



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Development Manager

DATE: 1 August 2017

DEVELOPMENT: Change of use from dwellinghouse (C3) to residential care home (C2) with 1 x 1 bed flat, and 7 bedrooms (total 8 residents), alterations to elevations including erection of a front porch and rear conservatory

SITE: Upper Totehill Cottage Five Oaks Road Slinfold Horsham RH13 0RL

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/17/0486

APPLICANT: **Name:** Pathway Healthcare **Address:** c/o Moore Planning 11 Bowden Rise Seaford BN25 2HZ

REASON FOR INCLUSION ON THE AGENDA: Development represents a departure from the Development Plan.

More than 8 representations have been received of a contrary view to the Officer recommendation.

RECOMMENDATION: Grant Planning Permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks planning permission for the change of use of the existing dwelling house (C3) to use as a residential care home (C2), with alterations to elevations including erection of a front porch and rear conservatory. The care home would provide accommodation for a maximum of eight residents at any one time.
- 1.3 The care home would comprise a reception area, sitting room, dining room, conservatory, kitchen, two bedrooms with en-suite facilities, a staff office and two WC's at ground floor level and five en-suite bedrooms and a store cupboard at first floor level. Vehicular access to the site would be via the existing access point off of Five Oaks Road. On-site car parking facilities will remain to the rear of the main property along the site's western boundary. To the rear of the existing garages will be the care home's refuse and recycling storage area and cycle parking store.
- 1.4 Since the application was submitted the development proposals have been amended and the detached bungalow containing two separate self-contained units has been omitted from

the scheme. It is likely however that should permission be granted for the current application that the bungalow element will be re-submitted under a separate application.

DESCRIPTION OF THE SITE

- 1.5 The application site is accessed from the southern side of Five Oaks Road (A264) via the existing site entrance and access track which leads to a vacant two storey detached property with an informal parking area to the rear. There are a number of garages and outbuildings which are located to the rear of the dwelling, for the time being these ancillary buildings are to be retained as part of the current application proposals. There is an extension at ground floor and first floor level has historically comprised a self-contained unit, with a basement area, previously used as a day nursery, which was accessed by a separate staircase.
- 1.6 To the front of the dwelling there is a large garden area which extends eastwards from the main house. In the south east corner of the garden area there is a children's play area. The topography of the site slopes gently from west to east. There is an area of Ancient Woodland along the southern and western boundaries which separates the application site from the neighbouring properties 'Blackthorn' and 'Blackthorn Bungalow'.
- 1.7 The application site is located outside of any defined Built up Area boundaries, approximately 2.12km from the nearest settlement of Broadbridge Heath and is therefore located within the countryside.

Background

- 1.8 Information submitted by the agent as a part of the application proposals advises that the proposed service is sought to address the specific commissioning needs of West Sussex County Council.
- 1.9 Supporting information submitted by the applicant advises that West Sussex County Council have a number of very vulnerable young adults who have been in residential school placements as a result of their profound and multiple learning difficulties. These placements are ending in July as the young people will have reached 18 years of age and the school year will finish. The young adults cannot support themselves either independently or with the aid of their families and are reliant upon dedicated, trained care staff around the clock. Many of the residents will be on the autistic spectrum and may also be non-verbal. It is advised that they would typically need support in managing and understanding their emotions and senses. They will however, be mobile and non-wheelchair bound. It is advised that the opportunity to live in a home such as Upper Totehill Cottage will afford residents an active, healthy and engaging lifestyle that any young adult would want to enjoy. Residents will live as part of a family and engage in daily tasks around the house such as cooking, cleaning and gardening as well as going on the weekly shop. The residents will also go out on activities on a daily basis. As is common with the providers other services, activities will include going horse riding, swimming, day-trips, the cinema, theatre, the local pub and even nightclubs. The residents are also supported to engage in part-time work or further studies where possible.
- 1.10 Staffing of the care home would be based around two shifts, daytime and night time, with changeovers taking place at 8am and 8pm. During the day there will be a team of four carers on duty with two carers on throughout the night. Staff are on hand at all times to assist our residents if needed and no staff will be sleeping and no on site staff accommodation.
- 1.11 The applicants state that in respect of the needs of the future residents the site benefits from being close enough to the major towns of Horsham, Broadbridge Heath and Billingshurst, yet far away enough to provide a controlled environment away from the

continual stimulation that an urban environment often bring. It is advised that this type of care would simply not be possible in a city/town environment due to space constraints and external stimulation which will always be outside of their control. The proposal seeks to create a care home where adults with learning difficulties will be given every opportunity to actively participate in typical household duties and acquire key life skills which will significantly contribute to their continuing personal development into adulthood.

