



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 16 October 2018

**DEVELOPMENT:** Change of use of existing ancillary Wardens accommodation to an independent dwelling.

**SITE:** Godmans Court Henfield Road Cowfold West Sussex RH13 8DZ

**WARD:** Cowfold, Shermanbury and West Grinstead

**APPLICATION:** DC/18/0902

**APPLICANT:** **Name:** Mr Anchor **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 different households have made written representations which are inconsistent with the Officers' recommendation

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.2 The proposal seeks change of use consent to enable the former warden's cottage as an open market dwelling. When permission was granted in 1987, the development description was as follows: "Erection of 21 sheltered flat units; wardens accommodation; ancillary rooms & car parking."
- 1.3 The red line submitted as part of the proposal includes the entire parking yard, on the basis that this is provided as a communal parking area shared with the residents and visitors to Godmans Court.
- 1.4 The submitted planning statement sets out:  
*"Due to the way in which Godman's Court is managed, it is no longer necessary (nor has there been for some time) for a permanent on-site Warden serving the residents of Godman's Court. The bungalow has been vacant for a number of years and has fallen into disrepair. As a result, it represents a significantly underutilised vacant dwelling, which could be brought back into use by a household in need of such accommodation, but for this to happen it needs to be disconnected, in planning terms, from Godman's Court."*

## DESCRIPTION OF THE SITE

- 1.5 The application site comprises a small southern section of a larger site, forming a three-storey block of sheltered flats 'Godmans Court', located in the centre of Cowfold Village, which is also within the Cowfold Conservation Area. The wider site also faces Bolney Road with a number of balconies and ground floor court-yard style gardens set behind a boundary brick wall with railings above.
- 1.6 The site itself has vehicular and pedestrian access off Henfield Road, where the main boundary is defined by a 2m high brick wall. The main block is set back from the road frontage at an angle. The communal parking area provides 11 parking spaces, and a designated area for emergency vehicles to access the block.
- 1.7 Set alongside the southern boundary of the wider Godmans Court site, is a modestly proportioned single storey building, which is the former wardens cottage. There are no windows facing into the carpark, and two primary windows facing north over the communal gardens of Godmans Court, serving the main bedroom and living room to the cottage. The building is set about 1m off the southern boundary wall, which is about 2.5m in height and topped by a significant amount of ivy and other climbing plants, and there are also windows facing this wall, including a second bedroom. To the southern side of the boundary wall is a residential property of Maplebank.
- 1.8 To the rear of this building, facing east, is a small courtyard garden, some 5m x 4m in area, and enclosed on all sides by walls or the fenced enclosure to a sub-station. To the east of the boundary wall is an access track that serves a couple of small business premises, the rear of a number of residential properties, and provides parking and garaging space for neighbouring dwellings.
- 1.9 This single-storey building is currently vacant, but has previously been in use as the warden's accommodation for the associated Godmans Court. It is arranged as a simple 2-bed dwelling with aforementioned modest area of private open space provided to the eastern side.
- 1.10 The associated s106 agreement (s52 agreement dated 9th December 1987) on Godmans Court requires that the 21 sheltered flats be occupied only by residents over 55 years of age. This provision expressly excludes the warden's accommodation.
- 1.11 The decision notice for CF/34/87 include two restrictive conditions:
  - Condition 4: That there be a provision of 9 parking spaces which would be designated exclusively for parking, turning, loading and unloading for the Godmans Court site. It is noted that the approved layout plans show 8 parking spaces and 1 garage space attached to the Wardens Accommodation. It would appear that the garage was not provided, given the appearance of the west-facing wall to the Wardens Accommodation. In any event, it is noted that a total of 11 parking spaces are now provided.
  - Condition 11: That the 'residential development' permitted be occupied solely as sheltered housing accommodation on the grounds that the parking and private amenity spaces did not satisfy the standard that was in place at the time (of 1.7 parking spaces per dwelling and 750sq.ft of garden space per dwelling). This condition does not expressly exclude or include the Wardens Accommodation.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

#### RELEVANT PLANNING POLICIES

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

2.2 **National Planning Policy Framework**

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 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 18 - Retirement Housing and Specialist Care

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

2.4 RELEVANT NEIGHBOURHOOD PLAN

The Cowfold Neighbourhood Plan is still at an early stage, with no draft plan having been prepared for consultation.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

CF/34/87	Erection of 21 sheltered flat units wardens accommodation ancillary rooms & car parking	Approved 15.12.1987
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### 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](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

3.2 **HDC Conservation: No Objection.**

- It is not considered that the change of use of the warden's accommodation to an untied dwelling would result in harm to the perception of the setting of the neighbouring listed buildings, or detract from the character and appearance of the conservation area. However, it is suggested that any amendments to the boundary treatment are carefully considered so as to preserve the character of the conservation area.

