PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	4th February 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 full planning permission subject to appropriate conditions, and if necessary the completion of a Section 106 Legal Agreement within four months of the decision of this Committee, or such longer period as is agreed by the Director of Place acting reasonably and properly.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application proposes the demolition of the existing dwelling to erect 8 no. houses consisting of 5 x 3 beds and 3 x 5 bed detached houses and associated garages, with associated access, parking, and landscaping. Access to the 5-bed dwelling will retain the existing site access, while the 3-bed dwellings will be accessed via a newly formed vehicle crossover on North Heath Lane. Two 5-bed dwellings will be accessed from Pondtail Road through a new crossover.

DESCRIPTION OF THE SITE

1.3 The site covers approximately 0.42 hectares. It currently houses a two-storey dwelling, 'Fivensgreen,' located centrally within the plot. The garden area includes several single-

storey ancillary buildings and structures, such as a pool house, garage, and sheds. The existing vehicular access is on the eastern boundary via a roundabout connecting North Heath Lane, Giblets Way, and Pondtail Road. Mature off-site trees line the eastern boundary.

1.4 The application site is located within the built-up area of Horsham and within the residential neighbourhood of Holbrook. It is situated on North Heath Lane, just west of the roundabout at the junction with Pondtail Road and Giblets Way. Access to the A264 Crawley Road is via Giblets Way/Rusper Road. The site is approximately 2.7 km northeast of the town centre, which offers a wide range of services, facilities, employment opportunities, and public transport. A local convenience store and sub-post office are about 800 meters south at the junction of North Heath Lane and Coltsfoot Drive.

1.5 To the west, there is a recreational facility, including the Horsham Bowling Club. The northern boundary is adjacent to Pondtail Road, while the southern boundary abuts Fivens Place, an 11-dwelling development. The site's boundary treatments consist of a mix of timber closeboard fencing and metal railed fencing, with existing trees and planting providing substantial screening from the public realm. A Tree Preservation Order (TPO/0579) protects two trees within the site—an oak and a pine—located near the northern boundary.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES
The following Policies are considered to be relevant to the assessment of this application:

2.3 **National Planning Policy Framework:**

2.4 **Horsham District Planning Framework (HDPF 2015):**
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 15 - Strategic Policy: Housing Provision
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

2.5 **Horsham District Local Plan (2023-40) (Regulation 19):**
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 4: Horsham Town

Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

There is an extensive planning history on the site, the following application is considered of most relevance: -

Fivens Place (*to the south of the application site*)

DC/12/2257	Erection of 10 residential dwellings (comprising 4 x 3-bed and 6 x 4-bed) with associated car parking, landscaping and new access arrangements	Application Permitted on 26.09.2013

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

INTERNAL CONSULTATIONS

3.2 **HDC Arboricultural Officer:** (Original Comments) Objection - The Tree Officer provided a detailed assessment of the submitted Arboricultural Impact Assessment (AIA) and Tree Protection Plan, acknowledging it as a fair evaluation of the tree stock and impacts of the development. However, concerns were raised about the extent of development within the Root Protection Areas (RPAs) of retained trees, particularly T27, T29, T30, and T31, including a notable 38% incursion for T27, which exceeds the recommended maximum of 20% under BS 5837 standards.

3.3 The report highlights the removal of several Category U and C trees, deemed modest in quality and acceptable for removal if robust replacement planting is provided. Despite efforts to mitigate impacts through site layout adjustments, the proposal still places structures and patios within the RPAs of key retained trees, raising non-compliance issues with BS 5837. The officer further notes that the RPAs were plotted using standard circular measurements, which do not account for site-specific constraints like adjacent hard surfaces. This oversight skews the assessment and necessitates recalibration.

3.4 The officer also emphasized issues with shading and natural light due to retained boundary trees affecting specific units, suggesting repositioning buildings and modifying designs to address these impacts. Concerns persist regarding the compatibility of the development with BS 5837 standards and the broader viability of tree retention under the current layout. The officer recommends revisions to the site design and tree protection measures to address these shortcomings, noting a willingness to withdraw their holding objection if these amendments are made.

