



TO: Planning Committee South

BY: Head of Development

DATE: 18 August 2020

DEVELOPMENT: Demolition of an existing barn with extant permission for conversion to a dwelling and erection of a repositioned detached dwelling.

SITE: Rose Barn Cottage Church Street West Chiltington Pulborough West Sussex RH20 2JW

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/19/2524

APPLICANT: **Name:** Mr and Mrs A Kirby **Address:** Rose Barn Cottage Church Street West Chiltington Pulborough West Sussex RH20 2JW

REASON FOR INCLUSION ON THE AGENDA: The recommendation of the Head of Development would represent a departure to the development plan.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the demolition of the existing barn on site, which benefits from extant planning permission for its conversion to form a residential dwelling and erection of a new build detached dwelling on a different part of the wider site.
- 1.3 Planning permission was granted for the conversion of the barn building to form a three-bed dwelling under application reference number DC/18/1112. This permission allowed for the insertion of windows and doors within the existing shell of the building as well as the creation of a mezzanine level with a Gross Internal Area (GIA) of approximately 81sqm.
- 1.4 This current planning application seeks the demolition of the existing building and the erection of a replacement two storey, three-bed detached dwelling as an alternative to the permitted conversion of the existing building. The proposed new build dwelling would be located approximately 60m to the east of the existing building, within a grassland area.
- 1.5 The proposed dwelling would be of a rectangular configuration and would be of a similar size, scale and footprint to the existing building to be demolished. The proposed detached dwelling would measure approximately 12.8m in length and 5.6m with an overall footprint measuring approximately 73sqm. The overall GIA to be created would measure 120sqm.

- 1.6 The proposal would incorporate the existing land levels into the design, with the dwelling sunk partially into the ground given the topography levels of the site which slopes down from north to south. As a result, the proposed dwelling would have varying heights when viewed from the north and south, measuring approximately 5.6m and 6m respectively. The proposed dwelling would be positioned closer to the western side of the grassland area, allowing for the majority of this area to be maintained as existing.
- 1.7 The proposed dwelling would utilise a pitched gabled roof design with a sloping pitch to the northern elevation. The proposed design would take its cues from agricultural buildings and would be similar to the existing building to be removed in terms of its overall form and footprint. The proposed dwelling would be made up of a materials pallet consisting of natural timber boarding to the external walls, dark framed powder coated aluminium windows and doors, a corrugated metal roof finish and hidden box guttering and downpipes.
- 1.8 The proposed dwellinghouse would be served by an existing access/drive running along the northern boundary of the site towards the east, with an area of parking created. Landscaping works also part of the proposals. It is noted that the proposals have been the subject of a formal pre-application process and the applicant has engaged in extensive discussions with officers.
- 1.9 It is noted that the proposed dwelling has been designed to accord with 'Passivhaus' certification standards which is considered to be the most demanding energy criteria currently employed.

DESCRIPTION OF THE SITE

- 1.10 Rose Barn Cottage consists of single storey bungalow located at the southern end of Church Street, West Chilton. The application site is located approximately 90m away from the built up area of West Chilton to the north, and is bound by mature foliage to all of its boundaries. As well as the dwelling, the wider site consists of a barn type building and a further detached outbuilding to the east. The existing dwelling, barn and outbuilding are sited on a generous plot, with a large area of grassland located to the east. It is noted that this area of the site occupies a former/historic plant nursery and glasshouses.
- 1.11 As detailed above, the barn of the site is the subject of an extant permission for conversion to form a dwelling, granted under planning reference DC/18/1112. The principle of the creation of an additional dwelling on the site has therefore been established.
- 1.12 The existing building is considered to be of a modest size, measuring approximately 12.3m in length and 4.9m in depth with an overall maximum height of approximately 5.1m. The existing building has an overall footprint measuring approximately 60sqm. The building is composed of timber cladding to all elevations, with a brick plinth and hosts a pitched roof finished with red pantiles. The western elevation hosts double doors, including four window openings to the southern elevation, and a window at first floor level within the gable facing east.
- 1.13 The wider area, located to the south of the built up area of West Chilton, is considered to be semi-rural in nature, with sporadic dwellings present. These dwellings sit in spacious plots and vary in terms of scale, built form and appearance. A Public Right of Way (PROW) runs north to south to the west of the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990

RELEVANT PLANNING POLICIES

- 2.2 **National Planning Policy Framework**

- 2.3 **Horsham District Planning Framework (HDPF 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 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 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 40 - Sustainable Transport

