PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	20 May 2025
DEVELOPMENT:	Conversion of Lodge to 2No 2-bedroom flats and associated alterations. Erection of 2No. detached 3 bedroom dwellings, and erection of a detached garage building with office above. Associated landscape works.
SITE:	Wood Grange, Henfield Road, Cowfold, West Sussex, RH13 8DT
WARD:	Cowfold
APPLICATION:	DC/24/0511
APPLICANT:	**Name:** Mr Kevin Shaw **Address:** KJS Property Holdings Ltd

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve full planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider new material planning considerations that have arisen since the resolution of Planning Committee South on 19 November 2024 to grant planning permission subject to the completion of a s106 legal agreement and appropriate conditions.

1.2 The new material considerations include the availability of the emerging Sussex North Offsetting Water Scheme (SNOWS) to demonstrate water neutrality, and the National Planning Policy Framework (NPPF) as updated in December 2024.

1.3 This report should be read alongside the committee report considered at the 19 November 2024 meeting at Appendix A, and together form the assessment of the proposal.

2. BACKGROUND

2.1 This application was previously considered at the Planning Committee South meeting on 19th November 2024, where Members resolved to grant planning permission subject to appropriate conditions and the completion of a s106 legal agreement. As detailed in the November Committee Report, the applicant sought to achieve water neutrality through a

bespoke solution comprising an offsite water offsetting scheme which included retrofitting a HMO in Crawley. This offsetting was to be secured through a s106 agreement.

2.2 The applicant is now seeking to revise the water neutrality strategy and it is for this reason that the application has returned to Committee for consideration. There has been no other change to this application since its previous consideration in November by the Planning Committee.

2.3 The 19th November Committee Report is attached at Appendix A. This sets out the description of the application proposal in detail, and the full planning assessment of the proposal by Officers at that time.

3. REPRESENTATIONS

3.1 Since publication of 19th November Committee Report, 2 no. further representations have been received (from addresses who had previously made representations). These representations raise no new issues not already identified in the appended committee report, but are nevertheless summarised as follows:

- Design given presence of nearby listed building
- Highway Access and Parking;
- Loss of General Amenity;
- Overdevelopment;
- Privacy Light and Noise;
- Trees and Landscaping.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

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 ASSESSMENT:

6.1 The previously approved approach to achieving water neutrality, which was to be secured through a s106 agreement, entailed retrofitting a house in multiple occupation within Crawley Borough with flow restrictors to achieve the required water saving. The applicants' have revisited this offsetting strategy and now wish to access the Sussex North Offsetting Water Scheme (SNOWS) to offset the increased water consumption which would arise from the approved development.

6.2 Since the application was previously considered by Planning Committee South in November 2024, the SNOWS has progressed further toward implementation. The Council's recently updated publicly stated position, as reflected within its water neutrality guidance, is that it will accept the use of a negatively worded ('Grampian') style planning condition preventing the commencement of development unless and until the requisite number of water credits have been secured pursuant to SNOWS, or, alternatively, a bespoke strategy has been approved by the Council and implemented in advance of the commencement of development. As confirmed within the Council's guidance, only development deemed compliant with a current or emerging (post-submission) local plan or neighbourhood plan would be deemed eligible for access to purchasing SNOWS water credits.

6.3 As noted in the previous Committee Report, the site lies within the built-up area of Cowfold, where the principle of residential development is supported by Policy 3 of the HDPF, with the scheme found to be compliant with the HDPF in all other respects. It is therefore accepted that the development would be eligible to access SNOWS to offset the increased water demand associated with the proposal.

6.4 An additional condition (no. 5) is therefore recommended which gives the applicant the option of addressing water neutrality through either SNOWs or through their own bespoke solution. This condition would ensure the site is water neutral and would enable the Council to conclude the absence of potential adverse effects upon the integrity of the Arun Valley SAC, SPA and Ramsar designations. Natural England have been consulted prior to the implementation of the Council's adoption of this approach and have raised no objection.

6.5 The recommendation condition would continue to ensure that the development achieves water neutrality and would enable the Council to conclude as to the absence of potential adverse effects upon the integrity of the Arun Valley SAC, SPA and Ramsar designations.

Other Considerations

6.6 The NPPF has been revised (in December 2024) following the original resolution of Planning Committee South in November 2024. The revisions do not alter key considerations in respect of this development (including the applying of a vision-led approach to identifying transport solutions), albeit they do place further emphasis on the need for housing and that delivery should be expedited, directing development to sustainable locations.

6.7 The Council's most recent housing land supply position (from May 2025) has been assessed at 1 year, which represents a significant shortfall and means the presumption in favour of sustainable development in Paragraph 11 d) ii is engaged. Further it has recently been established that the Council has failed to meet the latest Housing Delivery Test, principally due to the constraint water neutrality has placed on housing delivery. The presumption remains fully applicable requiring the granting of permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Conclusion and Planning Balance

6.8 The revised approach to securing water neutrality for this scheme is of neutral impact, retaining appropriately secured means of ensuring water neutrality before any harm to the integrity of the Arun Valley habitat sites occurs. The recommendation of officers is therefore to continue to grant planning permission subject to the conditions set out in section 7 of this report.

7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions: -

1 **Approved Plans**

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

3 **Pre-Commencement Condition**: No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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

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

i) Roof details including sections through:
- roof ridge
- valleys
- eaves
- verges
- dormers

ii) Porches

iii) Rainwater goods to be cast iron or cast aluminium

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality that preserves the special architectural and historic interest of the heritage asset in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement Condition:** No development shall commence until either:

i.) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme; or

ii.) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and

iii.) The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

6 **Pre-Commencement (Slab Level) Condition**: No development above ground floor level will begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 1 in 1, 1 in 30(3.33%), 1 in 30 plus Climate change, the 1 in 100 (1%) and the 1 in 100 (1%) plus climate change critical storms.

The details of the scheme to be submitted for approval shall include:

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

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF.

7 **Pre-Occupation Condition**: Prior to first occupation of any part of the development, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Assessment (Sylvatica Ecology Ltd., March 2024) 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: 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).

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

- Details of all existing trees and planting to be retained including tree protection measures
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments including gates
- Details of External lighting

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

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

9 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan 1809/01 rev and shall be thereafter retained as such.

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

10 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling (or use) in accordance with drawing number 1809/01 rev E. These facilities shall thereafter be retained for use at all times.

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

11 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 1809/01 rev E. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

12 **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).

13 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

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

14 **Regulatory Condition**: The development hereby approved shall be carried out in strict accordance with the drainage strategy as shown on plan reference 1809/01 rev E.

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).

15 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (Sylvatica Ecology Ltd., March 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for reptiles in Section 7.0 Table 2 of the Ecological Briefing Note (CSA Environmental, March 2024)) which avoids impacts on protected species.

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 (as amended) and Policy 31 of the Horsham Development Framework.

16 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, AA, B and C of Part 1 or Class AD of Part 20 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to protect the amenities of the adjoining neighbours in accordance with Policy 33 of the Horsham District Planning Framework (2015).