



**TO:** Planning Committee South

**BY:** Head of Development and Building Control

**DATE:** 23<sup>rd</sup> January 2024

**DEVELOPMENT:** Demolition of existing kennels and cattery buildings/structures, and existing dwellings. Erection of a 60-bed care home (Class C2) and 8No. age restricted bungalows (Class C3) with associated access, landscaping and other works (including relocation of existing staddle stone barn).

**SITE:** Old Clayton Boarding Kennels, Storrington Road, Washington, West Sussex, RH20 4AG

**WARD:** Storrington and Washington

**APPLICATION:** DC/23/0701

**APPLICANT:** **Name:** Mr Jon Bray **Address:** The Hay Barn Upper Ashfield Farm Hoe Lane Romsey Hampshire SO51 9NJ

**REASON FOR INCLUSION ON THE AGENDA:** The application has returned to Committee due to the applicant's revised Affordable Housing offer.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

In the event the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

## **1. THE PURPOSE OF THIS REPORT**

1.1 To update the Committee on the applicant's revised Affordable Housing offer which constitutes a new material planning consideration.

### **BACKGROUND**

1.2 This application was resolved to be granted subject to conditions and completion of a Section 106 Agreement at the Planning Committee South meeting on 20<sup>th</sup> June 2023. The 20<sup>th</sup> June 2023 committee report is attached as Appendix A, which includes the description of the site and the full details of the application along with all consultee comments and an assessment of all material considerations undertaken at the time the application was considered (with additional matters identified subsequent to the report publication detailed to Members by officers via verbal update at the committee meeting).

1.3 At the time of the 20<sup>th</sup> June committee meeting the applicant's affordable housing offer was to provide 6 no. bed spaces at local authority rates in the care home. This offer was deemed

sufficient to comply with the encouragement set by Policy 18.1 (*Retirement Housing and Specialist Care*) for such developments to include an affordable provision.

- 1.4 Since the resolution to grant permission, and before the s106 agreement has been completed to enable planning permission to be granted, the applicants have sought to re-consider how they intend to offer their affordable housing provision with this development.
- 1.5 The proposal is to provide Horsham District Council with a sum of £245,000, proposed to be paid in instalments (£100k on commencement; £72.5k on occupation of 4th bungalow; and £72.5k on occupation of 8th bungalow) to be paid direct to Horsham District Homes to provide general affordable rent housing elsewhere in the district. This payment would be in lieu of the 6 no. bed spaces within the care home.
- 1.6 No other aspects of the development proposals have been amended since the resolution to grant planning permission was made.
- 1.7 Additionally since the resolution to approve, the National Planning Policy Framework (NPPF), which sets out the Government's planning policies for England and how these are expected to be applied, has been updated, on 19<sup>th</sup> December 2023.
- 1.8 Furthermore, at a meeting of full Council on 11 December 2023 Horsham councillors approved the draft Horsham District Local Plan 2023 - 2040 and recommended that it proceed to Regulation 19 stage.

## **2. PLANNING HISTORY AND RELEVANT APPLICATIONS**

DC/21/2161	Demolition of existing kennels and cattery buildings/structures, and existing dwellings. Erection of a 60-bed care home (Class C2) and 8No. age restricted bungalows (Class C3) with associated access, landscaping and other works (including relocation of existing staddle stone barn).	Refused 24-01-2023
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## **3. OUTCOME OF CONSULTATIONS**

- 3.1 The full list of all consultations received as a result of the original application are outlined in the appended report.
- 3.2 Since committee resolution to approve, two further letters of objection have been received, raising the following:
  - site notice date did not enable me to comment;
  - an eyesore including from National Park;
  - works threaten integrity of boundaries;
  - old people would be marooned;
  - A283 has had many accidents;
  - dispute claim kennels will fold;
  - Kennels/cattery is a wonderful place. Closure would mean people out of jobs and may find it hard finding another one.

## **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY**

- 4.1 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.

- 4.2 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.

