



TO: Planning Committee South

BY: Head of Development

DATE: 19 May 2020

DEVELOPMENT: Erection of 7no dwellings comprising a mixture of detached and semi-detached properties, with associated parking and landscaping works.

SITE: Lodge Farm Malthouse Lane Ashington West Sussex

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/19/1788

APPLICANT: **Name:** Marcel Hoad **Address:** care of agent Melton Lodge Rusper Road Newdigate RH5 5BX

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

More than 8 persons in different households have made written representation raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

RECOMMENDATION: To grant 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 the existing commercial storage buildings, workshop buildings and office building on site and erection of 7no detached and semi-detached dwellings, incorporating associated curtilage land, a new driveway and extensive landscaping works. The existing buildings are utilitarian in appearance and are constructed with a mixture of blockwork, timber and metal cladding and metal roof sheeting.
- 1.2 The site benefits from a number of Prior Approval applications under planning reference numbers DC/19/0778, DC/18/2479, DC/18/2480 and DC/18/2443 permitted under Classes O, P and PA of the General Permitted Development Order (GPDO) 2015, as amended. The Prior Approvals established that a number of the existing buildings on site can be converted into residential properties, forming a total of 9no single dwellings. This current planning application seeks the demolition of all of the existing buildings on site and the erection of 7no

detached and semi-detached dwellings as an alternative to the permitted development conversion of the existing buildings.

1.3 The proposed dwellings would be positioned towards the northern and central parts of the site, which would be similar to the layout/configuration of the existing buildings on site, and would consist of the following –

- Unit 1, referred to as the 'Cart Shed' consisting of a detached, single storey 3-bed dwelling, positioned to the north-western corner of the site in close proximity to the existing access and in the location of an existing building to be removed. This dwelling would utilise an 'L' shaped configuration, with an overall width of approximately 21.6m, an overall depth of approximately 12m and would have a pitched roof design with an overall height of approximately 5.1m. This dwelling would be constructed in natural materials including brick, sandstone with lime mortar and painted timber weatherboarding to the external walls, a clay tiled roof and timber framed fenestration.
- Unit 2, referred to as 'The Farm House' consisting of a detached, two storey 4-bed dwelling, positioned to the north/central part of the site and in the location of a number of existing structures to be removed. This dwelling would have a rectangular footprint with an overall width of approximately 18m, an overall depth of approximately 6.5m and would have a pitched roof design with front and rear dormers and an overall height of approximately 7.7m. This dwelling would be constructed in natural materials including brick, lime render and painted timber weatherboarding to the external walls, a clay tiled roof and timber framed fenestration. This dwelling would be served by detached double car port/garage.
- Units 3 & 4, referred to as '1 & 2 Lodge Farm Cottages' consisting of a pair of semi-detached, two storey 2-bed dwellings, positioned centrally within the site in the approximate location of a building to be removed. These dwellings would have a rectangular footprint with a matching internal configuration and would be stepped at first floor level, appearing as single storey dwellings from the south. The proposed semi-detached pair would have an overall width of approximately 20m, an overall depth of approximately 7.2m and would have a pitched roof design with an overall height of approximately 7.1m. These dwellings would be constructed in natural materials including brick, lime render, and clay hanging tiles to the external walls, a clay tiled roof and timber framed fenestration.
- Unit 5, referred to as 'The Barn' considered of a detached, single storey 3-bed dwelling, designed as a barn style conversion, positioned to the eastern side of the site and in the location of an existing building to be removed. This dwelling would utilise an 'L' shaped configuration, with an overall width of approximately 19.3m, an overall depth of approximately 16.5m and would have a pitched roof design with an overall height of approximately 7.1m. This dwelling would be constructed in natural materials including brick and painted timber weatherboarding to the external walls, a clay tiled roof and timber framed fenestration.
- Units 6 & 7, referred to as '3 & 4 Lodge Farm Cottages' consisting of a pair of semi-detached, two storey 3-bed dwellings, positioned to the northern corner of the site within the site in the approximate location of 2no buildings to be removed. These dwellings would have a rectangular footprint with a matching internal configuration and would be stepped at first floor level. The proposed semi-detached pair would have an overall width of approximately 24.8m, an overall depth of approximately 9.6m and would have a pitched roof design with an overall height of approximately 7.1m. These dwellings would be constructed in natural materials including brick, lime render, and clay hanging tiles to the external walls, a clay tiled roof and timber framed

fenestration. These dwellings would also each benefit from single storey detached outbuildings.