Policy 41 - Parking

Supplementary Planning Guidance:

- 2.4 West Chiltington Parish Design Statement (SPG)

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The Parish of West Chiltington submitted their Submission Draft neighbourhood plan to Horsham District Council on 19 November 2018. In accordance with legislation, the Council is in the process of considering whether the plan meets the Basic Conditions and can progress to Regulation 16 consultation and formal examination.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 The most recent and relevant planning history is as follows:

DC/18/1112	Proposed barn conversion into residential dwelling including installation of internal mezzanine floor	Application Permitted on 10.08.2018
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3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect: No Objection** following the submission of a Landscape and Visual Landscape and Visual Appraisal (LVA).

- 3.3 The site area does have a semi-rural character mainly due to the way the owner's manage it and where it is located between paddocks and grassland fields to the north and south but when you are in the space it does feel like a semi-rural side garden area between the two

properties of Rose Barn Cottage and Upperton to the east which is close to the eastern boundary of the site area. The garden area is planted with cherry, oak, and willow scattered across the site area. The owners cut footpaths through the rough wildflower grassland for garden access. The proposed dwelling has been located to the north-western sector of the site area in order that the settlement pattern can be reflected and also that these existing habitats can be retained within the side garden area to the east. The proposed dwelling has also been sunken to reduce height.

- 3.4 In this semi-rural location to the southern edge of West Chilton village it is part of the semi-rural character to perceive scattered dwellings through boundary vegetation whether garden boundary or field boundary features. There are scattered dwellings with outbuildings along Juggs Lane to the north and Southlands Lane to the east. The build footprint of the proposed modest dwelling is located to the north-west sector closest to Rose Barn Cottage in order that an extent of the open garden area can still be retained between properties and the existing tree cover within the site area can be retained. The site area is not highly visible within the surrounding landscape.
- 3.5 I consider that the application can be supported on landscape grounds provided that the mitigation measures discussed at para 4.4 of the LVA are put in place. Landscape details will need to be submitted to demonstrate this or alternatively a suitable landscape condition attached to the permission if you're minded to recommend the application for approval.
- 3.6 **HDC Environmental Health: Comment**. The development site occupies the site of a former pant nursery and glasshouses. This is a potentially contaminative land use and therefore in order to ensure the application is properly determined, a Phase One Preliminary Risk Assessment should be provided.

OUTSIDE AGENCIES

- 3.7 **WSCC Highways: Comment**. 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 109), and that there are no transport grounds to resist the proposal. If the LPA are minded to approve this proposal a condition securing vehicular parking and cycle parking should be included.
- 3.8 **Southern Water: No Objection**
- 3.9 **WSCC Public Rights of Way: No Objection**
- 3.10 **Ecologist: No Objection**. There is a Soprano Pipistrelle roost and historic Brown Long-eared roost, within Building 1, due to be demolished. This will require a Natural England licence which should be secured by condition of any consent. We are satisfied that sufficient information has been provided to provide certainty to the LPA of likely impacts from the development and that the necessary mitigation to secure protection for roosting bats, reptiles and nesting birds will be effective and can be secured by condition of any consent.
- 3.11 Biodiversity enhancements as shown in Figure 4 of the Ecological Assessment (Bakerwell, 2019) will be required and should be secured by condition to allow the LPA to discharge its statutory duty to ensure biodiversity net gain is achieved in line with the NPPF.
- 3.12 Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of measurable net gain for biodiversity, the enhancements proposed will contribute to this aim. Conditions recommended for additional details to be submitted and reviewed if consent is granted.

PUBLIC CONSULTATIONS

3.8 **Parish Council Consultation:** Objection, on the following grounds;

- Outside the Built-Up Area Boundary
- The application is contrary to Policy 26 (Countryside Protection)
- The building would represent new infill and is not a 'replacement' dwelling
- It is not in keeping with the surrounding countryside

4. **HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

4.1 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 this application, Consideration of Human rights forms part of the planning assessment below.

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

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

6. **PLANNING ASSESSMENTS**

6.1 The main issues are the principle of the development in the location and the effect of the development on;

- The principal of development in this location
- The character of the dwelling and the visual amenities of the countryside
- The amenities of the occupiers of adjoining properties
- The quality of the resulting residential environment for future occupiers
- The highways impacts of the proposal

Principle

6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.

6.3 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 79 of the NPPF and policies 3, 4, and 26 of the Horsham District Planning Framework (HDPF).

