



TO: Planning Committee South

BY: Head of Development

DATE: 19th May 2020

DEVELOPMENT: Erection of 4 No. detached single storey dwellings with associated access driveway and parking.

SITE: Rowfold Kennels Coneyhurst Road Billingshurst West Sussex RH14 9DF

WARD: Billingshurst

APPLICATION: DC/19/1870

APPLICANT: **Name:** Tom Brooker **Address:** C/O Agent Melton Lodge Rusper Road Newdigate RH5 5BX

REASON FOR INCLUSION ON THE AGENDA: The application, if approved, would represent a departure to the development plan.

RECOMMENDATION: To resolve to grant planning permission subject to expiration of the public consultation period as the scheme as a departure, and delegation to the Head of Development to consider any representations received as a result of that consultation.

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 single storey outbuildings on the site and the erection of four single storey dwelling with associated access driveway and parking. The scheme would provide 1 x 3 bedroom dwelling and 3 x 4 bedroom dwellings. During consideration of this application, amended plans have been received which have reduced the number of units proposed from five dwellings to four dwellings, reduced the height of the units from two storey to single storey dwellings, increased the residential curtilages serving the proposed dwellings and altered the shared access driveway to reduce the level of hardstanding within the scheme. The red edged site area has been increased from 0.3 hectares to 0.7 hectares to accommodate the increased sizes of the curtilages serving the proposed dwellings. An Acoustic Report has also been submitted in support of this scheme.
- 1.2 The proposed development would utilise the existing shared access driveway with Little Rowfold from the Coneyhurst Road which splits into two separate driveways beyond the bend in the access driveway. The existing circular driveway serving Rowfold Kennels would be removed and a new linear access driveway would be formed to provide access to the four proposed single storey dwellings which would be sited in a semi-circle position around the shared access driveway. Unit 1 as shown on the submitted Block Plan would comprise

a 3 bedroom dwelling which would sit in the position of the existing single storey outbuildings on the site, approximately 30m to the south of the railway line. Unit 2 would be located approximately 26m to the east of Unit 1 and would comprise a 4 bedroom detached dwelling. Unit 3 and Unit 4 would be located in the southern part of the site and would comprise two four bedroom dwellings.

- 1.3 The proposed dwellings have been redesigned to be single storey buildings with steeply pitched clay tiled roofs and oak weatherboarding to their external elevations. The dwellings would incorporate an eaves height of 2.5m and a ridge height of 5.3m. The three bedroom dwelling comprising Unit 1 would incorporate a floor area of 98 sq.m and the four bedroom dwellings comprising Units 2-4 would incorporate a floor area of 117sq.m each.
- 1.4 Parking would be provided on the driveways to the front of each dwelling. The three bedroom dwelling would have three parking spaces and the four bedroom dwellings would have four parking spaces.

DESCRIPTION OF THE SITE

- 1.5 The application site is accessed from the eastern side of Coneyhurst Road (A272) via a long access driveway which provides access to two residential properties, Little Rowfold and Rowfold Kennels. The site is located outside any built up area boundary and is therefore situated within a countryside location. The site is bound by the railway line to the north.
- 1.6 The application site relates to the area of land to the east of converted barn, Rowfold Kennels, which predominantly comprises four single storey buildings. The northern-most building comprises an 'L' shaped single storey rendered building with a clay tiled roof. A large corrugated sheeted barn lies within the eastern part of the site with an attached timber stables to its eastern side and an area grassed area of land beyond this to the east which partly falls within the application site. The western part of the site comprises a single storey rendered panelled building with a clay tiled roof. The southern part of the site comprises a timber stable building which is connected via a covered walkway to the single storey rendered building with corrugated sheeted roof. The buildings are used for a mixture of storage associated with the Applicant's tyre business, personal storage, dog kennels for the Applicant's dogs and equestrian stabling.
- 1.7 To the south the application site currently comprises a circular driveway, hardstanding used for car parking/storage, an open sided storage shed and a sandschool used in connection with the residential property.
- 1.8 The neighbouring residential property, Little Rowfold, is located approximately 30m to the west of the application site. Within the neighbouring property's ownership is a long timber single storey building which sits directly to the west of the group of existing single storey buildings to be demolished. The neighbouring outbuilding is used as commercial dog kennels in connection with the neighbouring property, Little Rowfold. The surrounding area beyond the site boundaries to the east and south comprises agricultural land defined by mature tree lined boundaries.

