# PLANNING COMMITTEE REPORT

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| **TO:** | Planning Committee |
| **BY:** | Head of Development and Building Control |
| **DATE:** | 2nd December 2025 |
| **DEVELOPMENT:** | Development of the site to create 35 new dwellings including associated landscaping and parking, with provision of additional parking facilities associated with St Peters Church of England School and provision of public open space with 9 allotments. |
| **SITE:** | Land North of Little Potters, Potters Green, Station Road, Cowfold, West Sussex |
| **WARD:** | Cowfold, Shermanbury and West Grinstead |
| **APPLICATION:** | DC/24/0982 |
| **APPLICANT:** | **Name:** Devine Homes **Address:** St Michael's House, 111 Bell Street Reigate RH2 7LF |

**REASON FOR INCLUSION ON THE AGENDA**: The application has returned to Committee to consider the updated circumstance regarding Water Neutrality.

**RECOMMENDATION**: To approve full planning permission subject to appropriate conditions and subject to the completion of the necessary section 106 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 impact of Natural England's formal withdrawal of their 2021 Position Statement on Water Neutrality since the resolution to grant planning permission was made at the 18th February 2025 Committee Meeting. The Position Statement was withdrawn by letter on 31st October 2025.

1.2 This application was last heard on 18th February 2025 Planning Committee meeting where Members resolved to grant subject to conditions and completion of a s106 legal agreement. Since then, negotiations have advanced on the s106 agreement.

1.3 The applicants had submitted a water neutrality strategy which proposed a combination of onsite efficiencies and offsetting of the remaining water consumption by way of a new borehole at Heathtolt Farm, which could extract up to 20,000 litres a day and be utilised for the cattle farm's livestock drinking needs. This strategy was agreed as demonstrating water neutrality and the application was resolved to be granted subject to conditions and legal agreements at the Planning Committee meeting of 18th February 2025.

1.4 The relevant committee papers are attached as **Appendix A** (18th February 2025), which include the site description and full details of the application along with all consultee comments and assessment of all material considerations at the time.

DESCRIPTION OF THE (AMENDED) APPLICATION

1.6 The application, as considered at the previous 18th February 2025 committee meeting, sought full planning permission is sought for the development of the site to create 35 new dwellings, comprising a mix of 2, 3 and 4 bed dwelling types (the greater proportion being 3-beds at 63%). The Committee resolution was to approve the application, subject to a suite of planning conditions.

1.7 Following withdrawal of the Natural England 2021 Position Statement, the applicant now seeks removal of the two relevant water neutrality conditions (nos.9 and 33 which required the applicant implement and adhere to their approved water neutrality strategy) and revert the HDPF Policy 37 requirement of 110 litres per person per day.

## 2. PLANNING HISTORY AND RELEVANT APPLICATIONS

2.1 As set out in the appended report.

## 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

3.2 **Natural England (standing advice):** No objection

3.3 No consultation responses have been received since 18th February 2025 committee resolution.

PUBLIC CONSULTATIONS

Representations (summarised)

3.5 No representations from identified property addresses have been received since 18th February 2025 committee resolution.

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

## 5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## 6. PLANNING ASSESSMENT

6.1 The principle of this development is established through the previous resolution to approve planning application. No material considerations indicate that a different conclusion as to the principle of housing on this site should be reached.

6.2 Therefore, the sole consideration is the impact of Natural England's formal withdrawal of their 2021 Position Statement on Water Neutrality.

**Water Neutrality**

6.3 As set out in the February committee report, 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 advised 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.

6.4 On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. Given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites. It is though recognised that Southern Water have separately made significant water savings in 2024/25 through a programme of leakage reduction which has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline.

6.5 Officers have undertaken a new Appropriate Assessment which demonstrates that the anticipated mains water consumption from this development (some 8,654.80 litres per day), alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day. This is based on all new residential development achieving the Building Regulations Part G Optional Technical Standard of 110 litres per person per day, as required under Policy 37 of the HDPF.

6.6 Natural England has been consulted on this approach of using the 2024/25 Southern Water efficiency savings to offset new development. In response, Natural England have provided standing advice which confirms that they consider the 3,240,000 litres per day of water savings made by Southern Water to be reliable such that they have no objection to his capacity being used to offset development proposals.

