



Mr Nick Surtees
CDMS Architects
1st Floor
Montpelier House
99 Montpelier Road
Brighton
BN1 3BE
East Sussex

Application Number: DC/18/0845

TOWN AND COUNTRY PLANNING ACT, 1990 (as amended)
TOWN AND COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr Bingham

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that they PERMIT the following development, that is to say:

Demolition of existing 6-bed dwelling and detached double garage and erection of replacement 5-bed dwelling and attached double garage.

Toat Orchard Bashurst Hill Itchingfield Horsham

to be carried out in accordance with Application No. DC/18/0845 submitted to the Council on 24/04/2018 and subject to compliance with the plans/documents and conditions specified hereunder.

Dr Chris Lyons
Director of Planning, Economic Development & Property

Date: 22/06/2018

- Plans Condition:** The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Location plan		2198(10)000 A	24.04.2018
Site plan	Existing	2198(10)001	20.04.2018
Roof plan	Proposed	2198(21)102	20.04.2018
Floor plan	Proposed first	2198(21)101	20.04.2018
Elevation plan	Proposed West and North	2198(31)001	20.04.2018
Section plan	Existing and proposed	2198(41)000	20.04.2018

Elevation plan	Existing	2198(30)000	20.04.2018
Site plan	Proposed	2198(11)001	20.04.2018
Block plan	Existing and proposed	2198(11)000	20.04.2018
Floor plan	Existing ground	2198(20)000	20.04.2018
Floor plan	Existing first	2198(20)001	20.04.2018
Floor plan	Proposed ground	2198(21)100	20.04.2018
Roof plan	Existing	2198(20)002	20.04.2018
Elevation plan	Proposed East and South	2198(31)000	20.04.2018
Design & Access Statement		NONE	20.04.2018
Supporting Docs	Arboricultural report	NONE	20.04.2018

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 **Standard Time Condition:** The development hereby permitted shall be begun 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 precise details of the existing and proposed finished floor 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. 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).

- 4 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental 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).

- 5 **Pre-Occupation Condition:** Prior to the first occupation of the dwelling, the necessary infrastructure to enable connection to high speed broadband internet (defined as having speeds greater than 24 megabits per second) shall be provided.

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).

- 6 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling. 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).

- 7 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the car parking spaces (including garages) serving it have been constructed and made available for use in accordance with approved drawing number 2198(11)001. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied until secure cycle parking facilities serving 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).

- 9 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the plans numbered 2198(31)000 and 2198(31)001.

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).

- 10 **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 nearby residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Note to Applicant

Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at www.planningportal.co.uk/planning/applications/paperforms .

Note to Applicant

The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

Note to Applicant

The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

Note to Applicant

Please refer to the consultation response from the WSCC Public Rights of Way team (available on the Council's website under reference DC/18/0845) for advice regarding footpath 1474. This is a public right of way which runs north east to south west and forms part of the access to the application site.

Note to Applicant

Please refer to the consultation response from Southern Water (available on the Council's website under reference DC/18/0845) regarding the public water main and sewerage. The applicant is advised to discuss the development with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Note to Applicant – Community Infrastructure Levy (CIL):

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Note to Applicant:

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

ADDITIONAL INFORMATION

Planning Permission – Important Provisos

If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

Compliance with the Approved Plans and Conditions

The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.

If works on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Amendments

Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring

Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Conditions Compliance

Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.

A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

Right of Appeal

If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application and within 26 weeks for other types of planning applications. Please note, only the applicant possesses the right of appeal.

The details of how to appeal together with the form which must be used can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or on-line at www.planningportal.gov.uk/pcs



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/18/0845

Toat Orchard, Bashurst Hill, Itchingfield, Horsham, West Sussex, RH13 0PA

DESCRIPTION:

Demolition of existing 6-bed dwelling and detached double garage and erection of replacement 5-bed dwelling and attached double garage.