- 1.4 The existing buildings on site to be removed have an overall footprint measuring approximately 898sqm measures and a GIA of approximately 630sqm would be created as a result of the Prior Approval permissions, as detailed above. The overall footprint to be created by the proposals would measure approximately 805sqm and the GIA to be created by the proposals would measure 979sqm.
- 1.5 The proposed dwellings would be served by the existing access serving the site from Malthouse Lane to the west which would be widened and altered for the purposes of improved visibility as part of the proposals. The proposals include extensive landscaping works with the creation of a central greenspace and the retention of an existing pond.
- 1.6 The proposals have been the subject of amendments and extensive officer consideration, with regards to the number of dwellings proposed, the quantum of development, the design and layout of the dwellings and the landscaping of the site. The application was initially submitted seeking planning permission for a total of 9no dwellings, with an inappropriate layout and designs which were not considered to be acceptable. The proposals have subsequently been amended as follows –
 - Reduction in the number of new build dwellings from 9no to 7no.
 - Alterations to the designs of the properties from all being single storey to a mixture of single storey, two storey, detached and semi-detached properties
 - Alterations to the layout of the site and configuration of the proposed dwellings
 - Alterations to the proposed access drive
 - The creation of larger curtilages
 - The creation of a designated central green space area
 - The inclusion of 3no detached structures serving three of the properties.

DESCRIPTION OF THE SITE

- 1.7 The application site relates to a large site measuring approximately 1ha located, off Malthouse Lane Ashington. The site consists of a number of commercial buildings in light industrial (B1c), storage (B8) and office (B1a) uses. The existing buildings are of a utilitarian modern construction and have no architectural merit or historic value or significance. The site consists of hardstanding areas to the north, with unmaintained soft landscaping to the southern areas and extensive mature soft landscaping to the boundaries. The site is not located within any defined built up area boundaries and is therefore considered to be located within the countryside.
- 1.8 The site is accessed via Malthouse Lane, which is a narrow country lane located on the western side of and in close proximity to the A24. The site is considered to be very rural in nature and vernacular with a number of dwellings located along Malthouse Lane and sporadic development within the wider surrounding area. There are two Grade II listed dwellings located to the north and south of the site at Mitchbourne House and Mitchbourne Farm respectively. The site, and immediate vicinity is located within an Environment Agency designated Flood Zone 1, which identifies that the site has a low risk of flooding rating.
- 1.9 As detailed above, the site benefits from a number of Prior Approval applications under planning reference numbers DC/19/0778, DC/18/2479, DC/18/2480 and DC/18/2443 permitted under Classes O, P and PA of the General Permitted Development Order (GPDO), 2015 as amended. The Prior Approvals established that a number of the existing buildings on site can be converted into residential properties, forming a total of 9no single dwellings. The principle of the creation of residential properties on this site, has therefore been established.

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:

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 30 - Protected Landscapes

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Climate Change

Policy 38 - Flooding

Policy 40 - Sustainable Transport

Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Status – Ashington Parish Neighbourhood Plan area has been Designated, and the Draft plan was put out for consultation from 22 June to 17 August 2019.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/0778

Prior Approval for change of use from B8 storage / warehouse use to C3 residential dwelling(s).

Decision – Prior Approval Required and Permitted

Decision Date – 30/05/2019

DC/18/2479

Notification for prior approval for a change of use from storage (Class B8) to (four) dwellinghouses (Class C3).