6.7 Accordingly, subject to the imposition of a condition requiring the development to meet the Building Regulations Part G Optional Technical Standard of 110 l/p/d water consumption (see condition 32), the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

<u>Section 106 Agreement</u>

6.8 Negotiations between the applicants and Officers are the final stages to agree the details of the S.106 legal agreement that would need to accompany the grant of planning permission for this development. Given the above changed position on water neutrality, the s106

agreement no longer requires water neutrality obligations, however the remaining obligations as previously reported at the 18th February 2025 Committee remain. These include an off-site affordable housing contribution of £20,685.71 in lieu of the provision of 0.25 of an affordable unit, and £8,800 towards the long-term maintenance of the school car park.

Community Infrastructure Levy (CIL)

6.9 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. It is considered that this development constitutes CIL liable development, with the relevant details set out in the February committee report.

**Planning Conclusions**

6.10 The proposed amendments to the application as consequence to the changed circumstances of the matter of Water Neutrality do not materially alter planning balance exercise and conclusions previously reported in the 18th February Committee Report.

6.11 Officers therefore continue to recommend this application be approved, having regard to the material planning considerations as detailed out in this report and the appended committee papers.

## 7. RECOMMENDATIONS

7.1 To approve full planning permission, subject to the completion of the Section 106 Agreement and the following conditions:

Conditions:

1. **Approved Plans List**

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:** The development hereby approved shall not commence until the following construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:
   - (a) Details of site management contact details and responsibilities;
   - (b) A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
     - i. location of site compound,
     - ii. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
     - iii. site offices (including location, height, size and appearance),
     - iv. location of site access points for construction vehicles,
     - v. location of on-site parking,
     - vi. locations and details for the provision of wheel washing facilities and dust suppression facilities
   - (c) The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
   - (d) Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

All construction activities shall thereafter be carried out in accordance with the details and measures approved.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
   a) Risk assessment of potentially damaging construction activities.
   b) Identification of "biodiversity protection zones".
   c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
   d) The location and timing of sensitive works to avoid harm to biodiversity features.
   e) The times during construction when specialist ecologists need to be present on site to oversee works.
   f) Responsible persons and lines of communication.
   g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
   h) Use of protective fences, exclusion barriers and warning signs.
   i) Containment, control and removal of any Invasive non-native species present on site.
   k) Dust Risk Assessment and Management Plan, including on-sites measures to improve air quality at the construction phase.

   The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

5. **Pre-Commencement Condition:** Prior to the commencement of development, construction drawings of the surface water drainage network including topographical plans and cross sections, associated sustainable drainage components and flow control mechanisms, including inlet and outlet elements, a construction method statement, and a planting proposal shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall include the detailed design for a suitably landscaped attenuation basin. The scheme shall then be constructed as per the agreed Flood Risk Assessment and Drainage Strategy Rev D (dated 5th November 2024) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

   Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policy 38 in Horsham District Planning Framework.

6. **Pre-Commencement condition:**
   (a) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
   (b) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

Reason: As this matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

7. **Pre-Commencement Condition:** No development shall commence until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. This includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level. The development shall be completed in accordance with the approved details.

   Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and 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 by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. 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 Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
   a) An intrusive site investigation scheme, based on the Phase 1 Desk Study to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
   b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

   The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

   Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

10. **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 scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be in broad accordance with the recommendations in the Noise Impact Assessment Issue 2 (dated 04.12.24) and shall demonstrate that they are sufficient to prevent overheating. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11. **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 detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be in accordance with the Institute of Lighting Professional's Guidance notes (including Guidance Note: 08/23) for the reduction of obstructive light and shall have been designed by a suitably qualified person in accordance with the recommendations. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The scheme shall be implemented in accordance with the approved scheme and thereafter retained as such. No other external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

    Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework, and to safeguard the amenities of the site and surrounds in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

12. **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 hard surfacing, including for open space footways, has been submitted to and approved by the Local Planning Authority in writing and all surfacing 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).