#### OUTSIDE AGENCIES

3.3 **WSCC Highways: Comment.**

- An unallocated space will remain for the dwellings use. On this basis the WSCC Car Parking Demand Calculator anticipates a demand for 2 spaces for 2 bedroom bungalow. The LHA do not consider this shortfall in one space would be a highway safety reason to resist the application though the LPA may wish to consider the impact on parking from an amenity point of view.
- From an inspection of accident data supplied to WSCC by Sussex Police this access has been operating without evidence of highway safety concern. The proposals are

not anticipated to result in a highway capacity concern considering the existing level of vehicular traffic.

- The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

[Nb Paragraph 32 of the NPPF has been superseded by paragraph 109 of the new NPPF (2018) which similarly advises that 'development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe']

#### 3.4 **Southern Water:** Comment.

- Should this application receive planning approval an informative is to be attached to the consent: "A formal application for connection to the public sewerage system is required in order to service this development"
- Please note, that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

#### PARISH COUNCIL

#### 3.5 **Cowfold Parish Council:** No objections on the sale, but as roadside parking can be an issue, allocated on-site parking should be part of the sale.

#### PUBLIC CONSULTATIONS

#### 3.6 To date the following representations have been received from 20 neighbouring properties, 17 of which are from residents of Godmans Court and one from the current management company (Millstream Management). These representations object to unrestricted the open-market sale of the property, but do not oppose a lease-hold sale of the property which includes an over 55's provision.

#### Comments:

- Happy for the proposal subject to the age restriction being to over 55-year olds as per Godmans Court and that residents have no right to park;
- Promised by the Landlords (Anchor Trust) that cottage would be disposed of and sold but subject to age restriction and meeting the same criteria as Godmans Court;
- Letter enclosed with one representation, dated April 2011, from the landlords of the site, Anchor, relating to the sale of the 'estate manager accommodation' in favour of a visiting estate manager service. In this letter, it was indicated that the 'estate manager accommodation' would be sold as a leasehold property, with Godmans Court then comprising 22 dwellings contributing to the overall service charges;
- Potential distress to existing residents if property was sold on the open market without restrictions.

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

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

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

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

## **6. PLANNING ASSESSMENTS**

### Principle

- 6.1 Since the adoption of the HDPF in November 2015, the Council is able to demonstrate a full 5-year supply of housing land sufficient to meet the needs of the District to 2031, with a forecast that some 750 residential units will come forward by way of windfall sites, such as the application site (Policy 15).
- 6.2 The application site is located within the built up area of Cowfold, which is classed under Policy 3 of the Horsham District Planning Framework (2015), within the category of 'Medium Villages', where a moderate level of services and facilities are available along with some community networks and provision of some public transport.
- 6.3 Policy 3 of the HDPF states that development will be permitted within towns and villages which have defined built up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the identified settlement hierarchy set out within the policy.
- 6.4 In principle alone, the proposal is considered to accord with adopted local planning policies, and the re-use of the former warden's accommodation for open-market housing would be supported, subject to all other material planning considerations as discussed below.

### Design and Appearance

- 6.5 Policy 3 of the HDPF requires any development to be appropriate in nature and scale to maintain the characteristics of a settlement. Policy 32 of the HDPF requires new development to 'Complement locally distinctive characters and heritage of the district', 'Contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings'. Policy 33 requires developments to relate sympathetically with the built surroundings. Furthermore, Policy 25 requires development to protect, conserve and enhance townscape character.
- 6.6 No external alterations are proposed to the building. The proposal to re-use the former warden's cottage as an open market dwelling, would therefore, in itself, not change the overriding character of the site or its previous use. Current permitted development rights available under the GDPO are restricted on small plots, forward of the front building line and on roofslopes in conservation areas. Therefore, officers are satisfied that permitted development rights are already sufficiently restrictive in this instance, that there would be no need to apply additional planning conditions.

### Heritage Impacts

- 6.7 Policy 34 of the HDPF seeks to ensure that developments affecting such assets should make reference to the significance of the asset as well as preserving and ensuring legibility of locally distinctive vernacular building forms and settings, features, fabric and materials. In addition, the setting of heritage assets, including views, should be preserved and retained. The new NPPF (2018) sets out that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and that they should be conserved in a manner that is appropriate to their significance. The NPPF also advises that new development within the setting of heritage assets should enhance or better reveal their significance.