Decision – Prior Approval Required and Permitted

Decision Date – 29/03/2019

DC/18/2480

Notification for prior approval for a change of use from premises in light industrial use (Class B1 (c)) and land within its curtilage to (two) dwellinghouses (Class C3)

Decision – Prior Approval Required and Permitted

Decision Date – 29/03/2019

DC/18/2443

Prior approval for the proposed change of use from offices to a dwellinghouse

Decision – Prior Approval Required and Permitted

Decision Date – 29/03/2019

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 & Design:** No Objections Raised, conditions suggested
Following submission of amendments and extensive consideration, I am satisfied the proposed development will not harm the setting of the adjacent listed buildings or lead to a dilution of the character of this rural lane. Conditions pertaining to materials and detailing of dwellings suggested
- 3.3 **HDC Landscape Architect:** No Objections Raised, subject to landscape conditions.

Summary of Initial Comments - It is understood that the principle of residential development is already established by virtue of extant permission DC/19/0778. Notwithstanding, there is a considerable increment on proposed residential units and as a result the proposals are seen as an urbanising effect in the countryside. The number of units proposed results in a formal cul-de-sac arrangement uncharacteristic of the countryside where farm clusters have a more loose organic pattern. The proposals as shown are considered to result in harm to the landscape character and contrary to Policy 25, 26. It is noted that some of the issues could be potentially resolved with the provision of additional information which can feed into the design proposals and in turn result in a more considered layout and provide certainty in some of the points raised.

Summary of Final Comments Following Amendments and Additional Information – If the concerns initially raised can be conditioned the officer is happy to withdraw the holding objection. As the officer is not yet aware of the size of the basin possibly proposed with the central green area, the officer would want to be sure that proposed new trees could still be accommodated within this area without loss. Hedging to the rear between plots 1 and 2 should be extended further. This would also apply to plots 2, 3 and 4.

- 3.4 **HDC Tree Officer:** No Objections Raised
- 3.5 **Ecologist:** No Objections Raised, conditions suggested
- 3.6 **Archaeology:** No Objections Raised

OUTSIDE AGENCIES

- 3.7 **WSCC Highways:** No Objections Raised, conditions suggested
The plan provides evidence of a best possible visibility splay including the removal of existing vegetation, and a promise to maintain the proposed vegetation to a height of 0.6m or lower. This can be achieved and maintained in perpetuity as the vegetation is within the applicants land.

WSCC would advise the LPA to make sure this is conditioned as currently the area is densely covered and will require some extensive clearance.

Drawing 100 also indicates the access will be widened to accommodate two cars to enter and exit the access at the same time. As the width of Malthouse Lane is only wide enough for one car width this will allow cars to stop in the access before exiting or entering

Visibility splays are the best possible and are an improvement in what already exists. To the north of the access a visibility splay of 9.1m is achieved. Although this is short, as the road here terminates into a gated farmers field and access for two dwellings, it is not anticipated the number of trips coming from this direction would be significant.

Improvements to the southern visibility splay have been vastly improved. It is important to highlight the change of use from commercial storage/workshops to dwellings will see a similar, if not lower, trip rate. As such the improvements provide betterment over what is already permitted.

Conditions pertaining to a construction management plan and visibility splays are advised.

3.8 **Southern Water: No Objections Raised**

PUBLIC CONSULTATIONS

3.9 **Parish Council Consultation: Objection**

The Parish Council maintains its original Objection of 19th September 2019: The Parish Council Objects to the application on the grounds of:

- The proposal is outside the BUAB on a site not identified for development within HDPF nor in the emerging Neighbourhood Plan;
- The proposal is not consistent with the spatial strategy in the emerging NH Plan on a site that was rejected from the Neighbourhood Plan;
- The proposal is in a rural location, well outside the existing settlement and the use is not essential to this countryside location.

