



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 19 December 2017

DEVELOPMENT: Outline Planning Application for the conversion and extension of an existing building to provide 250sqm of flexible commercial floor space (A1 and B1 Use Classes), demolition of other existing buildings and erection of 12 No. dwellings, and associated landscaping and parking. All matters reserved except access.

SITE: Blakers Yard Worthing Road Dial Post Horsham RH13 8NH

WARD: Cowfold, Shermanbury and West Grinstead

APPLICATION: DC/17/1000

APPLICANT: **Name:** Blakers Yard Ltd **Address:** C/O ECE Planning

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representations received contrary to the Officer's recommendation.

RECOMMENDATION: Approve, subject to conditions and completion of a s106 Legal Agreement

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks Outline planning permission for the erection of 12 residential units (indicatively shown as two 2-bed, nine 3-bed and one 4-bed) and 250sqm of flexible (A1/B1) commercial floorspace. Site clearance (including some tree removal) and demolition of most of the existing buildings on the site is also proposed. Only the principle of development and proposed access is for consideration now, with layout, scale, landscaping and appearance reserved for later consideration.
- 1.2 The illustrative site plan shows the proposed commercial building would be located towards the entrance of the site, fronting Worthing Road. This would comprise the partial demolition and conversion of the existing 2-story pitched-roof building, as well as additional extended floorspace to the rear to create flexible commercial units. The existing building is currently disused, but was historically used as an engineering works (B2 industrial). In recent years the site has been used for ad-hoc storage. Ten parking bays would be provided to serve the proposed extended commercial unit.
- 1.3 The 12 residential dwellings are illustratively shown to be arranged in a mix of semi-detached and detached plots located to the rear of the main entrance and commercial unit.

The illustrative site plan shows 11 single garages are proposed, as well as an additional 13 residential car parking spaces, and 2 additional visitor spaces. Indicative landscaping around the site has been indicated, with the retention and addition of boundary hedging and fencing, as well as tree and other planting within the site. The existing public right of way adjacent to the north and east of the site is proposed to be upgraded by widening and resurfacing the pathway. Access to the site is proposed to be from the existing vehicular access point directly from Worthing Road which would be upgraded in order to improve visibility splays.

DESCRIPTION OF THE SITE

- 1.4 The site is located in Dial Post – a small, unclassified settlement located approximately 12km to the south of Horsham. Dial Post is located in the Parish of West Grinstead and is sited immediately to the west of the A24, which is accessed directly via slip roads from the northbound carriageway. Dial Post is located outside any of the District's defined Built-Up Area Boundaries, and is classed as an 'unclassified settlement' in Policy 3 of the Horsham District Planning Framework, which means it is a '*Settlement with few or no facilities or social networks and limited accessibility, [that are] reliant on other villages and towns to meet the needs of residents*'.
- 1.5 To the immediate north of the site entrance are two detached residential dwellings (one of which, Alma Cottage, is Grade 2 listed) with relatively large residential curtilages, and approximately 70m to the north (along Worthing Road) is The Crown Inn public house. To the immediate south are two matching pairs of semi-detached houses. The Village Hall is located approximately 60m south of the site. Opposite the site entrance is 'Dial Post House' – a large, Grade 2 listed residential dwelling situated in a large plot stretching along the roadside and screened by mature hedgerow. An area of public open space (grassed area) is located approximately 1km to the north west of the site. The site is accessed directly from Worthing Road which is the main road running through the settlement, and is relatively rural in character. A bus shelter is located on Worthing Road opposite the Crown Inn serving the 108 route between Horsham and Shoreham, which runs only one service per week.
- 1.6 The site is an irregular 'diamond' shape, and widens/deepens to the rear of the main entrance to abut the rear boundaries of the surrounding residential dwellings both the north and south of the site. The rear of the site boundary is 40m from the A24 at its closest point. Two Public Rights of Way (1859 and 1859/1) run via the northern and eastern boundaries of the site, and form part of a network of PROWs in the local vicinity. The site comprises previously developed land to the southern portion which is currently occupied by several disused buildings and hardstandings. The northern portion of the site comprises open scrubland, overgrown vegetation and discarded rubbish. The site was formally a small engineering works, but has been unused for this purpose for several years. The existing buildings comprise mostly of 2-storey structures with pitched roofs and gable ends. The buildings, whilst in a poor state of repair, are structurally sound. The structures towards the rear of the site are industrial in appearance with little architectural merit. The buildings to the front of the site, whilst run-down, are more characterful, and include features such as bay windows and chimneys stacks.

APPLICATION BACKGROUND

- 1.7 During the course of determination, the applicant submitted amended plans in order to address various concerns identified by Officers. The amended plans reduced the development proposal from the originally proposed 17 residential units to the revised 12 unit scheme described above. The extent and location of commercial floorspace has not been amended and remains as originally submitted. Accordingly, the planning assessment outlined in this report is based on the amended scheme for 12 dwellings and 250m² of commercial floorspace.

- 1.8 When the application was originally submitted and validated by the Council in May 2017 the Council had approved but not yet adopted the CIL Charging Schedule. As of 1st October 2017 the CIL Charging Schedule was formally adopted and is now fully implemented. As a result, this application is now CIL liable, and most financial contributions necessary to mitigate the impacts of development are likely to be collected through CIL rather than via s106 as was previously the case. Accordingly, the applicant has submitted the required CIL forms.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (2012):

Section 1 – Building a Strong, Competitive Economy
Section 3 – Supporting a Prosperous Rural Economy
Section 4 – Promoting Sustainable Transport
Section 6 – Delivering a wide choice of High Quality Homes
Section 7 – Requiring Good Design
Section 11 – Conserving and Enhancing the Natural Environment
Section 12 - Conserving and Enhancing the Historic Environment

RELEVANT COUNCIL POLICY

- 2.3 Horsham District Planning Framework (HDPF 2015):

Policy 1 (Strategic Policy: Sustainable Development)
Policy 2 (Strategic Policy: Strategic Development)
Policy 3 (Strategic Policy: Development Hierarchy)
Policy 4 (Strategic Policy: Settlement Expansion)
Policy 7 (Strategic Policy: Economic Growth)
Policy 9 (Employment Development)
Policy 15 (Strategic Policy: Housing Provision)
Policy 16 (Strategic Policy: Meeting Local Housing Needs)
Policy 24 (Strategic Policy: Environmental Protection)
Policy 25 (Strategic Policy: The Natural Environment and Landscape Character)
Policy 26 (Strategic Policy: Countryside Protection)
Policy 31 (Green Infrastructure and Biodiversity)
Policy 32 (Strategic Policy: The Quality of New Development)
Policy 33 (Development Principles)
Policy 34 (Cultural and Heritage Assets)
Policy 35 (Climate Change)
Policy 36 (Appropriate Energy Use)
Policy 37 (Sustainable Construction)
Policy 38 (Flooding)
Policy 39 (Strategic Policy: Infrastructure Provision)
Policy 40 (Sustainable Transport)
Policy 41 (Parking)

- 2.4 The Horsham District Council Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) – September 2017

- 2.5 The Horsham District Council Community Infrastructure Levy (CIL) Charging Schedule – April 2017 (Adopted 1st October 2017).

