Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1071
Chesworth House, Denne Road, Horsham, West Sussex, RH12 1JR

DESCRIPTION:
Variation of Conditions 1, 11 and 13 of previously approved application DC/23/1145 (Erection of a pool house, and installation of a swimming pool and replacement tennis court. Erection of 2no plant storage sheds) Positioning of track to storage sheds to be amended, addition of sensor security shed lighting. Storage sheds to include storage of items incidental to the enjoyment of the house.

RELEVANT PLANNING HISTORY:

DC/23/1145	Erection of a pool house, and installation of a swimming pool and replacement tennis court. Erection of 2no plant storage sheds.	Application Permitted on 15.05.2024

SITE AND SURROUNDS

The application site comprises a two-storey detached II* Listed Building. To the north of the main building is a collection of buildings which are linked to the main house by a wall enclosing a courtyard these comprise a greenhouse, two storage rooms and a cottage and, beyond this is a further building housing a garage at ground floor level with flat above. Just beyond the greenhouse to the east is a brick summerhouse. To the north of the summerhouse and east of the cottage is a large barn. Sited further away.

DETAILED DESCRIPTION

The application is a variation of condition of previously approved application DC/23/1145 (Erection of a pool house, and installation of a swimming pool and replacement tennis court. Erection of 2no plant storage sheds). The application seeks to amend the position of the track to the storage sheds, the addition of sensor security shed lighting, and the rewording of the incidental condition attached to the application in regard to sheds (Condition 11).

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 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 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 38 - Strategic Policy: Flooding

Horsham Blueprint Neighbourhood Plan:
Policy HB1: Location of development
Policy HB3: Character of development
Policy HB4: Design of development
Policy HB5: Energy efficiency and design
Policy HB10: Green and blue infrastructure and delivering biodiversity net gain

Horsham Town Design Statement (2008)

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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 Tree Officer: No Objection - The amended plans accord with the site set up approved in principle in relation to the application for discharge of condition 4 (AMS) of the original application DC/23/1145.

No further arboricultural concerns – re-apply condition for AMS if minded to approve or alternatively request it is submitted as part of the application to enable use of a compliance condition instead.

HDC Landscape Architect: No Objection/Advice - No concerns with the storage shed wording or the positioning of track are raised on landscape grounds.

Potential concern is raised in regard to addition of sensor security lighting due to potential light intrusion within the rural setting. Based on guidance from SDNP Dark Skies Technical Advice Note Version 2 and The Bat Conservation Trust guidance note 08/23, we recommend the following for external lighting in a countryside location to mitigate adverse landscape effects:

- 3000Kelvin or lower
- 500 Lumens or below
- Where appropriate, use of motion/proximity sensors and set to as short a possible a timer as a risk assessment will allow. For most purposes, a 1 or 2 minute timer is appropriate.
- Horizontally mounted luminaires with no light output above 90° and/or no upward tilt.

External lighting details may be secured through condition.

HDC Conservation: No Objection - I am satisfied there will be no additional impact to the setting of the listed building.

HDC Archaeological: No Objection - We have no objection to the proposed variation of conditions 1 and 11 as they do not impact on the need for archaeological investigation required by Condition 3

HDC Environmental Health: No Comment

OUTSIDE AGENCIES

WSCC Highways: Objection No Objection Comment Support

Ecology Consultant: No Objection - We have reviewed the documents submitted by the applicant, relating to the variation of text in regulatory condition 11 which secures mitigation to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites.

We note from the Biodiversity Enhancement Strategy (CT Ecology, February 2024), that the site comprises sealed surfaces, modified grassland, neutral grassland, and bare ground. Therefore, no further ecological surveys are required.

We have no ecological objection to the suggested amendment.

Place Services Newt Officer: Comment - Thank you for consulting me on the above planning application. The development has joined the District Licence scheme and is currently authorised under Horsham District Councils Licence. The Red Line Boundary has not changed under the new amendments and therefore I have no comments to make at this time.

Historic England: No Comment

Parish Comments:
No Objection

Representations:
None received

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:

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.

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.

PLANNING ASSESSMENT

The application has been assessed on the basis of the submitted details, together with the planning history of the site and adjoining properties and available images. These details were considered sufficient to allow the application to be properly considered and determined.

Character and Appearance

Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

This application is a variation of condition 1 of planning permission DC/23/1145 (Erection of a pool house, and installation of a swimming pool and replacement tennis court. Erection of 2no plant storage sheds). The changes proposed are as follows:

- Amend the position of the track to the storage sheds – supported by amended plans:
  1. 01 Proposed Site Plan A1 - REV E
  2. Proposed Site Plan North Area REV D
- Addition of sensor security shed lighting
- Rewording of the incidental condition attached to the application in regard to sheds (Condition 11).

The amendments and changes have been reviewed and overall the revised information would reflect the siting and layout of the development, with the design, form and scale considered to be in keeping with the approved design with what is considered small scale alterations/additions. The development would be appropriately contained within existing site boundaries and would not result in any harmful loss of openness or create a detrimental appearance to the locality. The visual impact of the proposal is therefore acceptable and in accordance with the above policies.

