Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1734
Wychwood , Faircox Lane, Henfield, West Sussex, BN5 9PD

DESCRIPTION:

Demolition of existing dwelling, garage & physiotherapy pool room and erection of a replacement dwelling with physiotherapy pool building

RELEVANT PLANNING HISTORY:

None relevant to this application.

DESCRIPTION OF THE SITE

The application site is situated on the western side of Faircox Lane. The main property is a detached chalet bungalow with an attached single garage, a carport, a pool house to the front of the property and a lengthy driveway. The main dwelling has a rear dormer window and rooflights to the side as well as the front roof elevation. The site has a long front garden and a sunken rear garden at a lower level to the property. The site is well screened by hedgerows and mixed vegetation.

The application site is located within the built-up area boundary of Henfield. However, the site does not fall within a Conservation Area nor is the main property a listed building.

DESCRIPTION OF THE APPLICATION

The proposal would involve the demolition of existing dwelling, garage & physiotherapy pool room and erection of a replacement dwelling with physiotherapy pool building.

The existing dwelling has a depth of 14.3m, a width of 12.2m and a ridge height of 5.8m. The chalet bungalow has a rear dormer window and roof lights to the front eastern and side southern roof slopes providing light and ventilation to the first floor bedroom.

The proposed replacement dwelling would also be a chalet bungalow with a depth of 17.5m, width of 12.2m and have a ridge height of 7.1m. The ground floor of the proposed property would have a floor area of 147.9 metres squared. The replacement dwelling would be re-sited within the plot further northeast and the main roof slope would be gabled which steps down to a hipped roof pool house. The hydrotherapy pool building at the front of the property would measure 4.5m by 10m with a ridge height of 4.1m. There are four rooflights proposed within the southern roof slope and five rooflights proposed on the northern side roof slope along with two high level obscure windows proposed in the side elevation of the physiotherapy pool building. Additionally, a small balcony is proposed on the rear elevation of the replacement dwelling. There are solar PV panels proposed to the southern roof slope.
While the driveway would remain intact, the front boundary hedge would be replaced with a native mixed species hedge and would be maintained at 2m in height.

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 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 – Green Infrastructure and biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 41 - Parking

Henfield Neighbourhood Plan 2017 - 2031
Policy 12 – Design standards for new development

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 25: Parking

Parish Design Statement:
Henfield Parish Design Statement Supplementary Planning Document – December 2008

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:

Ecology Consultant:

14.01.2025
Now satisfied that there is sufficient ecological information available to support determination of this application.

The mitigation measures identified in the Bat Emergence and Activity Survey Report (CT Ecology, September 2024) and Preliminary Ecological Appraisal & Preliminary Bat Roost Assessment (CT Ecology, September 2024) should be secured by a condition of any consent and implemented in full.

The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and should be secured by a condition of any consent.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

06.01.2025
Not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on bats is provided prior to determination.

Highlight that the bat emergence survey results and details of any mitigation measures required must be provided prior to determination to inform the need for a bat licence from Natural England.

Southern Water: N*o objection*

WSCC Highways: *The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.*

Natural England: *In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:*

• *The delivery, management and maintenance of any measures identified in the applicant's water neutrality statement that are required to ensure that the proposed development will not result in increased levels of abstraction within the Sussex North Water Supply Zone.*

Advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

HDC Arboricultural officer: *No significant arboricultural concerns.*

WSCC Rights of Way: *It is understood that vehicular access to the application site is to be along Faircox Lane, which carries Public Footpath 2553 within the application's red line boundary. In view of the potential conflict between the public using the footpath and demolition and construction traffic, the Applicant's attention is particularly drawn to paragraph I, below.*

It is understood that the application does not impact upon, or propose any alteration, to the Public Right of Way. Therefore, the Public Right of Way team offer no objection to the proposal. If the applicant does now, or in future, propose any alteration to the public rights of way then they must first consult directly with West Sussex County Council, Public Rights of Way team (prow@westsussex.gov.uk).