NEIGHBOURHOOD DEVELOPMENT PLAN

- 2.6 West Grinstead Parish Council is designated as a Neighbourhood Development Plan area. The Parish Council are at the early stages of preparing a plan (pre-Reg 14 evidence gathering stage). The Parish Council are assessing sites but a draft plan has not yet been prepared. Very limited weight can therefore be given to the NDP status in West Grinstead.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.7 DC/14/1402 – Permitted 18 December 2015
Demolition of 692m² of B2 industrial floor space, the conversion of 116m² of B2 industrial floor space to B1 use, and extension to provide 256m² of office (B1) use, 9x live-work units (3 x 2-bed and 6 x 3-bed), together with associated car parking, amenity areas and landscaping (Full Application)

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
- 3.2 Consultees were notified of the revised proposals for 12 dwellings. The following paragraphs identify where consultees raised concerns in respect of the original scheme for 17 dwellings, and whether the revised scheme for 12 units changes their original view. Some consultees have advised that their original comments on the 17-unit scheme remain applicable to the 12-unit scheme. Where revised comments have not been received, it is considered that the changes now made (a reduction in units) do not fundamentally change the consultee's comments and they are therefore still relevant to the revised scheme for 12 units.

3.3 INTERNAL CONSULTATIONS

- **HDC Community and Culture (Summarised):** No Objection
Subject to the following contributions towards Open Space, Sport and Recreation, and Community Centre and Halls. [Officer Note: these community infrastructure needs are now fulfilled by the Council's CIL charging schedule]
- **HDC Economic Development (Summarised):** Support
Scheme as originally submitted: Support
'From an economic point of view, this type of proposal should be supported as it provides floorspace suitable for start-up or small businesses. I note that there is reference to provision for an A1 use/village shop, with the commercial floorspace being flexible. An ancillary retail use to support the local community would be an advantage but the majority of the floorspace should be focused on B1 use classes'

Subsequent consultation response: Support

The amended site plan seems to indicate some additional parking adjacent to the commercial floorspace. If this is the case, this is certainly a benefit to the viability of the commercial units.

- **HDC Drainage Engineer (Summarised):** No objection
Scheme as originally submitted: Further Information Required

No drainage information has been submitted to make any appropriate comment or observations. As the proposed development consists of 10 dwellings or more i.e. 'major development' a suitable 'Flood Risk Assessment' should be requested where drainage is assessed as a material consideration. It would help if the applicant completed the Surface Water Drainage Statement that would support a 'major' outline planning application of this nature.

Subsequent consultation response (Summarised): No objection subject to conditions
I have no overall objections to the drainage strategy proposed therefore until detailed design information has been submitted at the appropriate planning stage, suitable drainage conditions should be applied that include evidence to show that an agreement is in place for the on-going maintenance of the SuDS systems, including the existing watercourse over the lifetime of the development; and/or evidence that the SuDS will be adopted by third party.

Subsequent consultation response: No objection subject to conditions
I have no further comments to make following submission of the revised Layout & Drainage Strategy.

- **HDC Strategic Planning (Summarised):** Objection

Scheme as originally submitted: Objection

It is considered that the current scheme, which is located outside of the BUAB of a town or village in the District, and within the countryside would conflict with policies 3, 4 and 26 of the HDPF in particular. It is also not considered that the application is in general accordance with Policy 15 or Policy 16, unless the Council agrees that the Viability Statement submitted with the application proves that the provision of affordable housing would make the development unviable.

Subsequent consultation response (Summarised): Objection

The proposed residential development would conflict with policies 4 and 26 of the HDPF. The site is not allocated for development in the HDPF or in a 'Made' Neighbourhood Plan. This development is not required in order for the District to meet its current 5 year housing land supply position. Therefore, there is a policy objection to the principle of residential development in this location. Furthermore, the proposal does not include any provision for affordable housing and is therefore not in compliance with policy 16 (3)(b) of the HDPF.

- **HDC Environmental Health (Summarised):** No Objection

Subject to conditions relating to land contamination, noise mitigation and construction management.

- **HDC Housing (Summarised):** Objection

Scheme as originally submitted: Objection

This scheme proposes no affordable accommodation. It is therefore not policy compliant and not supported by Housing Officers.

Subsequent consultation response (Summarised): Objection

This scheme proposes no affordable accommodation. It is therefore not policy compliant and not supported by Housing Officers.

- **HDC Landscape Architect (Summarised):** No Objection

Scheme as originally submitted: Objection

The illustrative outline plan PL002 Rev A shows a high proportion of building and hard landscaping on the site with little in the way of public green space which could be used to militate against the habitat destruction caused by the development. The scheme fails to comply with policies 25 (biodiversity), 31 (green infrastructure) and 33 (development principles) and therefore the quantity and extent of development on the site is not supported on landscape grounds.

Subsequent consultation response (Summarised): No Objection

The illustrative outline plan PL002 Rev B shows a revised scheme with an increased area of green space in relation to the built areas. It has also introduced more sympathetic boundary treatments and increased the public areas planted with native planting. The landscaping and layout proposed in the new scheme mitigates against any negative landscape / green infrastructure effects and on this basis I would have no objection on landscape grounds.

- **HDC Waste Collection (Summarised):** Further Information Required
Swept path analysis requested to ensure refuse vehicles can manoeuvre through the site. [Officer Note: the application is made in outline and details of internal layout are reserved for later consideration]
- **HDC Conservation Officer (Summarised):** No objection
The development site falls within the setting of several grade II listed buildings. Alma Cottage would see the greatest level of impact from development at the site.

The sensitive area of the site is to the north-west where proposed plots 11 and 12 would be in close proximity to the listed building. Thus, the development would likely encroach on the existing rural backdrop to the listed cottage. Therefore, it is considered that the development would suburbanise the setting and erode the existing rural characteristic contrary to para 137 of the NPPF.

For the above reasons, it is considered that the development proposal would result in harm to the setting of the heritage asset (considered to be at the lower end of the sliding scale of less than substantial harm). This harm should be weighed against the public benefits of the proposal and this is a consideration in the planning balance.

If the case officer is minded to recommend approval for the outline application, the proposed detailed design, including materials and finishes, should be controlled by way of condition. Similarly, appropriate landscape conditions should be applied to secure a suitably landscaped setting.

3.4 OUTSIDE AGENCIES

- **West Grinstead Parish Council (Summarised):** No Objection
Scheme as originally submitted: Objection
Loss of small start-up business premises, live-work units are needed, site overdevelopment, lack of public transport (not sustainable development), no affordable housing, inadequate parking.

Subsequent consultation response: No Objection
12 units would be the maximum number of units acceptable for this site. The Parish Council is pleased that the comments of the local residents have been taken on board. The Parish Council still has concerns about the parking provision as there is no public transport in the area there is likely to be a higher than normal quota of cars for the units.
- **WSCC Local Development Division (Summarised):** No Objection
Subject to the following contributions towards Education, Library Service, Fire & Rescue Service, Total Access Demand (TAD). [Officer Note: these community infrastructure needs are now fulfilled by the Council's CIL charging schedule]
- **WSCC Flood Risk Management (Summarised):** No Objection
Scheme as originally submitted: Conditions Suggested
Site is low risk from surface and ground water flooding. No records of historic flooding within the site. No watercourses within the site. No FRA or Drainage Strategy has been

included with this application. While this is only an outline application, there is not enough information contained within this application to comment further.

Subsequent consultation response (Summarised): No Objection
Subject to the submission of a Drainage Statement.

- **WSCC Highways (Summarised):** No Objection

Scheme as originally submitted: Objection

In line with the WSCC Safety Audit Adopted Policy this application needs to be supported by a Stage 1 Road Safety Audit (RSA) and a signed and dated Designers Response. The LHA can offer no further comment on the application until this information has been provided.

Subsequent consultation response (Summarised): Clarification Required

The LHA in its previous response requested a Stage 1 Road Safety Audit (RSA) and a signed and dated Designers Response (DR). This has now been submitted. The LHA are of the opinion that there are no grounds in principle to object to this application, although some clarification is required as detailed in the full consultation response.

