Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0619
Half Acre Cottage, Bashurst Hill, Itchingfield, West Sussex, RH13 0PA

DESCRIPTION:

Variations of conditions 1, 3, 4, 5 and 6 of previously approved application DC/23/1298 (Demolition of existing dwelling. Erection of 1no. replacement dwelling with detached garage, driveway, and altered access) Variation sought to allow for changes to design, external materials, fenestration, and enlargement of garage, and wording of conditions 3, 4, 5, and 6.

RELEVANT PLANNING HISTORY:

| | | |
|---|---|---|
| DC/23/1298 | Demolition of existing dwelling. Erection of 1no. replacement dwelling with detached garage, driveway, and altered access. | Application Permitted on 05.01.2024. |
| DC/14/0017 | Partial demolition of the existing cottage and single-storey extension to the primary elevation with new basement below the extension to provide additional living accommodation (Lawful Development Certificate - Proposed) | Application Permitted on 12.08.2014. |
| DC/12/0608 | Extensions to the existing cottage and the erection of two outbuildings (Lawful Development Certificate - Proposed) | Application Refused on 17.05.2012. |
| DC/09/0950 | Construction of replacement 6-bed dwelling on site of an existing single-storey dwelling | Application Refused on 11.08.2009. |

SITE AND SURROUNDS

The application site comprises a detached property, located within a group of nine properties in a larger semi-rural settlement area at the north end of Bashurst Hill, loosely defined as 'Toat Woodland Settlement'. The application plot lies to the north side of a single-track lane, it is surrounded by established hedgerows to the south and east, and by tall trees to the north and west. The first part of the access track of Bashurst Hill is also a public right of way.

The nine dwellings located within the semi-rural settlement are of a wide variety of sizes and architectural styles, from single storey to two-storey and traditional to contemporary designs.

DETAILED DESCRIPTION

The application seeks permission for the variation of condition 1, 3, 4, 5 and 6 of previously approved application DC/23/1298 which was for the demolition of the existing dwelling. Erection of 1no. replacement dwelling with detached garage, driveway, and altered access. The variation is sought to allow for changes to the design, changes to external materials, changes to the fenestration, the enlargement of the garage and minor increase in internal floor area. As well as variation to the wording of conditions 3, 4, 5 and 6, with information provided to remove the need for a separate discharge of conditions application.

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 4 - Strategic Policy: Settlement Expansion
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 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40 - Sustainable Transport
Policy 41 - Parking

**Neighbourhood Plan**:
Itchingfield Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations

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**: No Objection

Satisfied that the submitted information includes the detail required by Conditions 3 and 5 as shown in the documents Biodiversity Enhancements and Mitigation Plan (Wychwood Environmental Ltd., March 2024) and Planning Statement (Thornton Architecture and Design, April 2024). Therefore, Conditions 3 and 5 will then require compliance action which will avoid the need for a separate discharge of conditions.

Parish Comments:

No Objection.

Representations:

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 seeks a minor material amendment to the existing planning permission (ref: DC/23/1298) through a variation of the approved plans list, to accommodate a series of amendments to the approved design. The application also seeks to address conditions 3, 4, 5 and 6, providing the information necessary to discharge these conditions and vary the wording of the conditions to become regulatory.

Variation of Condition 1

The variation of condition 1 (plans) includes amendments such as: -

- Change to the design.
- Change to external materials – green roof removed to allow for uncontaminated rainwater harvesting. Cladding changed to pigmented zinc.
- Change to fenestration – basement light, changes to windows & door opening sizes and patterns.
- Enlargement of garage to incorporate cycle, bin, and garden storage.
- Minor increase in internal floor area

The proposed amendments to the approved permission (DC/23/1298) are not considered to detrimentally impact on neighbouring amenity over and above the previously consented scheme. The proposed amendments would not raise any new implications in respect of neighbouring amenity. The variation of the condition would maintain the general character and visual amenity of the approved scheme and would not result in adverse impact on the wider surrounding area. While the cladding is proposed to change from timber to pigmented zinc, this is not considered to detrimentally impact on the visual appearance of the dwelling or on neighbouring amenity. Also, the enlarged garage would be closer to the curtilage boundary, but it would accommodate bin, cycle, and garden storage. The change to the fenestration would involve the addition of a basement light and changes to the window and door openings, this is not considered to detrimentally alter the appearance of the approved dwelling.

Condition 3

***Pre-Commencement Condition:*** *No development shall take place until a mobile protected species Precautionary Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include precautionary mitigation measures and / or works to reduce potential impacts to mobile protected species during the construction phase. The development shall take place in strict accordance with the approved details.*

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

The application is supported by a Biodiversity Enhancements and Mitigation plan, detailing the different species and habitats on site and the proposed methods to enhance these and mitigate them from any impacts. The Council's Ecologist has been consulted and is satisfied that the applicant had provided the information necessary to address the condition. This will require compliance action with the details provided, removing the need for a separate discharge of conditions application. The applicant confirmed that the sparrow terraces will either be integrated into the walls where previously indicated or moved so they face north if they are wall mounted, in accordance with the requirements from the Ecologist. It is considered that it is acceptable to vary this condition, for works to be carried out in accordance with the amendment. Subject to a variation to the wording to secure these mitigation and enhancement measures, no ecology concerns are raised.

