PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	2nd September 2025
DEVELOPMENT:	Demolition of existing house and outbuildings and the construction of 8no. dwellings and associated garages/driveways and new access points
SITE:	Fivensgreen House North Heath Lane Horsham West Sussex RH12 5PJ
WARD:	Holbrook West
APPLICATION:	DC/24/1291
APPLICANT:	**Name:** Mr Daniel Gilmore **Address:** Wildgoose Wildgoose Drive Horsham RH12 1TU

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 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 North on 4th February 2025 to grant planning permission subject to the completion of a s106 legal agreement and appropriate conditions.

1.2 The new material considerations is a change to the applicant's approach to water neutrality and an amendment to the BNG requirements for this type of application. As outlined in the February report, the applicant's water neutrality outlined off-setting measures to properties in Crawley. This required the completion of a legal agreement to secure the off-setting. The applicant also had the option of utilising the SNWCS (Sussex North Water Certification Scheme).

1.3 The applicant is seeking to amend the water neutrality requirements to remove reference to the proposed off-setting to the Crawley properties. The proposal would now be reliant on SNWCS or a bespoke scheme, to be agreed. This requires an amendment to the wording of condition 4. In addition, with the benefit of legal advice, a legal agreement is now longer required to secure the BNG provision.

1.4 This report should be read alongside the committee report considered on the 4th of February 2025 meeting at Appendix A, and together form the assessment of the proposal.

Contact Officer: Shazia Penne **Tel: 01403 215 258**

2. BACKGROUND

2.1 This application was previously considered at the Planning Committee North meeting on 4th February 2025, where Members resolved to grant planning permission subject to appropriate conditions and the completion of a s106 legal agreement. As detailed in the February Committee Report, the applicant sought to achieve water neutrality through a bespoke solution comprising an offsite water offsetting scheme which included retrofitting an HMO in Crawley. In addition, the purchase of BNG credits offsetting was also to be secured through a s106 agreement. This now does not need to be secured in a legal agreement.

2.2 The applicant is now seeking to revise the water neutrality strategy and the requirement for BNG to be secured by a legal agreement. It is for these reason that the application has returned to Committee for consideration. There has been no other change to this application since its previous consideration in February 2025 by the Planning Committee.

2.3 The 4th of February 2025 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.

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 ASSESSMENTS

6.1 The previously approved approach to achieving water neutrality, which was to be secured through a s106 agreement, entailed the development will incorporate water-efficient fixtures and fittings, lowering mains water usage and the use of a 'credit' system. The applicants' have revisited this offsetting strategy and now wish to access the Sussex North Water Certification Scheme (SNWCS) to offset the increased water consumption which would arise from the approved development.

6.2 Since the application was previously considered by Planning Committee North in April 2025, the SNWCS 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 SNWCS, 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 SNWCS water credits.

6.3 As noted in the previous Committee Report, the site lies within the built-up area of Horsham, 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 SNWCS to offset the increased water demand associated with the proposal.

6.4 An updated water condition (no. 4) is therefore recommended which gives the applicant the option of addressing water neutrality through SNWCS 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. SNWCS have been consulted and have confirmed that Fivensgreen has now added to the queue for SNWCS access. This amendment means that a legal agreement is not required at this time to secure a water neutrality solution, in order to approve planning permission. A legal agreement would be required, to discharge the requirements of condition 4, in the event the applicant proposes a bespoke solution to water neutrality.

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.

Biodiversity Net Gain (BNG):

6.6 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that all developments must deliver a minimum 10% Biodiversity Net Gain (BNG), unless exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Planning permission is deemed to include a statutory pre-commencement condition requiring the submission and approval of a Biodiversity Gain Plan before development can begin.

6.7 A Biodiversity Metric has been submitted which confirms that 10% net gain cannot be achieved on-site due to the nature and constraints of the site. The applicant had proposed as part of the previously approved scheme to meet the requirement through the purchase of statutory biodiversity credits, which was considered acceptable. Since the committee approval in February, the HDC Legal Team have confirmed that the BNG requirements for this proposal do not need to secured through a legal agreement. As such, a legal agreement is no longer required for this proposal. A statutory condition enables discharge through an approved Biodiversity Gain Plan. This is attached as a standard informative to the decision notice.