HDC Environmental Health: *The proposal is a like for like replacement and therefore the development is considered to be water neutral.*

PUBLIC CONSULTATIONS:

Representations:

2 letters of Objection have been received, objecting to the application on the following grounds:

- Design
- Privacy Light and Noise
- Trees and Landscaping
- Due to the increased height of the proposed development our garden will be overlooked and the height of the hedge and the condition of the hedge need to be improved.
- height of the hedge will be impossible to maintain.
- concerned about the noise and would like the working hours to be set at 8.30am to 4.30pm from Monday to Friday and no work to be carried out at the weekend.
- The diggers will be 10 feet away from lounge and the noise level will make it unable to relax in the lounge. This will also affect the use of my garden for relaxation during this time.
- The position of the new physiotherapy pool is directly in line with my lounge window and
- bedroom, which will make it unable to relax in the lounge.
- The scale of the proposed dwelling is much larger than the original.
- An over - development of the site.
- cut back the hedge row mean less of a natural sound barrier.
- elevation of the proposed single storey wall is several feet higher than neighbour dwelling so will lose natural daylight.
- Outlook onto a brick wall from lounge window

Parish Comments:

Henfield Parish Council: raised no Objection but would recommend that any replacement trees are native species.

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

Principle of Development:

Policy 3 of the Horsham District Planning Framework 2015 (HDPF) seeks to ensure that development will be permitted within towns and villages which have defined built-up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement.

Henfield is defined as falling with the small towns and larger villages category where these are settlements with a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and / or bus services. The settlements act as hubs

for Broadbridge Heath smaller villages to meet their daily needs, but also have some reliance on larger settlements / each other to meet some of their requirements.

The application site is positioned within the built-up area boundary of Henfield and the proposal relates to the demolition of an existing dwelling, garage & physiotherapy pool room and the erection of a replacement dwelling with physiotherapy pool building. The replacement dwelling with the attached pool building would be marginally deeper and higher than the existing dwelling. The replacement dwelling would be positioned in a similar location as the existing dwelling. Given the plot size, the scale of the replacement dwelling is considered appropriate and would sit comfortably within the existing residential curtilage. The proposed development is therefore considered to be acceptable in principle, subject to all other material considerations.

Design and Appearance:

Policies 25, 32 and 33 of the HDPF promote development that is of a high-quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.

Policy 12 of Henfield Neighbourhood Plan aims to maintain that the design standards for new development that are of appropriate to their scale, nature and location development proposals will be supported where their design and detailing meet the relevant requirements in the Henfield Parish Design Statement. In addition, as appropriate to the site concerned, development proposals should comply with the following criteria:-

a. The design respects the amenities of occupiers/users of nearby property and land.
b. The design achieves satisfactory access without harming the amenities of neighbouring properties and residents.
c. The scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, are of a high quality and reflect the architectural and historic character and the scale of the surrounding buildings and street-scene/ landscape.
d. The design preserves or enhances the character or appearance of the Henfield Conservation Area and/or preserves any adjacent listed buildings and its setting.

While the replacement dwelling would be a chalet bungalow, the proposed dwelling would be 3.2m deeper than the existing dwelling and the ridge height would be 1.3m higher than the existing ridge. The proposed dwelling would be re-sited further northeast within the plot and would comprise of a gabled roof stepping down to a hipped roof over the pool building. The width of the proposed dwelling would remain the same as the existing dwelling.

It is viewed that the marginal increased depth and height would easily be accommodated within the plot of this size without appearing excessive within the curtilage. It is acknowledged that the replacement dwelling would be of a different design and style however the proposed siting, form and scale would have limited impact on the character and appearance on the wider surrounding area. The use of high standard of building materials would ensure the proposal would be sympathetic to its surroundings. The replacement dwelling has been designed to relate well with the neighbouring properties. The application site is sufficiently screened by hedgerows and mixed vegetations. While glimpses of the dwelling would be visible along Faircox Lane, there would be no visual harm caused by the proposal due to the acceptable design of the replacement dwelling.

Overall, the proposed dwelling is considered to be of a comparable size to the existing dwelling with the inclusion of similar associated facilities as the existing dwelling. Therefore, the proposed replacement dwelling is considered to be in accordance with Policies 25, 32 and 33 of the HDPF.