Subsequent consultation response (Summarised): Clarification Required

There doesn't appear to be any new highways related information to address the two points raised in our response dated 14th August 2017. The following points need addressing. The most important being problem 2.1 identified in the RSA, this needs to be addressed by the Designer in the Designers Response.

Subsequent consultation response (Summarised): No Objection Subject to Contribution, and Suggested Conditions.

The LHA are satisfied that the points raised in the response dated 14th August 2017 have now been covered adequately. The LHA would have no objection to the planning application and note that the dwelling numbers on site have been reduced. With regards to problem 2.1, the LHA note the RSA team's revised comments. The LHA would require a sum of money (secured via s106 agreement) for the monitoring of vehicle parking in the visibility splays. If required, this sum could be used to implement a TRO for parking restrictions. The sum would most likely be held for 5 years after the last occupied dwelling on the development. If it is not required, the sum would be returned to the developer after this period. The sum would be approximately £7,300. With regards to access and visibility, conditions are suggested.

- **WSCC Public Rights of Way (Summarised):** Comment

Scheme as originally submitted: Comment

Footpath 1859/1 runs along the northern boundary of the development, within the red line of the application boundary. Fences are in a poor state of repair and form an obstruction of the footpath. The fence should be repaired or replaced to ensure that they do not obstruct the public footpath. It is proposed that the footpath width be increased to 2.0m and the path be resurfaced by the Applicant. This is welcomed and the specification is to be agreed with the Public Rights of Way Team prior to construction starting. New close board fencing is proposed immediately adjacent to the path, in addition to the existing close board fencing which may reduce path users' enjoyment by creating a darkened, tunnel-like environment. The applicant and planning authority are strongly encouraged to consider mitigation, which could be to change the new fencing for lower post and rail fencing or to further increase the path width.

Any alteration to, or replacement of, the existing boundary with the PROW or the erection of new fence lines, must be done in consultation with WSCC's RoW Team. No structure, for example gates or stiles, may be erected on the PROW without the prior consent of WSCC's RoW Team. The surface of the PROW must not be altered in any way without the prior consent of WSCC's RoW team. Should any building works, demolition or

construction encroach upon the PROW then a Temporary Path Closure Order may be required, for which an application must be made to WSCC's RoW Team.

Subsequent consultation response (Summarised): Comment

I have no further comments to make and my comments & advice remain as per my previous response of 14/08/17.

- **Southern Water (Summarised)**: No Objection
Scheme as originally submitted: Conditions Suggested
No development or new tree planting would be accepted within 3 meters of the public sewers. Conditions suggested if the application is to be permitted.

Subsequent consultation response (Summarised): Conditions Suggested

No change to previous comments.

- **Consultant Ecologist (Summarised)**: No Objection
Scheme as originally submitted: Objection
We have reviewed the available information, in particular, the ecology reports by Arbtech Consulting Ltd (2017). Bat surveys are on-going on the site; the results of these surveys are required to fully inform the planning application. No mention is made in the report as to whether the site has potential to support dormouse, although records are known from the wider area. Recommendation: further information required with regards to ecology.

Subsequent consultation response (Summarised): Objection

We have now been provided with the Bat Survey Report. A single bat has been recorded roosting within the building on site. No further information has been provided as to whether the site has potential to support dormouse, although records are known from the wider area. Further information is requested to confirm whether this species is likely to be present, and if so whether further surveys are required to inform any licensing or mitigation requirements.

Subsequent consultation response (Summarised): No Objection

Subject to conditions relating to the submission of an Ecological Enhancement and Mitigation Plan, and a bat sensitive lighting scheme.

Subsequent consultation response: No Objection

Thank you for re-consulting us on the above application. We have reviewed the updated illustrative site plan SITE PLAN - AMENDED (6437-PL0002-B) as uploaded onto the planning website on the 8th September 2017. We can confirm that the below comments remain valid.

3.5 PUBLIC CONSULTATIONS

Initially, 13 letters of objection (from 10 different households) were received when the previous (17 unit) scheme was consulted on. In response to the consultation on the revised (12 unit) scheme, a further 5 letters of objection were received and no households wrote in to withdraw their original objection to the 17 unit scheme. In total, 18 letters of representation have therefore been received, from 10 different households. All representations expressed an objection to the application citing the following summarised planning concerns:

- Overlooking
- Increase in noise
- Increase in pollution
- Loss of light
- Overdevelopment of the site
- Insufficient parking

- Unsustainable development in unsustainable location
- Sewerage concerns
- No essential services including: bus links, shops, doctors, schools, church.
- Loss of live-work units
- No affordable housing
- No amenities
- Smaller properties than others in the village (impact on character)
- No public transport

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 ASSESSMENT

- 6.1 The key issues for consideration in relation to this proposal are:

- The extant permission
- The principle of the development
- Location of the site and access to local services and facilities
- Employment floorspace provision
- Affordable housing provision
- Indicative layout, mix and character
- Highways, Access and Parking
- Amenities of nearby and future residents
- Heritage impact
- Landscape impact
- Ecology impact

Background: The Extant Permission

- 6.2 In December 2015 the Council granted full planning permission on this site for the provision of 9 live-work units (three 2-bed and six 3-bed), and conversion/extension of existing B2 industrial floorspace to 256m² of B1 office use, together with associated car parking, amenity areas and landscaping (DC/14/1402). The permission was considered and granted under current adopted policies contained within the HDPF. Whilst the permission granted under DC/14/1402 has not been implemented yet (no development has commenced on site), it remains extant until 18 December 2018. This extant permission is a material consideration in the determination of the current application.
- 6.3 The Applicant argues that this extant permission is similar in principle to the current proposal, albeit not deliverable, as live-work units are not needed or desirable. The HDPF acknowledges that there is a shortage of employment sites in the District, stating at paragraph 5.7 that *'current evidence identifies a shortfall of employment floorspace to meet the future needs in the district over the plan period'*. In permitting the previous scheme, the Council considered that the significant benefit of the proposed 256m² commercial (B1) use

on site coupled with 9 live/work units would, on balance, outweigh the harm caused by the residential element (i.e. the unsustainable location as defined by the HDPF). Given the live/work element was limited to 9 units; it was not thought that this would constitute overdevelopment of the site (it would be approximately 16dph), or that it would be at odds with the character of the wider village. The live/work units would provide employment space, and as employees could be accommodated on site, that development could be viewed as more sustainable than the current proposal, as out-commuting for employment would be reduced.

- 6.4 Whilst the individual number of units proposed now has increased to 12 in comparison to the 9 live/work units previously permitted, the Applicant has asserted that the total floor area of buildings associated with the proposed development is equivalent to the floor area of buildings approved under DC/14/1402. This has been calculated by Officers and found not to be accurate (permitted scheme covers 1413m², and proposed scheme covers 1605m²). Whilst the proposed development would represent a 13.5% increase on floor area compared to the extant scheme, it is considered by Officers that it would be difficult to resist the development on the basis of overdevelopment as the site density is not considered to be significantly different to the permitted scheme, or at significant odds with residential densities in the surrounding area (as set out in the character and appearance section above).
- 6.5 It is considered that the validity of the extant permission is an important factor in the consideration of this application. By granting permission for the extant scheme, the Council acknowledge that some form of development (including residential) is acceptable on this site; and accept that the quantum of development previously proposed (256m² employment floorspace and 9 live-work units) is acceptable.
- 6.6 Notwithstanding the above, it is important to recognise that the nature of the development proposed in the extant scheme differs from that proposed in this application. Namely, the quantity of units is greater (3 additional), but more importantly the units would be purely residential, and not linked to on-site employment space. The significance of this is that the activity generated by the scheme now proposed would likely be more intensive than the extant scheme. This is due firstly, to the intensification of units (therefore more vehicular movements); and secondly, to the necessity for the future residents to travel to and from work, rather than working from home as the 'live-work' arrangement would have required. As such, the extant permission, whilst a material consideration in favour of development, does not provide a complete justification for the granting of a purely residential (and less sustainable) development on the majority of this site.