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 15 - Strategic Policy: Housing Provision
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

The Draft Billingshurst Neighbourhood Plan (Regulation 14) consultation ended on the 29 September 2019 and the revised draft version is currently being reviewed by Horsham District Council.

As the Draft Neighbourhood Plan is not yet 'made', the relevant policies listed below hold limited weight in the consideration of this application.

Policy BILL1: Built Up Area Boundary
Policy BILL2: Housing, Design & Character
Policy BILL3: Energy Efficiency & Design
Policy BILL12: Residential Parking Provision
Policy BILL14: Multi-Value Sustainable Drainage Systems

SUPPLEMENTARY PLANNING DOCUMENT

Billingshurst Parish Design Statement

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/0724	Prior Approval for a change of use from Class B8 (storage or distribution centre) to Class C3 (dwellinghouses)	Prior Approval Permitted on 07.06.2019
DC/17/2286	Application to confirm the occupation of the Barn at Rowfold Kennels in breach of condition 3 of previously approved planning permission BL/107/87 (Conversion of existing barn to single dwelling) for a continuous period in excess of ten years. (Lawful Development Certificate - Existing)	Application Permitted on 10.04.2018
BL/107/87	Conversion of existing barn to single dwelling	Application Permitted on 17.06.1988
BL/84/81	Kennels for greyhounds	Application Permitted on 28.10.1981
BL/74/79	Renewal of BL/44/74 continued use for breeding and boarding dogs	Application Permitted on 08.10.1979
BL/44/74	Continued use of building as kennels for breeding and boarding dogs	Application Permitted on 31.07.1974

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 Environmental Health:** Comment.

[Summary of Initial Comments]: The application site is located in close proximity to an active dog kennelling business and the main Horsham to Billingshurst railway line. Noise associated with these uses and the potential impact on future residents means that noise is potentially a significant constraint to the proposed development. A noise impact assessment which quantifies and assesses the impact of noise on residential amenity is requested. Recommends conditions relating to contamination, hours of construction works/deliveries, waste removal and no burning of materials.

- 3.3 [Summary of Comments on Amended Plans]: Comment.

Insufficient information to determine noise impacts to future residential occupiers of development. The consultant has now provided the LAmax data which is welcomed. The Acoustic Report does not present a 'robust' assessment. We are of the view that the LAmax levels at time of the night (11pm-6am) reported in the results are either from dogs barking at the commercial kennels or from the applicants dogs barking. It is crucial that the noise from the commercial dog kennels are assessed with noise from the applicants dogs not interfering with the results. In our professional opinion the fact that the assessment was undertaken with the Applicants dogs present invalidates the assessment.

We appreciate that by undertaking the assessment in accordance with BS 8233 the LAeq noise levels do appear acceptable when compared to WHO guideline levels. It should be noted however that the guideline noise levels described in BS 8233:2014 and the WHO relate to noise without specific character/ steady anonymous sources of noise and therefore do not generally apply to industrial/commercial noise sources. Current guidance states that noise has a specific character if it contains features such as a distinguishable, discrete and continuous tone, if it irregular enough to attract attention, or has a strong low-frequency content, in which case lower noise limits might be appropriate. Noise from barking dogs does have 'specific character', we are of the view therefore that specific target noise levels should have been applied to this assessment.

It is maintained that an assessment purely in accordance with BS:8233 is not appropriate in this situation as it does not present a robust assessment of the potential impact of the dog barking on amenity. We are of the view that a 'specific noise level' be derived followed by assessing this against the background noise level i.e. an approach similar to that as detailed in BS 4142:2014 (Methods for rating and assessing industrial and commercial sound)

- 3.4 **HDC Design & Conservation:** Comment.

[Summary of Initial Comments]: Rowfold Kennels is the site of the small farmstead known as Little Rowfold in the late nineteenth century. I understand that the historic farmstead is now two properties. The farmhouse retains the name Little Rowfold and the historic barn, now converted to a dwelling, has the address Rowfold Kennels. The revised proposal for four dwellings is loosely set around a courtyard much as might be expected for a traditional farmyard. The revised designs of the individual buildings, although not overtly agricultural in character, are reminiscent of ancillary rural buildings. I am content that the proposal would not result in harm to the setting of the historic farmstead of Little Rowfold as a non-designated heritage asset.

- 3.5 [Summary of Comments on Amended Plans]: Comment.
The revised layout and form of the buildings has moved away from an arrangement reminiscent of a traditional farmyard and appears more suburban. It is preferable to see a tighter arrangement but in this case the revised layout would not result in harm within the setting of the non-designated heritage asset and associated historic barn.

