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EC3A 8BE

CONTACT: Stuart Malcolm
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REF: DM/23/0827
DATE: 18th October 2024

Dear Sir/Madam

West Hoathly Brickworks Hamsey Road Sharpthorne East Grinstead
Full planning application for the demolition of existing structures and redevelopment of the site to provide 108 residential dwellings (Class C3) and associated works, including the provision of an on-site SANG, access, landscaping, parking and associated works. (Amended plans received showing minor changes to scheme, as detailed in applicant's letter dated 13th November)

I advise that your application DM/23/0827 was **Granted Permission** on **18th October 2024**.

I enclose a copy of the Decision Notice in relation to the above application. If you are acting as an Agent please ensure that a copy is given to the applicant. **Please read the notes accompanying this decision notice carefully.**

Please also be advised that this permission does not constitute an approval under Building Regulations. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted.

Yours faithfully



Ann Biggs
Assistant Director Planning and Sustainable Economy

Ashill Regen Ltd
Bethan O'Sullivan
Montagu Evans
70 St Mary Axe
London
EC3A 8BE

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

PERMISSION

REFERENCE: DM/23/0827

DESCRIPTION: FULL PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES AND REDEVELOPMENT OF THE SITE TO PROVIDE 108 RESIDENTIAL DWELLINGS (CLASS C3) AND ASSOCIATED WORKS, INCLUDING THE PROVISION OF AN ON-SITE SANG, ACCESS, LANDSCAPING, PARKING AND ASSOCIATED WORKS. (AMENDED PLANS RECEIVED SHOWING MINOR CHANGES TO SCHEME, AS DETAILED IN APPLICANT'S LETTER DATED 13TH NOVEMBER)

LOCATION: WEST HOATHLY BRICKWORKS, HAMSEY ROAD,
SHARPTHORNE, EAST GRINSTEAD

DECISION DATE: 18 OCT 2024

CASE OFFICER: STUART MALCOLM - STUART.MALCOLM@MIDSUSSEX.GOV.UK

The Council hereby notify you that they **GRANT** planning permission for the above development to be carried out in accordance with the submitted application and plans and subject to compliance with the following conditions:-

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

Pre-development

2. Prior to the commencement of any development above ground/slab level a schedule of materials and finishes to be used for the external walls, roofs and fenestration of the proposed buildings shall have been submitted to and approved by the Local Planning Authority. The materials should be based on the High Weald Colour Study and High Weald Design Guide, should reflect those used in the local area and be locally sourced where possible. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To achieve a development of visual quality in the AONB and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan.

3. No development shall be carried out above slab/ground floor level until the following detailed design issues have been submitted to and approved in writing by the local planning authority:

- 1:20 sections and front elevations of typical house and the typical features (shown in context) of the other building types including entrance canopies/doors, railing, roof/eaves details, windows, doors, chimneys, rainwater downpipes.

The development shall not be carried out otherwise than in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: To ensure these aspects of the development are compatible with the AONB and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan

4. Prior to the commencement of any development above ground/slab level a soft landscaping scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. It shall include planting (with planting plans using native species), schedules of trees, hedgerows and plants noting species, plant sizes and proposed numbers/ densities, details of tree pits and soil volumes.

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 achieve a development of visual quality in the AONB and to accord with Policies DP16, DP26 and DP37 of the Mid Sussex District Plan.

5. Prior to the commencement of any development above ground/slab level a hard landscaping scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall provide images and drawings where required and include all hard surfacing materials, means of enclosure and other boundary treatments, car parking layouts, other vehicle and pedestrian access and circulation areas and other elements used throughout the landscape (for example benches, play on the way, mock bridge, lighting solutions, open pavilion themed on Victorian station canopy). The scheme shall also have reference to the High Weald Design Guide and ensure that close board fences are not used as garden boundaries where they would be viewed from public areas.

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 achieve a development of visual quality in the AONB, to protect neighbouring residential amenity and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan

6. No development, other than demolition, shall take place until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policy DP26 of the Mid Sussex District Plan.

7. The development hereby permitted shall not commence, other than demolition works, unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. No residential unit shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details. No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

8. No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;
- o the anticipated number, frequency and types of vehicles used during construction;
 - o the method of access and routing of vehicles during construction;
 - o the parking of vehicles by site operatives and visitors;
 - o the loading and unloading of plant, materials and waste;
 - o the storage of plant and materials used in construction of the development;
 - o the erection and maintenance of security hoarding;
 - o 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);
 - o details of public engagement both prior to and during construction works, including site contact details in case of complaints;
 - o measures to control noise and vibration affecting nearby residents;
 - o artificial illumination;
 - o pollution incident control;
 - o dust control measures; and

o an arboricultural method statement including indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development.