## **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## **6. PLANNING ASSESSMENTS**

- 6.1 The primary consideration now relevant to this application relates to the applicant's new affordable housing offer. Additionally, whilst there have been no material changes to the site or its surrounds, there has been change to local and national planning policy which must be considered. These policy changes and the new affordable offer are addressed in the paragraphs below, but otherwise all other material planning considerations remain as set out in the appended committee report and verbal update, as considered acceptable at the 20<sup>th</sup> June 2023 committee.

### National and Local Planning Policy

- 6.2 The Government published update to the National Planning Policy Framework (NPPF) on 19<sup>th</sup> December 2023, and changes arising from this relevant to decision-making on this planning application took immediate effect from the day of its publication.
- 6.3 Firstly, there is a new clause in paragraph 70 of the NPPF instructing authorities to support small and medium sites to come forward.
- 6.4 Secondly, Government has added a specific expectation to new paragraph 63 of the NPPF in which authorities are expected to take particular care to ensure that they meet need for retirement housing, housing-with-care and care homes.
- 6.5 Thirdly, paragraph 14 of the updated NPPF now extends the protection to Neighbourhood Plans that are up to five years old where the paragraph 11d presumption in favour of sustainable development applies. Previously the protect was for two years only, subject to other criteria that have now been removed. In this case, the Storrington Sullington and Washington Neighbourhood Plan (SSWNP)) became part of the development plan in September 2019 and is now within the 5 years protection afforded by the new paragraph 14 wording.
- 6.6 At the time of the June committee decision the SSWNP did not benefit from the paragraph 14 protections as it was over two years old. This is identified at paragraph 6.10 of the June committee report, which goes on to state that the paragraph 11d presumption in favour of sustainable development is engaged in decision making, reducing the weight to be applied to the SSWNP policies. This is reflected in the report's conclusion at paragraph 6.134 where the paragraph 11d presumption is again stated to have been engaged.
- 6.7 Applying paragraph 14 correctly, the adverse impacts of allowing development that conflicts with the neighbourhood plan are likely to significantly and demonstrably outweigh the benefits in cases where the paragraph 11d presumption applies. In this case, as set out at paragraphs 6.14- 6.16 of the June committee report, and in the conclusion at paragraphs 6.134- 6.138, the proposals comply with both Policy 18 of the HDPF (which allows for

retirement and specialist care development outside of settlement boundaries) and Policy 1 of the SSWNP (which supports re-use of brownfield sites outside settlement boundaries within the Parish of Washington). On this basis there remains express policy support in both the HDPF and SSWNP for the development of this site for a care home and retirement bungalows. Whilst the paragraph 11d presumption no longer applies in this case, officers remain of the view that the proposals are otherwise compliant with the development plan (the HDPF and SSWNP) when considered as a whole.

- 6.8 Otherwise, it is considered that the latest version of the NPPF has not raised any new matters which are determinative to the outcome of this application. It does not result or require an amendment to the scheme or the technical assessments that support it or the evidence submitted. In cross-referencing the key principles of the scheme there are only minor changes in wording and terminology, and paragraph references.
- 6.9 It is important to note that whilst Horsham District Council now has an emerging local plan at Regulation 19 Stage and as consequence, must now demonstrate a four-year housing land supply (as opposed to five years) for a period of two years from publication of the updated NPPF (paragraph 226), this policy should only be taken into account as a material consideration when dealing with applications made from the date of publication of the updated NPPF (Footnote 79 of Annex 1: Implementation).
- 6.10 Therefore, your Officers advice is that the updates to the NPPF and emerging Local Plan have not fundamentally altered the weighting previously applied to the various material planning considerations relevant to this proposal, which is a scheme compliant with the Development Plan when read as a whole. At this stage of the emerging local plan (now at Regulation 19 Consultation), including the draft local plan policies themselves, continues to have only limited weight as a material planning consideration and does not alter the balance of considerations. It remains that the Council can only demonstrate a three-year housing land supply (as evidenced by the 2021/22 monitoring year), and the requirement upon authorities to meet housing need for older people remains set against an evidenced significant shortfall of such accommodation in the district. Both are material considerations that continue to attract significant weight in favour of approval. The new emphasis placed in the updated NPPF upon authorities to address this type of housing need, including via support for small and medium site schemes, itself attracts significant weight.