3.5 **HDC Arboricultural Officer:** (Final Comments): Am satisfied with the revised layout in terms of the extent of the of the development with the RPA of T27, subject to any hard landscaping works such as new patios etc. being built in using an above ground no dig construction method. The Arboricultural Impact Assessment, and tree protection plan will need to be updated to reflect the new layout and subject to conditions.

3.6 **HDC Conservation:** No Objection. The proposal will cause a degree of harm through the loss of a non-designated heritage asset. Am willing to accept that the public benefits of providing houses in a sustainable location would outweigh this harm. Please be confident that this is the case before determining the application positively. There will be no harm to the listed buildings to the north of the site.

OUTSIDE AGENCIES

3.7 **Place Services Landscape Officer:** No Objection - The Landscape Officer's comments emphasize the importance of preserving the existing landscape features, particularly the two TPO trees (T30 and T31) and the boundary tree belts, which are considered high-value assets defining the character of Pondtail Road and North Heath Road. While the application lacks a formal Landscape and Visual Appraisal (LVA), the submitted Design and Access Statement includes a site framework plan addressing views, frontage, and development density. The officer highlights that these features should be retained and protected, advising against intrusive development within the RPAs of these trees, particularly T8 and T27.

3.8 **Natural England:** No Objection - We concur with the conclusion of your authority's HRA appropriate assessment insofar that we have no objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality

3.9 **Southern Water:** Comment - Our investigations indicate that Southern Water can facilitate foul sewerage /surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

3.10 **WSCC Highways:** No Objection - The Local Highway Authority (LHA) do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network; therefore, is not contrary to the National Planning Policy Framework (NPPF), paragraphs 114 -117, as revised December 2023. Therefore, there are no transport grounds to resist this proposal, subject to conditions.

3.11 **SNOWS:** Comment. This application is using third-party properties to meet its water offsetting requirements, details of the application and linked offsetting property / properties have been added to the SNOWS central registers. Our records indicate that the offsetting properties at 118 Weald Drive, Crawley, and 124 Brighton Road, Crawley have sufficient offsetting capacity to meet the development's needs. The offsetting properties are currently not linked to any other application. Our records indicate that the total offsetting capacity currently available at the properties is 891 litres, and this application's offsetting requirement is 888 litres.

PUBLIC CONSULTATIONS

3.9 Representations:
35 representations have been received (from 35 individual addresses), objecting to the application on the following grounds:

- Fivensgreen is considered a significant historical property with architectural and cultural importance.
- Objections were raised against the delisting of the property, with concerns that it sets a precedent for demolishing other historic buildings.
- Many respondents valued the property as part of Horsham's heritage and objected to its demolition.
- The proposed access points are deemed dangerous due to proximity to a busy roundabout and blind corners.
- Concerns were expressed about increased traffic, risks to pedestrians (especially schoolchildren), and inadequate visitor parking.
- The loss of mature trees and green spaces was highlighted as a major concern.
- Respondents noted the habitat's importance to local wildlife, including protected species like bats, owls, and songbirds.
- The development was criticized for its environmental impact, including increased flooding risks due to reduced green cover.
- The density of the proposed development was seen as excessive and out of character with the area.
- Respondents pointed out the strain it would place on local infrastructure, such as schools, healthcare, and water drainage systems.
- Increased noise, loss of privacy, and disruption during construction were frequently mentioned.
- Respondents raised concerns about the visual impact and change to the character of the area.
- Several respondents questioned the delisting process and the lack of transparency or consultation regarding the application.
- There was criticism of the developer's motives and the timing of the delisting.
- Suggestions were made to renovate and restore the property instead of demolishing it, emphasizing sustainable development practices.

3.10 Parish Comments:
North Horsham Parish Council: Objection - Objection. NHPC Members are concerned of overdevelopment and the ability of the roundabout to cope with the increased traffic. Members are also concerned of the mix of units and would prefer to see smaller and more affordable options being proposed.

3.11 Member Comments:
None received

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

Principle of Development:

6.1 The application site at Fivensgreen is located at the northern edge of the urban area of Horsham within the established residential area of Holbrook. It benefits from access to local amenities, public transport links, and established infrastructure, making it a sustainable location for residential development in accordance with the National Planning Policy Framework (NPPF). The site is approximately 0.42 hectares and is currently occupied by a two-storey dwelling with ancillary structures, set within a well-vegetated boundary.

