



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee (North)

BY: Head of Development

DATE: 1 December 2020

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: More than 8 persons in different households have made written representation raising material planning considerations that are inconsistent with the recommendation of the Head of Development and at the request Councillor Lindsay, Councillor Stannard and Councillor Vickers

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 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. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought for the conversion of the engine house of King's Mill to a 2-bedroom residential property. The proposal has been amended during consideration of the application, with the original submission seeking consent to convert the lower floors of the windmill, as well as the engine house, to create a larger 3-bedroom dwelling.

1.3 The proposal, as amended, would see the following alterations to the engine house to facilitate the conversion of the engine house only to provide a dwelling:

1. Insulate the floor and ceiling
2. Create new stud walls on the inside of the existing timber frame and full fill with insulation

Contact Officer: Kate Turner

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3. Restoration and decoration of existing windows
 4. Installation of new windows and door in keeping with the existing in style, materiality and colour
 5. Remove existing corrugated metal wall sheets and replace with new
 6. Replace corrugated roof sheets with new insulated roof panels
 7. Externally to lay grasscrete to create a parking area.
- 1.4 The proposal for the conversion of the engine house into a dwelling has been submitted with the intended aim of securing a long-term solution to finance the ongoing repair and maintenance works required to ensure the condition of the mill is not at risk. Further details on this are set out at section 6 of this report. An accompanying application for listed building consent has also been submitted (reference DC/20/0322).

DESCRIPTION OF THE SITE

- 1.5 King's Mill is situated in a rural location outside of any defined built up area boundary. It is situated on the south side of School Lane, a country lane reached off Red Lane and Pound Lane. The site is located within the Shipley Conservation Area and is a grade II* listed building.
- 1.6 The listing description describes the windmill as follows:
Smock mill and engine house. Mill of 1879 for Mr Friend Marten by Grist and Steel, millwrights of Horsham, engine house of 1880. Corn mill of four storeys has octagonal "roundhouse" of tarred weather-boarding. Platform above this supported on diagonal struts. Upper storeys faced with weather-boarding. Pointed hexagonal cap with ball finial. Sweeps and fantail intact. Attached engine house of one storey corrugated iron on wooden frame with partially gabled and partially hipped corrugated iron roof and casement windows. Steam engine no longer present but water pump survives. Good example of a smock mill in working order and the most recent and biggest windmill in Sussex. The engine house has always been an integral part of the mill and its history and was built within months of the completion of the windmill in 1880. There are two inscriptions over a window on the second floor of the mill: "Engine started January 6th 1880" and "First day new engine October 20th 1880". The steam engine was important to the operation of the mill as the location was not ideal for catching the wind. The mill was bought in 1906 by the author Hilaire Belloc, who owned it until his death in 1953. The mill was worked until 1926 when the engine was disposed of.
- 1.7 The windmill was granted planning permission and listed building consent in 1999 for alterations to the engine shed to provide display visitor facilities and to install ancillary engines. The engine house is currently used for storage.
- 1.8 The engine house is attached to the windmill and currently consists of corrugated metal sheet walls, large timber barn doors to the north elevation with metal clad gable end, a corrugated metal roof finished with black bitumen, timber framed white casement windows, two dilapidated attached timber structures used for storage and a single timber ledged and battened door to the west elevation.
- 1.9 The mill is not currently in a working condition but is confirmed by a millrights report to be in good condition despite requiring a number of repairs. The access to the site is already established via a timber gate and set within a grassed curtilage adjacent to residential properties and open fields.
- 1.10 The engine house was erected shortly after the mill was completed in order to drive the millstones and machinery when there was no wind. The original engine was removed but has been replaced with the existing engine.

- 1.11 The windmill makes a significant contribution to the local area and is seen as a historic landmark for Shipley, identified as an iconic local landmark in the Shipley Neighbourhood Plan, Horsham district and West Sussex.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 National Planning Policy Framework

2.4 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 30 - Protected Landscapes
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 40 - Sustainable Transport
Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The Examination of the Shipley Neighbourhood Plan is now complete and the Inspector's Report has been issued. It therefore carries significant weight in decision making. A referendum will be held in 2021. The relevant policies of the Shipley Neighbourhood Plan are as follows:

Policy Ship HD1: New Housing Development
Policy Ship HD2: Housing Mix
Policy Ship HD3: High Quality Design

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 The most recent and relevant planning history relating to this site is as follows:
- | | | |
|------------|--|-------------------------------------|
| DC/20/0322 | Works to facilitate the change of use of the Engine House to form a 2-bedroom residential property (Listed Building Consent) | Under consideration |
| SP/19/99 | Alteration to engine shed to provide display visitor facilities and to install ancillary engines | Application Permitted on 14.06.1999 |

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation:** No Objection subject to conditions.

“King’s Mill is a well-recognised feature of Shipley and in the landscape. It is a good example of a smock mill and illustrates the technology and construction at the end of the nineteenth century. The importance of the building is reinforced by its listing at grade II*. The decision to build the windmill in this location is intriguing as it struggled to catch the wind and an engine was required to make the mill sustainable. For this reason the engine house forms an important part of the special interest of the building. Although the windmill does require repair, and I have been in communication with the owners relatively recently about repair to the fan tail and gear rack, it retains much if not all of its internal workings such that it is not inconceivable that it could operate again. This is important as many historic mills have lost their internal workings and survive as shells. Although we cannot insist on the mill being brought back into use it is necessary that we consider its optimum viable use, the use that will result in the least harm and in this case the use for which it was built, and ensure that this original use is not jeopardised or prevented in the future.

