022 |
| Floor plan | Type 2 and 4 (plots 7 and 8), as proposed | 7071-PL-31 A | 09.02.2022 |
| Site plan | Proposed | PL-03 REV G | 27.09.2024 |
| Supporting Docs | Cover Letter | none | 08.07.2024 |
| Elevation plan | Type 2 and 4 (plots 7 and 8), as proposed | 7071-PL-32 A | 09.02.2022 |
| Floor plan | Type 6 and 7 (plots 30-31), as proposed | 7071-PL-33 A | 09.02.2022 |
| Elevation plan | Type 6 and 7 (plots 30-31), as proposed | 7071-PL-34 A | 09.02.2022 |
| Floor plan | Type 4 and 6 (plots 59-60, 73-74), as proposed | 7071-PL-35 A | 09.02.2022 |
| Elevation plan | CYCLE STORES | 7071-PL-65 | 02.02.2023 |

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

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

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

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

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

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

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

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

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for

longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.
The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

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

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

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

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

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

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

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

7 **Pre-Commencement Condition:** No development shall commence until a plan detailing all trees and planting to be removed, and all trees to be retained on and adjacent to the site, including means for their protection during construction work, has been submitted to and approved, in writing, by the Local Planning Authority. Development shall be carried out in accordance with the approved details and no trees or hedges shown to be retained shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and policy ASH5(B) of the Ashington Neighbourhood Plan.

8 **Pre-Commencement Condition:** No development shall commence until a Drainage Strategy detailing the proposed means of foul water disposal and a detailed surface water drainage scheme (including finalised surface water drainage designs and calculations) has been submitted to and approved in writing by the Local Planning Authority. The submitted details should include a Surface Water Drainage Statement (based on sustainable drainage

principles and an assessment of the hydrological and hydrogeological context of the development). The drainage designs shall show full coordination with a detailed landscape scheme and should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

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

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

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

10 **Pre-Commencement Condition:** No development, which has the potential to impact on the breeding / resting place of Hazel Dormouse and Bats, shall commence until the Local Planning Authority has been provided with either:
a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

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

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

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

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

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and policy ASH10(iv) of the Ashington Neighbourhood Plan.

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

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

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

- Details of all existing trees and planting to be retained as required under Condition 7
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of cycle storage provisions and refuse / recycling bin locations
- Details of all boundary treatments
- Ecological enhancement measures set out in (The Ecology Co-Op, December 2021)
- Co-ordination with the utilities layout as required under Condition 9
- Planting and screening details to the sub-station

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

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and policy ASH5(B) of the Ashington Neighbourhood Plan.

15 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas, including Public Open Spaces, provision of outdoor gym equipment and the buffer zone along the southern boundary, has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be provided, managed and maintained in accordance with the approved details.

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

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

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

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

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

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

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

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

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

20 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast

broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

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

21 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Design Stage Water Neutrality Report By Melin Rev E). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures, including all water butt provision as detailed in the approved water neutrality strategy, shall be retained as such thereafter.

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

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

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

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

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

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

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

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

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

26 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West

Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

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

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

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

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

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

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

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

31 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

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

32 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

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

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

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

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

Reason: In the interest of visual amenity and due to potential increased and elevated overlooking of Chanctonbury House and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**Note to Applicant**
Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at planningportal.co.uk/planning/planning-applications

**Note to Applicant**
The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

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

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

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

**Note to Applicant**
The applicant / developer is advised that a Deed of Variation will be required of the associated s106 legal agreement in respect of the revised affordable housing provision.

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

**Note to Applicant**
A. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.
B. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.
C. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.
D. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.
E. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.
F. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.
G. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.
H. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.
I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.
J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.
K. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW

surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.
L. Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.
M. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.
N. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing as often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.
O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

**Note to Applicant**
Under the Land Drainage Act 1991, any works (permanent or temporary) that have the potential to affect the existing watercourse or ditch's ability to convey water will require Ordinary Watercourse Consent. Ordinary watercourses include streams, drains, ditches and passages through which water flows that do not form the network of main rivers.

**Note to Applicant**
If your development site includes a watercourse or water-dependent habitat, such as wet woodland or floodplain marsh, you must always seek to conserve and enhance these habitats and where possible provide new similar habitats. Watercourses should be left with an appropriately sized, development-free buffer zone on both sides of the channel. Usually, a minimum of 5 metres on both sides of the watercourse will be required. Riparian owners should seek to protect and enhance the watercourses on their land and carry out any Water Framework Directive actions in line with the South East River Basin District Management Plan. (Refs; Planning Policy Guidance (PPG) & Horsham District Planning Framework Policy 24).

**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** – Community Infrastructure Levy (CIL):
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development**.

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

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

## ADDITIONAL INFORMATION

**Planning Permission – Important Provisos**
If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It is the responsibility of the developer to provide bins for the development. If you are a developer and need to purchase bins, please email hop.oast.admin@horsham.gov.uk.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

**Compliance with the Approved Plans and Conditions**
The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.

If works on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

**Amendments**
Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

**Monitoring**
Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

**Conditions Compliance**
Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.

A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

**Right of Appeals**
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.