The Principle of the Development

- 6.7 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development which should run through both plan-making and decision-taking (paragraph 14). Paragraphs 2 and 12 of the NPPF state that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise; and that proposed development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise. The Horsham District Planning Framework (HDPF) was adopted by the Council in November 2015 and forms the up-to-date development plan for the District. West Grinstead Parish Council was designated as a Neighbourhood Plan Area in 2013, but there is no 'made' Neighbourhood Development Plan (NDP) for this area at present.
- 6.8 Policy 2 of the HDPF sets out the Council's main strategy for the location of development across the District and aims to concentrate development in and around the District's most sustainable settlement (Horsham) and to allow growth in the rest of the District in accordance with the settlement hierarchy. Policy 3 of the HDPF sets out the settlement hierarchy and classifies Dial Post as an "Unclassified Settlement" - defined as an area with

'few or no facilities or social networks and limited accessibility that are reliant on other villages and towns to meet the needs of residents'. By virtue of this classification, the site is considered to be located in an unsustainable location, with very few services and facilities to serve the existing population.

- 6.9 The site is not within a defined Built up Area Boundary (BUAB) and is therefore considered to form part of the District's countryside. HDPF Policy 4 (Settlement Expansion) and Policy 26 (Countryside Protection) are therefore of key importance when determining this application. Both policies make provision for expansion outside the BUAB where certain criteria are complied with. In accordance with the first criteria of Policy 4 it is necessary for development outside of BUAB to be either allocated in the local plan (HDPF or any future Land Allocations document) or in a Neighbourhood Development Plan (NDP) and for the site to adjoin an existing settlement edge. In this case, the site is not allocated in the HDPF, and West Grinstead Parish Council has only reached the early stages of preparing a NDP, thereby very limited weight can be afforded to the NDP. In addition, while the site is located adjacent to the settlement of Dial Post, this is an unclassified settlement with no defined settlement boundary identified on the HDPF Policies Map. Residential development of the site is therefore contrary to the requirements of Policy 4 of the HDPF.
- 6.10 Policy 26 of the HDPF aims to protect the countryside from inappropriate development and states that development in these locations would only be considered acceptable if it is essential to the countryside location and meets one of four criteria. New residential development is not considered to be essential to this countryside location and therefore the proposal conflicts with Policy 26.
- 6.11 The site was included within the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) - identified as land parcel SA447 and assessed as being 'Not Currently Developable'. The assessment states that the site is 'unsuitable for residential development' by virtue of Dial Post not having any services and facilities. Although the SHELAA is a high level, desk-top exercise which does not allocate sites for development or fully assess potential development to the same degree of detail as the development management process, these comments are indicative of the principle of residential development of this site not being appropriate.
- 6.12 In light of the above, the proposed development conflicts with the strategy for growth set out in the Development Plan. This conflict carries significant weight against the proposal. Before moving on to considering whether there are any other material considerations which would warrant permitting this development as a Departure from the Development Plan, it is necessary to consider the proposal in terms of other relevant Policies of the HDPF, and identify whether any other harm or benefits arise from the proposal.

Previously Developed Land and Existing Use

- 6.13 This site is not a 'greenfield' site and a large proportion of it has been previously developed. The most recent use of the site was an engineering company (therefore the existing lawful use falls within Use Class B2). The HDPF Policies relating to employment uses are therefore relevant when considering the principle of this proposed development.
- 6.14 In justifying the acceptability of the proposal, the applicant asserts that the site comprises previously developed land (PDL). Officers agree that a large proportion of the site is PDL, but it is disputed whether the disused and overgrown portion of the site to the north is PDL. The NPPF defines PDL as "*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure*". The use of PDL for development is promoted in paragraphs 17 and 111 of the NPPF where land is not of high environmental value. Whilst the main strategy of the HDPF, as set out in Policy 2, is to focus growth based on the settlement hierarchy within

the BUAB and allocated sites; as per the NPPF it also encourages the effective use of land by reusing PDL (criterion 8).

- 6.15 In accordance with the overarching development strategy outlined in the HDPF, the identification of a site (or part of a site) as PDL does not amount to the principle of redevelopment being acceptable, particularly where the site is located in the countryside outside of the BUAB. Whilst some re-development of this disused PDL could be acceptable, any development must still accord with the requirements of relevant adopted policies, including the strategy for growth set out in Policies 2 and 4. In this instance, Policies 7(2), 9(2) and 10 of the HDPF are also relevant. Policy 7 sets out how sustainable employment development in Horsham District will be achieved, and this includes through the redevelopment, regeneration, intensification and smart growth of existing employment sites. In accordance with Policy 10 of the HDPF, any proposals for conversion of rural buildings should favour business and commercial use over residential in the first instance. Policy 9(2) states that before alternative re-development is considered acceptable, it must be demonstrated that the site is no longer needed and/or viable for employment use. The following paragraphs discuss the proposal in relation to these policy requirements.

Need and/or Viability of the Site for Employment Use

- 6.16 Given that the proposed re-development of the site would result in a net loss of 558m² (69%) of the existing employment floorspace, the acceptability of the development must be assessed against the relevant economic development and employment provision policies of the HDPF. Policy 9 requires that where a site outside a Key Employment Area (KEA) is proposed for redevelopment, it must be demonstrated that the site is no longer needed and/or viable for employment use.
- 6.17 The former occupiers of the site relocated their engineering business approximately 10 years ago, and the site has been largely vacant since then. The site has subsequently become run-down and the buildings are in a state of disrepair, although not to such an extent that there is no potential to convert and make-good the buildings on site for employment use. The Applicant's Planning Statement explains that the site was marketed from early February 2016, seeking final offers in late April 2016 (3 months). During this period, the site was marketed on-line and a marketing board was erected on site. Sales particulars were circulated to developers, investors and commercial owner-occupiers.
- 6.18 Following marketing, the main interest was from developers, rather than owner-occupier businesses. The Applicant has advised that interested developers explained they would not implement the extant permission for live/work units, but if successful at acquiring the scheme would seek permission for an alternative residential-only scheme. Several owner-occupiers fed back to the Applicant that they were seeking around 1,800 – 2,800m² of warehouse/industrial accommodation but it concluded that it would be impractical to extend the existing 800m² buildings or replace with a new, bespoke unit due to the irregular shape of the site. The findings of the marketing exercise conclude that no meaningful interest was expressed for commercial redevelopment of the site, which was attributed to the unconventional shape of the site and the condition of the buildings. Several offers were received above the asking price from developers with the view of seeking planning permission to develop a predominantly residential scheme. The site was sold in January 2017.
- 6.19 Despite the interest generated from developers, the 3-month marketing period undertaken by the Applicant is considered to be fairly short, and this period does not offer sufficient time to truly test the market and thereby, to dismiss the site's potential for commercial redevelopment. It would normally be expected that a site such as this is actively marketed for a 12-month period to satisfy the requirements of HDPF Policy 9(2). Given the District Valuer's assessment of the Benchmark Land Value it is also considered that the site was

marketed at too high a sales price. A price more reflective of other similar commercial sites in the area is considered to have been lower than the value at which the site was marketed.