RELEVANT PLANNING HISTORY:

I/27/96	Single-storey extension and erection of detached double garage Site: Toat Orchard Bashurst Hill Itchingfield	Application permitted on 03.12.1996
I/22/66	Proposed erection of staff accommodation. (From old Planning History)	Application permitted on 16.09.1966
I/14/60	Dwellinghouse with vehicular access to garage. Comment: Building regs 08/06/60 (From old Planning History)	Application permitted on 08.06.1960
I/20/59	Dwellinghouse. Comment: B. regs 14/10/58 (From old Planning History)	Application permitted on 14.10.1959
I/13/58	Site for dwelling house. (From old Planning History)	Application permitted on 09.07.1958

SITE AND SURROUNDS

The application site comprises a large detached property built in the 1960s. The dwellinghouse sits to the west of Bashurst Hill and is accessed via a long private road which is also a public right of way (ROW1474). The property occupies a large rectangular plot measuring approximately 0.44 hectares (1.1 acres) and adjoining its north easternmost boundary is an area of ancient woodland known locally as Toat Copse. Land levels are not even throughout the site, with the land sloping downwards from south west to north east. The wider character area is formed of large detached properties occupying generous plots with the dwellinghouses in a variety of styles from characterful thatched cottages to traditional brick-built properties and modern, architectural buildings. The locality is particularly sylvan in character and feels very tucked away from main roads and larger settlements. The application site is outside of any defined built-up area boundary.

DETAILED DESCRIPTION

The application seeks permission to demolish the existing 6 bedroom detached dwellinghouse and erect a two-storey 5 bedroom detached dwelling in a reconfigured position that sits more centrally in the plot that the existing property. On entering the driveway, the proposed new dwelling leads to a parking and entrance area in front of the proposed double garage. The property is particularly modern in design, constructed of blue brick and timber detailing with extruding battens. The roof shape is not standard and features a mixture of flat roof areas and shallow pitches and is proposed to be constructed of metal and metal coping. Large picture windows also form a strong design feature of this

dwellinghouse. There are terraces proposed to both the south and north elevations over ground floor, accessed via a short row of timber steps on the north elevation.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 15 - Strategic Policy: Housing Provision

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 28 - Replacement Dwellings and House Extensions in the Countryside

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

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

Neighbourhood Plan:

The local planning authority has approved the designation of the Parish of Itchingfield as a Neighbourhood Development Plan Area. The plan is therefore currently at an early stage of development.

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

INTERNAL CONSULTATIONS

HDC Arboricultural: No Objection

OUTSIDE AGENCIES

WSCC Highways: Advice

The local highways authority has not raised any objection to the proposal and has stated that if the local planning authority is minded to approve the application, conditions relating to car and cycle parking are recommended.

WSCC Public Rights of Way: No Objection

The Public Rights of Way Officer has noted that Public Rights of Way (PROW) footpath 1474 runs along part of the access road to Toat Orchard. It is noted that the application does not propose any alteration to the PROW. The Officer has raised no objection to the proposal but has highlighted advice in respect of the PROW which has been added as an informative to the decision.

Southern Water: Advice

Southern Water has raised no objection to the proposal but has highlighted advice regarding the public water main and sewerage. The applicant is advised to discuss the development direct with Southern Water. An informative has been added to the decision notice regarding this advice.

Forestry Commission: No response

The Woodland Trust: No response

Representations:

None received

Parish Comments:

Itchingfield Parish Council recommend approval provided some consideration is given to renewable energy sources.

Member Comments:

None received

HUMAN RIGHTS

Article 8 (right to respect of a private and family life) and Article 1 of The First Protocol (protection of property) of the Human Rights Act 1998 are relevant to the application. Consideration of human rights is an integral part of the planning assessment set out below.

PLANNING ASSESSMENT

Principle of Development:

The application site is located outside of any defined built-up area boundaries and is therefore considered to be development within a countryside location, in terms of planning policy. National and local planning policy seeks to protect the open countryside from inappropriate development.

Policy 28 of the Horsham District Planning Framework allows for replacement dwellings to be constructed in the open countryside provided that the development can be accommodated appropriately within the curtilage of the existing dwelling, the property is not derelict, is replaced on a one-for-one basis, is not disproportionate to the size of the existing dwelling and is sympathetic and subservient to the scale and character of the existing dwelling.