#### Affordable Housing Offer

- 6.11 The main amendment is to the affordable housing offer. At the time of 20<sup>th</sup> June Committee, the offer, as agreed by officers and the planning committee, was to provide 6 no. bedspaces in the care home at local authority rates. The execution of this was subject to further negotiations on the terms of the legal agreement.
- 6.12 This offer reflected current local plan policy (HDPF Policy 18 *Retirement Housing and Specialist Care*) which encourages schemes that meet identified local needs for those on lower incomes and provide affordable accommodation for rent or shared ownership/equity. It is noted that Policy 18 does not provide further information 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. It is noted that Policy 39 (Affordable Housing) of the Regulation 19 HDLP requires 30% affordable housing on continuing care retirement housing, retirement housing and other specialist housing, however Policy 42 (Retirement Housing and Specialist Care) clarifies that this only applies in respect of self-contained units of accommodation (Nb the applicants care home does not comprise self-contained accommodation). These policies currently carry limited weight as explained above.
- 6.13 Since the committee resolution in June, an offer had managed to be negotiated - a 'spot arrangement' for the next 10 years, giving WSCC priority access through nomination rights

at WSCC local authority rates for 6 of the bed spaces each time they become available. This was instead of a 'block' arrangement where the bed spaces would be set aside solely for occupation by those on local authority rates.

- 6.14 In negotiating this offer, it has been made clear from WSCC Head of Commissioning – Older People, Adults and Health, that WSCC is not currently looking to block book or enter into a prior agreement with standard residential care provision outside of the hospital discharge tenders which have recently been sent to service providers. WSCC has explained why below.
- 6.15 Whilst there are occasions where WSCC may look to commission specific provision within residential services to meet a specific need (e.g., winter pressures, or nursing dementia), WSCC contract with most of the homes in West Sussex on a spot purchases basis and have a block contract for 590 beds which is sought to utilise as a starting point. Additionally, where WSCC spot purchase, WSCC seek to secure services at their usual maximum rates which are reviewed annually. It is not always possible to purchase on the usual rates and where it is not, WSCC would look to secure a service that can meet the needs of the individual and present value for money. Whilst WSCC uplifted rates significantly in the last couple of years in response to inflation and market pressures and review the position annually, WSCC cannot guarantee what future uplifts will include.
- 6.16 Therefore, whilst the offer would have operated in a similar way to a spot purchase, the approach of WSCC for the foreseeable future is to utilise their existing block arrangements (without increasing current volumes) and spot purchase additional residential beds only when need arises. The offer would have required a separate arrangement governing decisions on rate uplifts during the course of the agreement, which would not be manageable within existing WSCC processes, as the Applicants were not prepared to fix to WSCC rates but wanted them to be indexed annually so in time it would be conceivable that WSCC would have to pay more than their usual rate to access the 6 bed spaces.
- 6.17 As WSCC cannot guarantee any referrals to Old Clayton Kennels or enter into any prior agreement on rates, or alternatively accept a one-off lump sum to the equivalent outside of existing WSCC processes, it is evident that the notion of the scheme agreed at the 20<sup>th</sup> June Committee cannot be secured, would unlikely be used, and therefore does not meet the needs of local people.
- 6.18 Therefore, your officers and the applicant have committed to find a solution to satisfy the requirements of HDPF Policy 18. This included possible affordable accommodation within the provision of the eight bungalows to be delivered onsite by Highwood alongside but separate to the Barchester care home. An offer was presented to your officers on this; one 2 bed wheelchair accessible semi-detached bungalow, for affordable rent. This was based on the applicant's valuation of the bungalow as an affordable rent home, and a corresponding 10% devaluation that would occur to the remaining bungalows as a result, which the applicants estimated would cost them some £563,000 in lost development value (£171,500 from the affordable bungalow and potentially some £391,500 in lost value from the other 7 bungalows, albeit whether the extent of this lost value would be this severe would not be known until final sales).
- 6.19 However, this offer was devised on a valuation of the bungalow by the applicant that does not reflect a similar exercise undertaken by the Horsham District Homes (an affordable housing company owned by Horsham District Council), based on local housing association incomes and reasonable yield; £220,000 compared to the applicant's £318,500. Horsham District Homes preference was also to take on three of the bungalows as affordable rent, which was unlikely at the applicant's value.
- 6.20 Given this outcome, and that the Applicant has said that it is now crucial for Highwood as an SME business to progress with the construction of the scheme as soon as possible, your officers have negotiated that instead of providing the bungalow on site, Horsham District

