



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 7th September 2021

DEVELOPMENT: Demolition of a pool house and storage building and erection of a single dwellinghouse. Creation of a new independent access and construction of a garage for Birchenbridge House.

SITE: Birchenbridge House Brighton Road Mannings Heath Horsham West Sussex RH13 6HY

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/21/0761

APPLICANT: **Name:** Mr & Ms Pickering & Tinker **Address:** c/o New Bartram House 3-4 Swan Court Pulborough RH20 1RL

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the demolition of two residential outbuildings in the curtilage of Birchenbridge House and the erection of one dwelling with a detached garage in their place. The existing buildings on the site consist of a pool house (102 sqm) and a domestic storage building (16 sqm).
- 1.2 The conversion of the outbuildings on the site to a separate residential dwelling was approved at appeal under DC/19/0455. This established the conversion of the buildings and the principle of the creation of 1no dwelling on the site. The current planning application seeks the demolition of the outbuildings and erection of one detached dwelling as an alternative to the permitted conversion.
- 1.3 The proposed dwelling would be situated on the footprint of the existing buildings, extending the footprint by 3.3% (3.75% smaller than that of the extant scheme (DC/19/0455)). As part of the proposals, new garages are proposed to the front of the proposed new dwelling and Birchenbridge House.

- 1.4 The new dwelling would have a single storey appearance from Brighton Road and would feature pitched roofs at the same pitch of the existing pool house. A flat roofed garage is proposed to the front of the property with solar panels above. The materials would consist of natural timber cladding, render and plain roof tiles.
- 1.5 The overall GIA to be created would measure 204.8 sqm. The new dwelling would consist of an open plan living kitchen dining room and a snug or study on the ground floor together with one bedroom. The remaining two bedrooms would be located at basement level below.
- 1.6 The outbuildings and main dwelling are all currently served by the same access point leading from Brighton Road. This application proposes to utilise the existing access for the new dwelling and create a new access for Birchenbridge House. Space will be provided for at least 4 cars on the gravelled drive adjacent to the proposed garage with space for cycle parking within the garage. At least one electric charging point will be provided.

DESCRIPTION OF THE SITE

- 1.7 The application site is located in the countryside outside of the Built up Area Boundary along the Brighton Road (A281), close to the River Arun and between the built up areas of Horsham and Mannings Heath. Separation between these settlements is formed by small irregularly shaped fields bounded by hedgerows and woodlands. Trees, hedge, and verges dominant the road side.
- 1.8 The site comprises a detached dwellinghouse and its large garden to the west and north. Boundary treatments and falling ground levels create a reasonably secluded garden. In the garden is a black stained timber outbuilding to the south and rear of the property, forming an indoor pool house (102 sqm permitted 2002). A small shed building sits further south still, which forms part of the southern boundary to Birchenbridge Cottage, the neighbouring dwelling (16 sqm) . Birchenbridge Cottage is partly situated on the boundary line, alongside the driveway.
- 1.9 The host property and its southern neighbour have independent accesses off Brighton Road, where the speed limit is 50mph at this point. Overtaking is restricted in both directions by the presence of solid white lines. The boundary line is cut back at the front to allow increased visibility towards the north, with an overall highway verge depth that is around 4 metres.
- 1.10 The northern most perimeter of the garden to Birchenbridge House is in Flood Risk Zone 2 and 3, as is a large pond to the north on the opposite side of the A281 (Birchen Bridge). Neither of these flood zones encroach into the site of the proposed house. Ancient woodland exists to the south and north, and on the opposite side of the Brighton Road (including Pavilion Wood), again all outside the site of the proposed house. The site abuts the High Weald Area of Outstanding Natural Beauty on the opposite side of the Brighton Road
- 1.11 As set out above the site benefits from full planning permission for the conversion of the existing outbuildings granted under planning reference DC/19/0455. The principle of the creation of one new dwelling on this site has therefore been established and represents a fall-back position which can realistically be implemented.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

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 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

Nuthurst Neighbourhood Plan 2015 - 2031 'made' 2015

Policy 1 – Spatial Plan

Policy 10 – Housing Design

Material Consideration - The High Weald Area of Outstanding Natural Beauty Management Plan 2019 – 2024

2.2 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/0455	Conversion of existing residential outbuildings into a single dwelling and the creation of a new access onto Birchenbridge House	Application Refused on 30.08.2019. Appeal Allowed 4.05.2021
DC/17/1750	Outline application for the conversion and extension to existing residential outbuildings to form 1x dwelling with all matters reserved except for access	Application Refused on 09.10.2017
DC/08/0741	Erection of 3-bay garage to replace old garage	Application Permitted on 19.06.2008

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 Conservation:** No Objection

Birchenbridge House and the neighbouring Birchenbridge Cottage appear to be mid to late nineteenth century dwellings. It may have been the case that the cottage was an ancillary building built for staff. There appears to be a large building built between the house and the cottage at the very end of the nineteenth century on the site of the existing pool house. The complex may have had a connection with the historic Birchenbridge Mill and possibly the Foxhole Outfarm but I am satisfied there is little historic significance of the site on which the house is proposed. I make no objection in heritage terms and leave the question of whether this is overdevelopment of the site to you.

