Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0017
Broadview, Guildford Road, Broadbridge Heath, West Sussex, RH12 3PQ

DESCRIPTION:
Change of use of existing dwelling to provide 6 bedspaces for students with special educational needs with associated alterations (Full Planning)

RELEVANT PLANNING HISTORY:

DC/24/0018	Change of use of the existing building to provide 6 bedspaces for students with special educational needs with associated alterations (Listed Building Consent)	Pending consideration
DC/12/1932	Change of use and internal alterations to the main house to provide accommodation for children with special education needs (Full Planning)	Application Permitted on 19.06.2014
DC/12/1933	Change of use and internal alterations to the main house to provide accommodation for children with special education needs (LBC)	Application Permitted on 20.06.2014

SITE AND SURROUNDS
There are a number of buildings within the application site and the site is accessed via the Rapkyns Care Centre from Guildford Road. Nearby residential properties serving New B Barn School including The Clockhouse and Farmhouse.

Broadview itself is accessed from a private drive south of Guildford road. Broadview itself is a large Grade II residential property with a number of ancillary outbuildings. The site itself is within a countryside location outside of the built up area boundary.

DETAILED DESCRIPTION
The proposed development would support Treehouse Educare to provide accomadation and care for the existing pupils at New Barn School. This would represent a change of use from C3 residential care to C2 residential institution.

In regards to the eligibility criteria for Broadview, the children cared for would be between the ages of 7 and 19 years of age, with their education at the nearby associated school. The staff on site would not be living at Broadview but would work in a rota style shift pattern.

No external alterations are proposed to Broadview itself, with no additional built footprint on site and some internal changes proposed to facilitate the change of use. No parking alterations would occur on site.

The ancillary outbuilding would be converted to a laundry/utility space.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (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 10 - Rural Economic Development
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 18 - Retirement Housing and Specialist Care
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
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 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

Slinfold Neighbourhood Neighbourhood Plan:
Policy 5: Development Principles

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

WSCC Highways: No Objection
No alterations are proposed to the existing vehicular access arrangement. The proposed change of use is not anticipated to give rise to a significant material intensification of use of the existing access point. From inspection of the plans, the application site exhibits suitable space for vehicular parking associated with the proposed use to be accommodated, with space for turning. No objection subject to the inclusion of relevant conditions.

Fire and rescue: Comment
Having viewed the plans for the planning application no. DC/24/0017 for the change of use of existing dwelling to provide 6 bedspaces for students with special educational needs with associated alterations (Full Planning); the nearest fire hydrant for the supply of water for firefighting is 545 metres away, 370 metres further than the 175-metre distance required for a domestic premises and if considered commercial accommodation it is 455 metres further than the 90-metre distance required for commercial premises.

If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document–B (AD-B) Volume 2: B5 section 16 and agreed with West Sussex Fire

& Rescue Service. Although this is a change of use planning application, it is a significant change of use and the B5 requirements for this site should be considered.

Southern Water: Comment
The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation. Our initial investigations indicate 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 and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways. gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Conservation Officer: No Objection
The barn is fully established as a dwelling following conversion in the 1990s. The conversion is generally sensitive to retaining an appreciation that this is a historic farm complex. The current proposals will result in no greater impact to the special interest of the listed building. I am satisfied the change of use and physical alterations will not be harmful. No detailed conditions are required.

Natural England: Objection
The proposed development(s) falls within the Sussex North water supply zone. As set out in Natural England's Advice Note regarding Water Neutrality within the Sussex North Water Supply Zone, the existing water supply in the Sussex North water supply zone cannot be ruled out as contributing to the declines in wildlife within internationally protected sites in the Arun Valley SPA, SAC and Ramsar site. Achieving water neutrality is recognised as a suitable method to rule out potential adverse effects on the integrity of these sites arising from development.

Considering the supporting information provided by the applicant and your authority's habitats regulation assessment (HRA) our advice is as follows. We concur with the conclusion of your authority's HRA appropriate assessment insofar that, further information is required to determine the significance of impacts on designated sites and the scope for mitigation.

Parish Comments:
No objection

Representations:
None received

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

Policy 18 of the HDPF states that proposals for development which provide retirement housing and specialist care housing will be encouraged and supported where it is accessible by foot or public transport to local shops, services, community facilities and the wider public transport network. The Council will particularly encourage schemes that meet identified local needs for those on lower incomes and provide affordable accommodation for rent or shared ownership/equity.

Policy 26 of the HDPF states that outside 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 in addition meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area

The proposed development is considered C2 use rather than C3(b) by virtue of those residing there not being considered a single household. This is considered because the staff would be working in shifts and the children would require care and being of a mix of potential ages such that the children would not be able to operate as a single household.

The proposed change of use would provide a contribution towards meeting the needs of special education residential care needs within the district such that it would be considered to meet the needs of the district in terms of the provision of specialist care housing. This would be acceptable in regards to policy 18 of the HDPF.

In light of the site context, being in close proximity to other residential institutions and schools the nature and character of the proposed use would not result in an intensification of use in light of the objectives of policy 26 of the HDPF.