- 1.12 Given the limited size of the proposed residential care home, it is not anticipated that there will be any more than one or two visitors per day. This figure could reasonably be expected to also include any visits that may also be required by medical and other professionals.

INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (NPPF) :

NPPF1 - Building a strong, competitive economy

NPPF4 - Promoting sustainable transport

NPPF6 - Delivering a wide choice of high quality homes

NPPF7 - Requiring good design

NPPF8 - Promoting healthy communities

NPPF10 - Meeting the challenge of climate change, flooding and coastal change

NPPF11 - Conserving and enhancing the natural environment

Horsham District Planning Framework (HDPF 2015)

HDPF1 - Strategic Policy: Sustainable Development

HDPF2 - Strategic Policy: Strategic Development

HDPF3 - Strategic Policy: Development Hierarchy

HDPF15 - Strategic Policy: Housing Provision

HDPF16 - Strategic Policy: Meeting Local Housing Needs

HDPF18 - Retirement Housing and Specialist Care

HDPF24 - Strategic Policy: Environmental Protection

HDPF25 - Strategic Policy: The Natural Environment and Landscape Character

HDPF26 - Strategic Policy: Countryside Protection

HDPF31 - Green Infrastructure and Biodiversity

HDPF33 - Development Principles

HDPF38 - Strategic Policy: Flooding

HDPF40 - Sustainable Transport

HDPF41 - Parking

HDPF42 - Strategic Policy: Inclusive Communities

HDPF43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

The Parish of Itchingfield was designated as a Neighbourhood Development Plan Area on 1 September 2015. However, there is currently no Neighbourhood Plan for the Parish. The site is not an allocated site within the Local Plan.

PLANNING HISTORY AND RELEVANT APPLICATIONS

I/33/94	Permanent renewal of permission i/31/92 to allow for afternoon opening Site: Upper Tote hill Cottage Five Oaks Road Slinfold	Application Permitted on 22.12.1994
I/31/92	Amendment of condition 3 on i/16/90 to allow for afternoon opening Site: Totehill Nursery Sch Upper Totehill Cottage Five Oaks Rd Slinfold	Application Permitted on 26.01.1993
I/2/95	Change of use part of house from residential to day nursery Site: Upper Tote Hill Cottage Five Oaks Road Slinfold	Application Permitted on 25.04.1997
DC/14/2150	Application to discharge planning obligation S106/702	Withdrawn Application on 26.03.2015
DC/14/1448	Change of use of the main house from residential to day nursery with a single storey rear extension	Application refused on 05.12.2014

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **Environmental Health**: No objection.
- 3.3 **Tree Officer**: No objection.
- 3.4 **Ecology Officer**: No objection.
- 3.5 **Access and Equalities Officer**: No objection.

OUTSIDE AGENCIES

- 3.6 **Itchingfield Parish Council**: Object on following grounds;

The application does not give any indication of the layout of the entrance, sight lines or the internal roadway. There is also a strong legal objection to the application citing the entrance and exit issues as well as inaccuracies in the boundary of the application site and ecological concerns.

(The Parish have been re-consulted on subsequent amendments but no further consultation responses have been received).

- 3.7 **WSCC Highways**: No objection.
- 3.8 **Southern Water**: There is no public foul and surface water sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul and surface water sewage disposal.
- 3.9 **Natural England**: No objection - Standing Advice Applies. (Ecology statement requested and submitted).