6.4 Policies 3 and 4 of the HDPF advise that development will be permitted within towns and villages which have defined built up areas, and outside built up areas expansion of settlements will be permitted where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. Policy 26 of the HDPF states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location. The application site is located within the countryside outside of any defined settlement and is not allocated in the Local Plan and there is currently no neighbourhood plan for the Parish of West Chiltington.

Thus, the application directly conflicts with these policies. On this basis, the proposal therefore fails to accord with the HDPF strategy for development and the grant of this planning permission would represent a departure from the development plan.

- 6.5 Notwithstanding the above, the existing building on the wider site has an extant planning permission for its conversion to form a residential dwelling under planning reference DC/18/1112. This consent also allows for external alterations to the building to create new window and door openings. As such, the principle of creating an additional dwelling in this location has been established and this is a material consideration in the determination of this current planning application.
- 6.6 The existing planning permission to convert the existing building into a residential dwelling, which could still be implemented, represents a viable and realistic fall-back position were the current application to be refused. A refusal of the current application would not therefore prevent the introduction of an additional residential unit on the site.
- 6.7 It is therefore considered, subject to detailed considerations, that refusal of the application on the basis of conflict with policies 4 and 26 of the HDPF would not be warranted and would not prevent a dwellinghouse from being created on the site. On this basis the principle of the development is considered acceptable, subject to any permission requiring the demolition of the existing barn building, to avoid both developments being carried out, and other relevant detailed considerations.

Character and appearance

- 6.8 With regards to design, Paragraph 131 of the National Planning Policy Framework (NPPF) states that “great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area”.
- 6.9 Policies 26, 32 and 33 of the HDPF require development to be of high quality design which is sympathetic to the character and distinctiveness of the site and surroundings.
- 6.10 The proposal would involve the creation of a dwelling located within an area of grassland to the east of the existing building to be demolished and removed from site. The proposed dwellinghouse would be similar in overall form and footprint to the existing building, utilising a rectangular footprint and gabled roof design. The proposed dwelling would have a sloping roof design to the north and would be set partially within the landscape, owing to the topography of the site which slope down from north to south. The proposed dwelling would take its cues from that of the existing buildings, the local vernacular of West Chilton and agricultural buildings more generally, and would incorporate design features, such as varied sizes and positioning of windows and doors and a combination of cladding tones to the walls, which would break up the uniform profile.
- 6.11 The proposed dwelling would be made up of predominantly natural materials including timber cladding making up the external walls, metal sheeting to the roof and aluminium windows and doors, with large areas of glazing to the southern elevation. Whilst all contributing to the aesthetics of the building, the proposed materials and features of the building and associated works to the site have also been based on ecological and sustainability/climate change considerations, which will be detailed further in later sections of this report.
- 6.12 The design and appearance of the existing agricultural building to be removed is not considered to be of any architectural merit or value. Following its demolition, the area of land which the existing building currently occupies would be restored to grassland as part of the garden area serving the existing dwelling at Rose Barn Cottage.
- 6.13 The proposed design, consisting of elements taken from the form of agricultural buildings seen with the countryside and the local vernacular, as well as the proposed materials pallet

to be used, are considered to be appropriate for this setting, following submission of a detailed Landscape Visual Assessment and consultation with HDC's Landscape Architect, and subject to a suitable landscaping condition and mitigation measures. The proposed design of the dwelling, given its modest size and scale, would represent only a small increase when compared to the existing building. This, plus the fact that the building would be set within the topography of the site, ensures that the height is kept to a minimum. Existing foliage surrounding the site would also ensure that the appearance of the proposed dwelling would be softened and there would only be transient views from various vantage points. As such, it is considered that the proposed dwelling would not appear as a prominent addition or cause harm within the wider landscape, particularly from the perspective of views to the south, beyond that of the existing development within the immediate area.