OUTSIDE AGENCIES

- 3.6 **WSCC Highways**: Comment.
[Summary of Initial Comments]: Comment.
There is no evidence to suggest the access is operating unsafely or that the proposal would exacerbate an existing safety concern. The proposed parking provision of 14 spaces is considered sufficient to meet the anticipated demands of the site. There is also sufficient room for on-site turning to be achievable, allowing vehicles to exit the site in a forward gear. At least 8 cycle parking spaces would be required for this development.
- 3.7 [Summary of Comments on Amended Plans]: Comment.
The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would create a requirement for at least 12 car parking spaces. As such, the LHA considers the proposed parking provision to be sufficient. From inspection of the plans, the parking area for Plot 1 does not meet MfS specifications for four bays. The applicant must ensure that each parking bay is at least 2.4m x 4.8m, in accordance with Manual for Streets (MfS). Notwithstanding this, the LHA anticipates that three parking spaces would be sufficient for this dwelling. The parking areas for the other three plots appear to comply with MfS specifications. The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.
- 3.8 **Southern Water**: Comment.
It is possible that a sewer now deemed to be public could be crossing the development site. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

[Summary of Comments on Amended Plans]: No change to initial comments.

- 3.9 **Billingshurst Parish Council**:
[Summary of Initial Comments]: Objection.
This application is overdevelopment of the site. The parking spaces are remote which, although it might be acceptable for the applicant's family members, may not suit any future occupiers of the dwellings. Cllrs felt that the question of an additional access from the A272 should be considered before a view can be taken on the application as a whole. There are no details of foul waste disposal nor of waste and recycle facilities on site.
- 3.10 [Summary of Subsequent Comments on Amended Plans]: Objection.
The Parish considers that the electric vehicle charging points and making the car parking arrangement more appropriate to the proposed units were positives. However, the issues of the access road and drainage information needs to be resolved.

PUBLIC CONSULTATIONS

- 3.11 One letter of representation has been received from the occupiers of Little Rowfold who have commented that as the owners of the shared driveway they would not agree to the additional vehicular use from the development and that the Applicant would need to put a new access in from the A272.

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 79 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 a Local Plan and there is currently no 'made' Neighbourhood Plan for the Parish of Billingshurst 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 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 –
- 'e) 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
- 6.5 The application is not being justified against the above criteria, and while the design (which is considered in detail later in this report) would represent an enhancement when compared to the existing group of outbuildings it would not be truly outstanding or innovative. The proposal could not therefore be justified under p.79 of the NPPF.

- 6.6 Notwithstanding the above, it is noted that the conversion of two of the existing buildings on the site to form five residential dwellings has Prior Approval under Class P of the GPDO (DC/19/0724) and was deemed to be permitted development. This Prior Approval consent also permits building operations reasonably necessary to convert the building to a C3 residential use, including new walls, roofs and windows. This is a material consideration in the determination of this current planning application.
- 6.7 The presence of a prior approval for 5 residential dwellings, 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 residential unit on the site. In addition, the proposed scheme as amended represents a more spacious layout, improved design, and more suitable use of materials when compared to the existing situation on site and the fall-back prior approval position. The proposed scheme would result in an enhancement on the collection of existing buildings which would result from implementation of the existing prior approval and an enhancement of the overall setting of the countryside location.
- 6.8 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 dwellinghouses 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.

Design, Character & Appearance

- 6.9 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".
- 6.10 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.
- 6.11 Rowfold Kennels is the site of the small farmstead known as Little Rowfold in the late nineteenth century. The historic farmstead has now been split into two properties. The farmhouse retains the name Little Rowfold and the historic barn, now converted to a dwelling, has the address Rowfold Kennels. The original plans submitted with this application sought to set the originally proposed five dwellings in similar positions to the existing buildings which resulted in a cramped appearance to the development with a large expanse of hardstanding in the centre of the development and limited amenity space to serve the proposed dwellings. The original proposals also sought to create one single storey dwelling and three two storey dwellings. The two storey dwellings were large in scale and appeared urban in character within this rural setting, incorporating residential features such as dormer windows and porch entrances.
- 6.12 Following discussions with Officers, amended plans have been submitted which have reduced the number of units proposed from five dwellings to four dwellings, reduced the height of the units from two storey to single storey dwellings, increased the residential curtilages serving the proposed dwellings and altered the shared access driveway to reduce the level of hardstanding within the scheme. The red edged site area has been increased from 0.3 hectares to 0.7 hectares. The proposal for four dwellings is still loosely set around a courtyard layout, as would be expected for a traditional farmyard, yet now provides a more spacious layout within the development, more adequate distancing between the residential properties and increased amenity space serving the proposed dwellings. This would create an increase in the footprint of the existing site, which would accommodate part of a grassed