- 6.20 Notwithstanding the above, independent advice that Officers have received from both the District Valuer and from Stiles, Harold Williams Partnership LLP confirms that full commercial re-development of this site is not likely to be viable, primarily due to the rural nature of the site, and proximity to residential dwellings which would necessitate operational restrictions to protect amenity.
- 6.21 Given the above, whilst the proposed re-development of the site would result in a net loss of 558m² (69%) of existing employment floorspace, it is accepted that full commercial redevelopment of this site is not likely to be viable. It is considered therefore that a reduction in employment floor space would be acceptable in accordance with Policy 9(2). While this does not override the conflict with Policies 2, 3, 4 and 26 discussed in earlier paragraphs of this report, the partial previously developed nature of the site and the assessment of the viability of on-going commercial use of the site is a material consideration in assessing the weight to afford to the conflict with Policies 2, 3, 4 and 26.

Meeting Local Housing Needs

- 6.22 Policy 16 of the HDPF requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable. A policy compliant scheme in this case would therefore require 4 affordable units to be provided on site, or if on-site provision is not possible, a financial contribution calculated in accordance with the 2017 Planning Obligations SPD (2017) may be acceptable. In line with the Council's Planning Obligations SPD, schemes that would otherwise require 35% affordable housing to be provided on site, a contribution towards off-site provision will be sought (calculated as £280 per m² gross internal area of the proposed dwellings) where the Council agrees that on-site provision is not achievable. According to the submitted CIL form, the residential elements of the proposed development equates to 1,355m². This would generate an equivalent affordable housing financial contribution of £379,400.
- 6.23 Due to viability constraints, the Applicant has not offered any on-site affordable housing, but has offered a financial contribution of £50,000 towards off-site affordable housing. A viability study prepared by Turner Morum Chartered Surveyors on behalf of the Applicant was submitted to the Council explaining the reasons for this reduced contribution. The study details the associated costs including build costs, remediation works, demolition costs, professional fees, marketing costs and CIL payments etc, as well as land values and projected revenues from sales. The study shows that even at 0% affordable housing the scheme is in deficit and is non-viable. Despite the deficit, the applicant is prepared to offer £50,000 towards off-site provision of affordable housing. While the Council's preference is the delivery of on-site affordable housing to create mixed communities, Officers acknowledge that Registered Providers are rarely able to take on clusters of less than 10 units, and therefore Officers would be willing to accept a financial contribution in lieu in this case.
- 6.24 The Council instructed the District Valuer (DV) to independently assess the Applicant's viability study. The DV's assessment highlights several differences in opinion and some limited evidence provided to justify some of the costs quoted. The DV scrutinised the Applicant's study and the conclusion drawn from the independent review is that in terms of the assumed residual value generated by the development and the likely benchmark land value of £750,000, the scheme would only be able to afford a maximum financial contribution towards affordable housing of £50,000. Whilst it is disappointing that a policy-compliant level of affordable housing is not achievable; based on the evidence to hand it is acknowledged that the costs and constraints associated with the development of this site at this stage do not allow for a contribution of more than £50,000. It is accepted therefore that the proposed development accords with the requirements of the Council's Planning

Obligations and Affordable Housing SPD which allows for flexibility in seeking planning obligations where viability constraints are identified, in accordance with the NPPF and HDPF Policy 16. The DV has recommended a review mechanism be included in the s106 agreement given limitations to the evidence submitted by the applicants and some disagreements between the applicants and the DV over some of the assumptions. Accordingly it is proposed that a review mechanism is included within the s106 Legal Agreement to require a review of costs and viability post-commencement, with the view of increasing the AH contribution should the evidence demonstrate it appropriate. For the avoidance of doubt this review will be an uplift only and the development will provide a minimum contribution of £50,000 towards off-site affordable housing.

Mix / Layout / Character / Design

Proposed Housing Size Mix

- 6.25 Policy 16 of the HDPF requires that development should provide a mix of housing sizes, types and tenures to meet the needs of the District's communities as evidenced in the latest Strategic Housing Market Assessments. Policy 16 also notes that the appropriate mix will depend on the established character and density of the neighbourhood and the viability of the scheme. The housing mix proposed by the Applicant (two 2-bed, nine 3-bed and one 4-bed) is in general conformity with the Council's District-wide Market Housing Mix report from November 2016 which seeks a higher proportion of 2 and 3 bedroom properties. Whilst specific local housing need for Dial Post is unknown, the mix proposed is acceptable in terms of its accordance with District-wide needs. The mix at this stage is indicative, but provides an indication of the Applicant's intentions for the detailed scheme and the submitted information therefore demonstrates that it is feasible for the detailed scheme to deliver an appropriate mix of dwelling sizes.

Layout and Character

- 6.26 The proposed development seeks permission for 12 dwellings which equates to a density of approximately 21dph. This is not considered to be at significant odds with the prevailing development pattern of the existing settlement. As an example, the triangular cluster of 14 existing houses to the north of the site (located between Worthing Road and Swallows Lane) covers a site of approximately 0.8ha, equating to 17.5dph.
- 6.27 Policy 26 of the HDPF requires development to be of a scale appropriate to its countryside character and location, and for development to protect and conserve the development pattern of the area. Policies 32 and 33 of the HDPF require new development to complement locally distinctive characters of the District, and to optimise the potential of the site to accommodate development including making efficient use of previously developed land. Whilst the development proposed would result in a slightly higher density development compared to other clusters of dwellings in Dial Post, the illustrative layout for the 12 unit scheme demonstrates that a layout could be achieved which respects the existing pattern of development in the vicinity of the site and would not unduly harm the character and appearance of the locality. Furthermore, the area shown on the illustrative masterplan for residential development is in a screened and contained location to the rear of the site entrance, further reducing the visual impact of the development.
- 6.28 The application is in Outline form, so details of layout and appearance are purely indicative at this stage and will require further consideration and formal approval at Reserved Matters stage. The relatively enclosed nature of the site's location means that the impact of this development on the immediate streetscene is likely to be minimal provided the buildings are of an appropriate scale. Notwithstanding this, the illustrative layout comprising detached and semi-detached units combined with a simple but functional internal road network and landscaping to the site boundaries is generally considered to be acceptable and not at significant odds with the settlement character.

- 6.29 The illustrative layout and arrangement of the site will assist in the mitigation of noise emanating from the A24 to the east. The internal road has been placed to the eastern-most part of the site which increases the separation distance between the proposed dwellings (plots 5 – 10) and the A24. The illustrative orientation of the dwellings in these plots (facing east) would further shield rear gardens from noise impact from the dual carriageway, whilst the plans detail a 2.5m high acoustic fence along the eastern boundary. In the event of a recommendation for approval, a full noise assessment including proposals for satisfactory mitigation where needed, will be required by condition and any reserved matters application should demonstrate that an acceptable noise environment can be achieved.
- 6.30 The illustrative design of the housing and business unit within the proposed development (as shown in plan reference PL003 Rev B) is considered to create an appropriately designed development that comprises a variety of house types, architectural features, roof styles and materials, and which complements the character of existing development in the local vicinity. The illustrative design and materials shown for the extended B1/A1 business unit to the front of the site is considered to retain and enhance the character of the existing building and will provide a pleasant and improved addition to the streetscene along Worthing Road.
- 6.31 Overall, subject to some more detailed refinement at RM stage, the indicative housing size mix, site density, layout and appearance is considered to largely accord with the aims of Policies 32 and 33 of the HDPF, and is broadly acceptable.