The proposal involves a replacement dwelling on a one-for-one basis located within an existing residential curtilage with the existing property not being derelict. In principle, the local planning authority would have no objections to the replacement of the existing dwelling subject to the proposal meeting other local plan policies.

Design and Appearance:

Policy 28 of the HDPF requires replacement properties to not be disproportionate to the size of the existing dwelling and should be in keeping with the scale and character of the existing dwelling.

Policies 32 and 33 also seek to ensure high quality and inclusive design for all development in the district and ensure that it will; complement locally distinctive characters and heritage, contribute to both the buildings and spaces and integrate well with their surroundings, is locally distinctive in character and respects the character of the surrounding area.

The existing dwelling was built in the 1960s and is not considered to be worthy of retention. The property has little architectural merit and has been poorly extended in previous years to create a

bottom heavy and ill-considered ground floor layout. Whilst the proposed new dwelling is certainly different in character, the scale is commensurate and will occupy a similar footprint, albeit in a rotated position that sits more centrally (and conventionally) within the plot, than the existing dwelling.

The area of Bashurst Hill is in a tucked away position, away from main roads and larger settlements. Properties are largely detached and occupy generous plots, however, the dwellinghouses are distinctive in character in a variety of styles from characterful thatched cottages to modern buildings. One of the neighbouring properties to the west, Lane End, underwent extensive refurbishment and remodelling following the approval of planning application reference DC/12/1112 and has subsequently created a very modern architectural property, somewhat akin to the replacement dwellinghouse proposed within this application.

Given the tucked away positioning of the application site, the varied character of properties within the wider character area and the neighbouring modern property, the proposed scale, design and layout of the dwellinghouse is considered to be acceptable. It is therefore concluded that, in terms of design and appearance, the dwellinghouse is considered to accord with the relevant policies of the HDPF, in particular Policies 32 and 33.

Amenity Impacts:

Policy 33 of the Horsham District Planning Framework states that development should avoid unacceptable harm to the amenity of occupiers/users of nearby property, should consider the scale, massing and orientation between buildings and should have regard to the sensitivities of surrounding development.

Owing to the large plots that the application site and neighbouring properties occupy there is limited opportunity for overlooking. Whilst there are glimpses of neighbouring properties from the application site, the highly verdant landscaping and the positioning of the dwellinghouses mean that the proposal is not considered to result in an adverse impact on the residential amenity of neighbouring properties in terms of loss of privacy or overlooking. The most shared views exist between Toat Orchard and its neighbour to the west, Toat Copse. Whilst the application site, in its current arrangement, are angled to face each other, the revised scheme rotates the front and rear elevations to create elevations facing south westwards and north eastwards respectively. It is not considered the siting of the proposed new dwellinghouse or the positioning of windows will harm the residential amenity of the Toat Copse.

Other Matters:

The application site adjoins an area of ancient woodland, known as Toat Copse, to the north of the site. Standing Advice from the Forestry Commission and Natural England states that development should be sited at a minimum of 15m to create a buffer zone between the area of ancient woodland and the development. The proposed replacement dwellinghouse is sited some 65m from the ancient woodland and therefore is considered to be at a proximity that is not considered to lead to adverse harm to the ancient woodland.

The Council's Arboricultural Officer was consulted regarding this application and he has verbally confirmed that he has raised no objection to the proposals, in respect of the ancient woodland or the trees within the site.

Conclusions and Planning Balance:

The loss of the existing building is not considered to be a cause for concern. The character area features properties in a variety of styles, with the location of Bashurst Hill in a tucked away position and the modern design is considered to be acceptable in this location. The scale and siting of the proposed replacement dwelling is considered sufficient to prevent any significant impact on the amenities of adjoining occupiers and no adverse harm to the area of ancient woodland is foreseen, given the distance from the proposed development. It is therefore concluded that the application accords with the relevant policies of the Horsham District Planning Framework, in particular, Policies 28, 32 and 33 and approval is recommended.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	335.81	0	335.81
		Total Gain	
		Total Demolition	262.83

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Application Permitted

Conditions:

- 2 Standard Time Condition:** The development hereby permitted shall be begun 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 precise details of the existing and proposed finished floor 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. 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).
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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).