Design/ Appearance and Heritage:

Policy 32 and 33 of the HDPF seeks to ensure that the development in the district promotes high standard/high quality design in order to enhance and protect locally distinctive characters such as landscaping (both within a scheme and having regard to the impact on surrounding landscapes) and considerations on the local, social, and environmental characteristics. It also seeks to ensure that the scale, massing and appearance of the development and layout (where relevant) relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

Policy 34 of the Horsham District Planning Framework, which is the main policy against which works to Listed Buildings are assessed. Development should reinforce the special character of the district's historic environment through appropriate siting, scale, form, and design, and should make a positive contribution to the character and distinctiveness of the area. In addition, development should preserve and ensure clear legibility of locally distinctive vernacular building forms and their setting, features, fabric and materials, and should seek to secure the viable and sustainable use of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset.

There would be no additional built form on site resulting from the proposal and the change of use would not in itself result in an unacceptable change of design and appearance. It is considered that the change of use would not harm the special character of the listed building.

Amenity Impacts:

Policy 33 of The Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

It is considered that the internal changes resulting from the proposal would result in a satisfactory size and standard for future residents. Given that there is no increase in built from the change of use, and the nature of development would go from residential to specialist residential care the proposal would not be considered to result in unacceptable harm to residential amenity of the occupiers/users of the property or land in terms of loss of light, obtrusive appearance or loss of privacy. The proposal is therefore acceptable in terms of policy 33 of the HDPF.

Highways Impacts:

Policies 40 and 41 of the HDPF state that development should provide safe and adequate access and parking, suitable for all users.

Having consulted WSCC Highways, no alterations are proposed to the existing vehicular access arrangement. The proposed change of use is not anticipated to give rise to a significant material intensification of use of the existing access point and would be acceptable in highways terms The proposals would be in accordance with policies 40 and 41 of the Horsham District Planning Framework (2015).

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate with sufficient certainty that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The application was supported by a water neutrality statement (WNS). The strategy provides no indication for the existing baseline use, instead relying on that the current property has a ***potential*** capacity above the proposed number of students suggested to live there. The WNS concludes that no evidence is therefore required. This is not considered to result in certainty in regards to the existing usage or the proposed arising from the proposal. The actual occupancy has not been evidenced through metered water bills or a flow survey of the fixtures and fittings such that there is no certainty in regards to actual usage. A part G calculator and list of fixtures and fittings would be required to quantify the proposed water usage. Where minor alterations to Water Neutrality statements can overcome concern, these would be sought during the application process. In this instance, there is a demonstrable lack of information to make an assessment of such that no further WNS has been sought.

Given that notwithstanding water neutrality issues, the application would have resulted in a positive determination, information was sought from the applicant in regards to the water neutrality, however this information was not forthcoming and as such it is concluded that in the absence of a strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. Accordingly, an appropriate assessment was prepared by the Local Authority and Natural England agreed with the Council's assessment as above. In such circumstances the grant of

permission would be contrary to policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:

It is acknowledged that the proposal would result in specialist care facilities that would contribute to this provision within the district in accordance with policy 18 of the HDPF. Furthermore, it is acknowledged that there is planning history that is a material planning consideration in the determination of this application. Permission for a change of use was permitted under DC/12/1932 from residential dwelling to C2 use.

Whilst the proposal is in accordance in policies 1, 2, 3, 4, 18, 26, 32, 33 and 34 of the HDPF, there is a lack of information within the Water Neutrality Statement such that it is not possible to determine what the likely water demand would be from the proposed development, and it would be unlikely that the site has demonstrated appropriate levels of mitigation and/or offsetting measures to address the demand and meet water neutrality. Insufficient information has been provided to undertake the Assessment and it is not therefore possible for Horsham District Council to concludes that, with mitigation, the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site.

Furthermore, whilst there are identified benefits arising from the proposal, the overriding consideration in this assessment would be the adverse impacts that would significantly and demonstrably outweigh the benefits arising from these considerations. The material benefits are not therefore considered to outweigh the harm identified above, and the proposal is therefore recommended for refusal.

Recommendation: Application Refused

Reason for Refusal:

1 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0017
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		2119_001	05.01.2024
Floor plan	Existing Ground	2119_005	05.01.2024
Floor plan	Existing First	2119_006	05.01.2024
Floor plan	Proposed Ground	2119_010	05.01.2024

Floor plan	Proposed First	2119_011	05.01.2024
Design & Access Statement	Including Heritage	2119_2.06 REV A	05.01.2024
Supporting Statement	Water Neutrality	2119	05.01.2024
Block plan		2119_003	11.01.2024
Elevation plan	Existing	2119_008	11.01.2024
Elevation plan	Existing	2119_009	11.01.2024
Elevation plan	Proposed	2119_013	11.01.2024
Elevation plan	Proposed	2119_014	11.01.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 29/02/2024

Authorising Officer sign/initial RHERMITAGE Date: 22.03.2024