Residential Amenity:

Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

The replacement dwelling would be re-sited further northeast within the plot and the proposal would retain the existing hedgerow along the southern boundaries. Whist the replacement dwelling would be marginally 1.3m higher than the existing dwelling, the proposal would consist of a gabled roof sloping away from the neighbouring properties. The position of the proposed rooflights would restrict potential overlooking and the design of the rear balcony would limit outlook. Given the proposed orientation of the replacement dwelling, the separation distance from the neighbouring properties and the heavily screened boundary treatment, there would be no significant amenity issues arising from the proposed development. Therefore, it is considered that there are no reasonable amenity issues to consider that would warrant refusal of the application. Therefore, the proposal is in accordance with Policy 33 in respect of amenity impacts.

Trees and Landscaping:

Policy 26 seeks to maintain that development in the countryside protect, conserve and enhance the key features and characteristics of the landscape character area in which it is located including the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features.
The application is not accompanied by any supporting information in respect of the potential impact on adjacent trees of public amenity value.

Following consultation with the Council's Arboricultural Officer, it is acknowledged that the removal and replacement of the frontage section of hedging could have a positive impact on the streetscene. The birch tree within it can be reasonably protected from the development process which has been secured by condition.

Highways Impacts:

Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users. The proposed dwelling would be served by the existing access located to the north from Hammerpond Road. The submitted details indicate that there would be sufficient space for vehicle parking on site.

Following consultation with the Local Highway Authority (LHA), it is noted that the access to the maintained highway is to the north at the junction with Upper Station Road. The proposals seek a replacement dwelling, so the proposals would not be anticipated to give rise to a material intensification of use of this junction.

The driveway appears of suitable size to accommodate 2-3 cars in accordance with WSCC Parking Standards. Cars can utilise Faircox Lane to turn and exit on to the maintained highway in a forward gear. The LHA has requested that provision for the secure storage of bicycles be provided to promote sustainable travel which has been secured by condition.

It is considered that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network and that there are no transport grounds to resist the proposal.

Ecology:

Policy 31 of the HDPF states that Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.

Following consultation with the Council's Ecologist, it is considered that there is sufficient ecological information available to support determination of this application. The mitigation measures identified in the Bat Emergence and Activity Survey Report (CT Ecology, September 2024) and Preliminary Ecological Appraisal & Preliminary Bat Roost Assessment (CT Ecology, September 2024) would be

secured by a planning condition requiring the measures to be implemented in full. Also, the reasonable biodiversity enhancement measures would need to be outlined within a separate Biodiversity Enhancement Layout which would be secured by a planning condition. Any external light would need to adhere to wildlife sensitive lighting design scheme based on Guidance Note: 08/23 (Institute of Lighting Professionals).

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.

An advice note from Natural England (September 2021) advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The submitted strategy indicates an existing baseline water demand of 400.8 l/d. The proposed development would comprise a water demand on 308.75 l/d. Through the use onsite efficiencies, the proposed water demand would be reduced by 92.05 l/d. The strategy therefore demonstrates that the proposed use would use less water than the existing use.

It is considered that subject to conditions securing the strategy as proposed, the approach outlined above would be sufficient to ensure that the proposal need not result in an increased water consumption at the site. An Appropriate Assessment was undertaken in accordance with the strategy provided, and Natural England have raised no objection to the above conclusions, with a condition recommended to ensure the agreed strategy is adhered to if the proposal were to be approved.

Climate Change:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

The proposed development would include the following measures to build resilience to climate change and reduce carbon emissions and these can be secured by condition:

- Water consumption limited to 110 litres per person per day
- Utilise renewable energy by solar panels
- Rainwater harvesting tank fir re-use within garden.
- Demolished materials would be recycled by licensed site.
- Dedicated refuse and recycling storage capacity
- EV Charging Points
- Cycle facilities

Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must

not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

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

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The development qualifies as 'self-build or custom housing' under Regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

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.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	319.6		319.6
		Total Gain	
		Total Demolition	**134.44**

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

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 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**: Prior to commencement of any works on site, demolition or other development activities, a protective fence consisting of either chestnut paling (1.8m height) fastened to a post and rail fence or braced Heras panel fencing, shall be erected to a minimum of 5m metres from the centre of the birch tree at the front of the property so as to exclude storage of materials, concrete mixing, excavation or other building activities likely to be

harmful to tree roots and the rooting environment. Such fencing shall remain in place throughout the duration of the development to the satisfaction of the Local Planning Authority.