Condition 4

***Post-Demolition Condition**: No development post-demolition of the existing dwelling shall take place until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. 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).*

The applicant supplied a topographic map with the contour lines annotated, this includes the proposed finished ground levels (FGL) and finished floor level (FFL). The application also provides the FFL on section plans. The annotated plans indicate a finished floor level of 72m above the datum level for the lowest level of the development, 75m for the first floor, and 79.2m for the highest level of the building. The contour lines surrounding the development area are around 73.5m, so the proposed development would level this ground out to 72m at the lowest level. The FFL have been included for some of the neighbouring dwelling; the ridge height of Fennell Cottage is 81.12m, and the roof parapet of Toat Cottage is 77.53m. Therefore, the proposed development would have an FFL which is comparable to those in the surrounding area, and it is considered that it would not have a harmful impact on amenity or visual impact in accordance with Policy 33. It is therefore recommended that the condition be varied so that the development shall be completed in accordance with these approved details.

Condition 5

***Pre-Commencement (slab level Condition):** No development above ground floor slab level shall commence until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Appraisal Report (Wychwood Environmental Ltd., June 2023), has been submitted to and approved in writing by the Local Planning Authority.*

*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 and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats and species).*

The application is supported by a Biodiversity Enhancements and Mitigation plan. The Council's Ecologist has been consulted and is satisfied that the applicant had provided the information necessary to address the condition. This will require compliance action with the details provided, removing the need for a separate discharge of conditions application. Subject to a variation to the wording to secure these mitigation and enhancement measures, no ecology concerns are raised.

Condition 6

***Pre-Commencement (slab level) Condition**: No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater harvesting system required by the approved water neutrality statement (received 20.10.2023) have been submitted to and approved in writing by the Local Planning Authority.*

*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 and species).*

The details provided, in the form of detailed specifications of the potential water efficient fixtures and fittings and of the proposed rainwater harvesting tank are considered to fulfil the requirements of condition 6. The rainwater tank system – 4800 L carat would be sufficient to meet the water consumption needs of that evidenced in the water neutrality strategy. Sufficient information has been

provided to vary the wording of the condition so that the water strategy is carried out in accordance with the approved details.

**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 | 396.67 | | 396.67 |
| | | **Total Gain** | |
| | | **Total Demolition** | |

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 **Regulatory (Time) Condition**: The development hereby permitted must be commenced by the 5th of January 2027.

3 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Report reference C2510 Rev P1 dated 08.09.2023 and Water Efficiency Measures reference C2510 Rev – P dated 10.04.2024. The dwelling hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter, or to a similar or improved water performance.

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).

4 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the car parking spaces (including garages) necessary to serve it have been constructed and made available for use in accordance with approved site plan drawing number 22217.100B. 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).

5 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 22217.100B. 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).

6 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal Report (Wychwood Environmental Ltd., June 2023), Biodiversity Net Gain Report (Wychwood Environmental Ltd., June 2023) and Defra Small Sites Metric (Wychwood Environmental Ltd.), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

7 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement [BS: 5837 Arboricultural Report, 04.07.2023].

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

8 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Biodiversity Enhancements and Mitigation Plan by Wychwood Environmental Ltd dated March 2024.

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

9 **Regulatory Condition:** The development hereby permitted shall be constructed in accordance with the proposed finished floor levels and external ground levels as detailed on the Site Plan reference 2217.100B and Section Plan reference 2217.107A.

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).

10 **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).

11 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or reenacting that Order) the dwelling hereby permitted shall not be enlarged under Class A and AA of Part 1 within Schedule 2 of the Order without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to the constraints of the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

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.

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**Plans list for: DC/24/0619**
(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 |
|---|---|---|---|
| Site plan | Proposed Site Plan | 2217-100B | 22.04.2024 |
| Floor plan | Proposed Lower Floor Plan | 2217-101A | 22.04.2024 |
| Floor plan | Proposed Upper Floor Plan | 2217-102A | 22.04.2024 |
| Roof plan | Proposed Roof Plan | 2217-103A | 22.04.2024 |
| Elevation plan | Proposed Elevations SE | 2217-105A | 22.04.2024 |
| Elevation plan | Proposed Elevations NW | 2217-106A | 22.04.2024 |
| Section plan | Proposed Sections | 2217-107A | 22.04.2024 |
| Section plan | Proposed Sections | 2217-108A | 22.04.2024 |
| Section plan | Proposed Site Sections | 2217-115A | 22.04.2024 |
| Plans | Proposed External Works Plan Site Levels | 2217-130A | 22.04.2024 |
| Floor plan | Proposed Garage Floor Plan | 2217-132A | 22.04.2024 |
| Roof plan | Proposed Garage Roof Plan | 2217-133A | 22.04.2024 |
| Supporting Statement | Water Efficiency Measures | C2510 REV P | 22.04.2024 |
| Plans | Drainage Layout | 101 REV PL1 | 22.04.2024 |
| Plans | Construction Details | C2510_301 REV | 22.04.2024 |

| | | | |
|---|---|---|---|
| | | PL- | |
| Supporting Statement | Biodiversity Enhancements and Mitigation Plan by Wychwood Environmental Ltd dated March 2024 | NONE | 22.04.2024 |
| Supporting Statement | Water Neutrality Report by cgs civils dated 08.09.2023 | C2510 Rev P1 | 20.10.2023 |
| Supporting Statement | Arboricultural Survey, Impact Assessment & Method Statement by Duckworths Arboriculture Ltd dated June 2023 | SCD 06040/2023 | 04.07.2023 |
| Supporting Statement | Ecological Appraisal Report by Wychwood Environmental Ltd dated June 2023 | WEc_RH13 | 04.07.2023 |
| Supporting Statement | Biodiversity Net Gain Report by Wychwood Environmental Ltd dated June 2023 | WEc_RH13 | 04.07.2023 |

**DELEGATED**

Case Officer sign/initial Bethan Tinning Date: 13.06.2024

Authorising Officer sign/initial Tamara Dale Date: 17.06.2024