

Horsham District Council (Planning),
Albery House,
Springfield Road,
Horsham,
RH12 2GB
01403215187

16/12/2025

Dear Sir/ Madam,

RE: SECTION 73 APPLICATION RELATING TO PLANNING APPROVAL DC/25/0993 FOR *"VARIATION OF CONDITION 1 (APPROVED PLANS LIST), REMOVAL OF CONDITION 5 (RAINWATER HARVESTING), VARIATION OF CONDITION 11 (WATER NEUTRALITY STRATEGY), REMOVAL OF CONDITION 12 (POSTOCCUPATION WATER CONSUMPTION AND REMOVAL OF CONDITION 17 (MAINS WATER CONNECTION) OF APPROVED APPLICATION DC/24/1858 (DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF REPLACEMENT 1.5 STOREY COMMUNITY PAVILION BUILDING WITH ASSOCIATED PARKING AND ACCESS)"* AT THE PAVILLION, HENFIELD ROAD, SMALL DOLE.

This covering letter is submitted in support of an application made under Section 73 of the Town and Country Planning Act 1990 to vary and/or remove Conditions 1, 4, 9, 10, 11, & 20 attached to planning permission reference DC/25/0993. This permission, granted on 24/09/2025, allowed variations and removal of conditions relating to planning permission DC/24/1858 which gave permission for the demolition of the existing building and the construction of a replacement 1.5-storey community pavilion building with associated parking and access at The Pavilion, Henfield Road, Small Dole, West Sussex.

This application seeks to vary or remove the existing planning conditions that relate to water neutrality (specifically in reference to the previously proposed

SNWCS connection). We also submit new plans relating to amendments to the building location and elevations, and discharge of BES details.

Condition 1 (Standard Plans)

Condition 1 sets out a list of approved plans and documents. This list includes the water neutrality statement as an approved document.

As referenced in approved documents list, “Supporting Statement - Water Neutrality Report - 16.06.25” should be removed (see conditions 11 and 20 below).

The following plans have been superseded:

- Location plan Proposed ML1133_B03 02.12.2024
- Block plan Proposed ML1133_B04 02.12.2024
- Elevation & Floor plan Proposed ML1133_B06 02.12.2024

We are proposing the following plans to replace those listed above within the list of approved plans in Condition 1.

- Proposed Plans and Elevations – Job Ref: 169 – Drawing No: 150
Revision: A
- Proposed Site & Location Plan – Job Ref: 169 – Drawing No: 001
Revision: A

Reason for amendment to proposed elevations and proposed site/ location plans:

Ground investigations have required the proposed location of the building to change. This is due to the location of nearby gas pipes underground. The location change is minor and is not considered to have a material impact on the currently approved planning permission.

The rear store section of the proposed building has been removed. This is to ensure that the development will remain outside of the RPA of the trees T01 and T02 as shown on the Arboricultural report.

Condition 4

Condition 4 wording is set out below:

“Pre-Commencement (slab-level) Condition: Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs or product descriptions to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).”

A full Biodiversity Enhancement Strategy (BES) has been submitted in support of this Section 73 application. The BES, dated December 2025

prepared by Ecology Partnership, should be considered in full as part of the determination of this application.

All matters previously required by Condition 4 are comprehensively addressed within the submitted BES. Accordingly, this application seeks either the removal of Condition 4 or, alternatively, its variation to secure compliance. Proposed wording set out below:

“Prior to any use of the development, the measures set out within Biodiversity Enhancement Strategy (Dec 2025 - Ecology Partnership) shall be implemented and retained thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).”

Condition 9

Condition 9 wording is set out below:

Pre-Occupation Condition: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities have been implemented in accordance with the approved details as shown on plan [ML1133_B04 - Proposed Block Plan] 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).

Due to the updated site plan and location plan, this condition requires variation. Suggested wording below:

Pre-Occupation Condition: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities have been implemented in accordance with the approved details as shown on plan

[Proposed Site & Location Plan – Job Ref: 169 – Drawing No: 001 – Revision: A] 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).

Condition 10

Condition 10 wording below:

“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 [ML1133_B06 - Proposed Plan and Elevations]. 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).”

The plans and elevations have been amended to reflect the new proposed location of the building whilst remaining outside of any RPAs. Therefore, we request that the latest version of the proposed plans and elevations be referred to in an amended condition 10. Proposed condition wording is set out below:

“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 [Proposed Plans and Elevations – Job Ref: 169 – Drawing No: 150 – Revision: A]. 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)."

Condition 11

Condition 11's wording is shown below:

"Pre-Occupation Condition: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (cgs civils, dated 11th June 2025). The building shall not be used/ occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained and operated as such at all times 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 186 of the National Planning Policy Framework, its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species)."

This submission follows the withdrawal of Natural England's former Position Statement on water neutrality. As confirmed on the Council's website, Natural England has now advised that issues of water abstraction can be addressed without requiring individual developments to demonstrate water neutrality.

This revised stance has been agreed with the Environment Agency, on the basis that reducing the abstraction licence cap will provide sufficient certainty that development will not harm the protected habitats within the

Arun Valley. These habitats have been the key consideration for Horsham District Council when assessing applications, as this change effectively severs the link between new development and water abstraction.

Following Natural England's updated position, the Council has confirmed that it will no longer be implementing the Sussex North Water Certification Scheme (SNWCS). In respect of existing permissions, the Council's guidance confirms that:

"For applicants who have existing planning permissions with conditions and s106 obligations requiring compliance with bespoke water neutrality mitigation, we will consider applications under s.73 of the Town and Country Planning Act to remove those conditions, and any associated applications to vary or discharge any relevant s106 obligations. If your permission is for new dwellings, we will instead apply a condition requiring compliance with the Building Regulations Part G Optional Technical Standard referred to above. This is the same condition we applied to all new dwellings prior to the 2021 Position Statement."

Accordingly, this application seeks to amend the current permission to remove the water neutrality-related condition 11. The local planning authority will note that water usage by the approved development will be subject to building control approval.

Condition 20

Condition 20's wording is shown below.

"Pre-Occupation Condition: No development shall be occupied / used 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) The applicant has confirmed in writing that the water neutrality strategy set out in the Water Neutrality Report C2861 P4 dated 11th June 2025) is to be fully implemented; and

iii) Pursuant to (a)(ii), the building 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 in accordance with Water Neutrality Report P4 (dated 11th June 2025).

The evidence shall include the specification of fittings and appliances used, evidence of their installation, details of the rainwater harvesting system installed including a minimum 35 days storage capacity (at least 3948 Litres), including details of their location, in addition to evidence that their initial fill will be supplied with water from outside of the Water Supply Zone, and completion of the as built Part G water calculator or equivalent.

The installed measures shall be retained as such thereafter, or to a similar improved water performance.

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)."

This condition is requested to be removed on the basis that it is no longer necessary given the updated position on water abstraction. Please reference the text and explanation under the previous section for Condition 11.

Summary

This application is submitted under Section 73 of the Town and Country Planning Act 1990 to vary and remove conditions attached to planning permission DC/25/0993, which varied the original consent DC/24/1858 for the replacement community pavilion at Henfield Road, Small Dole. The proposed changes relate primarily to conditions referencing water neutrality, alongside minor consequential amendments to approved plans and conditions to reflect updated drawings and submitted details.

The proposed variations are minor and justified and the Local Planning Authority is therefore respectfully requested to approve this Section 73 application.

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Yours faithfully,
Lewis & Co Planning.

December 2025