The Local Planning Authority Tree Officer shall be informed of the proposed date of commencement, at least one working week in advance, to allow inspection of protection measures.

Reason: To ensure the successful and satisfactory protection of important trees on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement (Slab Level) Condition**: Prior to any works above slab level, a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Bat Emergence and Activity Survey Report (CT Ecology, September 2024) and Preliminary Ecological Appraisal & Preliminary Bat Roost Assessment (CT Ecology, September 2024) shall be 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).

5 **Pre-Occupation Condition**: Prior to occupation a lighting design scheme for biodiversity based on Guidance Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. 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.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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.

6 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided either on the 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).

7 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (dated June 2024). The swimming pool hereby permitted shall not be first used (through its filling with water) until details setting out how water will be provided to the site have been submitted to and approved in writing by the Local

Planning Authority. The details shall set out measures to ensure the swimming pool sources water by way of delivery without placing additional demand on the mains water supply. The swimming pool shall thereafter be filled in accordance with the agreed details, which shall be adhered to thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

8 **Pre-Occupation Condition**: No part of the development 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 (or use). 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).

9 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

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

10 **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 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).

11 **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).

12 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

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).

13 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence and Activity Survey Report (CT Ecology, September 2024) and Preliminary Ecological Appraisal & Preliminary Bat Roost Assessment (CT Ecology, September 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the non-licensed Precautionary Method Statement for bats in Section Section 5.3 of the Bat Emergence and Activity Survey Report (CT Ecology, September 2024), which avoids impacts on European Protected Species.

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: To conserve and enhance 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) and Policy 31 of the Horsham Development Framework.

14 **Regulatory Condition**: All works of demolition, construction and ancillary activities, including deliveries and dispatch, shall be restricted to 08:00-18:00 hours on Monday to Friday, from 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

15 **Regulatory Condition**: All site clearance waste and construction waste shall be removed from site by an appropriately licensed waste removal contractor including all asbestos waste. No burning of demolition, construction, site clearance or other materials shall be undertaken on site.

Reason: 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).

NOTE TO APPLICANT
The vehicular access to the application site is to be along Faircox Lane, which carries Public Footpath 2553 within the application's red line boundary. In view of the potential conflict between the public using the footpath and demolition and construction traffic, the Applicant's attention is particularly drawn to paragraph I, below.

A. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.

B. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

C. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

D. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

E. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

F. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be

installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

G. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

H. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

K. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

L. Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

M. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

N. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

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/24/1734
(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 & Block plan	Site Plan As Proposed	2.02	26.11.2024
Elevation & Floor plan	Existing Plans, Section and Elevations	01	07.11.2024
Elevation & Floor plan	Pool House General Arrangement As Existing	1.03	26.11.2024
Site plan	Site Plan As Existing	1.02	07.11.2024
Elevation plan	Elevations As Proposed	2.05	07.11.2024
Floor plan	First Floor & Roof Plan As Proposed	2.04	07.11.2024
Floor plan	Ground Floor Plan As Proposed	2.03	07.11.2024
Site plan	Location Plan As Proposed	2.02	07.11.2024
Supporting Statement	Water Neutrality Statement by Folkes Architects dated June 2024	NONE Rev A	07.11.2024
Supporting Statement	Bat Emergence and Activity Survey Report by CT Ecology dated 16.09.2024	24033	07.11.2024
Supporting Statement	Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment by CT Ecology dated 01.09.2024	24033	07.11.2024

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 16.01.2025

Authorising Officer sign/initial Tamara Dale Date: 21.01.2025