Heritage Impact

- 6.32 In addition to the requirements of HDPF Policies 26, 32 and 33; when relevant, the acceptability of a development must also accord with the provisions of Policy 34 (Cultural and Heritage Assets). The development site falls within the setting of several grade II listed buildings which means that the requirements of Policy 34 must be taken into account. The garden of Alma Cottage bounds the north-western boundary of the application site, Dial Post House lies opposite the site on the western side of Worthing Road, and Hazel Cottage is located north of the application site. Alma Cottage, which is situated to the immediate north-west of the site boundary, would see the greatest level of impact from development at the site.
- 6.33 Contrary to Policy 34 and section 12 (para 128) of the NPPF, the information submitted in support of this planning application provides a very limited assessment of the heritage assets within the setting of the application site, or the potential impact the development could have on the significance of those heritage assets. It is therefore not clear that the protection of heritage assets and their setting have been considered in detail by the Applicant in preparing their proposals. Notwithstanding this, the Council's Conservation Officer has visited the site and has assessed the significance of the nearby heritage assets. It is noted that the part of the application site to the immediate rear of Alma Cottage provides a green and semi-rural backdrop to the cottage, and allows appreciation of the sense of historic context which the cottage was originally sited within. In this regard, the application site is considered to be an important landscape component to the edge of the settlement which instils the rural sense of place, and which positively contributes to the setting of this listed building. The significance of Alma Cottage primarily lies in its architectural integrity as a C18 rural vernacular timber-framed building; however, its setting plays a key role in reinforcing the rural and open countryside setting that it was originally sited within.
- 6.34 The Conservation Officer has identified the most sensitive area of the application site to the north-west, in the location of proposed plots 11 and 12 which would be sited in relatively close proximity to the listed building. It is considered that the proposed development as shown on the illustrative layout would likely encroach on the existing rural backdrop to the

listed cottage and that the development would suburbanise the setting and erode the existing rural characteristic contrary to para 137 of the NPPF which advises that new development within the setting of heritage assets should enhance or better reveal their significance.

- 6.35 The Conservation Officer has identified that whilst the harm would be permanent and irreversible, it would be '*at the lower end of the sliding scale of less than substantial harm*'. Paragraph 134 of the NPPF state that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefit of the proposal.
- 6.36 Officers acknowledge the concerns raised by the Heritage Officer and the significance of the rural backdrop that the existing site provides in the historical context of Alma Cottage. It is considered that plots 11 and 12 would impede on this backdrop to some extent, and would change the existing nature of the site to a more suburban form. However, considering the historical use of the site as an engineering works, coupled with the proximity of the A24 dual carriageway beyond, and as the redevelopment would ensure that the existing buildings do not fall further into disrepair and harm the setting of the heritage assets, Officers are of the view that the low level of harm is outweighed in this case by the public benefit of the proposal, which include the provision of employment opportunities in the proposed retained/extended commercial building and the provision of housing. Whilst it is considered that improvement to the illustrative layout shown in plan PL002 Rev B should be made at Reserved Matters stage (including revision to the orientation and scale of plots 11 and 12); Officers are of the view that the proposed quantum of development could be accommodated within the site while having an acceptable impact on the heritage asset in accordance with section 12 of the NPPF and Policy 34 of the HDPF.

Impact on Residential Amenity

- 6.37 The proposed site adjoins the boundaries of several existing residential dwellings. Whilst the proposed layout at this stage is indicative, it is considered that the positioning of the 12 dwellings and commercial units have been designed to make best use of the site without resulting in significantly harmful impacts on residential amenity. The commercial element of the proposal converts and extends the existing building at the front of the site therefore whilst the use on site would change; given that it would be used for A1/B1 uses (and not B2 as existing) it is not thought that it would result in unacceptably harmful impacts on amenity.
- 6.38 Given the location of plots 2 and 4-9 located within the centre of the site, these are considered to be the least sensitive units with the least impact on existing residents. The more peripheral plots (1, 3, and 10-12) are likely to be more sensitive in terms of impact on neighbouring residents, however, given the proposed orientation of the units (as shown on the indicative site plan) which incorporates relatively large rear gardens and garage units between dwellings and the site boundaries, it is considered that subject to detailed design at Reserved Matters stage, the indicative layout would be acceptable in terms of neighbouring amenity and is not likely to cause unacceptable harm in terms of overlooking or loss of privacy.

Access / Highways and Transport / Parking

Access

- 6.39 The existing access to the site from Worthing Road that previously served the commercial units is well established. Upgrades to the existing vehicular access point are proposed to serve the development site. This is to include the provision of a bell-mouth style access

point. To support the planning application, the applicant submitted a Transport Note and undertook a Stage 1 Road Safety Audit (RSA) with Designer's Response.

- 6.40 The existing access has visibility splays of 2.4m x 25m to the north and 2.4m x 43m to the south. Despite Manual for Streets (MfS) standards requiring 43m in each direction, consultation with WSCC Highways has confirmed that vehicle trips and activity associated with the proposed development would be very similar to the most recent commercial use, and would not be to a severe extent. Officers are therefore satisfied that the existing/proposed splays of 2.4m x 25m to the north and 2.4m x 43m to the south are acceptable.
- 6.41 The Stage 1 Road Safety Audit (RSA) initially identified several issues with the proposed access improvements in terms of highways safety. Issue 2.1 (visibility splays) identified that obstructions (including on street parking and overhanging vegetation) were observed in close proximity to the access obscuring the splay. Additional information from the Applicant and subsequent assessment from the RSA team confirmed that the identified issues would be adequately addressed by way of monitoring of the access to ensure it operates safely and as intended. Accordingly, WSCC Highways have confirmed that they have no objection to the planning application subject to a financial contribution for monitoring purposes (and implementation of a TRO if necessary), and suggested conditions relating to the submission and approval of full access and visibility details.

Transport and Sustainability

- 6.42 As described in paragraph 6.3 above, Dial Post is an 'Unclassified Settlement' in accordance with Policy 3 of the HDPF - defined as an area with *'few or no facilities or social networks and limited accessibility that are reliant on other villages and towns to meet the needs of residents'*. By virtue of this classification, and based on the limited bus services and facilities within the settlement, the site is considered to be located in an unsustainable location.
- 6.43 Policy 40 (Sustainable Transport) of the HDPF promotes the aspiration to develop communities connected by a sustainable transport system. Policy 40 supports development if (amongst other things) it is appropriate and in scale to the existing transport infrastructure; is integrated with the wider network of routes (including PRoW's); includes opportunities for sustainable transport; and is located in areas where there are (or will be) a choice in the modes of transport available.
- 6.44 The applicant has submitted a Transport Note with the application which details the existing facilities and networks, and the impacts on the network as a result of the proposed development. The Transport Note was submitted with the original application for 17 units and has not been updated or reviewed in relation to the current 12 unit scheme. Given that the quantum of development as part of the current scheme has reduced, it is considered that the impacts identified in the Transport Note are in reality, likely to be less significant.
- 6.45 The Transport Note identifies that there are very little existing public transport networks in the vicinity, which is not unexpected for a settlement of the scale of Dial Post. The nearest railway station is 9km away (Billingshurst), and the nearest bus stop is located on the A24, approximately 1.2km from the site. This bus stop serves the No. 23 bus route between Crawley and Worthing and operates 2x services per hour. Whilst not identified in the Transport Note, an additional bus stop is located opposite the site on Worthing Road. This serves the once-weekly No. 108 service between Shoreham and Horsham. Whilst there are busses serving the village, the associated bus stop for the No. 23 is not easily accessible, and potentially dangerous due to its proximity to the A24 (users would be required to cross the A24 dual carriageway to access the southbound bus stop).