3.10 A total of 23 letters of objection from 12 separate households/bodies have been received for this application. The nature of the objection can be summarised as follows –

- Access not suitable
- Detrimental impact on Listed Buildings
- Over development of the site
- Proposal not required in this location, contrary to housing policies
- Detrimental Impact on Ecology
- Detrimental impact on neighbouring amenity
- Potential for flooding

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 dwellings and the visual amenities of the countryside
 - The amenities of the occupiers of adjoining properties
 - The highways impacts of the proposal

- 6.2 As noted above, the application has been amended significantly following detailed and extensive officer consideration. The initially submitted scheme proposed the erection of 9no single storey dwellings set within a rigid and urbanising layout. The amendments which have been provided have reduced the proposed number of dwellings from 9no to 7no and the designs of the properties have been amended to include 3no detached properties and 4no semi-detached properties. The layout and configuration of the properties and well as their designs have been amended to reflect the rural character and vernacular of the surrounding area.

Principle

- 6.3 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.
- 6.4 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).
- 6.5 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 a Local Plan and there is currently no Neighbourhood Plan for the Parish of Ashington 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.
- 6.6 Paragraph 79 of the NPPF states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside'. One of the criteria set out in Paragraph 79 which would allow such developments is as follows –

Planning policies and decisions should avoid the development provided the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- development which ‘would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area’ will be supported
- 6.7 The application is not being justified against the above criteria, and while the designs of the dwellings (which is considered in detail later in this report) would represent an enhancement when compared to the existing buildings on site, they would not be truly outstanding or innovative. The proposal could not therefore be justified under p.79 of the NPPF.
- 6.8 Notwithstanding the above, it is noted that the site benefits from a number of Prior Approval applications under planning reference numbers DC/19/0778, DC/18/2479, DC/18/2480 and DC/18/2443 permitted under Classes O, P and PA of the General Permitted Development Order (GPDO) 2015, as amended, respectively. The Prior Approvals established that a number of the existing buildings on site can be converted into residential properties, forming a total of 9no single dwellings. This is a material consideration in the determination of this current planning application.
- 6.9 The presence of the Prior Approvals for residential use of the buildings on site, 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 number of residential units on the site.
- 6.10 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 dwellings from being created on the site. On this basis, the principle of development is considered acceptable, subject to any permission requiring the demolition of the existing agricultural building (to avoid both developments being carried out) and other relevant detailed considerations.
- 6.11 Whilst it has been noted above that the Prior Approvals pertaining to the site have granted the creation of 9no dwellings under the provisions of permitted development, given that the current full planning application affords the Council additional scope in considering the proposals, the creation of 9no new build dwellings under this current proposal for full planning permission was not considered to be acceptable. Following detailed and extensive officer consideration, the application has been amended to a reduced number of 7no dwellings, the acceptability of which is discussed further in the below sections.

Design, Character & Appearance and Impact on Listed Buildings

- 6.12 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”.
- 6.13 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.
- 6.14 As noted above, the existing buildings on site are considered to be relatively modern, utilitarian structures in appearance and are not considered to be of any architectural merit or hold any historical value or importance from a heritage standpoint. The proposed would involve the demolition of all the buildings on site and the erection of 7no dwellings, comprising 3no detached dwellings and 4no semi-detached dwellings.
- 6.15 The initial proposals submitted sought permission for the erection of 9no dwellings. These dwellings consisted of detached single storey properties with relatively small curtilages, configured and laid out in a very rigid and uniform way, which was not considered to be acceptable for this countryside location. The quantum of development in relation to the site

and the number of dwellings proposed, as well as the overall resultant character, were also not considered to be relate sympathetically with the site or the wider surroundings.