6.2 Policies 2 and 3 of the Horsham District Planning Framework (HDPF) state that the district has a distinctive settlement pattern, which the framework seeks to retain and enhance. Development within the built-up area boundaries is accepted in principle, with appropriate development, including infilling, within these areas being prioritised. In this context, the site's location within the defined built-up area boundary of Horsham supports the principle of redevelopment to provide additional residential units.

Heritage:

6.3 The proposal entails the demolition of the existing buildings on the site, including the main dwelling of Fivensgreen. A number of representations have been received objecting to this demolition, considering that Fivensgreen should be retained as a building of historic interest.

6.4 Fivensgreen was Grade II Listed in 1980, with the (then) list description stating it was built in around 1845 in an early C17-syle, being formerly 2 cottages but now one house. The building was though de-listed, and removed from the national list of historic buildings, in 2023. This decision followed advice from Historic England, who considered that the significance and interest of Fivensgreen had been considerably and irreversibly altered by the level of alteration and extension, such that it no longer met the strict criteria for listing in a national context.

6.5 This does not though mean that the building has no heritage value, rather that it does not meet the criteria for listing. It remains the case that Fivensgreen retains a degree of local interest, being identifiable as a residence much different to the surrounding suburban development and acting as a reminder of the degree of change in the locality. The existing building is therefore considered to represent a non-designated heritage asset. The NPPF, at Paragraph 216, states that, '*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*'.

6.6 The development would result in the demolition and total loss of the existing non-designated heritage asset. As set out above, Paragraph 216 of the NPPF requires decision makers to make a 'balanced judgement' having regard to the scale of any harm or loss and the significance of the heritage asset, and this consideration will be revisited in the conclusion / planning balance section of the report.

Character and Appearance:

6.7 Policy 32 of the HDPF states that good design is a key element in sustainable development and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

6.8 The application site provides a substantial curtilage for the existing dwelling which is otherwise predominantly surrounded by later suburban development. The proposal would result in a signiciant increase in built form on the site, and this would be clearly visible from surrounding properties and land. The proposed scale and layout of the proposal would though reflect the neighbouring development to the south, which was built of land which formerly formed part of Fivensgreen House, and that along Pondtail Road. The proposed development would similarly be reflective of housing to the east of North Heath Lane, such as that on Wordsworth Place. It is therefore considered that the layout of the proposed development would be acceptable in this location.

6.9 All proposed dwellings would be two-storey in height, maintaining consistency with the predominant scale of the area. The development adopts a cohesive architectural style that reflects the local vernacular, incorporating elements such as brick detailing, tile hanging, and varied roofscapes that are characteristic of the area. A controlled palette of materials, including locally matched brick and roof tiles would reflect the wider locality.

6.10 The site is adjoined by Grade II Listed Buildings to the north, South Lodge and Ryders Farm. The setting of these buildings is dominated by later surrounding development, and the heritage assets are now experienced in this context. The proposed development would be well contained within existing boundary screening, and given the pattern of surrounding existing built form would not have any adverse impacts on the setting of the listed buildings.

6.11 The application site benefits from a boundary tree belt and a protected oak and a protected pine to the northern section of the site (ref: TPO/0579). These features make a strong positive contribution to the character of Pondtail Road and North Heath Road and must be preserved as part of any development on the site. In recognition of this the application is accompanied by an Arboricultural Impact Assessment (AIA) and a Tree Protection Plan (TPP)

6.12 As originally submitted, there were concerns that the development would impact on tree retention, due to encroachment into the root protection areas of several significant trees. Further concerns were highlighted regarding the potential for shading and reduced natural light from retained trees on the proposed dwellings, and the potential for future pressure for reduction / removal of planting.

6.13 An amended layout was subsequently submitted which sought to overcome the above concerns, with accompanying amendments to the related AIA and TPP. The resulting layout significantly reduces the encroachment into root protection areas, such that the development would not be expected to adversely impact on the future retention of these features. A condition is recommended to ensure the tree protection measures are put in place prior to any development commencing on the site.

6.14 The siting, scale and design of the proposed development is considered to respond and appropriately reflect the established pattern of surrounding development and landscape features, and would not result in any adverse effects on the setting of heritage assets to the north of the site. It is considered that the visual impact of the proposal is acceptable and would accord with the above policies.