- 6.46 Overall, it is considered that the public transport network in the vicinity of the site is poor. This is not unusual for a settlement of this scale and location, but the upshot of this is that such rural locations are unlikely to be an appropriate location for new dwellings (hence it being unclassified in Policy 3). It is likely that current residents of the village rely heavily on the private car, and the same would be likely of any new residents and employees resulting from the proposed development. This reliance on the private car is not in accordance with the aspirations of HDPF Policy 40. In a similar vein to Policy 40, Paragraph 29 of the NPPF aims to promote sustainable transport solutions and choices, but recognises that opportunities to maximise these sustainable solutions will vary from rural to urban areas. In this rural location, it is unlikely that significant transport infrastructure will be implemented in the near future to reduce reliance on private vehicles for access services, facilities and employment.
- 6.47 In terms of access to local amenities, the nearest primary school is located approximately 3km from the site (in Shipley), and the nearest secondary school is 7.9km away (Steyning Grammar). The nearest supermarket is in Ashington, around 3.4km away. None of these amenities are within sustainable travel distances from the site, nor are there any fully surfaced and lit pedestrian routes to these locations. Access to them is highly likely to require a private car which will add to the traffic generated in the local area. Information generated from the Trip Rate Information Computer System (TRICS) supplied within the applicant's Transport Note suggests that a total trip generation is around 14/15 vehicle movements in the peak AM and PM periods. These figures are based on the previous 17 unit scheme, so the likely trip generation for the reduced 12 unit scheme would be less. WSCC Highways have confirmed that no highway safety or capacity concern is raised with regard to trip generation; therefore Officers accept that the proposed development will not have a detrimental or significant impact on the local highways network. However, this does not override the need to ensure that development is sustainably located and that development is well planned to reduce reliance on the private car for access to services and facilities.
- 6.48 PRoW 1859/1 is located to the north of the site and PRoW 1859 to the eastern boundary. These routes form part of a wider public rights of way network around the village and beyond, but they are currently largely inaccessible due to obstructions such as overgrown vegetation and collapsed fencing. The application proposed to uphold this PRoW and to upgrade and improve it to allow full accessibility. This proposal is welcomed, and is considered to be a public benefit associated with the scheme. WSCC Public Rights of Way team have confirmed that the improvements proposed are welcomed, and have suggested informatives to advise the applicant of the specifications and licences that would be required to undertake these works. However, whilst the improvements to these routes are welcomed, these paths generally provide access to the countryside for leisure and recreation, and therefore their improvement does not address the issue of the unsustainable location of development and access to services/facilities.
- 6.49 In summary, by virtue of the relatively remote location of the development site, lack of local services and poor public transport provision; the site is located in an unsustainable location, and conflicts with the requirements of Policy 40.

Parking

- 6.50 Given the unsustainable location and subsequent reliance on cars by future occupiers of the dwellings and employees of the commercial unit, sufficient parking should be provided within the site. Parking proposed on the illustrative layout drawing is considered to accord with the required standards. Parking indicatively shown for the flexible A1/B1 office element is 10 car parking spaces which is greater than the WSCC maximum standard of 9 spaces (1 space per 30m² of B1 floorspace). Parking for the residential element includes 24 spaces (including 11 garages) and an additional 2 visitor spaces. This allows for 2 car parking spaces per dwelling which is considered acceptable for the 2 and 3-bedroom units.

However, it is considered that the one 4-bed units (plot 11) should have 3 car parking spaces; therefore in the event of a recommendation for approval, this would be sought at Reserved Matters stage. Whilst it is considered that cycle parking can be accommodated within the site, the illustrative plans submitted do not currently indicate that any cycle parking is included, so again, this will need to be detailed at the Reserved Matters stage.

Landscape Impact

- 6.51 The illustrative outline plan PL002 Rev B shows indicative landscaping features within the site including proposed tree removal, tree planting, grassed areas, and some indication of proposed hard landscaping features such as block paving surfacing and a 2.5m acoustic fence on the eastern boundary. The Council's Landscape Architect was consulted, and after a site visit, has noted that the proposal is in general accordance with the requirements of Policy 31 of the HDPF, and that there would be no objection on landscape grounds.
- 6.52 The proposed (illustrative) boundary treatments are considered to be sympathetic to the rural nature of the site, and would work to preserve and enhance the existing hedging to provide a valuable green corridor. Proposed post and rail fencing and hedging adjacent to the PRoW would be rural in appearance, and would help to ensure that no 'closing in' of the route takes place, thus helping to preserve the countryside character of the PRoW whilst ensuring security for the future residents. The 2.5m acoustic fence to the eastern boundary is proposed to be combined with hedging and planting to help screen it from views within the site.
- 6.53 No objection is therefore raised to the proposed development in respect of landscape impacts. Landscaping conditions are recommended to ensure that full details of hard and soft landscaping are submitted and approved prior to commencement of development.

Ecology Impact

- 6.54 In support of the application, the Applicant submitted various supporting documents and surveys with regards to bats, reptiles, barn owls, and dormice. These surveys have been reviewed by the Council's Consultant Ecologist, and the key findings were that a single bat was recorded roosting within the building on site, a good population of slow worms have been found to be present, barn owl are known to roost on the site, and the habitat was considered sub-optimal for dormice.
- 6.55 As bats are protected under EU law by the Habitats Directive, the consideration of the Habitats Directive should be proportional to the value of the receptor and the impact. In this instance, impacts are considered likely to a low number of common bat species. Measures for avoidance and mitigation have been included within the Applicant's Bat Survey Report and are considered to be acceptable. If planning permission is granted, the Applicant will need to engage with Natural England to obtain a licence which would be required to proceed with demolishing the roost.
- 6.56 Subject to conditions relating to the submission of an Ecological Enhancement and Mitigation Plan, and a bat sensitive lighting scheme; the development is considered to be acceptable in terms of ecology.

Other Matters

Community Infrastructure Levy (CIL)

- 6.57 The application will be CIL liable development, and based on a net addition gross floorspace of 825.9m², has been calculated to generate a payment of £111,496.

Land Contamination

- 6.58 Previous communications between the applicant and the Council has highlighted the issue of ground contamination arising from historical use of the site. The Council's Environmental Health department have therefore recommended a condition to be applied to any permission granted in order to satisfactorily identify and mitigate any adverse effects of land contamination before any construction commences.

Drainage

- 6.59 In support of the application, the applicant submitted a drainage strategy by the Civil Engineering Practice. This was reviewed by the Council's Drainage Engineer and the proposed strategy was considered to be acceptable. The Drainage Engineer has recommended that conditions are applied to any permission granted to include evidence to show that an agreement is in place for the on-going maintenance of the SuDS systems, including the existing watercourse over the lifetime of the development; and/or evidence that the SuDS will be adopted by third party.

Other Material Considerations

Housing Need and Land Supply

- 6.60 In considering proposals for new residential development which are in conflict with the Development Plan, the Council's position in terms of a demonstrable 5-year housing land supply is a relevant material consideration. Part of the Applicant's justification for the proposal is that it will result in the provision of new housing in line with the Government's aim to '*boost significantly the supply of housing*' as set out in the NPPF. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year housing supply. The HDPF was adopted by the Council in November 2015 and currently makes adequate provision to meet a 5 year housing land supply for the District. The Council's current housing trajectory indicates that a 5.5 year housing land supply (109%, including 5% buffer) can be demonstrated. It is therefore considered that the HDPF is up-to-date for the purposes of paragraph 49. This point has been successfully defended in a number of appeal decisions made since the HDPF was adopted; such as the proposed development at Sandgate Nurseries in Henfield where both the Inspector and the Secretary of State acknowledged the Council's ability to demonstrate a 5 year land supply (DC/14/0588, APP/Z3825/W/14/3001703, December 2016).
- 6.61 Whilst the housing targets in the HDPF are not ceiling targets, given the above (and in terms of the plan-led strategy adopted in the HDPF), it is considered that there is currently no justification for additional housing at the present time other than that which may be brought forward on a site specifically allocated within the HDPF or those within a made Neighbourhood Plan as required by Policy 4. Without robust evidence to the contrary, the approval of ad-hoc development that does not accord with the requirements of the adopted development plan is highly likely to place a greater strain on infrastructure and service provision in the District and is therefore not considered to amount to sustainable development appropriate in this countryside location. A recent appeal decision at Chanctonbury Nurseries in Ashington (DC/15/1886, APP/Z3825/W/16/3151508, June 2017) identified a number of significant benefits arising from the proposed scheme, but the Inspector ultimately dismissed the appeal by virtue of its conflict with the overarching development principles of the development plan. This decision reinforces the importance of the plan-led system and makes it explicit that the policies and provisions of the development plan carry significant weight in the planning balance.