- 6.16 As such, extensive officer discussions and considerations have taken place in relation the design of the dwellings, landscaping and impact on the listed buildings. The application site and surroundings of Malthouse Lane are considered to be very rural in nature and this is reflected in the vernacular of the residential built form within the vicinity. Amended plans were submitted which sought to address the issues identified.
- 6.17 The amended proposed dwellings would take their cues from the designs, built form and character of the existing properties along Malthouse Lane, consisting of a mixture of single storey barn conversion-type dwellings to two storey, semi-detached cottage designs, which are evident within the vicinity. The proposed dwellings would be made-up of a pallet of natural materials including brick, sandstone, lime render, timber weatherboarding, clay hanging tiles to the external elevations, clay tiles to the roofs and timber framed fenestration and doors. The amended proposals would also be configured in a more natural and fluid manner, with larger curtilages, again as evident within the surrounding area and are considered to be in keeping with the overall rural character and vernacular of the area.
- 6.18 It is considered that the design of the proposed dwellings would represent an enhancement to the site when compared to the existing buildings and their potential conversion to residential. The existing buildings, whilst they have permission under current permitted development rights to be converted to a dwelling, would be limited in terms their aesthetic value following conversion. The proposals, whilst it is acknowledged that they would create a greater overall GIA when compared to the that which would could be achieved under the Prior Approval permissions, would occupy a lesser overall footprint when compared to the existing buildings on site.
- 6.19 It is noted that Malthouse Lane is set at lower ground level to that of the application site and is not visible from the lane due to high verges. This, together with the extensive existing soft boundary treatments around the site, would ensure that there would be a minimal visual impact on the wider area outside of the application site as a result of the proposed development. In terms of the site itself, extensive landscape enhancements are proposed to ensure that the character of the site is in keeping with the rural setting. These include the use of soft internal curtilage treatments such as hedging, post and rail fencing, reduced areas of hardstanding and further planting to private and communal areas of the site. Whilst HDC's Landscape Architect has raised points in their comments with regards to the creation of a proposed central green space with wet swale and retention of an existing pond, these elements and the overall landscaping scheme and future landscape management, can be effectively controlled with suitable conditions. It is also noted that HDC'S Tree Officer has also raised no objections to the proposals with regards to any potential impact on the existing boundary trees/vegetation as a result of the proposed development.
- 6.20 Paragraph 193 of NPPF (2018) states concerning the developments related to Listed Buildings: "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 6.21 Policy 34 of the Horsham District Planning Framework (HDPF) is the main policy related to the applications for listed building consent. The policy states that works to listed buildings should reinforce the special character of the historic environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques.
- 6.22 Development should make a positive contribution to the character and distinctiveness of the area, whilst preserving and ensuring the clear legibility of locally distinctive vernacular. The setting of listed buildings should also be retained and improved, with the viability and future

of the asset secured. Additionally, policies such as 32 and 33 of HDPF are also applicable for the proposed alterations. Site visit observations are also part of decision-making process.

- 6.23 With regards to the potential impact on the setting of the Grade II listed buildings to the north and south of the site as well as the overall design of the scheme, HDC's Conservation and Design Officer has been involved in the extensive consideration and re-design of the proposals. The Conservation officer has raised no objections and has advised that the amended designs, as well as the positioning of the proposed dwellings and distances maintained, would ensure that that the proposals would not harm the setting of the adjacent listed buildings or lead to a dilution of the character of this rural lane. Appropriate conditions securing the exact materials and detailing of the dwellings have been recommended by the Conservation Officer.
- 6.24 Overall it is considered that the amendments are considered to be in keeping with the rural character, and together with the boundary treatments to the site and distances preserved to the listed buildings, it is considered that the proposals would not have a detrimental impact on the heritage assets.
- 6.25 Whilst it is acknowledged that the new build proposals would introduce a combination of single and two storey dwellings, resulting in a greater overall GIA to be created when compared to that of the Prior Approval applications, it is considered that the overall designs in terms of build form, character, the pallet of materials to be used would and the layout and spaces created, would result in a markedly improved scheme/site when compared to the existing situation on site and the potential residential developments under the Prior Approval applications. The proposed carport and outbuildings proposed to serve Units 2, 6 and 7 respectively, are also features which replicate and would conform with the character of development in the vicinity and are considered to be acceptable.
- 6.26 The amended proposals would result in an enhancement on the converted buildings which would result from implementation of the existing Prior Approvals and an enhancement of the overall setting of the countryside location. The proposals, together with the presence of extensive existing boundary treatments and the distances maintained, would ensure that there would not detrimental impact on the two listed buildings to the north and south of the site. The current application gives greater control over the eventual development of the site, particularly in respect of the detailed design and landscaping, which are considered to be key factors which 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, 33 and 34 of the HDPF as well as Paragraph 131 of the NPPF.