In order that the building can support itself in terms of funding continued maintenance and repair, I am satisfied the principle of sustainable conversion is acceptable. Following detailed discussions with the applicants’ agent we have reached a point where I feel the benefits of conversion to residential use will outweigh the harm to the special interest of the listed building. The proposed conversion will be limited to the engine house. This will avoid alteration or disruption to the smock mill and maintain the possibility of it being brought back into use in the future. An argument could be made that converting the engine house will reduce the likelihood of the mill working again as this will prevent the reuse of an auxiliary engine. I am satisfied that there will be other ways to power the workings if wind power is not sufficient and that there are ways to connect and house an auxiliary power unit such as an electric motor without harm to the special interest of the listed building. The existing engine is one fitted in the recent past as a museum piece rather than forming part of the historic workings. If there is interest in working the mill commercially in the future then we can consider the requirements for this in light of the loss of storage and working space in the engine house. The physical impact of the conversion will not result in a significant change to the exterior of the engine house and it will remain recognisable as forming part of a rural, industrial building. The internal alterations will result in compartmentalisation of the space and will dilute opportunity to appreciate how the engine house related functionally to the mill. In paying special regard to the desirability of preserving the special interest of the listed building I am mindful that these alterations will be harmful. However, I am satisfied this harm is less than substantial and is outweighed by the public benefit of ensuring funding is available for conservation of the asset in the future and to prevent further deterioration in the short term. My immediate consideration is to ensure the mill is preserved as it currently exists and does not deteriorate. It is right that the Council supports a scheme that provides a viable and sustainable income for continued maintenance. To this end it is appropriate that the income from the residential use is tied to a maintenance and repair schedule in perpetuity.”

OUTSIDE AGENCIES

- 3.3 **Historic England:** Historic England formally commented on the proposals at each of the three consultations. These three responses are summarised below:

1 April 2020 – **Concerns raised.**

Summary – “Kingsmill at Shipley is a highly significant Windmill listed at grade two star as a rare survival of smock mill in working order. Historic England considers the proposals to convert the engine house and lower floors to residential use would cause harm to the significance of the windmill as a result of changes to the functional and utilitarian character of these spaces and to the understanding of how the mill operated. We also have concerns regarding the direct impact of the proposals and whether these would prohibit the mill ever working properly once converted as well as preventing any potential future public access. We appreciate that the proposed scheme seeks to secure a sustainable future for the building but do not think that the current submissions have demonstrated that all harm has been avoided or minimised; the harm that remains has been clearly and convincingly justified; and the proposals are the optimum viable use, as required by paragraphs 190, 194 and 196 of the National Planning Policy Framework (NPPF).”

5 June 2020 – **Concerns raised.**

“We appreciate that there is a real need to generate funds to secure the repair and long term maintenance of the windmill and that the owner is willing to accept some limited public access. However, we remain concerned that the mill would not be able to work properly once the engine house and lower floors were converted to residential use. We are also concerned that conversion would make it more difficult to understand how these spaces contributed to the operation of the windmill and the milling process. We note that the Sussex Industrial Archaeological Society and former members of the trust also hold this view. They explain that the lower floors, engine house and engine are important elements of the working mill. Conversion of the lower spaces would prevent the operation of the sack hoist enabling flour to be lowered to the ground floor, and likewise, grain to be raised up through these floors to the bin floor. In addition Sussex Industrial Archaeology Society highlight the importance of the engine house and engine within it for understanding how millers overcame site difficulties and the lack of wind, by installing alternative power. Furthermore, the conversion would impact on the appreciation of the functional and utilitarian character of the mill.

In terms of the assessment of options that has been provided, we would expect the Local Planning Authority to rigorously scrutinise this information to ensure that the three bedroomed dwelling is in fact the optimum viable use (i.e. the viable use that causes least harm to the building’s significance) as required by para 194 NPPF. We note that the assessment lacks any financial analysis of the alternatives, including why a smaller change would not generate sufficient funds, or any market testing of the demand for other uses.

Before any conversion of the mill is accepted, use as i) a visitor attraction, and ii) a separate residential building should be given fuller and more serious consideration. From the representations received we can see that there is a real appetite and enthusiasm for the re-establishment of the trust and the running of the mill as a visitor attraction, with the offer of support from local residents to achieve this.”

“Historic England still has serious concerns with regards to these applications on heritage grounds.

We consider that the issues and advice in our letter need to be addressed in order for the application to meet the requirements of paragraphs 190, 193, 194 and 196 of the NPPF.”

3 September 2020 – **Comments.**

“Historic England previously commented on earlier versions of this scheme in our letters dated 1st April and 5th June 2020.

In these letters, we highlighted the significance of Kings Mill, as a rare survival of an intact smock mill in working order and listed at grade II*. We also raised concerns regarding the proposal to convert both the engine house and lower floors of the windmill to residential use. This was because we considered it would cause harm to the significance of the windmill

through the loss of the functional and utilitarian character of the converted spaces, which would make it more difficult for a visitor to appreciate how it functioned as a working mill. In addition, we had concerns regarding the direct impact of the proposal and whether this would prohibit the mill ever working properly once converted, as well as preventing any potential future public access.