Residential Amenity:

6.15 Policy 33(2) of the HDPF stipulates that development will be granted permission if it does not cause unacceptable harm to the amenity of occupiers or users of nearby properties and land.

6.16 The application site lies to the north of Fivens Place, a residential cul-de-sac of 11 dwellings which was built on what was originally garden attached to Fivensgreen House. Fivens Place comprises a mix of detached and semi-detached dwellings, with the rear of 5 properties backing onto the application site.

6.17 The development would introduce the front elevation of plots 4 and 5, and the side elevations of plot 6 to the rear of Fivens Place. There is considered to be sufficient separation between proposed plots 4 and 5 and the rear of properties Fivens Place, a minimum of approximately 20m, to ensure no unacceptable impacts on neighbouring amenity.

6.18 The relationship between plot 6 and Fivens Place is more of a concern, with the proposed (two-storey) dwelling sited along the rear boundary of 8 & 10 at a minimum distance of approximately 13 metres. The separation between properties would though broadly reflect the pattern of development in the locality, including that existing on Wordsworth Place to the east, and the presence of additional built form on the site would not be harmful as a matter of course. The neighbouring properties on Fivens Place would continue to benefit from an uninterrupted southerly aspect, and while plot 6 would be clearly visible it is considered, taking into account the location of the site, that any impact would not amount to unacceptable harm.

6.19 The nature and separation of neighbouring development to the north, west and east of the application site is such that the proposal would not result in unacceptable harm to these directions.

6.20 The implementation phase of the development has potential to result in disruption, during both demolition and construction works. These impacts would though be limited and short-term, and it is considered any harm can be mitigated through conditions controlling working hours and requiring details of the construction site set-up. This approach is considered sufficient to ensure implementation does not result in unacceptable harm.

6.21 For future occupants of the proposed development, the layout would afford private amenity space to each dwelling with a degree of mutual overlooking which would not be unusual or unexpected in an established residential location such as this. It is though recommended that first-floor side facing windows across the development be obscurely glazed.

6.22 For the reasons outlined, it is considered that the proposal would have an acceptable impact on neighbouring amenity, and would provide an acceptable standard of amenity for future occupants of the development, in accordance with the above policy.

Highways Impacts:

6.23 Policy 40 of the HDPF emphasises the importance of transport access and ease of movement for the local economy, with a focus on sustainable transport and safe access. Policy 41 states that development must ensure adequate parking provision.

6.24 The site is located at the (roundabout) junction of North Heath Lane and Pondtail Road, both of which are subject to a 30mph limit. An analysis of Personal Injury Accident (PIA) data from Sussex Police over the last five years indicates one serious incident related to speeding, with no evidence suggesting that the roundabout is unsafe. The site is well-

connected for sustainable transport, with walking, cycling, and public transport options, including nearby bus stops and train stations within 1.5 km.

6.25 The proposal entails a northern access, which exists directly onto the roundabout, to serve one dwelling. This arrangement reflects that which currently exists at the site, and the continued use of the access for a single dwelling would not increase vehicular movements or alter the relationship with the highway network in any meaningful way.

6.26 A new northern and southern access would serve the remainder of the development, with the siting and available visibility considered sufficient taking into account the road layout in this location.

6.27 The development provides sufficient spaces according to WSCC's standards, with each 3-bed dwelling allocated 2.5 spaces and each 5-bed dwelling 3 spaces. Two visitor parking spaces are also provided, in line with the required provisions. Safe and secure cycle parking is available within each dwelling's garage, and refuse collection will follow existing arrangements.

6.28 The Local Highway Authority do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. There are considered to be no reasons to take a different view, and there are no transport grounds to resist this proposal.

Water Neutrality:

6.29 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

6.30 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habits site. Section 63 of the Regulations sets out the process by which an HRA must take place.

6.31 The requirements of Section 70(3) are reflected in paragraph 186 of the NPPF, which states that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'. The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 186 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision

making. In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley.