Impact on neighbouring amenity

- 6.27 Policy 33 of the Horsham District Planning Framework 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. Taking into account the extensive mature boundary treatments surrounding the site, the distances preserved to neighbouring residential properties, measuring approximately 32m at the closest point and that the fact that the proposed dwellings would be similarly positioned to that of the existing buildings, it is considered that the proposals would not have a detrimental impact on neighbouring amenity and are considered to be acceptable in this regard.

Quality of the resulting environment for future occupiers

- 6.28 It is considered that the proposed development would provide adequate indoor and outdoor living space for future occupants of the dwellings. Suitable distances would be preserved to neighbouring development and between each of the dwellings, to ensure that there would not be any harmful overlooking or any potential overbearing impact on the proposed dwellings. As such, it is considered that there would be an appropriate quality level of

environment for the future occupiers of the proposed dwellings in accordance with Policy 33 of the HDPF (2015).

The highways impacts of the proposal

- 6.29 Policies 40 and 41 of the Horsham District Planning Framework state that development should provide a safe and adequate access, suitable for all users. The proposed dwellings would be served by an existing access point from Malthouse Lane to the west of the site. The proposals include some enhancements to the entrance to provide improved access and visibility. Each dwelling would be served by parking areas which would be in-line with WSCC Parking Standards 2019 in this rural location.
- 6.30 It is noted that a number of objections have been received with regards to the suitability of Malthouse Lane with regards to construction works access and the proposed development in general. WSCC Highways have been consulted and have raised no objections to the proposals on highways or parking grounds. Highways have highlighted that a construction management plan would be required, which would cover the construction phase of the development and that the residential use of the site would result in an equal to lower trip rate when compared to the existing uses of the site. It must be noted that the site, as existing, is unrestricted in terms of frequency and times of access and vehicle types moving to and from the site.
- 6.31 WSCC Highways department have commented on the proposed amended access and have stated that the proposed visibility splays are acceptable. The applicant/planning agent has confirmed that the verge areas, which the splays would pass over, are within their ownership and WSCC Highways have advised that these would need to be cut back to ensure the splays comply with their standards. The visibility splay requirements will be conditioned accordingly.
- 6.32 As such, with the inclusion of suitable conditions as advised by WSCC Highways, it is considered that the proposals would be acceptable in this regard, and therefore accord with policies 40 and 41 of the Horsham District Planning Framework (2015).

Ecology Considerations

- 6.33 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.
- 6.34 An Ecological Assessment has been provided with this application which identifies that whilst the site is considered to be of low ecological value, there is a presence of some species which would require mitigation measures to be put in place. The Council's Ecology consultant has not raised any objections to the proposals. Suitable conditions have been recommended to ensure ecological mitigation measures and enhancements are put in place and the Council would expect see specific enhancement measures with regards to the existing pond on site to be retained and in relation to a wet swale, which is proposed within the central green space, as indicated on the submitted information. It is considered that the proposals would not have a detrimental impact on ecology, and overall the proposals are considered to be acceptable in this regard, in accordance with Policy 31 of the HDPF.

Drainage

- 6.35 Notwithstanding objections which have been received in this regard, the site is located within Environment Agency designated Flood Zone 1 where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. It is noted that there is an existing pond on site. Looking over historic aerial photographs of the site, this

appears to be man-made and is not a natural feature pertaining to the site. The Council do not hold any information indicating if the pond provides any form of drainage for the site. Whilst this is proposed to be retained, given the nature of the proposals, a suitable pre-commencement condition requiring submission of a drainage strategy, the proposed means of foul and surface water drainage and suitable Sustainable Drainage Systems (SuDS) to be incorporated in the scheme, is considered to be appropriate.