- 6.14 It is considered that the design of the proposed dwelling would represent an enhancement to the site when compared to the existing building. The existing building, whilst it has permission to be converted to a dwelling, would be limited in terms of the design considerations that can be given. The proposed dwelling would be of an appropriate size and represent a modest increase when compared to the existing building, and it is considered that its design would relate more sympathetically with the landscape, given its detailed design and materials palette, and would introduce a building of architectural merit and interest.
- 6.15 Furthermore, it is considered that the proposed dwelling, located to the east of the existing barn building, would represent a form of development more in keeping with the character of the immediate area. The scale, height, mass and disposition of the proposed building is appropriate to the site and wider context. From a case officer site visit and aerial photography, it is apparent that the area consists of single dwellings set within spacious plots. The proposals would be in keeping with this character and the general layout and configuration of dwellings in the area. The existing barn conversion by comparison, located in close proximity to the existing main dwelling at Rose Barn Cottage and which would be served by a relatively small curtilage, would be at odds with this prevailing character and the pattern of development in the wider area. The proposals, whilst positioned to the east of the existing barn building, are therefore considered to be appropriate in this regard.
- 6.16 It is noted that a Public Right of Way (PROW) runs to the west of the site from north to south. The area where the proposed dwelling would be located is located some 100m away from the PROW. Given the distance retained, existing foliage and the existing built form located between the proposed dwelling and the PROW, it is considered that the proposed dwellinghouse would not have a detrimental impact on the surroundings in terms of views along the PROW. The dwelling would not appear anymore prominent from the PROW than when compared to the existing building on the site.
- 6.17 Overall, it is considered that the design, in terms of form, character and the palette of materials to be used, would result in a markedly improved dwellinghouse when compared to the existing situation on site and the dwelling that would result from the conversion of the existing building. The resulting design would result in an enhancement on the converted building, which would result from implementation of the existing permission, and an enhancement of the overall setting of this countryside location. It is considered that the proposal would result in a development which would be more in keeping with the vernacular and prevailing character of the immediate area. The current application gives greater control over the eventual development of the site, particularly in respect of detailed design and landscaping matters and these are considered to weigh in favour of supporting the current scheme. As a consequence of the circumstances described above, it is considered that the proposals would accord with policies 26, 30, 32 and 33 of the HDPF as well as Paragraph 131 of the NPPF.

Impact on neighbouring amenity

- 6.18 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.
- 6.19 The proposed dwelling would be positioned approximately 84m from the existing dwelling at Rose Barn Cottage to the west and approximately 65m from the existing neighbouring property to the east at Upperton Southlands Lane. The existing barn which is the subject of the extant planning permission for conversion to a dwelling, is positioned approximately 14m away from Rose Barn Cottage. Given this relationship, it is considered that the proposal would represent an enhancement in this regard, resulting in an additional dwelling located at significant distances to neighbouring properties. Taking the above into account, and the scale and form of the proposed dwelling, it is considered the proposals would not have a detrimental impact on neighbouring amenity and is considered to be acceptable in this regard.

Highways impacts of the proposal

- 6.20 Policies 40 and 41 of the HDPF state that development should provide a safe and adequate access, suitable for all users.
- 6.21 The proposed dwelling would be served by an existing access leading from Church Lane to the north into the site and moving towards the east. This arrangement serves the existing dwelling at Rose Barn Cottage and would also serve the barn conversion, were that permission to be implemented. Following consultation with WSCC Highways, who have raised no objections, the proposal is considered to be acceptable on highway and transport grounds, subject to appropriate conditions to be attached.

Ecology Considerations

- 6.22 Policy 31 of the HDPF states that 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.
- 6.23 An Ecological Assessment has been provided which identifies that there is a Soprano Pipistrelle roost and a historic Brown Long-eared roost within the building due to be demolished. The submitted assessment also includes biodiversity enhancement measures which are deemed to be acceptable and appropriate as part of the proposed development. The Council's Ecology Consultant has not raised any objections to the proposals subject to suitable conditions to ensure ecological/biodiversity mitigation measures and enhancements are put in place, as well as the requirement for appropriate licencing being obtained and the agreement of a management plan for the development. It is considered that the proposals would not have a detrimental impact on ecology and biodiversity and overall the proposals are considered to be acceptable in this regard, in accordance with Policy 31 of the HDPF.

Climate Change

- 6.24 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. As detailed above, the proposed dwelling has been designed to accord with 'Passivhaus' certification standards which is considered to be the most demanding energy criteria currently employed. The proposed development also includes the following measures to build resilience to climate change and reduce carbon emissions:

- The use of triple glazing and large windows to the southern elevation to allow lower sun angles in the winter
- The use of mechanical and electrical equipment such as heat and low energy use lighting
- The use of insulation with high thermal performance
- Use of materials of low embodied energy and from sustainable recycled sources
- Opportunities for biodiversity gain

6.25 In addition to these measures conditions are attached to secure the following:

- Water consumption limited to 110litres per person per day
- Securing of SUDS and protection/improvement of green infrastructure
- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling storage
- Biodiversity mitigation and enhancement
- Cycle parking facilities
- Electric vehicle charging points

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

Conclusion

6.27 The site is within a countryside location, has not been allocated for residential development and would not represent a use essential to this countryside location. The proposal therefore conflicts with policies 4 and 26 of the HDPF. However, the principle of residential development on the site, and the creation of an additional dwelling in this location, has been established by the recent grant of planning permission for the conversion of the existing barn building on the site. This is considered to form a realistic fall-back position carrying significant weight in the planning balance. The proposed development would provide a purpose built dwellinghouse, matching the result from implementation of the approved conversion scheme, and would represent an improved appearance to the site and landscape compared to the development that could otherwise come forward on the site.