area adjacent to the stables within the eastern part of the site. The increased site area would accommodate a larger area to the south of the existing driveway which currently comprises a grassed area, an outdoor storage area and sandschool used in conjunction with the existing dwelling. The slight increase in the development site does not encroach on the open expanse of grazing land to the south of the site and would not cause any harm to the rural character or sense of separation between the A272 Coneyhurst Road and the site.

- 6.13 The reduction in the scale of the dwellings from two storey properties to single storey dwellings and revision to their overall design is considered to be a significant improvement to the scheme. The ridge height of the originally proposed two dwellings have been reduced from by 2.2m in height, from 7.5m to 5.3m. The proposed single storey dwellings have been redesigned with a steeply pitched clay tiled roof and oak weatherboarding to their external elevations. The revised designs of the individual dwellings would relate more sympathetically to rural character and appearance of the area and are reminiscent of ancillary rural buildings. The existing outbuildings that are located on the site are relatively modern buildings that due to their differing use of materials, design and appearance have an unattractive utilitarian appearance. It is considered that the proposed development would improve the current condition and appearance of the existing site adjacent to the converted barn comprising Rowfold Kennels.
- 6.14 The amended plans have also significantly reduced the amount of hardstanding by elongating the access road and this is considered to relate more appropriately to the rural location of the area. No specific materials have been provided in relation to the hard landscaping for the access driveway, driveway or turning area. However, a condition will be imposed requiring details of all hard and soft landscaping to be submitted and approved by the Council.
- 6.15 Whilst it is acknowledged that the proposed scheme would represent an overall increase in footprint when compared to the existing outbuildings and hardstandings on site, it is considered that the more spacious layout, improved design, and more suitable use of materials would be a considerable improvement when compared to the existing situation on site. The proposed scheme would result in an enhancement on the collection of existing buildings which would result from implementation of the existing prior approval and an enhancement of the overall setting of the countryside location. As a consequence of the circumstances described above, it is considered that the proposals would accord with Policies 26, 30, 32 and 33 of the HDPPF as well as Paragraph 131 of the NPPF.

Impact on neighbouring amenity

- 6.16 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.
- 6.17 The nearest neighbouring dwellings to the proposed development would compromise the converted barn, Rowfold Kennels and the neighbouring dwelling, Little Rowfold. Rowfold Kennels would be distanced 20m from the nearest proposed dwelling comprising Unit 1. The dwelling within Unit 1 would be set back significantly further north than Rowfold Kennels and would therefore not cause any loss of amenity to the occupiers of the existing host dwelling. The development would be located 50m from the neighbouring dwelling, Little Rowfold. Taking into account the single storey design of the proposed dwellings and the considerable distances maintained, it is considered that the proposed development would not have a detrimental impact on neighbouring amenity and is considered to be acceptable in this regard.

