



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 21st July 2020

DEVELOPMENT: Conversion of existing single storey industrial workshop to 2No. bedroom dwelling with associated landscaping, parking and drainage.

SITE: Oakdene Blackgate Lane Pulborough West Sussex RH20 1DG

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/20/0699

APPLICANT: **Name:** Mr and Mrs Willett **Address:** Oakdene Blackgate Lane
Pulborough West Sussex RH20 1DG

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

By request of Councillor Clarke

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the conversion of a workshop building to form a single storey two-bedroom dwelling, together with associated operational development.
- 1.2 This application follows a previous grant of prior approval under Class PA, Part 3, Schedule 2 of the General Permitted Development (England) Order 2015 (ref: DC/18/0741) allowing for the conversion of the workshop building to a two-bedroom dwelling.
- 1.3 This previous grant of prior approval does not allow for physical alterations (in accordance with the provisions of Class PA), accordingly, permission is now sought for several adaptations to render the building suitable for residential occupation and to improve its appearance.
- 1.4 The proposed alterations include the provision of windows and doors, the provision of a replacement slate roof and the replacement of existing profiled sheeting with a brick skin plinth and cedar cladding above.

- 1.5 The proposed dwelling would benefit from a small external amenity space to its front, together with a gravelled parking area off the existing site access. Bin and cycle stores are indicated to be provided at the south-eastern extent of the site.

DESCRIPTION OF THE SITE

- 1.6 The application site occupies an approximate area of 150m² to the south-west of Blackgate Lane. The site is accessed by means of private way off Blackgate Lane that additionally serves a small number of gypsy pitches to the south-west of the site.
- 1.7 The existing building comprises of blockwork with green-tinted profiled sheeting above to walls and roof. By virtue of its modest size, colour palette and degree of separation to Blackgate Lane the building does not prominently feature within the street scene, and is partly screened by adjacent mature trees to the east and north.
- 1.8 The application site is located beyond the defined built-up area of Pulborough, and therefore, constitutes a countryside location in planning policy terms. The site is, however, found within a small cluster of residential development on Blackgate Lane, both in the form of market housing and gypsy pitches. The site is not affected by any statutory or non-statutory heritage, landscape, environmental or biodiversity designations.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 9 - Employment Development
- Policy 10 - Rural Economic Development
- 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 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

NEIGHBOURHOOD PLAN

There is no made or emerging neighbourhood plan in this area.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DISC/19/0042	Approval of details reserved by condition 1 on DC/18/0741	Application Permitted on 17.02.2020
DC/18/0741	Prior notification for a proposed change of use from light industrial use (Class B1) to residential dwelling(s) (Class C3)	Prior Approval Required and PERMITTED on 23.05.2018
DC/17/2217	Prior notification for a proposed change of use from light industrial use to residential dwelling	Prior Approval Required and REFUSED on 24.11.2017

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

WSCC – Highways: No objection

- 3.2 Following the receipt of amended plans clarifying intended parking/turning arrangements for the proposed dwelling the Local Highways Authority responded to raise no objection to the proposal. The proposal was noted to comply with LHA parking standards in terms of proposed parking capacity, with the proposal not considered to result in an unacceptable or severe impact on highway operation/safety.

Southern Water: No objection

Pulborough Parish Council: Objection

- 3.3 The Parish Council sought to object to the proposal due to confusion arising as to whether the proposed dwelling was single or two bedroom.