3.3 **HDC Environmental Health:** Comment

Noise

An Environmental Health Officer has recently visited the application site and road traffic noise from the heavily trafficked A281, located to the north of the site, was very noticeable. Where this is the case and residential development is proposed in close proximity to a predominant source of noise we would reasonably expect the application to be supported by a noise impact assessment which quantifies and assesses the impact of road traffic noise on residential amenity and, crucially, provides the LPA with confidence that noise levels are capable of being mitigated through conditions.

A report of the nature has not however been submitted with the proposals – it has therefore not been adequately demonstrated that road traffic noise will not give rise to adverse impacts on the amenity of future occupants of the proposed dwellings.

In addition to the above, given the proximity of the A281 it is our expectation that the layout of the development is designed in accordance with ProPG: Planning & Noise. In particular that the dwellings have appropriate layout with amenity spaces suitably screened and bedrooms/living rooms not overlooking the A281. We will be able to provide further comment on the proposed layout once the above-mentioned noise assessment has been undertaken.

Contaminated Land

During the above-mentioned site visit we formed the view that a significant amount of made ground is likely to be present in the area of the site where the dwelling is proposed. Made ground can be a potential source of contamination, we are of the view therefore that the ground on the site has the potential to be contaminated.

Given the above contamination assessments will need to be undertaken to assess the risks to future site users, we are however happy to request this information through conditions.

OUTSIDE AGENCIES

3.4 **WSCC Highways:** No Objection

This latest application is similar in principle to that previously approved, though seeks the demolition of outbuildings and erection of a dwelling than the conversion. The latest proposal includes the new access works to serve Birchenbridge House but now includes a garage to serve Birchenbridge House. As with the 2019 application this application has been submitted with the support of a Transport Statement prepared by John Elliott Consultancy and Transport and Traffic Consultancy.

Access & Visibility

Access to the new dwelling is to be achieved via an existing point of access onto Brighton Road (A281), which is 'A' classified and subject to a 50 mph speed limit at this point. Overtaking is restricted in both directions by the presence of solid white lines. The access will be widened within the site to 4.5 metres to allow two way passing of vehicles and access gate located with a setback to allow a vehicle to be fully removed from the highway while the

gate is opened. Given this access will continue to serve only 1 dwelling it would not be anticipated that there is any material change in its use and thus no highways concerns would be raised to its continued use. A new replacement point of access for Birchenbridge House is to be provided circa 30 metres North West of the existing access.

The supporting Transport Statement details to the satisfaction of the Local Highways Authority that suitable visibility splays are achievable within land considered public highway for actual recorded 85 percentile approach speeds. All access works within the public highway (both new and widening) must be implemented under licence to a specification obtained from the area highways engineer.

Parking (New Dwelling)

Parking for the proposed dwelling will be achieved via a car port / garage facility and hardstanding. The proposed garages scales to 4.2 x 2.1 metres in size. WSCC require garages to measure 3 x 6 to be considered allocated parking spaces. While WSCC would not count this garage space as part of the parking allocation the car port and remaining hardstanding area are considered adequate to meet the parking and turning requirements of a dwelling of this size in this location.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) Horsham Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

The new dwelling should be provided with a secure and covered cycle parking provision.

Parking (Birchenbridge House)

A garage is proposed to serve Birchenbridge House. This garage seems to scale to 4 x 4 metres on the submitted site plan. A garage should measure 3 x 6 (or 6 x 6 for a double garage) to meet WSCC guidance. Nevertheless a suitable quantity of hardstanding / drive is demonstrated to provide a sufficient parking and turning provision to serve Birchenbridge House.

The proposed garage provision could be used to store cycles given the existing outbuilding could have potentially provided this function.

Conclusion

The Local Highways Authority does not consider that the proposal would have and 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 Local Planning authority is minded to grant planning consent the following conditions and informative note would be advised:

- Access works
- Vehicle parking and turning
- Cycle parking
- Construction plant and materials
- EV Charging points

3.5 Ecology Consultant: No Objection

We have reviewed the Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly bats and identification of proportionate

mitigation. We are satisfied that there is sufficient ecological information available for determination.