Homes are provided a straight payment, left to the choice of Horsham District Homes on how it is spent on general affordable rent housing within the district.

- 6.21 The Applicant has put forward an offer of £245,000, proposed to be paid in instalments (£100k on commencement; £72.5k on occupation of 4th bungalow; and £72.5k on occupation of 8th bungalow). This is a direct cost to Highwood, not Barchester Healthcare, and is said by the applicant to be hard to accommodate given the size of the scheme as an SME business but it is hoped shows willingness to find a solution. In justifying this sum, the applicant has explained:
- The costs of construction and funding is punitive and as an SME Highwood would struggle to build standard housing for £220,000 per lot, as the construction industry has suffered inflation.
  - Introducing an affordable rented bungalow onto the site may impact the sale values of the remaining properties but this would not be known until the point of purchase.
  - Ordinarily, developers will agree a forward funding agreement with a Registered Provider (due to the discount being applied the unit is pre-sold with the Registered Provider funding the build on monthly valuations). A straight payment has a significant impact on cashflow, as it needs to be drawn down from bank funding with interest applied and accrued.

## Conclusion

- 6.22 It is noted that neither Policy 18 nor the Planning Obligations and Affordable Housing SPD set out the quantum, type or tenure requirement for affordable housing for retirement and care home developments, with each case to be assessed separately. Having carefully considered the various options and offers, the proposed revised affordable housing offer is judged by officers to be acceptable to comply with Policy 18. It offers Horsham District Homes flexibility of spend to address local affordable housing need. Having taken account of this new material consideration, as well as the changes to local and national planning policy relevant to this development proposal, your Officer's recommendation to approve planning permission remains as previous, but with amended obligations in the legal agreement to secure the revised affordable housing offer. This recommendation reflects a change in the overall weighting of material planning considerations only insofar that the paragraph 11d presumption in favour of sustainable development no longer applies to this development proposal as explained above.
- 6.21 Officers therefore recommend that this application be approved, subject to the below detailed list of planning conditions and the completion of the necessary s106 legal agreement.

## 7. RECOMMENDATIONS

- 7.1 To approve full planning permission, subject to the completion of the Section 106 Agreement and the following conditions:

1. **Approved Plans List**

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:** Prior to commencement of development 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).
- 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(s) 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 UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 33 of the Horsham District Planning Framework and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

4. **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless otherwise agreed to and approved in writing by the Local Planning Authority. The CEMP shall provide details as appropriate but not necessarily be restricted to the following matters:

- An introduction consisting of construction environmental management plan, definitions and abbreviations and project description and location;
- A description of management responsibilities;
- A description of the construction programme which identifies activities likely to cause high levels of noise or dust, including vibration from any groundworks;
- Site working hours and a named person for residents to contact;
- the anticipated number, frequency and types of vehicles used during construction,
- method of access and routing of vehicles during construction;
- Detailed Site logistics arrangements;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders, if required);
- A site compound plan and details regarding parking of vehicles by site operatives and visitors, deliveries and the loading and unloading of plant, materials and waste, and storage of plant and materials used in construction of the development;
- Details regarding dust and noise mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
- Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- Details of public engagement both prior to and during construction works and communication procedures with the local community regarding key construction issues – newsletters, fliers etc;
- Details of traffic construction routing to and from the site the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction work;
- the erection and maintenance of security hoarding

The construction shall thereafter be carried out in accordance with the details and measures

approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of existing neighbouring dwellings, wildlife and biodiversity, and highway safety during construction in accordance with Policies 24, 31, 33 and 40 of the Horsham District Planning Framework (2015) and Policy 15 of Storrington and Sullington and Washington Neighbourhood Plan, and to conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, and the Wildlife & Countryside Act 1981.