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 Policies 2, 3 and 4 of the Horsham District Planning Framework (HDPF) (2015) provide for the overarching spatial strategy and hierarchy approach of the development plan. These policies seek to concentrate development within existing built-up areas, and advocate a planned approach to settlement growth in order to satisfy identified needs.
- 6.2 Policy 26 of the HDPF (2015) provides that development beyond a defined built-up area boundary will be permitted where essential to a countryside location and related to the needs of agricultural/forestry, minerals extraction or waste disposal, providing for quiet recreational use or for the sustainable development of rural areas. Policy 26, further, provides that development must not result in a significant intensification of activity in the countryside on an individual or cumulative basis.
- 6.3 Policy 15 of the HDPF (2015) outlines housing provision within the development plan, highlighting the provision for *inter alia* 750 windfall units across the plan period.
- 6.4 The proposal would provide a market dwelling beyond a defined built-up area and not on an allocated site. This would represent a form of development contrary to HDPF Policy 4 and not deemed essential to a countryside location or related to any of the defined criteria set out under HDPF policy 26. Therefore, in accordance with the above policies, the proposal would conflict with the established development strategy of the development plan. Furthermore, no information has been submitted to demonstrate that the current B1c use of the building is no longer viable, contrary to HDPF policy 9.
- 6.5 It is, however, significant that the proposal benefits from a 'fall-back' position in the form of prior approval granted pursuant to ref: DC/18/0741 allowing for the conversion of the existing workshop under the provisions of Class PA of Part 3 of the General Permitted Development Order 2015 to a two-bedroom dwelling.
- 6.6 This preceding permission remains extant until 23 May 2021 and establishes the principle of conversion to residential use. Accordingly, while the proposal would result in conflict with the overarching strategy advocated by policies 2, 3, 4, 9 and 26, the degree of conflict would be no greater than that which could be implemented in the alternative in line with the extant prior approval.
- 6.7 As development under Class PA does not allow for physical adaptations it is not unexpected that a subsequent application for planning permission is made for the necessary adaptations to residential use, as in this instance.
- 6.8 Overall, therefore, it is considered that there are compelling material circumstances, in the form of an extant prior approval, that establish the principle of development, notwithstanding the acknowledged conflict with HDPF policies 2, 3, 4, 9 and 26.

Character, Design and Appearance:

- 6.9 Policies 32 and 33 of the HDPF (2015) stipulate that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of its scale, density, massing, siting, orientation, views, character, materials and space between buildings.
- 6.10 Policies 25 and 26 of the HDPF (2015) seeks to protect the natural environment and landscape character of the District, including the landform, development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features

identified as being of landscape importance, individual settlement characteristics and settlement separation.

- 6.11 The existing building is deemed to possess limited architectural or aesthetic merit by virtue of its form and utilitarian character. While the siting and colour palette of the existing building does ensure that this does not prominently feature on Blackgate Lane, the building does not positively contribute to its setting and is not deemed worthy of preservation on an individual basis.
- 6.12 As detailed on the submitted plans the proposal would maintain the modest 57sqm footprint of the existing building, with the external brick skin and cedar cladding provided to the exterior of the existing blockwork or in replacement of existing profiled sheeting. A new gabled dual-pitched roof, of an increased pitch, would be introduced to the structure raising the overall height of the building by ~35cm to 4.15m. Existing eave heights (at 3.3m) would be maintained, however.
- 6.13 The proposed alterations would substantially retain the form and proportions of the existing building and would result in a modestly dimensioned dwelling that would not be considered unduly prominent or domineering within public views on Blackgate Lane given the ~30m degree of removal from the public highway.
- 6.14 The proposed remodelling of the structure would reinforce a more domestic character, especially given the introduction of windows and doors, though, an enhanced degree of domesticity is expected to a conversion with the proposed material palette overall deemed sympathetic to a rural setting.
- 6.15 The immediate setting of the building would be enhanced through the introduction of garden areas to the sides and front of the dwelling, and through the introduction of hedging behind post-rail fencing in replacement of existing hardstand areas.
- 6.16 The proposed conversion and landscaping proposals would not be considered of a nature or scale that would detrimentally influence local landscape character or a public appreciation of this.
- 6.17 It is, therefore, considered that the proposal is compliant with HDPF policies 25, 26, 32 and 33.