The mitigation measures identified in the Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. As concluded in the Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and verified in the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021), the conversion of the building identified as B2 will require a European Protected Species Licence for bats, as the building supports day roosts for one soprano pipistrelle and one Whiskered bat. We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured prior to slab level.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

3.6 **Southern Water:** No Objection

PUBLIC CONSULTATIONS

3.7 **Nuthurst Parish Council:** Objection

In 2019 the owner applied (DC/19/0455) for conversion of existing residential outbuildings into a single dwelling and creation of a new access onto Birchenbridge House. The Parish Council strongly objected on various grounds including not in Neighbourhood Plan, outside the BUAB, inappropriate development in the countryside and new entrance creating additional safety hazard on A281. HDC refused planning permission on similar grounds to the Parish Council's objection. The owner appealed to the Planning Inspectorate and the Inspector upheld the appeal commenting that material considerations such as accessible location, not remote or isolated, outweighed the policies in HDC Local Plan and the Parish's Neighbourhood Plan. So the owner has permission for a single dwelling and a new independent access.

The new application is to demolish the pool house and storage building and to erect a single dwelling and garage as an alternative to conversion of those buildings into a single dwelling. However, the fact remains that this proposed dwelling is outside the BUAB for Mannings Heath, is not allocated in the Neighbourhood Plan, is in a countryside location, does not support a countryside activity and creates an additional safety hazard on the A281. Therefore the Parish Council maintains its objection to a dwelling for the same reasons as for the previous application, namely:

- i) The proposed development is located in the countryside, outside the defined built-up area boundary of any settlement, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. Furthermore the proposed development has not been demonstrated as being essential to its countryside location. Consequently the proposal represents unsustainable development contrary to policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015), policy 1 of the Nuthurst

Neighbourhood Plan (2015) and would fail to meet the definition of sustainable development within the National Planning Policy Framework (2018).

- ii) The proposed development, by reason of the siting and relationship with the host dwelling and neighbouring property, would lead to an intensification of the use that would therefore result in significant harm to residential amenity and is contrary to policy 33 of the Horsham District Planning Framework (2015). It would also be out of keeping with those two dwellings because it does not reflect the architectural and historic character and scale of the surrounding buildings contrary to policy 10 of the Nuthurst Neighbourhood Plan (2015) and the overarching aim of the Nuthurst Parish Design Statement (2016).
- iii) The proposed development would create a third access onto the very busy A281 within 50 metres. This would reduce the safety of users of the A281 and would result in harm to those users of the public highway contrary to policies 33, 40 and 41 of the Horsham District Planning Framework (2015).

3.8 Representations: None received

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

Principle of development

- 6.1 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.
- 6.2 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 80 of the NPPF and policies 3, 4, and 26 of the Horsham District Planning Framework (HDPF).
- 6.3 HDPF Policy 3 and 4 advises 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 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 either the Local Plan or the Nuthurst Neighbourhood Plan and thus the application proposals 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.

- 6.4 Notwithstanding the above, it is noted that the conversion of the buildings on site to form one new independent residential dwelling has planning permission granted in August 2019 by the Planning Inspectorate at the Planning Appeal (DC/19/0455). This is a significant material consideration in the determination of this current planning application.
- 6.5 The presence of an extant planning permission 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 a new dwelling in this location.
- 6.6 It is therefore considered, subject to detailed considerations, that refusal of the application on the basis of the conflict with Policies 4 and 26 of the HDPF would not be warranted and would not prevent a new dwellinghouse from being created on the site. On this basis, the principle of development is considered acceptable, subject to the requirement of the existing buildings on site to be demolished and other relevant detailed considerations.