Impact to Occupiers of the Development

- 6.18 To the south of the application buildings there is a dog kennel building and a stable building which are within the Applicant's control and would be demolished as part of this proposal. Directly adjacent to the north-west of the site is a long timber building used as a commercial dog kennels which is outside the Applicant's control. The neighbouring kennel building would be located 11.5m from the nearest dwelling comprising unit 1 and directly adjacent to the rear garden serving this property. The railway line to the north of the site would be located 24m from the rear elevation of Unit 1. There was particular concern that the inevitable dog barking from the neighbouring site to the west, in such close proximity of the residential development would cause harmful noise disturbance that would be detrimental to the future occupiers of the proposed dwellinghouses. Following the advice of the Council's Environmental Health Officer, a Noise Impact Assessment was submitted during the consideration of this application which sought to assess whether the monitored noise levels would cause an unacceptable level of disturbance to the future occupants of the proposed dwellings.
- 6.19 Discussions have taken place between the Environmental Health Officer and the Applicant's Acoustic Consultant and the Noise Impact Assessment was updated with additional information and the LA Max noise data provided at the request of the Environmental Health Officer. The Noise Impact Assessment states that the proposals would not give rise to significant adverse effects on health and quality of life. The Noise Assessment accords with the British Standard 8233 and the LAeq noise levels are acceptable when compared to WHO guideline levels. In addition, the assessment showed that reasonable practicable mitigation measures could be put in place in order for effects to be reduced where possible. Acoustic performance specifications and glazing configurations are recommended for windows and doors within the buildings. Bedrooms and living room areas should achieve acceptable internal noise levels with standard openable thermal double glazing and trickle ventilation. The Applicant has also agreed to the provision of an acoustic fence to the western boundary serving Unit 1.
- 6.20 The Council's Environmental Health Officer still has concerns with the results of the Acoustic Assessment with regard to two main issues. The Noise Assessment was made whilst the Applicant's 22 dogs were kept within one of the existing outbuildings on the site. The Environmental Health Officer considers that the noise from the Applicant's dogs has likely affected the noise data captured and therefore a robust assessment on the noise impact to future occupiers of the proposed dwellings has not been made. He therefore concludes that there can be no certainty as to whether the noise recorded particularly during the night time period (11pm to 6am) relates to dogs from the neighbouring kennels to the west or the Applicant's dogs currently on the site which would be removed if the development were permitted. Given the presence of the Applicant's 22 dogs on the site during the acoustic assessment it is considered likely that this has affected the noise levels monitored.
- 6.21 The second concern raised by the Environmental Health Officer relates to the nature of the assessment made in the submitted Acoustic Report. The report confirms that the Noise Assessment accords with the British Standard 8233 and the LAeq noise levels are acceptable when compared to WHO guideline levels. The Environmental Health Officer noted that the guideline noise levels described in these documents relate to noise without specific character/ steady anonymous sources of noise and therefore do not generally apply to industrial/commercial noise sources. Current guidance states that noise has a specific character if it contains features such as a distinguishable, discrete and continuous tone, if it is irregular enough to attract attention, or has a strong low-frequency content, in which case lower noise limits might be appropriate. The Environmental Health Officer considers that noise from barking dogs does have specific character and therefore an assessment should be made in relation to the specific target noise levels and against the standards for assessing industrial and commercial sound.

- 6.22 It should be acknowledged that prior approval has previously been granted for the conversion of two of the existing buildings on the site to form five residential dwellings. One of the buildings to be converted to residential dwellings sits directly adjacent to the neighbouring kennel building to the east. During the consideration of the Prior Approval Officers considered that a condition which secured further details of noise attenuation for the proposed dwellings would be sufficient to overcome any concerns relating to noise and the standard of accommodation for future occupants. This is a material consideration in the determination of this current planning application.
- 6.23 Taking into account the increased separation distance between the nearest dwelling within the proposed development and the neighbouring kennels in comparison to the fall-back position and the mitigation measures put forward by the Applicant, it is considered on balance that the application should be recommended for approval subject to conditions. The conditions set out in section 7 of this report would require details of the acoustic fencing along the western boundary of Unit 1 and details of glazing and trickle ventilation to be submitted and approved by the Council. It is also recommended that a pre-occupation condition is included which requires further noise testing to be undertaken once the mitigation measures are in place and the Applicants dogs are no longer on the site to identify whether any further mitigation is necessary.

Highways Impacts

- 6.24 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users.
- 6.25 The proposed development would utilise the existing shared access driveway with Little Rowfold from the Coneyhurst Road which splits into two separate driveways beyond bend in the access driveway. The existing circular driveway serving Rowfold Kennels would be removed and a new linear access driveway would be formed to provide access to the four proposed single storey dwellings.
- 6.26 WSCC Highways have confirmed that there are no visibility issues at the existing access and that there is no evidence to suggest the access is operating unsafely or that the proposal would exacerbate an existing safety concern.
- 6.27 15 parking spaces would be provided in total comprising 3 spaces for the 3 bed dwelling and 4 spaces each for the 4 bedroom dwelling. WSCC Highways have confirmed that 12 parking spaces would be required for the proposed development. The Highway Authority have commented that the parking area for Unit 1 does not meet the size requirements of 2.4m x 4.8m for each parking bay. Three parking spaces to serve this dwelling is however still considered sufficient. The proposal would therefore meet the car parking requirements for the development.
- 6.28 It is acknowledged from the letter of representation received that the neighbouring occupiers at Little Rowfold own the current shared access road from the A272 and have stated that their permission would not be granted for the additional access required for the development. Billingshurst Parish Council and the occupiers of Little Rowfold have suggested a new vehicular access is formed onto the A272 to serve the development. Whilst these comments are acknowledged, additional use of the existing shared access associated with the proposed development has been considered as acceptable in highways safety and usage terms. Any access required over private land in order to implement the development would be a separate legal matter to be discussed between the relevant parties.