Amenity:

- 6.18 Policy 32 of the HDPF *inter alia* provides that high quality, inclusive design for development will be required, with development expected to provide an attractive, functional, accessible, safe and adaptable environment.
- 6.19 Policy 33 of the HDPF *inter alia* provides that development will be required to ensure a design that avoids unacceptable harm to the occupiers/users of nearby property and land.
- 6.20 Paragraph 127(f) provides that planning policies and decisions should ensure that developments *inter alia* create places that are safe, inclusive and accessible, promoting health and well-being with a high standard of amenity for existing and future users.
- 6.21 The proposal would, substantially, maintain the form and proportions of the existing building, as such, would not be considered to detrimentally influence the receipt of natural of light to neighbouring occupiers at Oakdene ~13m west of the proposed dwelling.
- 6.22 The proposal does incorporate several fenestrations within its western elevation which would result in a near-direct relationship of intervisibility between future occupants and neighbouring occupiers at Oakdene. This relationship would though be mitigated by the

single storey nature of the building, its siting further to the rear of Oakdene, and through the introduction of an intervening boundary hedge including post-and rail fencing. Further details on the boundary treatments can be secured by condition to ensure suitable privacy is achieved.

Parking, Highway Safety and Operation:

- 6.23 Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district.
- 6.24 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.
- 6.25 The proposal would make use of an established highway access serving a number of gypsy pitches and the current B1(c) use. As considered by the Local Highways Authority there is no evidence that this access is operating unsafely, or would prove inadequate for the single dwelling proposed. The proposal would be deemed acceptable, therefore, in terms of highway safety and operation.
- 6.26 The proposal would provide two vehicular parking spaces to serve the proposed dwelling. These are sufficiently dimensioned to allow for the parking of two vehicles in compliance with the Manual for Streets and adopted LHA parking standards. The proposal, therefore, would be deemed compliant with HDPF policies 40 and 41.

Climate Change and Sustainability:

- 6.27 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. Appropriately worded conditions have been recommended in respect of water use, broadband connectivity, recycling facilities, cycle parking and electric vehicle charging points
- 6.28 It is considered that these conditions would reduce the use of water and energy resources, whilst promoting the sustainable re-use of materials, homeworking and travel by sustainable modes of transport. It is, therefore, considered that the proposal would suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusions:

- 6.29 This application follows the extant grant of prior approval that establishes the principle of a change of use in this instance. The proposed alterations are considered appropriate to local character and visual amenity, and would provide a modest improvement to the immediate setting of the existing building. The proposal would be considered to provide adequate vehicular parking capacity and would preserve the safety and operation of the publicly maintained highway.
- 6.30 Overall, therefore, for the reasons set out in detail in the preceding sections of this report, it is considered that there are compelling material circumstances allowing for a departure from the spatial strategy and hierarchy approach of the development plan in this instance,

with the proposal compliant with the remaining policies of the development plan when read as a whole. It is, therefore, recommended that planning permission be granted, subject to the recommended conditions.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission is granted subject to the following conditions –

Conditions:

1 Plans list

2 **Standard Time Condition:** The development hereby permitted shall begin 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-occupation Condition:** Notwithstanding the details submitted, prior to the first occupation of the dwelling hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the boundary treatments 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).

4 **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).

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

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition:** The dwelling shall not be first occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to mitigate against the impacts of climate change in accordance with Policies 24, 37 and 41 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied unless and until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 2240-11 (dated May 2020). The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** Prior to the first occupation of the dwelling hereby permitted, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on plan 2240-11 (dated May 2020) and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse and recycling has been made for that dwelling (or use) in accordance with drawing number 2240-11 (dated May 2020). These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated plan number 2240-1 A (dated May 2020) and within the application submission.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

Reason: In the interest of visual amenity and to maintain sufficient external amenity space to serve the approved dwelling in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the Phase 1 Environmental Preliminary Risk Assessment (ref YE6515, dated January 2019) including the recommended protection and mitigation measures.

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 appropriately addressed in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: 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).

- 14 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of visual amenity and to preserve the amenities of adjacent occupiers from light intrusion in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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