Conclusion and Planning Balance

6.10 The proposed development continues to comply with the relevant planning policies, including Policy 3 of the HDPF, and remains acceptable in principle. The updated approach to water neutrality, now aligned with the Sussex North Water Certification Scheme (SNWCS), provides a clear and enforceable pathway to mitigate increased water demand, supported by a revised planning condition. In addition, it has been confirmed that the BNG requirement for this proposal are not required to be secured through a legal agreement.

6.11 The recommendation of officers is therefore 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 appropriate 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 commence until a scheme for recording of the historic building has been submitted to and approved in writing by the Local Planning Authority. The scheme must state who will undertake the work, how and when it will be done, and where the information will be deposited. The scheme shall be in the form of a photographic record before and during the demolition to illustrate the extent of the existing historic fabric.

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

4 **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 certificate to demonstrate water neutrality has been secured via the Sussex North Water Certification 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 under part ii) 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 that the approved development is water neutral, thus avoiding contribution to the possible adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar designations addressed by the Natural England Position Statement of September 2021 and to satisfy the Authority's duties pursuant to the Protection of Habitats and Species Regulations 2017 (as amended) at Regulation 63.

5 **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).

6 **Pre-commencement Condition**: No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. 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).

7 **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:

i. All trees on the site shown for retention on approved drawing number Tree Protection Plan Rev C, Nov 2024, 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. Before any work begins on site, the person(s) responsible for supervising the works must meet the Arboricultural Officer of the Local Planning Authority, on site, so the Arboriculturist Officer can supervise that the tree protection measures have been installed in accordance with the approved drawing number Tree Protection Plan Rev C, Nov 2024

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.

iv. Before any work begins on site, the person(s) responsible for supervising the works must meet the Arboricultural Officer of the Local Planning Authority, on site, so the Arboriculturist Officer can supervise that the tree protection measures have been installed in accordance with the approved drawing number Tree Protection Plan Rev C, Nov 2024. All works shall be carried out in strict 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).

8 **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, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement and the specific requirement for no excavations (trenchless installation methods only) for any services within the minimum recommended root protection areas of retained trees. 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).

9 **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, roofs and doors of the approved 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 a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **Pre-commencement (Slab Level) Condition**: No development above ground floor slab level shall commence until full details of the water efficiency measures required by the approved water neutrality strategy (Motion received 23.08.2024) 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).

11 **Pre-commencement (Slab Level) Condition**: No development above ground floor slab level shall commence until full details of the water efficiency measures within the dwellings hereby permitted, as set out in the water neutrality strategy (prepared by

'Moton' and dated 10.07.2024) 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), Paragraph 193 of the National Planning Policy Framework (2024), and to allow 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).

12 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (prepared by 'Moton' and dated 10.07.2024). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures 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), Paragraph 193 of the National Planning Policy Framework (2024), and to allow 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).

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

- Details of all existing trees and planting to be retained
- 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
- Details of all 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 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).

14 **Pre-occupation Condition**: No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures 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).

15 **Pre-occupation Condition**: Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to the premises.

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

16 **Pre-Occupation Condition:** No dwelling on Plots 1, 2 or 4 through 8 shall occupied until the first-floor windows to the side elevations have been fitted with obscured glazing. No part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

17 **Pre-Occupation Condition:** The dwelling hereby permitted on Plot 3 shall not be occupied until the first-floor windows to the rear elevation have been fitted with obscured glazing. No part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

18 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved plans 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).

19 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

20 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement Absolute Arboriculture, AIA/FG/11/23, 26.11.2024.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

21 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

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

22 **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, B, E, or F of Part 1, Class A of Part 2 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 due to control the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

INFORMATIVE:

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG), unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development may not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Applicant has submitted a Biodiversity Metric which demonstrates significant offsite biodiversity, therefore the condition requiring the submission of the Biodiversity Gain Plan is applied on a precautionary basis.

Background Papers: DC/24/1291

Committee Report – 4th Feb 2024