- 6.62 The Applicant argues that the provision of 12 residential units in this location will contribute to meeting identified local housing need. This need however, is not specifically identified or evidenced; and at present the housing need specific to Dial Post (or in West Grinstead as a whole) has not been quantified separately from the District-wide housing need identified through the HDPF background documents. The Parish Council have recently commissioned a housing needs study to support the production of their NDP, but this has not been completed or published yet, therefore the outcome is unknown. As such, it has not been demonstrated by the Applicant that there is a need for residential development of this type in this location.

Conclusion and Overall Planning Balance

- 6.63 The development of this site falls contrary to the spatial strategy set out in the HDPF as it is not allocated in the development plan or in a made Neighbourhood Plan, and does not adjoin a defined settlement boundary. As the HDPF is an up-to-date development plan, this in principle conflict weighs considerably against the grant of planning permission.
- 6.64 The development, as indicatively detailed in the illustrative plans, would result in some harm (albeit considered low harm), to the setting of the Grade II listed Alma Cottage. In this case the level of harm is 'less than substantial' and is outweighed by the benefits of the development when applying paragraph 134 of the NPPF. Nevertheless, s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities '*shall have special regard to the desirability of preserving the [listed] building or its setting*'. The identification of harm to a listed building carries considerable importance and weight when applying this section of the Act and leads to a strong presumption against the grant of planning permission. This presumption is though capable of being outweighed by material considerations of sufficient power.
- 6.65 The proposed development offers a number of benefits that weigh in its favour. These include the provision of housing, new and better quality flexible commercial floorspace, the re-use of previously developed land, and increased local spend and construction job opportunities. Further more limited benefits arise from the improved appearance to the site, the provision of a commuted sum towards affordable housing, and improvements to the public footpath and site entrance. There is also an existing extant planning permission for a development of a similar scale and impact across this site which weighs considerably in favour of the grant of planning permission.
- 6.66 Overall, it is considered that the extant planning permission for a development of a similar scale and impact, which can be implemented up to 18 December 2018, is of sufficient material weight that it outweighs the considerable weight that should be applied to the conflict with the core spatial planning policies within the HDPF and the harm (albeit limited harm) that would result to the setting of the listed building. For these reasons the application is recommended for approval subject to the recommended conditions and a s106 agreement to secure the affordable housing and visibility splay monitoring contribution.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

7. RECOMMENDATIONS

- 7.1 To approve the application subject to conditions and completion of a s106 Legal Agreement to secure affordable housing and monitoring contributions

CONDITIONS:

1. PLANS LIST

2. STANDARD TIME CONDITION:

(a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

(d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3. **PRE-COMMENCEMENT CONDITION:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. construction working hours
- ii. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of neighbouring dwellings and occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **PRE-COMMENCEMENT CONDITION:** No development shall take place, including any works of demolition, until an Ecological Mitigation and Management Plan (EMMP) based on up to date ecological surveys, and incorporating all recommendations from the supporting ecological information, has been submitted to and approved in writing by the Local Planning Authority. The EMMP will include full details of the proposed reptile receptor site, as well as measures for habitat protection of retained habitats, avoidance measures with regards to protected and notable species (such as bats, reptiles, dormice and nesting birds), and enhancement

measures for biodiversity. The EMMP will be revised if necessary to incorporate any methodologies agreed with Natural England during the licensing process. Any such measures shall thereafter be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide ecological protection and enhancement in accordance with the Conservation of Habitats & Species Regulations 2010 (as amended), NPPF and Policy 31 of the Horsham District Planning Framework.

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 in consultation with Southern Water. 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 development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

7. **PRE-COMMENCEMENT CONDITION:** Prior to the commencement of development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development

works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

8. **PRE-COMMENCEMENT CONDITION:** No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority. The vehicular access shall be retained as such thereafter.

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

9. **PRE-COMMENCEMENT (LIGHTING) CONDITION:** No external lighting shall be installed until a bat sensitive lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted lighting scheme shall be produced in accordance with the recommendations made in the bat survey reports (by Arbtech, dated 28 April 2017 and 19 July 2017). The lighting shall be implemented in full accordance with the approved details prior to their first use and shall be retained as such thereafter.

Reason: To provide ecological protection and enhancement in accordance with the Conservation of Habitats & Species Regulations 2010 (as amended), NPPF and Policy 31 of the Horsham District Planning Framework.

10. **PRE-COMMENCEMENT (SLAB LEVEL) CONDITION:** No residential development above ground floor slab level shall commence until a scheme for sound attenuation against external noise for all residential dwellings has been submitted to and approved by the Local Planning Authority. The approved sound attenuation works shall be installed prior to the first occupation of each dwelling and shall be retained as such thereafter.

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

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

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

12. **PRE-COMMENCEMENT (SLAB LEVEL) CONDITION:** No development above ground floor slab level of any part of the residential development hereby permitted shall take place until details of the upgrading works to the Public Rights of Way have been submitted to and approved in writing by the Local Planning Authority. The upgrading works to the Public Rights of Way shall be carried out in full accordance with the approved details prior to first occupation of the residential units and the works shall be retained as such thereafter.

Reason: To ensure improved pedestrian access around the development to accord with Policies 39 and 40 of the Horsham District Planning Framework (2015).

13. **PRE-OCCUPATION CONDITION:** Prior to the first occupation (or use) of any part of the development hereby permitted, visibility splays of 2.4 metres by 25 metres and 43 metres shall

have been provided at the proposed site vehicular access onto Worthing Road in accordance with the approved planning drawings within the Stage 1 Road Safety Audit (Peter Brett, October 2017). Once provided, the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed in writing.

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

14. **PRE-OCCUPATION CONDITION:** Prior to the first occupation (or use) of any part of the development hereby permitted, a contamination verification plan shall be submitted to and approved, in writing, by the Local Planning Authority. The verification plan shall provide details of the data collected in order to demonstrate that the works set out in Condition 8 are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

15. **PRE-OCCUPATION CONDITION:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape 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. Any plants, which within a period of 5 years, die, are removed, or become 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).

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

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

17. **PRE-OCCUPATION CONDITION:** Prior to the first occupation (or use) of any part of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

18. **REGULATORY CONDITION:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the commercial premises hereby permitted shall be used for A1 or B1 use only and for no other purposes whatsoever without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to (insert with reasons) under Policy 33 of the Horsham District Planning Framework (2015).

19. **REGULATORY CONDITON:** 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 residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

INFORMATIVES:

Conditions to be Discharged

Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at www.planningportal.gov.uk/planning/applications/paperforms .

Bats

The applicant is advised that it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD, Tel: 0345 1300 228, email: enquiries@bats.org.uk, <http://www.bats.org.uk/>.

Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Highways Works

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Implementation Team Leader (on 01243 642105) or visit <https://www.westsussex.gov.uk/> to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Southern Water

Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk.

Surface Water Drainage Statements

A Surface Water Drainage Statement is a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems. An Advice Note and a proforma for the statement can be found using the following link <https://www.horsham.gov.uk/planning/development-management>.

Landscape Details

The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- Tree pit and staking/underground guying details
- A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- Hard surfacing materials - layout, colour, size, texture, coursing, levels
- Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

Background Papers:

DC/14/1402

DC/17/1000