The proposal has now been amended to involve solely the conversion of the engine house, as well as retaining the machinery and engine, so that they can still be read as part of the working of the mill.

Historic England considers that this change is an improvement over the previous scheme as it will maintain the intactness of the smock mill and therefore the possibility of it being brought back into working use in the future. The retention of the machinery within the engine house also maintains the understanding of how the mill was operated on windless days and in doing so preserves the meaning of the building in which it is housed.

However, the proposal will still cause some harm to significance through the subdivision and domestication of the interior of the engine house and the loss of its functional and utilitarian character. The conversion to domestic use will also prevent any potential future operation of the windmill on days without wind.

Any proposal requiring planning permission or listed building consent is judged in the context of the National Planning Policy Framework (NPPF), which gives great weight to the conservation of heritage assets in a manner appropriate to their significance. Harm to heritage significance should be avoided or minimised (Para 190). Where harm is unavoidable it must be clearly and convincingly justified (Para 194). Such harm can then be weighed against any public benefits, including securing the optimum viable use of a place (Para 196).

Historic England in its previous advice considered that the options of either a) re-establishing the mill as a visitor attraction operated under a trust; or b) the provision of a separate building, detached from the windmill and in a location that does not significantly compromise its setting should both be given serious consideration, before the conversion of the mill is accepted. We felt that these options would be less harmful to significance of the windmill and would facilitate future public access.

We are aware that these options have been discussed with the applicants and their agent and for different reasons are not considered by them to be achievable or deliverable. We also appreciate that funds for the repair and maintenance of the windmill need to be found if it is not to deteriorate further and that this scheme has the potential to deliver an income to achieve this.

We therefore recommend that the Local Planning Authority rigorously scrutinise the proposal and supporting information to determine whether the requirements of the NPPF are met. In particular, firstly is harm as far as possible unavoidable and clearly and convincingly justified in relation to a dwelling house scheme, and secondly is a dwelling house scheme actually the optimum viable use for this building (i.e. the viable use that causes least harm to the building's significance)? Furthermore, is the income generated from the proposal (which is identified as a heritage benefit and which may be weighed against the harm) sufficient to secure the future of the windmill as is claimed?

If the applications are approved, they should be controlled by a condition or legal agreement that requires the monies generated to be tied to the repair and maintenance of the windmill in perpetuity. We also recommend that some level of public access to the building, such as on heritage open days, is secured as part of these proposals.”

3.4 **WSCC Highways: No objection** subject to conditions.

“An established access point will serve the proposed dwelling and currently appears to serve three dwellings. No changes to the access are proposed.

The Local Highways Authority (LHA) advises the applicant that the access track benefits from the presence of a Public Right of Way (PRoW). The works proposed do not affect the PRoW; however, the applicant may wish to consult WSCC Public Rights of Way Team, to see if any underlying issue that may arise.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore there is no evidence to suggest that the existing access is currently operating unsafely.

The applicant has provided three parking spaces for the proposed development. WSCC parking demand calculator anticipates that two parking spaces would be adequate for a dwelling for this size and location. As a result, the Local Highways Authority (LHA) would not deem the proposed parking provision unacceptable and raise no concerns.

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

The applicant has proposed a nil cycle parking provision, the LHA advises the Local Planning Authority (LPA) that if they deem cycle parking justifiable then the applicant should show this in the form of lockable covered storage.”

3.5 **Southern Water: No Objection**.

“Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

The Council’s Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, 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.”

PUBLIC CONSULTATIONS

3.6 In total 66 representations (many from the same households) have been received across the three consultations. The first two consultations considered a three bedroomed scheme which included the conversion of the lower floors of the windmill as well as the engine house. 23 responses were received to these consultations held in Feb/March and April/May. These representations can be summarised as follows:

- This is the last complete smock mill capable of working throughout the county and must be maintained for the benefit of future generations
- An important part of Sussex heritage that should be retained in its original condition
- Loss of important protected landmark
- Irreversible harm to the listed building

- Will remove the windmill from internal public access forever and the upper floors from maintenance
- Public access should be maintained
- Will prevent the Mill from every being restored to working order
- Conversion cannot be achieved without an impact on the historic fabric of the mill
- The best future for the windmill would be to reinstate the Trust, which could then raise the necessary funds to restore the windmill to working order
- Shipley Windmill is very different to the other examples given and not comparable
- The windmill is in a state of neglect/ disrepair and lacks maintenance
- The scheme is not necessary or justified in order to preserve the mill for future generations as there is a great deal of interest and enthusiasm locally and within various conservation organisations which could be drawn upon to facilitate its preservation and maintenance
- Request for parish of Shipley to set up a Shipley Windmill charitable trust and take on the running of the windmill
- Background to reasons charitable trust terminated their lease and their reluctance/ disappointment with this
- Internal works would destroy the fabric of the listed building
- Concern over financial viability of the proposal
- impact on nearby gardens from overlooking
- Unclear how the ground and first floor ceilings can be left with exposed joists whilst also maintaining insulation standards and the existing ladders retained
- No public benefit of this proposal, only a loss of amenity
- Not the optimum viable use
- Would constitute substantial harm and none of the four tests are satisfied
- Loss of engine
- Whilst the original engine has gone, there remains the original physical connections to the mill and the physical landscape of the original which would be compromised if converted
- Interest in historic mills and stoneground flour has grown
- Goes against the principle of the lottery money donated to repair the sails provided the building was opened up
- As an absolute minimum planning permission should come with conditions surrounding maintenance and regular public openings
- Will lead to development of upper floors
- It is not true that mills with sails/sweeps cannot produce electricity - see Ashcombe in Lewes
- Concerned that the application does not seem to contain any reference to the legally binding agreement that was made in the past to continue to maintain the mill
- Construction noise and impact on roads during development
- Change in the landscape