Character and Design and Heritage Impacts

- 6.7 With regards to design, Paragraph 134 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”.
- 6.8 Policies 26 (countryside protection), 32 (quality of new development) and 33 (Development Principles) of the HDPF require development to be of high quality design which is sympathetic to the character and distinctiveness of the site and surroundings.
- 6.9 The site lies in a rural stretch of the Brighton Road, just south of Birchen Bridge and outside of the southern limits of Horsham Town and the village of Manning Heath. Along this (unlit) stretch of the A281 the physical and perceived separation between settlements is strongly evident and maintained by the verdant roadside character, with dense established tree and thicket planting adjacent to the highway. There are few suburban interventions and only sporadic residential buildings.
- 6.10 The proposal would involve the creation of 1no detached dwelling which would be sited in the location of the existing outbuildings to be demolished and removed from the site. The proposed dwelling would have a single storey design when viewed from the front principle elevation, taking the form of a modern barn style conversion, mimicking the type of building that would be readily seen and typical within this countryside setting. The materials to the external walls consisting of timber cladding would also be reflective of the existing buildings to be removed. Notwithstanding this, the design and appearance of the existing buildings to be removed are not considered to be of any architectural merit or value.
- 6.11 The Nuthurst Neighbourhood Plan at Policy 10 Housing Design, states that “The scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings”. This Policy also states that “Residential development proposals should: i. make use of high quality building materials and finishes”. It is considered that the proposals would adhere to the above requirements, delivering a scheme of high quality, with appropriate materials and a scale and configuration of the dwelling which is also common and evident within the immediate vicinity.
- 6.12 It is considered that the design of the proposed dwelling would represent an enhancement to the site when compared to the existing buildings to be removed and their potential conversion to residential. In the appeal decision it was stated that the outbuildings are in a

deteriorating condition and that with the use of sympathetic materials the proposal would have a positive impact on the site and enhance the visual impact of the site. This proposal, resulting in a purpose built dwelling, is considered to enhance the visual impact of the site further. The existing buildings are limited in terms of aesthetic value and the proposal, whilst it is acknowledged would create a greater overall GIA when compared to that which would could be achieved under the conversion, would occupy a lesser overall footprint when compared to the existing buildings, resulting in a reduction in overall built form.

- 6.13 While part of the site is visible from a public vantage point, when view from the entrance, given the nature of the road, taking into account the rural location and the speed limit, it is considered that the proposed development would not appear prominently within the landscape. Together with the modest size and scale of the proposal, coupled with the design and materials to be used, it is considered that the proposed dwelling would represent an enhancement when compared to the extant permission and would result in an appropriate and sympathetic form of development, introducing buildings of architectural merit and interest, when compared to the existing buildings to be removed.
- 6.14 The extant permission is subject to a planning condition removing all permitted development rights justified to prevent enlargement of the dwelling and the erection of additional buildings on site. It is recommended that a similar condition is attached to this planning permission if approved.
- 6.15 The proposed garage to serve the new dwelling would be reflective of the proposed dwelling and would be acceptable. The new garage proposed to the front of Birchenbridge House, although located forward of the main dwelling is also considered appropriate owing to the mature screening to the road, large plot and the lack established building line along this stretch of road.
- 6.16 This current full planning application gives greater control over the eventual development of the site, particularly in respect of detailed design, landscaping matters and ecological enhancements. These elements 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, 32 and 33 of the HDPF, Policy 10 of the Nuthurst Neighbourhood Plan, as well as Paragraph 134 of the NPPF.

Amenity Impacts

- 6.17 Policy 33 of the HDPF requires that new development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.18 The basement level of the house would not be visible from Brighton Road and the main elevation of the property would appear as a single storey dwelling. The footprint is 3.75sqm smaller than the existing approved scheme that involved a linking extension which increased the existing footprint. The dwelling would have a height of 2.89m to the eaves and 5.8 metres to the highest ridge point. This ridge height is around 0.5m higher than the existing highest ridge point of the buildings to be removed.
- 6.19 The design of the dwelling is such that it fits in with the character of the area and does not detract from the amenities of the adjoining properties as there are no facing windows likely to suffer any adverse effects as a result of the proposal. The proposed dwelling is set back some way from Birchenbridge Cottage so as to avoid a loss of privacy. Further, with accommodation arranged at ground floor and basement level, views into the neighbouring garden would be intercepted by the boundary fence.
- 6.20 Overall it is not considered that the resulting impact on neighbouring amenity would be markedly different from that of the existing situation on site or the approved scheme to form

1no residential dwelling. Further, the proposed garage which serve the existing property at Birchenbridge House is located at a suitable distance where it would not result in any harmful amenity impact. The proposal is therefore considered to be acceptable in this regard.

Accessibility and Highways

- 6.21 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. The proposed development would be served by an existing access point from Brighton Road with a new access being created for Birchenbridge House. West Sussex Highways have assessed these accessways and consider them to be acceptable, raising no highways concerns. Both properties will have sufficient on-site parking to accommodate their parking needs.
- 6.22 The Local Highways Authority does not consider that the 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 111), and that there are no transport grounds to resist the proposal. Conditions are advised in relation to the new access, vehicle parking, cycle parking, Electric Vehicle Charging Points, Construction plant and materials.