13. **Pre-Occupation Condition:** The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
    i. a timetable for its implementation,
    ii. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
    iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

    Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

14. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of all boundary walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

    Reason: In the interests of visual and residential amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

15. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components and specifications, management prescriptions, timetable for implementation, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

    Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

16. **Pre-Occupation Condition -** No part of the development hereby permitted shall be occupied until a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Ecological Impact Assessment (The Ecology Partnership, January 2025) has been submitted to and approved in writing by the local planning authority.
    The content of the Biodiversity Enhancement Layout shall include the following:
    a) Detailed designs or product descriptions for biodiversity enhancements; and
    b) Locations, orientations and heights for biodiversity enhancements on appropriate drawings.
    The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

17. **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling in accordance with approved drawing number P101 Rev Z Proposed Site Layout. The facilities shall thereafter be retained for use at all times.

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

18. **Pre-Occupation Condition**: No dwelling shall be first occupied until the parking, turning and access facilities necessary to serve that dwelling and the vehicular access, footway, and gateway features on the A272 serving the development has been constructed in accordance with the details shown on the drawings titled Proposed Site Access and Traffic Calming Arrangement and numbered SK03 revision D and Proposed Footway Alterations drawing SK04 revision A as included within the TPA Technical Note, reference 2101- 031/TN/01A dated October 2024 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 dwelling hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the garage or garden shed 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. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a survey and verification report from an independent surveyor demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings has been submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.
    Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

21. **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

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

    Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

22. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been provided to the premises.

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

23. **Pre-Occupation Condition:** No dwelling shall be first occupied until an air quality mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The air quality mitigation plan should contain measures to a minimum value of £5,729.81 as the calculated environmental damage cost and include (but not be limited to) the measures detailed in Section 9 of the Air Quality Assessment (Air Quality Consultants Ltd, Jan 2025) and a timetable for their delivery. The air quality mitigation plan shall also include a timetable for delivery of the measures. The measures shall thereafter be provided in accordance with the approved mitigation plan and timetable.

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

24. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 10b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 10b), unless otherwise agreed in writing by the Local Planning Authority.

    Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

25. **Pre-Occupation Condition:** No dwelling shall be first occupied until a final verification report shall be submitted to and approved in writing by the local Planning authority which confirms that all the works which form part of the scheme for protecting the proposed development from road traffic noise as approved by the Local Planning Authority under condition 11 above have been completed. All work must be carried out by suitably qualified person and the approved noise, vibration attenuation and ventilation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

    Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

26. **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on drawing ref: P102 Rev K Proposed Building Materials Layout unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

    Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

27. **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

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

28. **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment and Method Statement dated November 2024, including the Tree Protection Plan at Appendix 2.
    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.

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).

29. **Regulatory Condition:** The approved landscaping scheme shall be fully implemented in accordance with the approved soft landscaping details set out in drawings ref: m384-100 RevP2 Landscape Masterplan, ref: m384-201 RevP4 Landscape Plan Sheet 1 of 7, ref: m384-202 RevP4 Landscape Plan Sheet 2 of 7, ref: m384-203 RevP4 Landscape Plan Sheet 3 of 7, ref: m384-204 RevP4 Landscape Plan Sheet 4 of 7, ref: m384-205 RevP4 Landscape Plan Sheet 5 of 7, ref: m384-206 RevP4 Landscape Plan Sheet 6 of 7, and ref: m384-207 RevP4 Landscape Plan Sheet 7 of 7, within the first planting season following the first occupation of any part of the development.

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

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

30. **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Ecological Impact Assessment (The Ecology Partnership, January 2025), Ecological Impact Assessment (The Ecology Partnership, June 2024) and Preliminary Ecological Appraisal (The Ecology Partnership, May 2024). This includes the non-licensed Precautionary Method Statement for Hazel Dormouse in Section 5.10, the reptile mitigation strategy in Sections 5.14 to 5.19 and 7.4 and the Precautionary Method Statement for mobile protected species in Section 5.13 of the Ecological Impact Assessment (The Ecology Partnership, January 2025). This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

    Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

31. **Regulatory Condition:** The garage(s) hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

    Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

32. **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

**Biodiversity Net Gain Condition**
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

*Statutory exemptions and transitional arrangements*
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

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

*Effect of Section 73(2D) of the 1990 Act*
Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -
(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
(b) the conditions subject to which the planning permission is granted:
(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

The earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.