Reason: In the interests of highway safety and the amenities of the area, to protect the amenity of local residents from noise and dust emissions during construction and to comply with Policies DP21, DP26, DP29 and DP37 of the Mid Sussex District Plan.

9. Prior to the commencement of any development above ground/slab level, a scheme of mitigation measures to improve air quality relating to the development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the "Air Quality and Emissions Mitigation Guidance for Sussex" which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: to preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP26 of the District Plan and Policy SA38 of the Site Allocations DPD.

10. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A further site investigation, based on the recommendations within the phase 1 and phase 2 geo-environmental and geotechnical factual and interpretive report by RSK GeoSciences, dated the 3rd of March 2023, ref: 1922410-R01 (01), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF.

11. No demolition, development or conversion works shall take place until a Written Scheme of Investigation for a programme of historic building recording work has been submitted to and approved in writing by the local planning authority. This will include a comprehensive photographic survey of the surviving built evidence of the former industrial site.

Reason: In the interests of the significance of a heritage asset and to accord with Policy DP34 of the District Plan and the NPPF.

12. No demolition, development or conversion works shall take place until the satisfactory completion of the historic building recording fieldwork in accordance with the submitted and approved Written Scheme of Investigation.

Reason: In the interests of the significance of a heritage asset and to accord with Policy DP34 of the District Plan and the NPPF.

13. Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:
- a. a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b. evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
 - c. a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and to accord with Policy DP38 of the District Plan.

14. Any works which will impact the breeding / resting place of Great Crested Newt shall not in in any circumstances commence unless 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 GCN District Level 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
 - c. a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and to accord with Policy DP38 of the District Plan.

15. Prior to commencement of any 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 shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan.

16. Prior to the commencement of any development above ground/slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Assessment (Ecology Solutions, March 2023) shall be submitted to and approved in writing by the local planning authority

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following:

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

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan.

18. Prior to the commencement of any development above ground/slab level, details showing the proposed location of the required fire hydrants or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and

approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with The Fire and Rescue Service Act 2004.

19. Two affordable housing dwellings (a 1B/2P flat and a 2B/4P house) shall be provided as wheelchair accessible dwellings which meet the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended. No above ground works, other than demolition, shall commence on site until the Local Planning Authority has approved final plans/details for the wheelchair accessible dwellings demonstrating that all necessary requirements will be met.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

20. No development shall commence, other than demolition, until details of the play area and fitness trim trail have been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping and fencing of the areas, a timetable for implementation and arrangements for future management. The development shall be carried out in accordance with the approved details and the approved play area and fitness trim trail shall thereafter be permanently retained as such.

Reason: To ensure satisfactory provision of play equipment and space and to ensure that play areas are provided and retained within the development for use by the general public and to accord with Policy DP20 of the Mid Sussex District Plan.

Construction phase

21. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology Solutions, March 2023) and Appendix 5 Defra Metric Assessment (Extracts) (undated), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes a Non-Licensed Hazel Dormouse Method Statement (Sections 5.3.76 - 5.3.92 Ecological Assessment (Ecology Solutions, March 2023)) which avoids impacts on this European Protected Species and a reptile Method Statement (Sections 5.3.61 - 5.3.69 Ecological Assessment (Ecology Solutions, March 2023)) which avoids impacts on these Priority species.

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 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 to accord with Policy DP38 of the District Plan.

22. No part of any concrete foundations and no construction activities shall be within 3.5 metres of any drain or watercourse, unless agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the natural environment and to comply with Policy DP41 of the Mid Sussex District Plan.

23. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

24. Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:
- Monday to Friday: 08:00 - 18:00 hrs
 - Saturday: 09:00 - 13:00 hrs
 - Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

25. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF.

26. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework and DP41 of the District Plan.

Pre-occupation conditions

27. A landscape management plan for all the hard and soft landscape areas other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The landscape management plan shall include;
- a) Drawings showing:

- i. The extent of the Landscape Management Plan.
- 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) and Play Equipment
 - iv. All operations and procedures for surface water drainage system; inspection of linear drains and swales, removal of unwanted vegetative material and litter.
 - v. Management responsibilities
 - vi. Long term design objectives
- c) Maintenance schedules:
 - i. task table which explains the maintenance duties across the site in both chronological and systematic order.