Ecology Considerations

- 6.23 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.
- 6.24 The Council's ecologists have reviewed the Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly bats and identification of proportionate mitigation. They are satisfied that there is sufficient ecological information available for determination.
- 6.25 The mitigation measures identified in the Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. As concluded in the Ecological Impact Assessment and verified in the Ecological Addendum the demolition of the building identified as B2 will require a European Protected Species Licence for bats, as the building supports days roosts for one soprano pipistrelle and one Whiskered bat.
- 6.26 The proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021 are supported. These reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured via condition prior to slab level.

Climate Change

- 6.27 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 includes the following measures to build resilience to climate change and reduce carbon emissions:

- All glazed areas to have elements of shading provided by the building form or internal curtains or blinds.
- Solar gains controlled through Low E glazing.
- All external elements to be well insulated.
- Use of mechanical ventilation with heat recovery (MVHR) to provide fresh filtered air into the dwelling whilst re-using up to 95% of the heat that would have otherwise been lost.
- 100% low energy/LED lighting.
- A+++ rated white goods.
- Solar panels to be installed on roofs to provide a renewable energy supply to the dwelling.
- Water consumption limited to 110 litres per person per day
- Refuse and recycling storage
- Biodiversity mitigation and enhancement
- Cycle parking facilities
- Electric vehicle charging points

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

- Water consumption limited to 110litres per person per day
- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling storage
- Biodiversity mitigation and enhancement
- Cycle parking facilities
- Electric vehicle charging points

Other matters:

Noise

6.29 For the previous application which involved the conversion of the existing pool house the EHO raised no objection with regard to noise from the Brighton Road. Similarly the Inspector did not raise any noise concerns. Although the concerns relating to noise from the Brighton Road are noted it is considered that the purpose built new build scheme now proposed will be far better insulated than the conversion scheme, so would be less exposed to noise. There will also be a garage that sits in between the house and the road which will reduce any noise even further and the layout of the house puts all main rooms towards the rear with only a guest bedroom at the front. The applicants live in Birchenbridge House next door to the application site and inside their property, which sits much closer to the road than the proposed house and apparently do not experience road noise. A Noise Assessment is therefore not considered to be required in planning terms in this case.

Conclusion

- 6.30 The site is within a countryside location and has not been allocated for residential development. The proposal therefore conflicts with policies 4 and 26 of the HDPF. However, the principle of residential development on the site has been established by the recent grant of planning permission for 1no dwelling at appeal. This is considered to form a realistic fall-back position carrying significant weight in the planning balance.
- 6.31 The proposed development would provide a purpose built dwelling and would represent an improved appearance to the site and landscape and a reduction in overall footprint. The proposed dwelling would be positioned further from the boundary when compared to the development that could otherwise come forward on the site under the extant permission, resulting a better relationship with existing neighbouring development.

- 6.32 Therefore, whilst being a departure from planning policy, the current application is considered to enhance the immediate setting and ensure that the development would not result in harm to the countryside setting, 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 such that the grant of planning permission is recommended.

6.33 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District wide residential	236.68	149	87.68
	Total Gain		87.68
	Total Demolition		149

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

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

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 **Regulatory (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 take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

- i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
- ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **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).

- 5 **Pre-Commencement Condition:** No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement Condition:** Any works which will impact the building identified as B2 shall not in 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 (as amended) authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998 and in accordance with the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement (Slab Level) Condition:** No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity

Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 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 and roofs 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-Occupation Condition:** Prior to occupation of the dwelling hereby permitted, a lighting design scheme for biodiversity shall be submitted 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, 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: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all 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 treatments
- Details of all external lighting
- Ecological enhancement measures set out in LLD1713-ECO-REP- 002-01-EcIA of the Ecological Impact Assessment by LIZARD, dated 29 July 2019

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 or retained 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).

- 11 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing P221-101 Rev A.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 12 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking and turning facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan P221-101 Rev A and shall be thereafter retained as such.
- Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).
- 13 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.
- Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).
- 14 **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).
- 15 **Regulatory 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 megabytes 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).
- 16 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Ecological Impact Assessment (Lizard Landscape, Design and Ecology, July 2019) and the Ecological Addendum (Lizard Landscape, Design and Ecology, July 2021
- Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).
- 17 **Regulatory Condition:** No works for the implementation of the development hereby approved, no deliveries of construction materials or plant and machinery and no removal of any spoil from the site, 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).
- 18 **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, AA, B, C, D, E, and F Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of

all plots without express planning consent from the Local Planning Authority first being obtained.

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 buildings of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 5 of the Slinfold Neighbourhood Plan.

- 19 **Regulatory Condition:** The garage(s) hereby permitted shall be used only as private domestic garages incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).