3.7 The third consultation was held in August/September and sought comments on the amended 2-bedroom engine house conversion scheme that is the subject of this report. 9 additional comments were received from members of the public, including one in support, which can be summarised as follows:

- Other funding options should be explored including the creation of a new charitable trust
- Demonstrable harm has not been justified
- Loss of historic character of the Engine House
- Engine house is integral part of the mill and its history
- Need more financial clarity
- Should be restored not converted
- Public funds spent previously are being disregarded
- Engine shed is not suitable for conversion
- Will remove the windmill from public access forever
- Should be retained open to the public/tourists

- Should be used for locally milled flour
- Building should be controlled by the Council or compulsory purchased
- Takes away the possibility of the mill being used via the engine in the future/being restored to working order
- Gridforce mesh matting is not in keeping
- Existing door should be retained
- Water pump and barn door gable hinges should be retained
- Alternative options such as shepherds huts holiday accommodation suggested

3.8 It should be noted that 28 of the responses received came from outside of the District including residents in Brighton, Shepperton, Leicester, Norwich and Australia.

3.9 **The Sussex Industrial Archaeology and the Sussex Mills Group**

The Sussex Industrial Archaeology Society and Sussex Mills Group have both objected to the proposals at each consultation stage. These are detailed responses not reproduced in this committee report but available on the public portal. The objections to the proposal subject to this report are reproduced below.

3.10 **The Sussex Industrial Archaeology Society – Objection.**

“I refer to previous objections to this application that this Society has made and note that no alterations are now to be made to the Mill itself. However as previously stated the engine house is an historic adjunct to the mill, being erected shortly after the mill’s completion and demonstrating the ingenuity of our forefathers in solving practical problems; in this case the lack of wind availability. In previous applications for similar conversion of the engine house, which were not approved, it was noted by English Heritage that a sustainable solution to secure the mill’s future should be found. Does this revised application ensure this? – unfortunately no.

I note that the previous application’s financial figures for funding the mill repairs are used in this application, which is for a lesser amount of conversion work. Assumptions are made that the conversion can be funded by a mortgage, as yet not agreed, and that the full proposed contribution from this transaction will be sufficient to cover the immediate and urgent repairs needed for this important listed building.

It is not made clear whether this money would be utilised immediately or following the completion and letting of the conversion during which time the mill will deteriorate further.

Should the desired rental income be achieved, this as stated may cover the cyclical costs but there is no proposal as to how future major repairs, which will inevitably occur, will be funded.”

“The concern of the Sussex Industrial Archaeology Society is that the mill will further decay to such an extent that it can no longer ever be workable, a sad and unnecessary loss to one of the historic buildings of the County which ten years ago was working and had a future with an a dedicated group of local supporters.

As such Sussex Industrial Archaeology Society maintains its strong objection to these applications.”

3.11 **The Sussex Mills Group – Objection.**

“The Sussex Mills Group still opposes this revised proposal on the following grounds. It will lead to an unnecessary irreversible change to one of the most important historic windmills in England.

1. The engine shed is a critical and unique feature of the mill. It is a relatively lightweight timber construction covered with corrugated iron sheeting. Hence it will not be possible to

convert it into suitable living accommodation, complying with all necessary building regulations, in the way proposed without fundamental changes to its historic fabric. Furthermore being within the curtilage of a listed building it will also have a negative impact on the windmill. A solution that would be considerably less detrimental to the mill would be to erect a completely new building for living accommodation away from the mill.

2. The revised 'design and access statement' still incorrectly states that the auxiliary engine was acquired by the volunteers to run the sweeps for visitors when there was no wind. This is not true. The engine is a second hand replacement of the original auxiliary engine which was used to drive the mill's machinery when there was no wind during most of the mill's commercial working life. When commercial milling ceased the engine was removed, probably for scrap, as was often the case with mills across Britain. In the early 2000s the trust managed to acquire the present engine to replace the original and it was set up in the original position with the original machinery. Although it is not the original engine it is still a vital part of the mill's heritage. In the same spirit the sweeps, fantail, reefing stage and much of the external cladding are not original, having been replaced due to decay, but are still vital features of the mill and could not be removed.