Conclusion

- 6.29 The site is within a countryside location and has not been allocated for residential development. The proposal does not represent a use essential to this countryside location

and 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 Prior Approval for the conversion of two of the existing storage buildings on the site to form five dwellinghouses. This is considered to form a realistic fall-back position carrying significant weight in the planning balance. The proposed development would provide four dwellinghouses, a reduction of 1 unit in comparison to the prior approval scheme which would represent a more spacious layout, better design and improved appearance to the development that could otherwise come forward on the site under the Prior Approval consent.

- 6.30 The concerns raised by the Council’s Environmental Health Officer relating to noise impacts associated with the neighbouring dog kennels to the west have been carefully considered. On balance, taking into account the increased separation distance between the nearest dwelling within the proposed development and the neighbouring kennels in comparison to the fall-back position and the mitigation measures put forward by the Applicant, it is considered that this application should be recommended for approval subject to conditions. The conditions would seek to secure appropriate mitigation measures and further noise testing once the mitigation measures are in place and the Applicants dogs are no longer on the site to identify whether any further mitigation is necessary.
- 6.31 Whilst the proposal would comprise 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 Prior Approval consent are considered to outweigh the conflict with Policies 4 and 26 such that the grant of planning permission is recommended.
- 6.32 Whilst consultation of the application has occurred and those comments received have been considered in this report, it is a statutory requirement to advertise departure applications in the press. The recommendation before you is therefore to be minded to approve subject to the end of the further formal consultation period, and to delegate the decision and the consideration of any further representations to the Head of Development.

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
	449	649	0
	Total Gain		
	Total Demolition		

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

To resolve to grant planning permission subject to expiration of the public consultation period as the scheme as a departure, and delegation to the Head of Development to consider any representations received as a result of that consultation, and subject to the following conditions-

1 **Approved Plans List.**

- 2 **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

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

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

- 5 **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and to protect the development from flood risk in accordance with Policies 33 and 38 of the Horsham District Planning Framework (2015).

- 6 **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).

- 7 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the measures to facilitate the provision of high speed broadband internet connections to the development have been submitted to and approved in writing by the local planning authority, details shall include a timetable and method of delivery for high speed broadband of each dwelling/unit. The delivery of high speed broadband infrastructure shall be implemented in accordance with the approved details.

Reason: As this matter is fundamental to ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

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

- (a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
- The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.
- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The 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).

- 9 **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).

- 10 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the existing buildings, as indicated on drawing no. 1810RO_001, have been demolished (including the removal of foundations), all materials arising from such demolition removed from the site and the site of the demolished building.

Reason: The retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development 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 treatments

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).

- 12 **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).

- 13 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

- 14 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until details of glazing within the dwellings, and, of alternative means of mechanical

ventilation and extraction have been submitted to and approved in writing by the Local Planning Authority. The glazing and ventilation system shall be installed in accordance with the approved details prior to occupation of the dwellings and shall be operated and maintained as such thereafter.

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

- 15 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the acoustic fence along the western boundary of the garden serving Unit 1 has been erected. Details of the acoustic fence will be required to be submitted to and approved by the Local Planning Authority prior to its installation. The acoustic fence shall be installed in accordance with these approved details and shall be maintained as such thereafter.

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

- 16 **Pre-Occupation Condition:** Prior to the occupation of the dwellings hereby permitted a noise assessment shall have been carried out (with the acoustic mitigation measures approved under conditions 13 and 14 of permission installed) and submitted to the Local Planning Authority for approval in writing. Any additional measures required by the noise assessment to mitigate noise shall be detailed and implemented in accordance with an agreed timetable, as necessary, and shall be retained as such thereafter.

Reason: As this matter is fundamental in ensuring an acceptable noise level for the occupants of the dwellings and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** No part of the development shall be first occupied until the accesses and vehicle parking and turning spaces have been constructed in accordance with drawing no. 001 received on 10.02.20. The access and parking and turning spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and in accordance with Policy 40 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, B or C of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) 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 in order to protect the privacy and amenity of the occupiers of the neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 19 **Regulatory Condition:** No works for the implementation of the development hereby approved, including works of demolition, 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 the occupiers of the neighbouring residential properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/19/0724