The landscape management plan shall be carried out as approved.

Reason: In the interests of the visual amenity of the development in accordance with Policies DP16 and DP26 of the Mid Sussex District Plan.

28. No part of the development shall be first occupied until such time as a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, 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. The lighting shall be designed to Institute of Lighting Professionals light control zone E1 standards (with regard to skyglow/ULR, light temperature, and heights/design of light fixtures) to protect the intrinsically dark night skies of the High Weald AONB.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan.

29. No building is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable and to comply with Policy DP41 of the Mid Sussex District Plan.

30. Prior to the first occupation of any dwelling/residential unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with The Fire & Rescue Service Act 2004.

31. The development shall be constructed in accordance with the applicant's Energy and Sustainability Statement (The PES, July 2023) and the EV, PV and ASHP Plan (2141-C-1012-PL-D 17/11/23). No part of the development shall be first occupied unless or until the details of the PV arrays (siting, design and 1:20 roof section) and air source heat pumps (siting and design) have been submitted to and approved in writing by the local planning authority. The development shall proceed only in accordance with these approved details unless otherwise agreed in writing with the local planning authority

Reason: In the interests of sustainability and to accord with Policy DP39 of the District Plan.

32. 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 details shown on the drawing titled Proposed Access Arrangement and numbered 2022/6607/009 as included within the approved Transport Assessment.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

33. No part of the development shall be first occupied until such time as the highway works at the Top Road/Station Road junction have been constructed in accordance with the details shown on the drawing titled Proposed Junction Improvements (Top Road/Station Road junction) and numbered 2022/6607/011 revision P1 as included within the approved Transport Assessment.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

34. No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to comply with Policy DP21 of the Mid Sussex District Plan.

35. No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details as shown

on the approved drawing titled Carports and Cycle Store (3211-)B and the Parking Plan (1006-D)

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with Policy DP21 of the Mid Sussex District Plan.

36. No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

37. Before the development hereby permitted is occupied, refuse and recycling facilities shall be provided as part of the development in accordance with the approved plans.

Reason: To safeguard the appearance of the development and to accord with Policy DP26 of the District Plan

38. The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF.

39. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority. Unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

40. The development hereby permitted shall not be occupied until the applicant has submitted to the local planning authority an approved report detailing the results of the recording programme in accordance with the approved Written Scheme of Investigation.

Reason: In the interests of the significance of a heritage asset and to accord with Policy DP34 of the District Plan and the NPPF.

Post-occupation monitoring / management conditions

41. The window serving the bathroom at first floor level on the south elevation of both Plots 11 and 12 (as shown on the approved plans) shall at all times be glazed with obscured glass fixed to be top vent opening only.

Reason: To protect the amenities and privacy of the adjoining properties and to accord with Policy DP26 of the Mid Sussex District Plan.

Approved Plans

42. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans Referred to in Consideration of this Applications'.

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

Biodiversity Net Gain

1. This permission is considered to be one which **will not require the approval of a biodiversity gain plan before development is began** because it is considered that one or more of the statutory exemptions or transitional arrangements is considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £145 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
2. No burning of demolition/construction waste materials shall take place on site.
3. Your attention is drawn to the informatives contained within a number of the consultee comments that the applicant should give consideration to. These being comments from Southern Water, Natural England, Environment Agency, Sussex Police and West Sussex Rights of Way.
4. The applicant's attention is drawn to the comments of West Sussex Highways and the need for the applicant to establish adoption and future maintenance procedures.
5. You are advised to include appropriate safety measures and signage around the water bodies on site.
6. In accordance with 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal,

in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Other	2022/6607/006	P7	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3020-PL-B_2BH-AFF _ 3BGH-AFF	PLOTS 8 and 9	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3025-PL-B_4BH-AFF _ 2BH-AFF	PLOTS 10-11	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3030-PL-B_4BH-AFF _ 2BH-AFF	PLOTS 12-13	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3035-PL-B_2BH-AFF _ 3BH-AFF	PLOTS 14-15	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3040-PL-B_3BH3	PLOT 16	26.07.2023
Proposed Elevations	3141-C-3046-PL-B_3BHC_3BH1	PLOTS 17-20	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3050-PL-B_2BH-AFF	PLOTS 21-23	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3055-PL-B_3BH1	PLOT 24	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3060-PL-C_4BH2	PLOT 53	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3070-PL-B_5BH1	PLOTS 25,26 and 40	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3071-PL-A_5BH1	PLOT 39	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3072-PL_5BH1	PLOT 41	26.07.2023
Proposed Elevations	3141-C-3086-PL-C_2BH1 _ 3BHT	PLOTS 33-36	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3090-PL-B_4BH3	PLOT 37	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3100-PL-B_3BH4	PLOT 42	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3101-PL-B_3BH4	PLOT 47	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3102-PL-A-3BH4	PLOT 82	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3103-PL-A_3BH4	PLOT 97	26.07.2023