3. The revised 'design and access statement' states that the need for change is to fund repairs and maintenance and no alternative is viable. This is not true. It implies that the use of the premises as a museum and visitor centre by the trustees between 1987 and 2009 failed due to a lack of funding and volunteer labour. This is not true. Care of the mill in this way would still be continuing in this way successfully today had the owner consented to renew the lease which was due to expire in 2010. The imminent expiry of the lease prohibited the trustees from obtaining the necessary funding from grants and so the volunteers and trustees surrendered the lease in 2009 because of this. There is still a great deal of good will locally and within the heritage community and creation of a new trust would be a viable option to maintain the mill if the owners were in agreement. There are numerous successful examples of mills being run in this way across Britain. Furthermore it is unlikely that the rental income from living accommodation of the size and type proposed would cover the cost of repairs and maintenance stated by the proposal. It is also questionable if the huge expenditure needed for the building works to convert the engine shed is available, why it is not being spent directly on the repairs currently needed for the mill.”

PARISH COUNCIL CONSULTATION

3.12 **Shipleigh Parish Council:** Objection (4 September).

1. Financial - Members were not convinced that the financial model proposed by the applicant was sustainable creating a risk that the income from the proposed development may not fund maintenance of the windmill in future years.
2. Funding options - Members pointed out (from personal experience) that other funding options to maintain the windmill had been proposed in the past but had been rejected by the applicant. These options were not considered in the financial analysis provided by the applicant. These options would have afforded the opportunity for grant income to maintain the windmill.
3. Design - Members noted the professional objections from English Heritage and Historic England and supported their findings and recommendations.
4. History and amenity - Members noted the large number of objections (the most received in recent times) from both local residents and from further afield. Members agreed with the majority of comments that the windmill is a local community asset and that the removal of the engine room would be hugely detrimental and at odds with the grade 2* listing.
5. Conclusion and decision - on balance, all the consultee reports before Members seem to agree that the amended application will not change the preservation of the windmill any more than compared to the current situation.

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 Policy 1 of the Horsham District Planning Framework (HDPF) states that the Council will work proactively with applicants to achieve development that secures socio-economic and environmental benefits. Reflecting the presumption in favour of sustainable development contained within the NPPF, the Council will grant permission for development that accords with the relevant policies of the development plan, unless material considerations indicate otherwise.
- 6.2 Policy 2 of the HDPF seeks to maintain the District's unique rural character, whilst ensuring that the needs of the community are met through sustainable development that has suitable access to services and local employment. The spatial strategy as set out in the HDPF is to focus development in and around the key settlement of Horsham and allow for growth in the rest of the district in accordance with the identified settlement hierarchy. Policy 3 of the HDPF states that development will be permitted within towns and villages which have a defined built-up area. The site the subject of this application is located outside of any defined built-up area boundary.
- 6.3 As the application site lies outside of any settlement boundary, it is considered for the purposes of planning policy to be within a countryside location. The development would therefore be contrary to the approach set out in policies 2 and 3 of the HDPF. In addition, there is no evidence to suggest that the proposed dwelling would be essential to its countryside location, and the proposal would also therefore conflict with Policy 26 of the HDPF.
- 6.4 While Shipley is currently an unclassified settlement it has been put forward as a 'secondary settlement' within the Local Plan Review – Issues and Options document (April 2018). The aim of 'secondary settlements' is to identify hamlets which may be able to support a degree of infill development to support rural communities. This could be through the provision of rural worker accommodation or the conversion of existing buildings to residential such as the proposal the subject of this application.
- 6.5 The suggested policy wording within the issue and options document suggests that planning permission will be granted for residential infilling within defined secondary settlements provided that the site is a small gap or plot within an otherwise built-up settlement form, is limited in scale to reflect the existing scale and character of the settlement function and form, and does not result in significant increase in activity including traffic movement on narrow and rural roads.
- 6.6 Policy ShipHD1 of the Shipley Neighbourhood Plan is in broad conformity with the emerging Local Plan and states that applications for housing developments within Shipley will be considered favourably where they meet the following criteria:

- The proposed development is for an infill gap, or on previously developed land, within the continuity of existing buildings
- The proposed development will not result in the outward extension of the villages or hamlets onto greenfield land
- The proposed development delivers new affordable housing
- The proposed development reflects the scale and density of existing development in the village or hamlet where it is located
- The proposed development responds positively to Shipley Parish Design Guidance in Appendix 2 of the Neighbourhood Plan

- 6.7 It is therefore considered that the principle of residential development on this site would not be supported by the HDPF but could be in the emerging Horsham District Local Plan 2019-2036 due for pre-submission consultation imminently and by the Shipley Neighbourhood Plan.
- 6.8 The NPPF states at paragraph 202 that ‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.’ While there is no definition of enabling development, Historic England advise that enabling development is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. The key public benefit to significant places is usually the securing of their long-term future. It must therefore be considered whether the proposed residential development as proposed can be supported as a form of enabling development which would generate a level of public benefit which would be significant enough to justify it being carried out.
- 6.9 The potential public benefit that the proposed development would enable at King’s Mill is a material consideration in the determination of this application and discussed below.