- 6.8 In this instance, the proposal does not include any changes to the external appearance of the building, nor does it propose any additional boundary treatments. The proposal is therefore not considered to result in harm to the perception of the setting of any designated heritage assets, being the neighbouring listed buildings opposite, or the surrounding conservation area.

#### Amenity Impacts

- 6.9 Policy 33 of the HDPF seeks to avoid unacceptable harm to neighbouring amenities. Officers are aware that the proposed open-market dwelling would have facing habitable windows within about 7m of the nearest ground floor flat within Godmans Court, leading to a very close relationship between existing occupants and prospective inhabitants of the former wardens cottage.
- 6.10 It is appreciated, that as a tied dwelling to the wider Godmans Court, the dwelling could have formed a small family house associated with the warden employed at Godmans Court. However, owing to this intrinsic link between the wider sheltered accommodation and the wardens cottage, any potential harm occurring would have been self-policing, as the warden would have been employed at the site. Removing this link between the original wardens accommodation and the wider sheltered flats would potentially open up occupation of this dwelling to the open market, unrestricted in nature.
- 6.11 Officers consider that retaining an age-related condition on the future occupiers of the dwelling, would maintain a degree of linkage to the wider sheltered accommodation at Godmans Court. Prospective residents would be more likely to use the dwelling in a manner that is commensurate to the wider sheltered housing development of Godmans Court, taking account of the shared bin arrangements, communal parking court and close proximity between habitable facing windows.
- 6.12 A restrictive age condition for potential occupiers of the former wardens cottage would therefore be considered an appropriate and necessary planning condition in this instance. This would be relevant to the location of the former wardens cottage and the wider Godmans Court, reasonable in terms of providing an open market dwelling in the village, and appropriate when taking account of the close proximity of the sheltered flats.

#### Highways Impacts

- 6.13 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Paragraph 109 of the NPPF (2018) advises that 'development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 6.14 WSCC as the Local Highways Agency have advised that there is no concern in terms of safety, capacity or policy insofar as the use of the existing access onto Henfield Road, nor with regard to the principle of the shared parking court belonging to the wider Godmans Court. Officers do not consider that it would be appropriate in this instance to designate one parking space permanently to the use of the proposed open market dwelling, but that some agreement is reached with the wider landowners, and management / stakeholders of the wider Godmans Court site, and that this management agreement be submitted as a planning condition.
- 6.15 The property is centrally located within Cowfold village where there is a degree of local services provided, along with a reasonably regular bus route, and where a lower level of on-site parking could reasonably be provided. As such the development is considered to be in

a relatively sustainable location where residents would not be wholly reliant on a private car to carry out day-to-day activities.

#### Conclusions and Planning Balance

- 6.16 In conclusion, the proposal has been considered within the context of the new NPPF and the presumption in favour of sustainable development, and Local Policies set out within the Horsham District Planning Framework (2015).
- 6.17 The character and nature of development in the immediate vicinity of the site, being Godmans Court, along with the relationship the application site has with this established and sensitive development, is of material consideration in this instance. Accordingly, given this interconnected nature between the two sites, and the inevitable close proximity between habitable spaces, it is recommended that any open-market occupation of the former wardens bungalow be subject to the same age restrictions as apply to the residents of Godmans Court.
- 6.18 Any detrimental level of harm that may potentially arise to the amenities of the residents of Godmans Court, by way of open-market sale of the application site, would be satisfactorily addressed by restricted occupation matching the terms of Godmans Court and subject to the over 55's.
- 6.19 The proposal would therefore be in accordance with HDPF policies 2, 3, 24, 25, 32, 33, and 34, 40 and 41.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.20 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.
- 6.21 **It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	55.00	55.00	0
	<b>Total Gain</b>		<b>0</b>
	<b>Total Demolition</b>		<b>0</b>

- 6.22 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.23 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## **7. RECOMMENDATIONS**

- 7.1 To approve planning permission, subject to the following conditions:

#### Conditions:

- 1 Plans Condition**
- 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-Occupation Condition:** No dwelling hereby permitted shall be occupied, or use hereby permitted commenced, until the a management proposal has been submitted to and approved in writing by the Local Planning Authority, setting out the following details:

- a) Car parking provision / allocation within the shared communal parking court
- b) Provision of bin and recycling facilities for the new dwelling
- c) Secure cycle parking provision for the new dwelling

The agreed details shall be implemented in accordance with the approved management plans and thereafter be retained as such for their designated use.

Reason: To ensure that the provision of recycling, refuse, parking and alternative travel means are appropriate to the restricted site and are in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The accommodation hereby permitted shall be occupied solely by persons(s) over the age of 55.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/18/0902