PUBLIC CONSULTATIONS

3.10 35 Neighbour letters have been received (including 18 from 1 household and 2 from Batchelor Monkhouse acting as agents) objecting to the original scheme and subsequent amendments for the following reasons:

- Boundary Issues
- Ancient Woodland
- Highway Safety
- Visibility Splays
- Principle of Use
- Countryside location
- Sustainability
- Surface and Foul Water Drainage
- Boundary Treatment
- Safety and Security of Residents and Neighbours

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 The application seeks planning permission for the change of use of the existing dwelling to a residential care home for people, and would provide a 1 x 1 bed flat and 7 separate bedrooms (accommodating 8 residents in total) with profound and multiple learning disabilities and with Autism.

6.2 The main issues in this case are considered to be:-

- the principle of the development in this location;
- the impact and scale of the development on the character and visual amenities of the area,
- the amenities of neighbour and future occupiers,
- parking and highway safety issues,
- sustainability.

Principle

6.3 Policies within the Horsham District Planning Framework (HDPF) seek to direct new development to the main settlements of the District to ensure that the countryside is protected from inappropriate development. HDPF26 - Countryside Protection, advises that outside of built up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location and either supports the needs of agriculture or forestry, provides for quiet informal recreational use, or ensures the sustainable development of

rural areas. Development that is considered harmful to the natural beauty and character of rural areas will be resisted.

- 6.4 Residential Care Homes would normally be restricted to sites within the Built up Area Boundary, however, the proposed client group that would occupy the care home rely on its quiet rural countryside location for their own amenity. The site benefits from being close enough to the major towns of Horsham, Broadbridge Heath and Billingshurst, yet far away enough to provide a controlled environment away from the continual stimulation that an urban environment often bring. The principle of the use of the site to provide a care facility within the countryside has previously been accepted under planning permission references DC/12/1685 and DC/14/1200 for a larger new respite facility south of Copsale Road, and in that respect the current application is not dissimilar in that it is also for clients with Autism and is also located within the countryside. The applicants advise that the proposed service has been overwhelmingly welcomed by families, care teams and commissioners alike and there is already far more interest than there would be beds available so there is clearly an urgent need for the service in the area.
- 6.5 HDPF42 Strategic Policy: Inclusive Communities advises that positive measures which help create a socially inclusive and adaptable environment for a range of users to meet their long term needs will be encouraged and supported. Particular account will be taken of the need to address the requirements stemming from (amongst others) the needs of faith and other community groups.
- 6.6 The principle of the development is therefore acceptable and in accordance with HDPF Policy 42 Inclusive Communities, which states that positive measures which help create socially inclusive and adaptable environments for a range of occupiers and users to meet their long term needs will be encouraged and supported. Particular account will be taken of the need to address the requirements stemming from [point 2 refers] people with additional needs, including the disabled or those with learning disabilities. The preamble to Policy 42 states that it is important that development should contribute towards meeting the needs of all sections of the community and help the community and help to encourage social cohesion.
- 6.7 HDPF Policy 43 Community Facilities Leisure and Recreation advises that the provision of new or improved community facilities or services will be supported, particularly where they meet the identified needs of local communities. Although a care home is not a community facility as set out in the definition within the Horsham District Planning Framework 2015, it is considered that a care home does help meet the needs of young people (in this case) and families within the community. This need is emphasised in HDPF Policy 42 above.
- 6.8 To ensure that any future proposals to change the use of the site as permitted development can be properly considered by the Council, a condition is recommended to require such proposals to be subject to consideration through a planning application. To control the use of the respite use a condition is proposed requiring details of a management programme to be submitted before the development is brought into use. The management programme will be required to set out the arrangements for the length of individual stays at the facility.
- 6.9 The principle of the development is, therefore, acceptable and in accordance with Policies HDPF42 and HDPF 43 of the Horsham District Planning Framework 2015 and the NPPF.

Character and Appearance

- 6.10 The application site comprises a substantial detached dwelling located on Five Oaks Road where there are a number of sporadic dwellings set within spacious plots within the countryside. The application site which is a vacant dwelling (previously also having been used as a day nursery) is a substantial size property with a large front garden. The nearest residential properties to the application premises are to the south and south west of the

application site and comprise 'Blackthorn' (the main dwelling) which is itself 77.1m from the application premises, and 'Blackthorn Bungalow' (ancillary dwelling) which is located 40.3m from the application premises. Both the neighbouring dwellings are separated by an expanse of Ancient Woodland.