Harm vs Public Benefit

- 6.10 Paragraph 192 of the NPPF confirms that, in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that heritage assets can make to sustainable communities and economic vitality and the desirability of new development in making a positive contribution to local character and distinctiveness.
- 6.11 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.12 Paragraph 202 of the NPPF states that:
“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”
- 6.13 The Council’s Conservation Officer, the Case Officer for the planning/listed building consent applications and Historic England have carried out detailed discussions with the applicants and their agent and were in agreement that the previous scheme to convert the lower floors of the windmill in addition to the engine house would result in substantial harm to the listed building and the public benefits of repairs and maintenance to the windmill were not considered to outweigh the resultant harm. It is considered that the scheme as amended and before Members has now reached the point where the balance has shifted and the benefits

of conversion of the engine house to residential use outweighs the harm to the special interest of the listed building. The proposed conversion will be limited to the engine house only as opposed to the lower levels of the windmill too as originally proposed. This will avoid alteration or disruption to the smock mill and maintain the possibility of it being brought back into use in the future. An argument could be made that converting the engine house will reduce the likelihood of the mill working again as this will prevent the reuse of an auxiliary engine. However, it is considered that there will be other ways to power the workings if wind power is not sufficient and there are ways to connect and house an auxiliary power unit such as an electric motor without harm to the special interest of the listed building. The existing engine is one fitted in the recent past as a museum piece rather than forming part of the historic workings. If there is interest in working the mill commercially in the future then this can be considered in light of the loss of storage and working space in the engine house.

- 6.14 The physical impact of the conversion will not result in a significant change to the exterior of the engine house and it will remain recognisable as forming part of a rural, industrial building. It is acknowledged that the internal alterations will result in compartmentalisation of the space and will dilute opportunity to appreciate how the engine house related functionally to the mill. In paying special regard to the desirability of preserving the special interest of the listed building, these alterations are likely to be harmful. However, this harm is considered to be less than substantial and is outweighed by the public benefit of ensuring funding is available for conservation of the asset in the future and to prevent further deterioration in the short term. In ensuring that the mill is preserved as it currently exists and does not deteriorate, it is considered that support should be given to a scheme that provides a viable and sustainable income for continued maintenance. It should be noted that this application does not permanently restrict public access to the windmill for the future. The windmill will have an entirely separate entrance and if the owners felt inclined to open the windmill to the public again in the future this would still be workable and achievable.
- 6.15 Historic England are clear in their most recent response that the changes to the scheme are an improvement from the proposal as originally submitted and will maintain the intactness of the smock mill and therefore the possibility of it being brought back into use in the future. The retention of the machinery within the engine house as part of the proposal also maintains the understanding of how the mill was operated on windless days and in doing so preserves the meaning of the building in which it is housed. They do however acknowledge that the proposal will still cause some harm through the subdivision and domestication of the interior of the engine house and that the conversion will prevent any potential future operation of the windmill on days without wind. This however does not necessarily have to be the case as the Council's Conservation Officer has concluded that there is still the potential for alternative means of powering the windmill.
- 6.16 Historic England have asked that the Local Planning Authority rigorously scrutinise the proposal and supporting information to determine whether the requirements of the NPPF are met. In particular, to ensure any harm is unavoidable and convincingly justified, whether a dwellinghouse scheme is a viable use that causes least harm to the buildings significance (optimum viable use) and whether the income generated from the proposal (which is identified as a heritage benefit and which may be weighed against the harm) is sufficient to secure the future of the windmill as is claimed.

Financial Review of Enabling Development

- 6.17 The Historic England's Good Practice Advice Note on "*Enabling Development and Heritage Assets*" (published in 2000) is generally accepted as authoritative guidance on enabling development. The note recognises that '*enabling development is a planning mechanism which permits departure from planning policies in appropriate cases, and so enables conservation of a relevant heritage asset in cases where otherwise the future of the asset would not be secured*'.

- 6.18 The windmill is one of only 105 grade II* and grade I listed buildings in the district. This accounts for under 6% of the total number of listed buildings in the district and illustrates the more than special and exceptional interest of such assets. It has long been acknowledged that heritage assets, and historic buildings in particular, are at risk if they are underused or redundant. This is often the case with buildings built to serve a particular industry or use that is no longer required or desirable, with historic farm buildings being a good example. King's Windmill is considered to be at risk for this reason.
- 6.19 The best outcome in heritage terms would be its return to use as a mill, and this is the starting point of Historic England's general advice for any redundant historic building. However, it is also understood that this outcome has little likelihood of success in this case. The NPPF provides a process in considering other uses that may involve alteration that cause harm. In these cases the Council has a duty to have special regard to the desirability of preserving the building and any features of special architectural or historic interest which it possesses, and to weigh this desire with the public benefits, including securing the optimum viable use of the building that may accrue. The conservation of King's Mill is clearly of public benefit but if the likelihood of its renewed use as a mill is not viable then it is appropriate that a new use that will ensure its preservation without unacceptable levels of harm to its special interest is considered.
- 6.20 The application has been submitted as a means of generating funds to facilitate the ongoing maintenance and repair of the windmill. The current owners require a sound solution for its continuation and have explored alternative uses for the site including office, holiday accommodation and a detached residential building. These alternative proposals have however been found to be unachievable and undeliverable. The applicants believe that this proposal, for conversion of the engine house to residential, is the optimum viable use and one that will generate an income stream to cover the cyclical maintenance costs and capital repairs that will arise as the building ages, and one that causes the least harm to this significant heritage asset as it leaves the mill in an operable state with the proposed alterations fully reversible should technological advancements provide the redundant mill with a viable use in the future.
- 6.21 For this proposal to be truly 'enabling' the financial appraisal provided by the applicants must be sound. A review of the applicant's financial appraisal has been carried out by an independent consultant (Bespoke Property Consultants) on behalf of the Council. The consultant has confirmed that the applicant's intention is to let the property on the open market with a Buy to Let mortgage providing funds for the repair works to the windmill and conversion of the engine house. The subsequent rental income from the engine house conversion will be used to fund the mortgage payments along with the ongoing repairs and maintenance of the windmill and engine house, with a modest income provided for the owners. A summary of the review is set out below. This is considered important to set out in the report as the finances have been questioned in representations and an independent review should serve to satisfy these queries.