6.28 Therefore, whilst being a departure from planning policy, the proposal is considered to enhance the immediate setting, introducing a dwelling of architectural merit and interest, which would be in keeping with the wider vernacular and prevailing character of the area. It is considered that the proposals would not result in harm to the countryside setting, the wider landscape character, neighbouring amenity or highway safety. These benefits compared to the fall-back position provided by the extant consent are considered to outweigh the conflict with policies 4 and 26 of the HDPF such that the grant of planning permission is recommended.

6.29 Conditions are suggested in relation to detailed use of materials to be provided, a landscaping scheme to confirm all hard and soft landscaping details, the removal of the existing building on site, and ecological and biodiversity mitigation and enhancement measures.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

6.30 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

6.31 **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
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District Wide Zone 1	120	81	39
		Total Gain	39
		Total Demolition	81

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

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

7. RECOMMENDATIONS

7.1 It is recommended that planning permission is permitted subject to the following conditions-

1 A list of the approved plans

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 a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

4 **Pre-commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any

requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

5 Pre-commencement Condition Submission of a copy of the EPS licence for bats. The following works to demolish the building shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998 and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

6 Pre-commencement Condition: Prior to the commencement of works, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements i.e. roosting bats, reptiles, nesting birds).
- d) The location and timing of sensitive works to avoid harm to biodiversity feature.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site i.e. Buddleia.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

7 Pre-Commencement Condition: Prior to the commencement of relevant works for the erection of the dwelling hereby approved, the existing building, as shown on drawing no. 18_98_04 REV F, received 17 December 2019, indicated on the plan as

'Existing Barn to be Demolished' shall be fully demolished (including the removal of foundations) and all materials arising from such demolition removed from the site.

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

- 8 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows, roofs and doors of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall take place until details of the glazing, to be installed to the hereby approved dwelling have been submitted to and approved in writing by the Local Planning Authority. These details shall include measures and / or specifications for low transmittance or tinted glass to reduce light pollution. The glazing shall be installed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the potential adverse impact of light pollution is mitigated in accordance with Policy 30 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied until optional requirement G2 to the Building Regulations 2010 (as amended) to limit water usage of that dwelling to 110 litres per person per day has been achieved. Water limiting measures to meet this standard 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).

- 11 **Pre-occupation Condition:** Prior to the occupation of the dwelling hereby approved, a lighting design scheme for biodiversity 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 nocturnal species (including bats) that are likely to cause disturbance along important routes used for foraging or as roosting sites; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings 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 UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 12 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be 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).

- 13 **Pre-Occupation Condition:** No part of the development shall be first 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).

- 14 **Pre-Occupation Condition:** No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To ensure that adequate provision for car-parking is created on site and in accordance with Policy 40 and 41 of the Horsham District Planning Framework (2015).

- 15 **Pre-Occupation Condition:** No part of the development shall be first 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).

- 16 **Pre-Occupation Condition:** No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies

- 17 **Pre-Occupation Condition:** Notwithstanding previously submitted information, prior to the first occupation of the new dwellinghouse hereby permitted, 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 existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary/residential curtilage treatments
- Details of any external lighting
- Details of SUDS and protection/improvement of green infrastructure

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

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

- 18 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Bakerwell, 2019) 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 as required. 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 UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 19 **Regulatory Condition:** No existing trees on the site, indicated on the Landscaping Plan, drawing number 18_98_04 REV F, received 17 December 2019, shall be wilfully damaged or uprooted, felled or removed without the prior written consent of the Local Planning Authority until 5 years after completion of the development hereby permitted. These trees, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012). The fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

- 20 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of neighbouring properties along Church Lane in accordance with Policy 33 of the Horsham District Planning Framework (2015).

21 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, B, C or E, of Part 1 or Class A of Part 2 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

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

Background Papers: DC/19/2524
DC/18/1112