Proposed Floor and Elevations Plan	3141-C-3105-PL-C_3BHT_3BH2	PLOTS 43-45	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3110-PL-B_5BH1	PLOT 46	26.07.2023
Proposed Elevations	3141-C-3116-PL-C_2BH1, 3BH1_3BH2	PLOTS 48-51	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3120-PL-B_3BH4	PLOT 52	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3125-PL-C_3BHT	PLOTS 59,60,101 and 102	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3135-PL-C_3BH2 and 2BH1	PLOTS 57 and 58	17.11.2023
Proposed Elevations	3141-C-3137-PL-B_3BH2, 2BH1, 3BH1 and 4 BH2	PLOTS 28-32	17.11.2023
Proposed Elevations	3141-C-3146-PL-D_Block A	PLOTS 61-66	22.12.2023
Proposed Floor and Elevations Plan	3141-C-3150-PL-B_3BHC_2BH2	PLOTS 67-69	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3155-PL-B_4BH3	PLOTS 70,71 and 74	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3160-PL-B_3BHC	PLOTS 72 and 73	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3165-PL-B_2BH-AFF	PLOTS 75-79	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3170-PL-B_4BH3	Plot 80	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3175-PL-C_3BHT_3BH2	PLOTS 83-85	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3180-PL-E_2BH-AFF M4(3)	Plot 86	17.11.2023
Proposed Elevations	3141-C-3186-PL-C_3BH2-AFF, 2BH-AFF, 3BH1_2BH1	PLOTS 87-92	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3190-PL-C_3BHT_3BH2	PLOTS 93-95	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3191-PL-B_3BHT_3BH2	PLOTS 54-56	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3195-PL-C_3BH2_2BH1	PLOTS 99 and 100	17.11.2023
Proposed Elevations	3141-A-3201-PL-D	BLOCK B Plots 103-108	22.12.2023
Proposed Site Plan	3141-C-1002.1-PL-C	footprint	26.07.2023
Proposed Site Plan	3141-C-1003.1-PL-D	Hardstandin g	17.11.2023
Existing Site Plan	3141-C-1003-PL-C		26.07.2023
Landscaping	3141-C-1004.1-PL-E		17.11.2023
Proposed Site Plan	3141-C-1004.3-PL-D	volume	17.11.2023
Site Plan	3141-C-1005.1-PL-H	context Aerial	17.11.2023
Site Plan	3141-C-1005.1-PL-H	context	17.11.2023