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POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/18/0845

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		2198(10)000 A	24.04.2018
Site plan	Existing	2198(10)001	20.04.2018
Roof plan	Proposed	2198(21)102	20.04.2018
Floor plan	Proposed first	2198(21)101	20.04.2018
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Elevation plan	Proposed East and South	2198(31)000	20.04.2018
Design & Access Statement		NONE	20.04.2018
Supporting Docs	Arboricultural report	NONE	20.04.2018

DELEGATED

Case Officer sign/initial Carol Algar Date: 22nd June 2018

Authorising Officer sign/initial A.Richardson Date: 22.06.2018



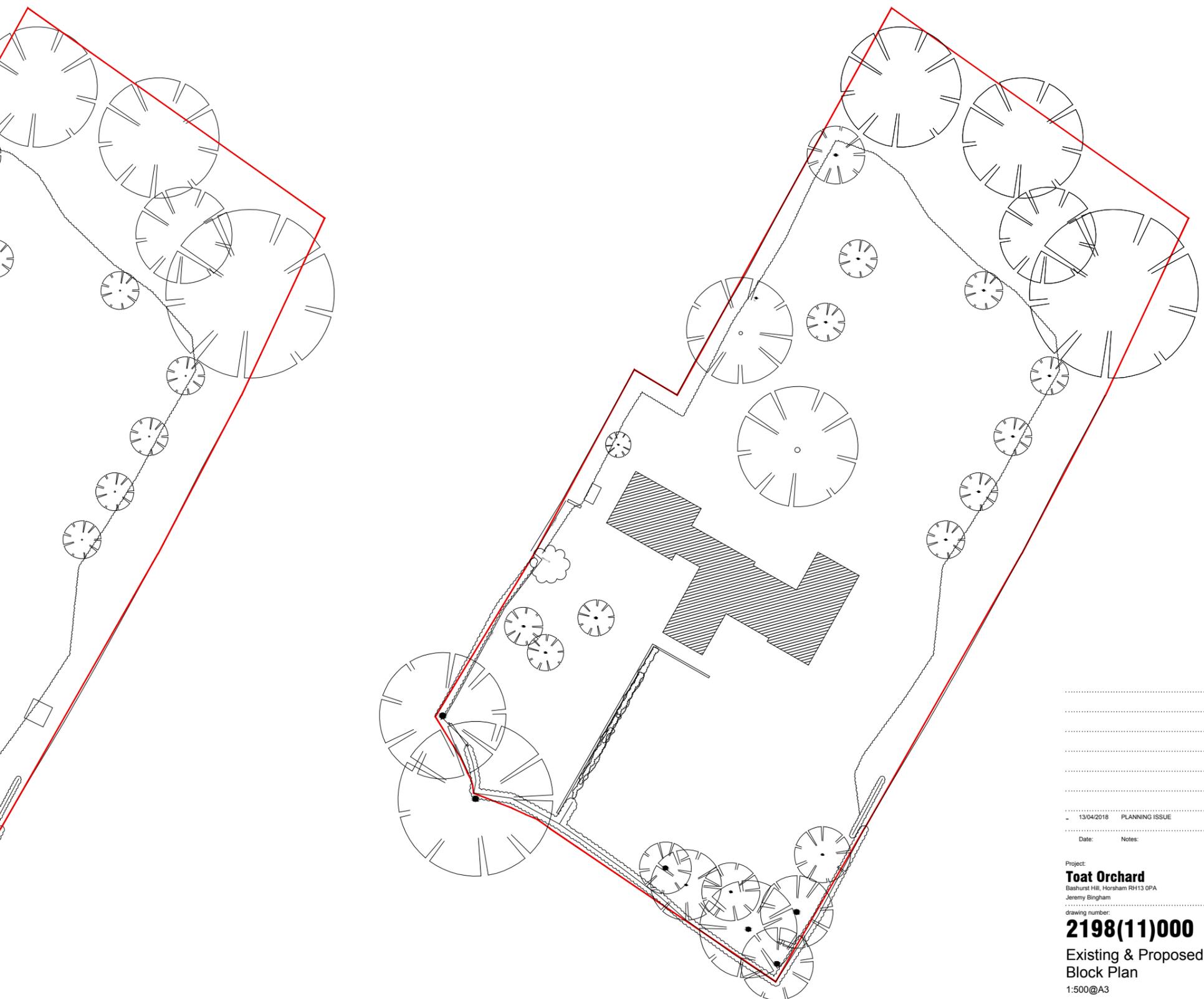
A	24/04/2018	RED LINE AMENDED TO MEET PUBLIC HIGHWAY.	NS
-	13/04/2018	PLANNING ISSUE	CG
Date:	Notes:	Drawn:	Checked:

Project:
Toat Orchard
 Bashurst Hill, Horsham RH13 0PA
 Jeremy Bingham
 drawing number: **2198(10)000** rev: **A**
 Site Location Plan

1:1250@A3
 Drawn by: CG
 Checked by: CM
 Issued for:
APPROVAL

Do Not Scale. All dimensions and conditions are to be checked on site prior to preparing drawings or commencing any work. © This drawing is the property of CDMS Partners Limited, trading as CDMS Architects and protected by the Copyright, Designs and Patents Act, 1988.

CDMS ARCHITECTS
 1st Floor | Montpellier House | 99 Montpellier Road | Brighton | BN1 3BE
 t:01273 220407 e:info@cdmsarchitects.com w:www.cdmsarchitects.com



02 Proposed Block Plan 1:500

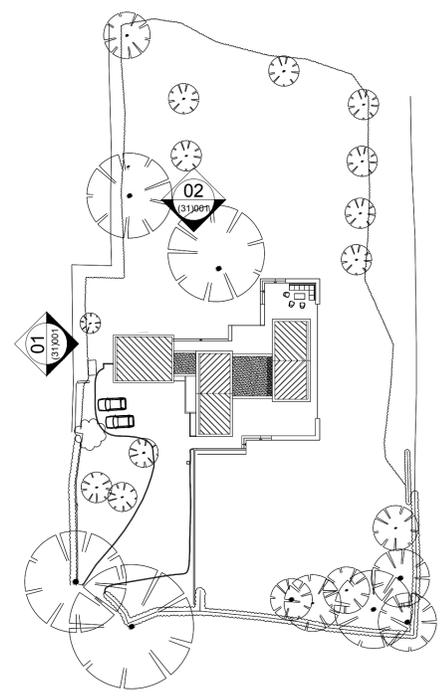
13/04/2018	PLANNING ISSUE	CG	CM
Date:	Notes:	Drawn:	Checked:

Project:
Toat Orchard
 Bashurst Hill, Horsham RH13 0PA
 Jeremy Bingham
 drawing number: **2198(11)000** -
 Existing & Proposed
 Block Plan
 1:500@A3

Drawn by: CG
 Checked by: CM
 Issued for:
APPROVAL

Do Not Scale. All dimensions and conditions are to be checked on site prior to preparing drawings or commencing any work. © This drawing is the property of CDMs Partners Limited, trading as CDMs Architects and protected by the Copyright, Designs and Patents Act, 1988.

CDMS ARCHITECTS
 1st Floor | Montpelier House | 99 Montpelier Road | Brighton | BN1 3BE
 t:01273 220407 e:info@cdmsarchitects.com www.cdmarchitects.com



casement opener.
casement opener with obscured glazing.
or with glazed top light and side panels.
doors.
floor.

13.04.2018	PLANNING ISSUE.	CG	CDMS
Date:	Notes:	Drawn:	Checked:

Project:
Toat Orchard
Bashurst Hill, Horsham RH13 0PA
for Jeremy Bingham

drawing number: **2198(31)001** rev:
Proposed Elevations
West & South Elevation
1:100@A1

Drawn by: CG
Checked by: CM
Issued for:
APPROVAL

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KEY PLAN 

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