Conversion costs for the Engine House

Based on current data (October 2020) the consultants have confirmed that the suggested figure of £105,000 for the conversion with costs appears reasonable.

Costs of Repairs to the Windmill

The Owlsworth IJP quotation for the repairs to the windmill, commissioned by the applicants, also appear reasonable and realistic with some figures in the budget considered to appear high, offsetting the extra contingency. The consultants have checked the figures are still up-date as the quote was provided in 2018 and confirmed that the index ratings are still relevant.

Ongoing Maintenance of the Windmill

The budget for the ongoing maintenance of the Windmill are perhaps slightly low, however following the major repair works and compete external decoration, the demand for work in the early years would be limited and enable a sinking fund to be built up which could amount to £9,882 after three years, and £16,470 after five years.

Valuation of the Completed Unit

Bespoke Property Consultants consider the £400,000 figure suggested to be at the top of the likely values achievable and suggest £360,000 as a more realistic figure. The Warren Financial Illustration sets a limit of loan to value of a maximum of 65%. At £360,000 valuation the maximum load would still be £234,000 which is slightly higher than the loan suggested in the applicant's mortgage illustration.

Rental Value of the Completed Unit

The applicant's assumption of £1.300 pcm is considered reasonable.

Analysis of the Financial Model

The cost of repairs and redecoration to the Windmill and conversion of the engine house are therefore as follows:

Repairs to Windmill £83,833.25
Decoration (assume incl. VAT) £20,000.00
Convert Engine Shed £105,000.00
Reduced rate VAT 5% 5,250.00
Total costs £214,083.25

Therefore, a total mortgage availability of £230,000.00 would cover this with some further contingency or allowance for furnishings.

Rental Income pcm £1,300.00
Less mortgage payments £916.46

Net available for maintenance £383.54 multiplied by 12 months = £4,602.48

- 6.22 Bespoke Property Consultants concluded that despite some minor discrepancies in the figures provided by the applicant, the proposal does appear at this current time to be viable and sustainable with various contingencies built into the analysis.
- 6.23 In paying special regard to the desirability of preserving the special interest of the listed building, whilst acknowledged that the proposed alterations will be harmful, the Council's Conservation Officer is satisfied this harm is less than substantial and is outweighed by the public benefit of ensuring funding is available for conservation of the windmill in the future and to prevent further deterioration in the short term. The income generated from the proposal, which is identified as a heritage benefit and which may be weighed against the harm, is sufficient to secure the future of the windmill as is claimed. This income should be tied to a maintenance and repair schedule in perpetuity by means of a Section 106 agreement that ties 30% of the revenue from the rental of the engine house conversion to be used for that purpose plus the one-off major repair works cost.

Character, Design and Appearance

- 6.24 Policies 25 and 26 of the HDPF seek 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
- 6.25 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of

development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

- 6.26 Policy 34 of the HDPF seeks to sustain and enhance the historic environment through the positive management of development affecting heritage assets. Development *inter alia* will be required to preserve and enhance the special character of heritage assets through appropriate siting, scale, form, design, materials and techniques. Proposals must be designed to preserve a clear appreciation and legibility of distinctive vernaculars, features and fabrics, whilst appropriate assessment should be undertaken to inform an understanding of the significance of the heritage asset.
- 6.27 The proposed dwelling has been sympathetically designed to ensure the character of the engine house is retained, with only minimal alterations proposed to engine house and the site itself proposed. These are set out below:
1. Insulate the floor and ceiling
 2. Create new reversible stud partition walls on the inside of the existing timber frame and full fill with insulation. This will create an open plan kitchen/ dining/ living room (with the modern engine retained and encased in the kitchen island), two bedrooms and a bathroom.
 3. Restoration and decoration of existing windows serving the hallway, master bedroom and kitchen.
 4. Installation of new windows on eastern elevation to serve the bathroom and second bedroom and door in keeping with the existing in style, materiality and colour. Close up doorway between mill and engine house.
 5. Remove existing corrugated metal wall sheets and replace with new in same materials
 6. Replace corrugated roof sheets with new metal insulated roof panels
 7. Externally to lay grasscrete to create a parking area.
 8. Remove lean-to storage structures
- 6.28 The Council's Conservation Officer has reviewed the submitted detail and has been fully involved in the stages of this application as it has progressed to this recommendation. The Conservation Officer is satisfied that the applicant's heritage assessments are sufficient and detailed enough to enable an understanding of proposed works and their impact on the significance of the listed building.
- 6.29 The physical impact of the conversion will not result in a significant change to the exterior of the engine house and it will remain recognisable as forming part of a rural, industrial building. It is acknowledged that the internal alterations will result in compartmentalisation of the space and will dilute opportunity to appreciate how the engine house related functionally to the mill. However, since the removal of the lower floors of the windmill from the proposal, this is considered to be less than substantial harm to the significance of the listed building, and in line with paragraph 196 of the NPPF, should be weighed against the public benefit of securing funds for the long term maintenance of the windmill through a viable use of the engine house.
- 6.30 The engine and its machinery will be retained within the conversion, with the engine lowered and built into the kitchen island and the line shaft remaining at its current height. As the line shaft will no longer be under stress, the supporting struts can be removed to allow ease of movement. Whilst noted that the engine would not be able to operate, its inclusion within the proposal will allow the understanding of how the mill was operated on windless days to be maintained, and in doing so preserves the meaning of the building in which it is housed and the relationship between the engine house and the windmill. If auxiliary power is desirable or necessary in the future, the Council can work with the owners of the windmill to see how an electric motor might be fitted in a way that doesn't result in harm to the listed building.