6.32 A water neutrality statement which sets out a baseline water usage for the existing 3-bedroom property as 333.45 litres / day. In comparison, the new development, comprising five 3-bedroom and three 5-bedroom houses, is projected to use 2,702.5 litres/day, based on a population estimate of 21.62 people and water consumption of 125 litres/person/day (in accordance with Building Regulations). To reduce this demand, the development will incorporate water-efficient fixtures and fittings, lowering mains water usage to 84.45 litres/person/day. This reduces the total water demand to 1,825.81 litres/day. Finally, rainwater harvesting systems will supply 27.99 litres/person/day for non-potable uses, such as toilets and washing machines, further reducing mains water usage to 1,220.78 litres/day.

6.33 After accounting for existing water consumption (from the existing dwelling), the net increase in mains water demand is 887.33 litres/day. This cannot be offset on-site, and the applicant therefore proposes to make use of a private offsetting scheme and a 'credit' system. The water statement identifies houses in multiple occupation (HMOs) in Crawley, which are within the same water supply zone, and it has been confirmed that the identified properties have sufficient offsetting capacity to meet the development's needs. The approach set out in the Water Neutrality Statement is therefore considered acceptable and would ensure the development can achieve water neutrality, subject to the completion of a s106 agreement.

6.34 An alternative option available to the applicants, as supported by recent appeal decisions, could be to utilise the emerging Sussex North Offsetting Water Scheme (SNOWS). Under this scheme, it is proposed to allow development supported in a made plan or a post submission plan the option of offsetting its water demand through the purchasing of water credits via the Council. As the application site is located within the defined built-up area boundary of Steyning the principle of housing on the site is supported by a made development plan (in this case Policy 3 of the HDPF). A condition is therefore recommended which gives the applicant the option of addressing water neutrality through either SNOWs or through their own bespoke solution discussed above. This condition would ensure the site is water neutral 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. Natural England have been consulted and have raised no objection to this approach.

Climate Change:

6.35 Policies 35, 36 and 37 of the HDPF require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity, and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The Planning statement details several measures which seek to build resilience to climate change and reduce carbon emissions, including:

- Requirement to provide full fibre broadband site connectivity.
- Dedicated refuse and recycling storage capacity
- Cycle parking facilities
- Improved pedestrian and cycle links
- Electric vehicle charging points.

6.36 Subject to the implementation of these measures (either within the design of the site or secured by condition); the application will suitably reduce the impact of the development on climate change in accordance with current local and national policy.

Biodiversity Net Gain (BNG):

6.37 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.

6.38 The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

6.39 A Biodiversity Metric has been provided which demonstrates 10% net gain would not be achievable on-site, due largely to its nature and size. The applicant is therefore proposing to purchase credits for off-site biodiversity gains. This approach is considered acceptable.

Conclusions:

6.40 The development would result in the loss of a non-designated heritage asset. The level of harm which would arise from the demolition of a building of local interest but of low to moderate heritage significance could only give rise to a low to moderate level of harm. The harm arising from demolition is therefore given a corresponding level of weight, even though the loss of the existing building is total. This therefore leads to the assessment of remaining considerations, and whether they would outweigh the identified harm.

6.41 The application site is in a sustainable location within the built-up area of Horsham and would provide 7 additional dwellings. The provision of new housing in this location represents a clear public benefit which is of significant weight, particularly when recognising that the Council cannot currently demonstrate a 5-year housing land supply. The scale, siting and design of the development would reflect the pattern of surrounding development while retaining existing key landscaping features on the site. There would be no adverse effects on the setting of neighbouring heritage assets. The development can achieve water neutrality and would not have an unacceptable impact on highways. The relationship between the development and surrounding properties and land would not be unusual or unexpected in a location such as this, and no unacceptable harm would result.

6.42 While the possibility of retaining Fivensgreen House does not appear to have been meaningfully explored, it is considered that the totality of the benefits which would be derived from the scheme would clearly and demonstrably outweigh the harm arising from the total loss of a non-designated heritage asset of moderate significance.

7. RECOMMENDATIONS

7.1 To approve the application subject to appropriate conditions and the completion of a s106 legal agreement.

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 credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme; or
ii) Confirmation has been submitted to and been approved in writing by the Local Planning Authority that the water demand from the proposed development has been offset in accordance with the terms of the s106 legal agreement completed to accompany the grant of this planning permission.

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).

Background Papers: DC/24/1291