



TO: Planning Committee North

BY: Head of Development

DATE: 2 February 2021

DEVELOPMENT: Change of use of engine house to form 2-bedroom residential property (Full Application)

SITE: King's Mill School Lane Shipley Horsham West Sussex RH13 8PL

WARD: Southwater South and Shipley

APPLICATION: DC/20/0321

APPLICANT: **Name:** Mr and Mrs C Eustace **Address:** Kingsland Shipley Horsham RH13 8PL

REASON FOR INCLUSION ON THE AGENDA: To update Members following the resolution of the Committee at its meeting on 1 December 2020

RECOMMENDATION: To approve planning permission subject to the completion of a Section 106 Agreement to secure finance for the ongoing maintenance of the windmill and to provide public access to the windmill on specific dates each year, and appropriate conditions.

In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

1. INTRODUCTION

1.1 Applications for full planning permission and listed building consent were originally reported to Planning Committee North on 1 December 2020. Members resolved that the applications both be deferred to receive further financial information to seek to demonstrate that the proposal could secure the long-term repair and maintenance of the grade II* listed building. Members also made it clear that they were unable to fully assess the scheme until this information had been provided.

1.2 After the Committee meeting, the following further information has been provided:

- The applicants have taken note of the concerns raised relating to public access to the windmill, and both Historic England and the Council's desire for this to be secured. Therefore, as part of the Section 106 Agreement, they now agree to allow public access to the windmill tower on 'Heritage Open Days' (as suggested by Historic England). It has been advised that 'Heritage Open Days' offer a viable option, that would allow for public liability insurance, and the visits would be managed by the owners of the windmill with the

help of Heritage Open Days. This is a nationally recognised organisation promoting access to special and historic buildings and locations.

- The Council has been furnished with a copy of the applicant's Mortgage Illustration and an offer letter that were attached to the original Committee Report as a confidential appendix. Further to this, the Council has now been provided with further information and clarity in relation to the availability of a mortgage and any other further funding. This information contains confidential information and is exempt information under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 - information relating to the financial or business affairs of any particular person (including the authority holding that information). This information should not be made public and any discussion of the confidential appendix will be held in closed session. The rest of this report and the original report will be considered in public

- 1.3 Subsequent to the drafting of the original committee report, a further three representations have been received to the application. These raise concerns in respect of harm to the listed building, alternative proposals for the upkeep of the windmill, lack of public access to the windmill, the financing of the works, and lack of detail relating to the terms of the Section 106 Agreement.

2. PLANNING ASSESSMENTS

- 2.1 At Planning Committee North on 1 December 2020 Members raised concerns about the lack of public access proposed as part of the scheme, and the 'soundness' of the financial argument for the enabling development and whether this could secure the long-term repair and maintenance of the mill.

- 2.2 The Council's Conservation Officer and the Officers assessment concluded that following significant amendments to the scheme the heritage benefits outweighed any harm caused. These benefits have now been increased further by the introduction of a commitment within the Section 106 Agreement to allow public access to the historic windmill. The confidential financial information is considered to be sound and shows that the funds can be secured for the long term maintenance and preservation of the listed building, sufficient to secure the future of the windmill. Further, by avoiding alteration to the smock mill itself, the possibility of it being brought back onto use in the future is maintained. Notwithstanding this, it is recommended that the Section 106 Agreement should include a clause requiring confirmation of funding being secured prior to commencement of development. This would include a Secured Mortgage Offer or confirmation of funds from another source. If this clause cannot be met, then the development cannot be implemented. This would ensure that the restoration and on-going maintenance of the windmill was secured through the legal agreement.

3. CONCLUSION

- 3.1 As set out in the Officer's report of the 1 December 2020, the proposed conversion of the engine house at King's Mill can secure the conservation of the grade II* listed windmill by securing the financial income to ensure the continued maintenance and repair can be carried out. It is good practice, as set out in the Historic England Advice Note, to make decisions in respect of enabling development in light of a realistic view of the consequences of refusal of planning permission. In this instance the applicant has advised that the absence of an acceptable enabling development being delivered may mean that the windmill starts to fall into a state of disrepair. This is something neither the owners, the community or the Council want.

- 3.2 As set out in the Officer's report of 1 December 2020, it is considered that the proposed development would not result in any adverse impact on the character or appearance of Shipley, on neighbouring amenity or the highway network, with no other unacceptable impacts identified. It is considered that the scheme as submitted and amended has now reached the point where the balance has shifted, and the benefits of conversion to residential use, with some public access secured through the legal agreement, outweigh the harm to the special interest of the listed building. The proposed conversion will be limited to the engine house only and this will avoid alteration or disruption to the smock mill and maintain the possibility of it being brought back into use in the future. The finances for the ongoing maintenance and repair programme have been independently reviewed and it has been demonstrated that the development is viable, and the likely minimum necessary to secure funding for the identified restoration and conservation works to the windmill.
- 3.3 The application is therefore recommended for approval, subject to the conditions set out in below and the signing of a Section 106 Agreement to secure finance for the ongoing maintenance of the windmill and requiring a number of public open days to the windmill each year. In the event that the legal agreement is not completed within three months of the decision of this Committee, it is recommended that the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

4. RECOMMENDATIONS

- 4.1 It is recommended that planning permission is granted subject to subject to the completion of a Section 106 Agreement to secure finance for the ongoing maintenance of the windmill and to provide public access to the windmill on specific dates each year, and the following conditions:

Conditions:

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

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

- 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 confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body will 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).

- 5 **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).

- 6 **Pre-Commencement Condition:** No relevant works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details:

- a) Drawings to a scale not smaller than 1:5 fully describing:
- new windows and external doors.

These drawings must show:

- materials
- decorative/protective finish
- cross section of frame, transom, mullions, glazing bars, etc.
- formation of openings including reveals, heads, sills, etc.
- method of opening
- method of glazing

- b) Samples or specifications of external materials and surface finishes.
- c) Specification and/or drawings fully describing method of incorporating thermal, fire and sound insulation, describing the effect on the appearance and fabric of historic and architectural features. This is particularly relevant at roof/wall junctions.

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 34 of the Horsham District Planning Framework (2015).

- 7 **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
- A written outline soft specification, including ground preparation, cultivation and other operations associated with plant and grass establishment
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting

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).

- 8 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles 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 parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

- 9 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development 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 approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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).

- 10 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse/recycling has been made for that dwelling in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These 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).

- 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 **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).

- 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:** 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 D E F G and H 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 due to the historic setting of the Listed Building and importance of conserving the setting in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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).

- 16 **Regulatory Condition:** No new plumbing, pipes, soil stacks, flues, vents, ductwork or the like, shall be fixed to any external face of the building other than as shown on the drawings hereby approved.

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).

- 17 **Regulatory Condition:** No new grilles, security alarms, lighting, cameras or other like items shall be fixed to any external face of the building other than as shown on the drawings hereby approved.

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).