5. **Pre-commencement condition:**

1. With the exception of the above ground demolition and removal of existing buildings, no development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

3. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: This matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

6. **Pre-Commencement Condition:** Prior to the commencement of development, detailed ground investigations shall be undertaken to determine if the site is suitable for incidental mineral extraction of the safeguarded mineral resource. The results of these investigations should be submitted to and approved in writing by the Local Planning Authority. If it is determined that incidental mineral extraction within the site is practical, then a scheme to secure the incidental extraction of mineral resource shall also be submitted to be approved by the Local Planning Authority.

Reason: The incidental extraction of the mineral is in accordance with Policy M9 of the West Sussex Joint Minerals Local Plan and the National Planning Policy Framework

7. **Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, detailing compliance with the landscape scheme have been submitted to and approved by the Local Planning Authority in writing. 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) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).



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 the following preliminaries have been completed in the sequence set out below and submitted in an updated detailed, scaled Tree Protection Plan and related Arboricultural Method Statement, which shall include details of the pre-start meeting, Arboricultural supervision and monitoring: i. All trees on the site shown for retention on approved drawings 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). ii. 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. iii. 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 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 and as part of future landscape mitigation in accordance with Policies 25 and 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019)

9. **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul water disposal to serve that phase has been submitted to and approved in writing by the Local Planning Authority. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. 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) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

10. **Pre-Commencement Condition:** Notwithstanding details previously submitted, no development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme and shall be designed so as to prevent the discharge of water onto the public highway. The surface water 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 prevent the increased 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).

11. **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed external ground levels and finished floor levels of the development adjacent datum points on land adjoining the application site including Milford Grange housing estate have been submitted to and approved by the Local Planning Authority in writing. The

development shall be completed in accordance with the approved details, unless otherwise agreed to and approved 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) Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

12. **Pre-Commencement Condition:** No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components: 1. 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; and • potentially unacceptable risks arising from contamination at the site 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

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).

13. **Pre-Commencement Condition:** No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan for a minimum of 5 years. This should include: a. Drawings showing: i. The extent of the LMP; i.e. only showing the areas to which the LMP applies, areas of private ownership should be excluded b. Written Specification detailing: 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. c. Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

Reason: To ensure a satisfactory development that is sympathetic to the landscape character of the countryside and built form of the surroundings within the setting of the South Downs National Park, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

14. **Pre-commencement Condition:** No development related to the granary building shall take place until a method statement detailing its relocation and repurposing has been submitted to and approved in writing by the Local Planning Authority. The repurposing of the granary building so agreed shall be completed prior to occupation of the care home building.

Reason: In order to preserve the significance of the setting of the Listed Building Old Clayton in accordance with Policy 34 of the Horsham District Planning Framework (2015) and Policy 14 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

15. **Pre-Commencement (Slab Level) Condition:** No development above ground level shall take place on site until a scheme for protecting the proposed development from noise has been submitted to, and approved in writing by the Local Planning Authority. The proposed scheme shall achieve the following noise levels: a) Internal day time (0700 - 2300) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with windows open) b) Internal night time (2300 - 0700) noise levels shall not exceed 30dB LAeq with individual noise events not exceeding 45dB LAm<sub>ax</sub> (bedrooms and living rooms with windows open). c) Garden/external amenity spaces should not exceed 55 dB LAeq, 16hr. If it is predicted that the internal noise levels specified above will not be met with windows open, the proposed mitigation scheme shall assume windows would be kept closed, and will specify an alternative rapid/purge ventilation system, to reduce the need to open windows. As a minimum, this will usually consist of a mechanical heat recovery ventilation system with cool air by pass or equivalent.

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).