- 6.31 The proposal to introduce additional paving and soft landscaping is considered appropriate and whilst it is considered that additional landscaping will reinforce a more formal character than the current grassed nature of these areas, the hard landscaping and planting scheme can be conditioned to ensure the materials and species selected compliment the setting of the listed building. On balance, therefore, it is considered that the landscaping scheme would accord with policies 25, 32 and 33 of the HDPF.
- 6.32 In terms of the impact on the character and appearance of the wider area, it is not considered that the proposal would have any detrimental impact on the visual amenities of the public realm or the character of the surroundings.
- 6.33 Accordingly, the proposal would not conflict with policies 25, 32 or 33 of the HDPF. These policies, in combination and amongst other things, seek to protect landscape and townscape character and require high quality design that complements locally distinctive character and heritage.

Amenity Impacts

- 6.34 Policy 33 of the HDPF provides that development should be designed and sited so as to avoid unacceptable harm to the amenities of neighbouring occupiers.
- 6.35 Given the minor physical alterations associated with the proposal, it is not considered that the proposal would result in any unacceptable impact on the amenities of neighbouring occupiers in terms of overbearingness and/or overshadowing. The primary amenity impact arising from the proposal, therefore, is considered to be potential disturbance arising from an additional residential unit in this location. It is not considered that there would be any substantial impact on the amenity of neighbours due to the small scale and nature of the development and the residential uses in the vicinity. The nearest residential neighbour is Carters Cottage located approximately 20 metres away.

Highways Impacts

- 6.36 Policy 40 of the HDPF recognises the need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users.
- 6.37 An established access point will serve the proposed dwelling and currently serves the adjacent dwelling Carters Cottage. No changes to the access are proposed and the access is reported to be operating safely.
- 6.38 The applicant has provided three parking spaces for the proposed development. WSCC parking demand calculator anticipates that two parking spaces would be adequate for a dwelling for this size and location. As a result, the Local Highways Authority (LHA) would not deem the proposed parking provision unacceptable and raise no concerns.
- 6.39 In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Horsham Local Plan policy. Ducting should be provided to the remaining parking spaces to provide 'passive' provision for these to be upgraded in future.
- 6.40 The applicant has proposed a nil cycle parking provision, and in interests of sustainability and healthy lifestyles this will be required. A condition requiring cycle storage is

recommended should this application be approved. Details will be required to ensure there is no impact on the listed building.

Climate Change

- 6.41 Policies 35, 36 and 37 of the HDPF require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions
- Dual flush toilets
 - Low water use spray or aerated taps
 - Water saving white goods
 - Installation of garden water butts
 - The use of mechanical and electrical equipment such as combi boiler, low energy lighting lamps etc. to minimize energy use
 - External light fittings will be operated by a daylight sensor and passive infrared movement detectors to limit light pollution and again minimize energy use
 - The use of insulation with high thermal performance
- 6.42 In addition to these measures conditions are attached to secure the following:
- Water consumption limited to 110litres per person per day
 - Requirement to provide full fibre broadband site connectivity
 - Cycle Parking Provision

Other Considerations

Permitted Development

- 6.43 The restriction of permitted development rights for external alterations or extensions, buildings or enclosures falling within Schedule 2, Part 1, Classes A, B, C, D, E, F, G and H is considered necessary, exceptionally, in the interests of the character and appearance of the engine house and windmill.

Conclusion

- 6.44 The proposed conversion of the engine house at King's Mill has the potential to 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.
- 6.42 As set out in preceding sections of this report, 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 outweigh the harm to the special interest of the listed building. The proposed conversion will be limited to the engine house only and that 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 the likely minimum necessary to secure funding for the identified restoration and conservation works to the windmill. It is considered that the evaluation of alternative options which could potentially cause less harm has been thorough enough to show that this is the optimum viable use.

- 6.43 It is therefore recommended that this application be permitted subject to appropriate conditions and the signing of a Section 106 agreement to secure finance for the ongoing maintenance of the windmill and requiring a number of open days throughout the year. 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.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Residential	66	66	0
		Total Gain	0
		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

- 7.1 It is recommended that planning permission is granted subject to 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).

Background Papers: DC/20/0321 and DC/20/0322