- 6.11 The original application proposals included a separate bungalow that contained two self contained flats located to the rear of the existing dwelling. This element has been removed from the application currently under consideration, in order to allow the change of use of the existing dwelling to care home to be considered on its own. It is proposed that facilitating works will also be required including the erection of a conservatory to the rear and porch to the front and the replacement of an existing small rear extension. The relationship between the resulting dwelling and the neighbouring dwellings is considered to be acceptable and it is considered that the scale of the extensions (derived from the height, depth and footprint) is acceptable and does not compete with the existing dwelling or result in any visual harm.
- 6.12 HDPF2 Strategic Development advises that to maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment, the Spatial Strategy to 2031 is to [point10 refers] provide for the varied housing needs of the community in terms of tenure, affordability, care and other support needs.... '
- 6.13 Whilst the proposed use is not dependent on a countryside location to function, as required by HDPF Policy 26 of the Horsham District Planning Framework (2015), it is acknowledged that in respect of the well-being of the clients who use the site, a countryside location is considered to be the optimum location for a facility of this type.
- 6.14 In terms of character, the proposal will increase the level of activity on the site as a result of the 24 hour accommodation provided. However, given that the care home will be relatively small and that anticipated movements to and from the site will be limited in comparison to the historic use as a day nursery, it is not considered that the proposal would result in a harmful level of activity in the countryside.
- 6.15 The proposal, therefore, complies with Policies HDPF 2, HDPF26 and HDPF 33 of the Horsham District Planning Framework 2015 and the NPPF

Impact on amenities of nearby or future residents

- 6.16 Policy HDPF33 allows for developments which do not cause unacceptable harm to the amenity of nearby properties and land through overlooking or noise having regard to the sensitivities of surrounding development.
- 6.17 The nearest residential properties are located between 40m and 70m away from the existing building. The proposal will facilitate indoor activity and provides sleeping accommodation neither of which will harm the amenities of the surrounding residents. Whilst the proposal may alter the pattern of movement in an out of the site with some related comings and goings during the day (staff changing shifts at 8am and 8pm and limited visitors including families and health professionals), taking into account the previous more intensive use of the site, the separation of the access track from the nearest residential properties and belt of trees (Ancient Woodland), it is not considered that the proposal will have a harmful impact on the amenities of the surrounding residents.
- 6.18 Whilst the application site shares a common boundary with the neighbouring dwelling 'Blackthorn,' there is no overlooking between properties or loss of private amenity.
- 6.19 The proposal, therefore, complies with Policy HDPF 33 of the Horsham District Planning Framework (2015) and the NPPF.

Highways

- 6.20 West Sussex County Council (WSCC) Highways (the Local Highways Authority) have advised that they do not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework (para 32), and there are no transport grounds to resist the proposal.
- 6.21 Concern had been raised previously relating to the site access, however given that this proposal is not likely to result in a 'material' increase the Local Highways Authority are satisfied that the access is suitable for the proposed uses. A review of the access onto Five Oaks Road indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely. It is advised that visibility splays can be improved by maintaining and removing existing vegetation along the A264. A visibility splay condition is recommended to cover visibility at the point of access with the A264.
- 6.22 WSCC Highways have undertaken an additional trip generation analysis. Having inputted the proposed data into the TRICS (Trip Rate Information Computer System Data) this would result in fewer than 10 peak hour movements (09.00-10.00 and 16.00-17.00) on the network for the type of usage proposed. Therefore they cannot foresee there being a capacity concern. They acknowledge that the A264 has a proportion of traffic using it during most of hours of the day however this proposal is unlikely to result in significant queuing concerns along the A264 at any one time and not warrant formal junction capacity assessments.
- 6.23 WSCC Highways consider that there would be no material increase in traffic movements over the existing use. From a capacity perspective they are satisfied the proposal will not have a severe residual impact.
- 6.24 The proposed parking is considered acceptable for the size of the development proposals. In terms of parking layout an acceptable amount of turning space is available within the site to permit turning and access to the public highway in the forward gear. Given the un-formalised nature of the current parking area, the Local Highways Authority would recommend that the parking area is marked out and the spaces constructed with dimensions of 2.4 by 4.8 metres and 3.3 by 4.8 metres for the disabled bays.