Conclusion

- 6.36 The site is within a countryside location and has not been allocated for residential development, whilst the proposal does 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 has been established by the recent granting of a number of Prior Approval for the conversion of the existing buildings on the site to form dwellinghouses. This is considered to form a realistic fall-back position carrying significant weight in the planning balance. The proposed development would provide 7no purpose built dwellinghouses, representing a reduction of 2no dwellings which could result from the implementation of the Prior Approval schemes and would represent an improved appearance to the site and landscape character which would be in keeping with the rural residential vernacular of the area, compared to the development that could otherwise come forward on the site under the Prior Approval consents.
- 6.37 Therefore, whilst being a departure from planning policy, the current application is considered to enhance the immediate character and ensure that the development would not result in harm to the countryside setting, the vernacular of the area, neighbouring amenity or highway safety. These benefits compared to the fall-back position provided by the extant Prior Approval consents are considered to outweigh the conflict with Policies 4 and 26 such that the grant of planning permission is recommended.
- 6.38 Conditions are suggested to ensure; detailed use of materials to be provided, a detailed landscaping scheme to confirm all hard and soft landscaping details, the removal of the existing buildings on site, and details of appropriate drainage provision including SuDS.
- 6.39 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 Zone 1	979	898	81
		Total Gain	81
		Total Demolition	898

- 6.38 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.39 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 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) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (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 development shall thereafter be carried out in accordance with the approved details. 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).

- 4 **Pre-Commencement Condition:** No development, including any demolition works, shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal and provision of Sustainable Drainage Systems (SuDS), 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 35 and 38 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** Prior to any relevant work beginning, the following details shall have been submitted to and approved in writing by the Local Planning Authority. The relevant works must not be executed other than in complete accordance with these approved details:

a) Samples or specifications of all external materials and surface finishes.

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 33 and 34 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement Condition:** No development, including any demolition works, shall commence until 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).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- 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 or non-native species present on site

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:** No development, including any demolition works, shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,

- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

- 8 **Pre-Commencement Condition:** Prior to the commencement of relevant works for the erection of the dwellings hereby approved, all of the existing buildings and structures on site, as shown on drawing number 191213_001, received 18 December 2019, indicated on the plan in red outlines, 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).

- 9 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures 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).

- 10 **Pre-Commencement (Slab Level) Condition:** A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the two Ecology Assessments by the Ecology Consultancy (dated 2nd September 2019 and 30th September 2019) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

Reason: 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) and in accordance with Policy 31 of the Horsham District Planning Framework.

- 11 **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).

12 **Pre-occupation Condition:** Notwithstanding previously submitted information, prior to the first occupation of each 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 the basin for the wet swale
- Details of existing and proposed topography levels of the site

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).

13 **Pre-occupation Condition:** Notwithstanding previously submitted information, prior to the first occupation (or use) of any part of the development hereby permitted, a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14 **Pre-occupation Condition:** 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 bats and dormouse and that are likely to cause disturbance along important routes used for foraging/commuting; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings or 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 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) and in accordance with Policy 31 of the Horsham District Planning Framework.

- 15 **Pre-occupation Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 9.1metres to the north and 30metres to the south, have been provided at the proposed site vehicular access onto Malthouse Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 16 **Pre-Occupation Condition:** No dwelling hereby permitted 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).

- 17 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the two Ecology Assessments by the Ecology Consultancy (dated 2nd September 2019 and 30th September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 18 **Regulatory Condition:** The new roof junctions at ridge, hips, valleys, eaves and verges shall be built to reflect traditional detailing including exposed rafter feet, cut verges without Winchester cuts, bonnet hip and valley tiles and hogs back or half round ridge tiles.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 19 **Regulatory Condition:** The new windows hereby permitted shall have casements flush fitted with their frames if manufactured in timber or plastic.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby

preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 20 **Regulatory Condition:** The roof lights hereby permitted shall be metal framed and sit flush with the roof slope.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 21 **Regulatory Condition:** All new and replacement rainwater goods shall be cast iron or cast aluminium or cast effect plastic.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 22 **Regulatory Condition:** No existing trees on the site, indicated on the Landscaping Plan, drawing number 191213_302, received 01 April 2020, 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).

- 23 **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 Hermongers Lane in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 24 **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/19/1788
DC/19/0778
DC/18/2479
DC/18/2480
DC/18/2443