For these reasons, it is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

Impact on Neighbouring Amenity

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

Sufficient distance would be maintained between the dwelling and the neighbouring properties, in addition to retained boundary planting, to avoid any harmful impact on neighbouring amenity.

It is considered that the siting and layout of the proposed amendments/alterations and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Water Neutrality

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

In conclusion, the proposed variation of condition 1 for the amendments to the site layout and incidental condition related to the storage sheds is considered acceptable. The revisions, including the repositioning of the track and the addition of sensor lighting, involve minor alterations that are in keeping with the approved design. The changes maintain the scale, form, and layout within the existing boundaries and do not negatively impact the character or appearance of the area over what has previously been assessed by the Council, in accordance with Policies 32 and 33 of the HDPF. Furthermore, sufficient separation and boundary treatments ensure no harmful effect on neighbouring properties, thereby protecting amenity. The proposal is therefore compliant with relevant policies and can be supported.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted must be commenced by the 15.05.2027.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Regulatory Condition**: The programme of archaeological work shall be undertaken in strict accordance with details approved under application DISC/24/0180, unless otherwise agreed to and approved in writing by the Local planning Authority.

Reason: As this matter is fundamental to ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy 34 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: The protection throughout all construction works shall be undertaken in strict accordance with Arboricultural Method Statement approved under application DISC/24/0180, unless otherwise agreed to and approved in writing by the Local planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: The schedule of materials, finishes and colours shall be constructed in strict accordance with schedule of materials approved under application DISC/24/0180, unless otherwise agreed to and approved in writing by the Local planning Authority.

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).

6 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level of the outdoor swimming pool and pool house shall commence until full details of the water efficiency measures, rainwater harvesting system and swimming pool management plan required by the approved water neutrality strategy (updated WNS received by the council on 14.09.2023) have been submitted to and approved in writing by the Local Planning Authority. The rainwater harvesting system shall include a suitable reservoir storage tank to provide a minimum 35 days storage capacity.

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 185 and 186 of the National Planning Policy Framework (2021), 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).

7 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied or used until 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 hard surfacing materials and finishes
- Details of all boundary treatment
- Details of all new planting

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 and unless otherwise agreed as part of the approved landscaping, no new trees or new 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 in the interests of visual amenity and, 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, to comply with Policies 33 & 34 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition**: No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Chesworth House: Impact Plan for great crested newt District Licensing (Version 1)", dated 23rd August 2023.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

9 **Pre-Occupation Condition**: No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence'), and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

10 **Regulatory Condition**: The Pool House hereby permitted (as identified on the approved plans DWG No. 2.05 REV C received on 15.06.2023), shall be used solely for purposesincidental to the occupation and enjoyment of Chesworth House, Denne Road, Horsham as a Pool Changing Area, Store and Pool Plant, and shall not be used as a separate unit of accommodation, as habitable living accommodation, or for any commercial purposes or for any other purpose(s)/use(s).

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 185 and 186 of the National Planning Policy Framework (2023), 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). In addition, the establishment of an additional independent unit of accommodation, additional living accommodation, commercial use or any other use(s) would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policy 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition**: The storage sheds hereby permitted (as identified on the approved plans DWG No. 22-18411 received on 09.06.2023) shall be used solely for purposes incidental to the occupation and enjoyment of, and maintenance of the grounds of, Chesworth House, Denne Road, Horsham as a storage shed for machinery (including basic maintenance of that machinery), and for storage of items incidental to the enjoyment of the house or for maintenance of the grounds, (for example of fertiliser, fencing timber and Fire Wood) and shall not be used as a separate unit of accommodation, as habitable living accommodation, or for any commercial purposes or for any other purposes / uses.

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 185 and 186 of the National Planning Policy Framework (2023), 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). In addition, the establishment of an additional independent unit of accommodation, additional living accommodation, commercial use or any other use(s) would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policy 33 of the Horsham District Planning Framework (2015).

12 **Regulatory Condition**: All enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Enhancement Strategy (CT Ecology, February 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may 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: To conserve and enhance protected and Priority species and allow the Local Planning Authority 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.

13 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than the security lighting details submitted to the Local Planning Authority on 16.08.2024 and 22.08.2024, unless otherwise agreed to and approved in writing by the Local Planning Authority.

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

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/24/1071

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Condition no. 11	NONE	11.07.2024
Supporting Statement		Water Neutrality Strategy PART A	09.06.2023
Site plan		2.03 REV D	15.06.2023
Elevation & Floor plan		2.05 REV C	15.06.2023
Elevation plan		22-18411	09.06.2023
Plans		1.01	09.06.2023
Plans		1.02	09.06.2023

Section plan		2.04 REV B	09.06.2023
Supporting Statement		Water Neutrality Strategy PART B	13.10.2023
Supporting Docs		Biodiversity Enhancement 24008	27.02.2024
Location plan		1.03 REV C	26.01.2024
Block plan		1.04 REV C	26.01.2024

DELEGATED

Case Officer sign/initial SHAZIA PENNE Date: 17.09.2024

Authorising Officer sign/initial RHERMITAGE Date: 17.09.2024