Ecology

- 6.25 Paragraph 109 of the National Planning Policy Framework (NPPF) states that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Paragraph 118 expands on this stating that local planning authorities should aim to conserve and enhance biodiversity when determining planning applications and that opportunities to incorporate biodiversity in and around developments should be encouraged. The element of the proposals that originally resulted in a requirement for the ecology report have been removed from the current application, nevertheless, it is advised that the Council's Ecologist would not have objected on ecology grounds to the separate Bungalow development to the rear of the main dwelling had it remained.

Drainage and Flooding

- 6.26 HDPF Policy 38 Flooding advises that development proposals will follow a sequential approach to flood risk management, giving priority to development sites with the lowest risk of flooding and making required development safe without increasing flood risk elsewhere in accordance with policy criteria. The application site lies in Flood Zone 1 however the site area is less than 1 hectare and as such does not require a flood risk assessment. To ensure that water drains from the site and does not increase flooding on the site or cause

impact harmfully on the wider drainage network conditions are recommended to secure an appropriate drainage strategy.

- 6.27 Subject to conditions relating to foul and surface water drainage the proposal complies with Policy HDPF38 of Horsham District Local Planning Framework (2015) and the NPPF.

Trees

- 6.28 Whilst the bungalow as originally proposed has been removed from the current scheme, the Councils Tree Officer made the following comments and raised no objections.
- 6.29 Toat Copse is included in the Revision of the Ancient Woodland Inventory for West Sussex (*January 2010*) and as such is considered under the recently proposed revisions to the National Planning Policy Framework (NPPF) to be a designated heritage asset; at a local level such areas are considered to be of high importance and subject to policy 34 of the Horsham District Planning Framework (*November 2015*). This proposal shows no part encroaching onto, or within, the Ancient Woodland (AW) area.
- 6.30 The erection of a residential block in very close proximity to the boundary of the Ancient Woodland Site has been considered in the light of the Standing Advice for Ancient Woodland and Veteran Trees issued by Natural England. The advice suggests that a buffer zone of 15m in breadth or more and allowed to develop into a semi-natural habitat between Ancient Woodland sites and any residential activity in close proximity to it, would mitigate against danger. However, the appropriate size of the buffer is stated to depend “*on the local circumstances and the type of development*” (para. 6.4). In this case, the part of the existing dwelling close to the Ancient Woodland boundary appears to date from around the 1980's. The land to the immediate west of the extension, upon which the small two-storey residential block is planned, is set to hard standing with areas of what appears to be redundant concrete plinths. The Councils Tree Officer advises that given the area of land abutting the Ancient Woodland boundary is already developed, and given its position adjacent to the existing residential building, it is not considered that the erection of the proposed residential block would be likely to cause any damage to the adjacent Ancient Woodland, either through the development process or beyond. Given the above circumstances, insistence upon a buffer zone is unnecessary and would be unreasonable.

Other

- 6.31 Other issues that have been raised relating to third party representation letters relate to concerns regarding the site boundary, a revised Location and Block Plan drawing has been submitted to supersede that which was originally submitted 23rd March 2017.

Conclusions

- 6.32 Overall, this scheme represents a departure from the Development Framework insofar as it proposes development on land outside the settlement boundary. However the principle of the development of the site is considered to be in accordance with the general thrust of Policies HDPF42 and HDPF 43 of the Horsham District Planning Framework 2015 and the NPPF.

7. RECOMMENDATIONS

7.1 Grant planning permission subject to conditions

Conditions:

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

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

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

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

- 4 **Pre-Occupation Condition:** No part of the development shall be first occupied until the car parking spaces (including garages) serving it have been constructed and made available for use in accordance with approved drawing number 0532-GA-02 P8. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, visibility splays for the access(es) serving the development shall be provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. 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.

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

- 6 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. Any external lighting that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

- 7 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

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

- 8 **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 premises hereby permitted shall be used for Care Home and for no other purposes whatsoever, (including those falling within Class C2 as defined in the Town and Country Planning (Use Classes) Order 1987, or in any

provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) 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).

Background Papers: DC/17/0486