Site Plan	3141-C-1005-PL-H		17.11.2023
Site Plan	3141-C-1006-PL-D	parking	17.11.2023
Site Plan	3141-C-1007-PL-D	Tenure	17.11.2023
Site Plan	3141-C-1008-PL-D	Dwelling	17.11.2023
		Distribution	
Site Plan	3141-C-1009-PL-D	Storey	17.11.2023
		Heights	
Site Plan	3141-C-1010-PL-E	Material	17.11.2023
		Plan	
Site Plan	3141-C-1011-PL-D	Movement	17.11.2023
		Plan	
Site Plan	3141-C-1012-PL-D	EV,PV and	17.11.2023
		ASHP Plan	
Site Plan	3141-C-1013-PL-B	Refuse	17.11.2023
Site Plan	3141-C-1014-PL-C	Boundary	17.11.2023
		Treatment	
Street Scene	3141-C-1200-PL-D	AA,BB	17.11.2023
Street Scene	3141-C-1201-PL-C	CC,DD	17.11.2023
Site Plan	3141-C-1202-PL-D	EE,FF	17.11.2023
Site Plan	3141-C-1203-PL-C	GG,HH	17.11.2023
Site Plan	3141-C-1204-PL-C	JJ	17.11.2023
Site Plan	3141-A-1021-PL-B	Affordable	17.11.2023
		Homes	
Proposed Floor Plans	3141-A-3085-PL-C	Plots 33-36	17.11.2023
Site Plan	3141-A-1000.1-PR	C	26.07.2023
Site Plan	3141-A-1005-PL	H	17.11.2023
Site Plan	3141-A-1005.1-PL	H	17.11.2023
Proposed Floor Plans	3141-C-3010-PL-B_3BHC and 3BH1	PLOTS 3-6	26.07.2023
Proposed Floor Plans	3141-A-3045-PL-B_3BHC and 3BH1	PLOTS 17-20	26.07.2023
Proposed Floor Plans	3141-B-3085-PL-A 2BH1 & 3BHT	PLOTS 33-36	26.07.2023
Proposed Floor Plans	3141-A-3115-PL-C 2BH1, 3BH1 & 3BH2	PLOTS 48-51	17.11.2023
Proposed Floor Plans	3141-A-3136-PL-B_3BH2, 2BH1, 3BH1 & 4BH2	Plots 28-32	17.11.2023
Proposed Floor Plans	3141-A-3145-PL-G	BLOCK A	22.12.2023
		Plots 61-66	
Proposed Floor Plans	3141-A-3147-PL-D_	BLOCK A	17.11.2023
		PLOT 62	
Proposed Floor Plans	3141-A-3148-PL-D	BLOCK A -	17.11.2023
		Plot 62	
Proposed Floor Plans	3141-A-3181-PL-D_2BH-AFF M4(3)	PLOT 86	17.11.2023
Proposed Floor Plans	3141-A-3182-PL-C_2BH-AFF M4(3)	PLOT 86	17.11.2023
Proposed Floor Plans	3141-A-3185-PL-C 3BH2-AFF, 3BH-AFF & 2BH-AFF	PLOTS 87-92	17.11.2023
Proposed Floor Plans	3141-A-3200-PL-D	BLOCK B	22.12.2023
		Plots 103-108	
Proposed Floor and Elevations Plan	3141-A-3210-PL-B	Garage and	26.07.2023

Proposed Floor and Elevations Plan	3141-A-3211-PL-B	Car Ports Car Port and Cycle Store	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3000-PL- C_4BH2	PLOTS 1,81	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3001-PL- C_4BH2	PLOTS 27,38,96 and 98	17.11.2023
Proposed Floor and Elevations Plan	3141-C-3005-PL- B_4BH3	PLOT 2	26.07.2023
Proposed Elevations	3141-C-3011-PL- B_3BHC_3BH1	PLOTS 3-6	26.07.2023
Proposed Floor and Elevations Plan	3141-C-3015-PL- B_3BH3	PLOT 7	26.07.2023
Other	2022/6607/007 P7	Swept Path Analysis	26.07.2023
Landscaping	1632-002	G	26.07.2023
Landscaping	1632-005	I	17.11.2023
Landscaping	1632-003	E	26.07.2023
Landscaping	1632-001	J	26.07.2023
Landscaping	1632-006	P	17.11.2023
Location Plan	3141-A-1000-PL-A		24.03.2023
Existing Site Plan	3141-A-1001-PL-A		24.03.2023
Existing Elevations	3141-A-3300-PL-A		24.03.2023
Existing Elevations	3141-A-3301-PL-A		24.03.2023
Existing Elevations	3141-A-3302-PL-A		24.03.2023
Existing Elevations	3141-A-3303-PL-A		24.03.2023
Existing Elevations	3141-A-3304-PL-A		24.03.2023
Existing Elevations	3141-A-3305-PL-A		24.03.2023
Existing Elevations	3141-A-3306-PL-A		24.03.2023
Existing Elevations	3141-A-3307-PL-A		24.03.2023
Existing Elevations	3141-A-3308-PL-A		24.03.2023
Existing Site Plan	3141-C-1004.2-PL-A	Volume	24.03.2023
Existing Site Plan	3141-C-1002.1-PL-A		24.03.2023
Existing Site Plan	3141-C-1004.2-PL- A.1		24.03.2023
Drainage Details	134285 RSK ZZ ZZ DR C 3001	P03	04.09.2023



Ann Biggs
Assistant Director Planning and Sustainable Economy

PEFULZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority 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.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice;

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

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 on GOV.uk](#).

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition that apply in this instance

The application for planning permission was made before 12th February 2024.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

The effect of Paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Purchase Notices

If either the Local Planning Authority or Secretary of States refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.