16. **Pre-Commencement (Slab Level) Condition:** No development above ground level shall commence until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following: i. Purpose and conservation objectives for the proposed enhancement measures; ii. Detailed designs to achieve stated objectives; iii. Locations of proposed enhancement measures by appropriate maps and plans; iv. Persons responsible for implementing the enhancement measures; v. Details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details and 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) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

17. **Pre-Commencement (Slab Level) Condition:** No development above ground level shall take place until a scheme of soft landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape character of the countryside and built form of the surroundings within the setting of the South Downs National Park, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

18. **Pre-Commencement (Slab Level) Condition:** No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features) and proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features). The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To ensure a satisfactory development that is sympathetic to the landscape character of the countryside and built form of the surroundings within the setting of the South Downs National Park, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

19. **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) and samples for the care home building 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 buildings of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 14 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

20. **Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved Water Neutrality Statement April 2023 and August 2022 Revision H by Highwood and Water Usage Survey Report by Hopkins Report No: 10686/WUS/001 Date of Issue 16 Nov 2022 have been submitted to and approved in writing by 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), 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).

21. **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement April 2023 and August 2022 Revision H by Highwood and Water Usage Survey Report by Hopkins Report No: 10686/WUS/001 Date of Issue 16 Nov 2022. No dwelling/care home room 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/care home room 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 evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater

harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 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:** Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF and in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

23. **Pre-Occupation Condition:** No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in condition 15. A method statement should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority.

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).

24. **Pre-Occupation Condition:** The development hereby approved shall not be occupied until all the works which form part of the scheme for protecting the proposed development from noise as approved by the Local Planning Authority under conditions 15 and 23 have been completed. All works which form part of the approved scheme shall be completed prior to first occupation. The approved scheme shall be thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.

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).

25. **Pre-Occupation Condition:** No development shall commence 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: 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) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

26. **Pre-Occupation Condition:** Prior to the first occupation (or use) 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) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

27. **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved details. This would require visibility splays of 121 metres to the west and 132 metres to the east, demonstrated from 2.4m back in to the access as achievable to the carriageway edge in either direction, entirely within publicly maintained highway boundary.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework and Policies 14 and 17 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

28. **Pre-Occupation Condition:** The buildings 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 (or in accordance with plans submitted to and approved in writing by the Local Planning Authority) and 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 and Policies 14 and 17 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

29. **Pre-Occupation Condition:** No building shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose. At a minimum, 11 no. cycle parking spaces shall be provided for the care home and each bungalow with its own cycle storage.

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 and Policies 14 and 17 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

30. **Pre-Occupation Condition:** No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details of the types and locations has been submitted to and approved by the Local Planning Authority. At a minimum, provision of 4x EV chargers for the care home and EV charging points for all the bungalows shall be provided and retained at all times for their designated purpose.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies and 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) and Policies 14 and 17 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

31. **Pre-Occupation Condition:** Notwithstanding the details submitted the buildings hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the local planning authority and retained as such thereafter.

Reason: To ensure the adequate provision of recycling facilities in accordance with policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 17 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

32. **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).

33. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until 1 no. fire hydrant to BS750 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 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).

34. **Pre-Occupation Condition:** The balcony on the north elevation of the care home building shall not be occupied unless the privacy screens have been installed in full accordance with the approved plans. Once installed the privacy screens shall thereafter be retained as such.

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

35. **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Walkover technical note by Tetra Tech 784-B048409 Rev 1 (TetraTech May 2023); Ecological Appraisal (Tetrattech, Sept 2021) and the Badger and Bat Report (Tetrattech, Nov 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the 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 and

Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).

36. **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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).

37. **Regulatory Condition:** No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation (or use) of any part of the development hereby permitted, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by the Local Planning Authority.

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).

38. **Regulatory Condition:** Piling and using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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).

39. **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).

40. **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), the buildings hereby approved shall not be extended or altered (including the installation of building services plant) unless planning permission has been granted by the Local Planning Authority on application in that respect. Reason: In order to safeguard the character and visual amenities of the locality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).



41. **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 buildings shall be erected, constructed or placed within the curtilages of the buildings hereby approved, and no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any proposed building which fronts onto a highway, without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenities of the locality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policies 14 and 15 of Storrington and Sullington and Washington Neighbourhood Plan (2019).