Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0434
Brookfield Homelands, Horsham Road, Cowfold, West Sussex, RH13 8AJ

DESCRIPTION:
Conversion of the existing residential property to a 7no. bedroom nursing suite, including front and rear single storey extensions.

RELEVANT PLANNING HISTORY:

CF/32/97	Double garage and rear extension to bungalow	Permitted on 29.07.1997
CF/19/72	Erection of 5 dwellings for nursing home staff	Permitted on 06.04.1973

SITE AND SURROUNDS
The application site is to the north of Cowfold outside of the built up area boundary and accessed along a private access track to the west of Horsham Road (A281). The existing residential dwellinghouse consists of a one storey modest detached dwelling with an amenity space to the rear and double garage. Homelands nursing home is on the adjacent side of the access track.

DETAILED DESCRIPTION
This application is for the proposed conversion of the dwellinghouse to a 7 bedroom nursing suite, including front and rear single storey extensions. The existing garage is proposed to be converted and fenestration and rear access changes would be required to accommodate the change of layout. No changes to the access are proposed as a part of this proposal.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 3 - Strategic Policy: Development Hierarchy
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

Neighbourhood Plan
Cowfold Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations.

To unlock the Cowfold Neighbourhood Plan, further work has been commissioned to address the issue of water. This work and the modifications to the Cowfold Neighbourhood Plan is subject to a focussed consultation which is currently in progress.

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:
INTERNAL CONSULATIONS
HDC Environmental Health: No objection, subject to conditions.

EXTERNAL AGENCIES
WSCC Highways: The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.'

Fire and rescue: Comment. Fire and Recure have reviewed the plans for the planning application and note that the nearest fire hydrant to this site is 295 metres away, 205 metres further than the 90 metres distance required for a 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 - 2019 edition: B5 section 16.

Natural England: Objection: -

Natural England note that despite this proposal's potential to impact the Arun Valley designated sites via increased abstraction no water neutrality statement and/or budget have been provided. Without these documents there is insufficient information to determine whether adverse effects on the sites can be ruled out. Once provided these should be considered, along with any necessary mitigation measures, by the competent authority at the appropriate assessment stage of HRA.

Natural England concur with the conclusion of the HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites cannot be ruled out, as further information is required to determine the significance of impacts on designated sites and the scope for mitigation, chiefly a Revised Water Neutrality Statement, including robust evidence to show existing baseline water use and appropriate mitigation measures.

Southern Water: Comment. There are no public foul and surface water sewers in the area to serve this development. The applicant is advised to examine alternative means of foul and surface water disposal.

Parish Council:
Support on the grounds that the services offered at the facility will provide an option for local care for

those who wish to remain in proximity to the village.

Representations:
Two representations have been received raising the following: -

- Support conversion in principle.
- Encourage the preservation of mature oak tree.
- Existing single access track often blocked by deliveries to Homelands case home and concern that this proposal will worsen the current access issues for other residential properties along the access road.
- Access issue would impact emergency vehicle access to properties along the access track.
- Recommend constructing a turning circle around the large oak tree to address access issue.
- Request turning circle installed prior to construction of development.
- Request no parking or delivery area be created.
- There is no existing mains drainage connection, therefore concerned with how sewage and wastewater will be managed.
- Request condition on finishing materials.
- Recommend 6ft full panelled fencing to ensure privacy of future occupants and neighbouring amenity.

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:

Policies 2 and 3 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development within existing main settlements which have defined built-up area boundaries (BUAB). Policy 26 protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. The criteria are: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas.

Policy 18 of the HDPF states that proposals for development which provide 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. Policy 16 particularly encourages schemes that meet identified local needs for those on lower incomes and provide affordable accommodation for rent or shared ownership/equity.

Policy 42 of the HDPF supports and encourages proposals which create a socially inclusive and adaptable environment for a range of occupiers to meet their long-term needs. This includes the needs of an aging population, particularly in terms of housing and health, and people with additional needs.

The application site is located outside of any BUAB therefore it does not accord with policies 2 and 3 of the HDPF. However, the proposed change of use would provide a positive contribution towards meeting the needs of dementia 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 regard to policies 18 and 42 of the HDPF. The proposed development is considered to be a C2 use rather than C3(b) by virtue of those residing there not forming a single household as there will be the requirement for shift staff working at the site to provide care for the occupants with dementia.

Furthermore, the change of use is proposed to provide additional accommodation in conjunction with the existing Homelands Nursing Home and therefore is an ancillary development, appropriate in scale and essential in its location within the countryside and enabling the sustainable development of rural areas in accordance with the requirements of policy 26 of the HDPF. It is also noted that the dwellinghouse was previously a residential care facility prior to being converted to use as a residential dwellinghouse, therefore these is some historic use of the site with care provision.

In light of the site context, being in close proximity to another existing care home, 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. The proposal would also be in accordance with policies 18 and 42 of the HDPF in regard to providing needed specialist care housing. Accordingly, the proposal is considered to be acceptable in principle.

Design and Appearance:

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.

The increase in built form would be modest in scale and the materials would be coursed brickwork to match the existing dwelling such that the character of the site would not be significantly altered. The resultant dwellinghouse would not have an unacceptable impact on the character of the area and overall, the proposal accords with the requirements of policies 32 and 33 of the HDPF.

Residential Amenity:

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.

The proposed conversion from 3-bedroom dwellinghouse to 7 bedroom nursing suite would likely result in some increase in the level of noise and activity within the site, but this would not be out of keeping with the existing residential and care home uses, and it would be limited such that it would be unlikely to have an unacceptable impact on the neighbouring properties in close proximity to the application site. The increase in built form would be limited to the ground floor and modest in scale such that it is not considered to result in a loss of outlook or light to neighbours. Overall, the proposal would not be unacceptable in regard to neighbouring amenity impact in accordance with 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.

WSCC Highways have reviewed the submission and confirm that 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 therefore be in accordance with policies 40 and 41 of the HDPF.

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 is supported by a Water Neutrality Statement (WNS). The WNS outlines that the current dwellinghouse uses 347.5 litres per day (l/d) worked out from 140.7 litres per person per day (l/p/d) multiplied by an assumed occupancy which for a three-person dwellinghouse would be 2.47. The proposed 7 bed nursing suite is proposed to have flow rates for some fixtures and fittings with a 97.16 l/p/d which would result in a usage of 680.01 litres. This is an increase of 332.6 l/d.

To address this and achieve water neutrality, the WNS states that a rainwater harvesting system with a collection area of 217.5m^2 will be used. The WNS calculates that this will collect 385 litres such that the overall increase would be only 67.5 l/p/d. The conclusion of point 5 of the WNS states that this equates to a saving of 207.6 l/d which leaves a daily water consumption of 472.5 litres.

The WNS also proposes to retrofit all showers within the existing 31 bed Homelands nursing home with efficient fixtures to reduce the consumption of this, which could save 694.4 l/s. This would at first appear to be water neutral, the baseline figures are however calculated from an assumed figure based on a theoretical occupation and there is no evidence put forward that suggests the flow rates put forward are based on the existing fixtures and fittings. In the absence of water bills therefore there is insufficient information put forward to conclude with certainty that the baseline figures are sufficiently robust to rely on.

It is understood that the WNS has advanced an alternative offsetting measure of rainwater harvesting but it is not clear from what has been submitted if this would be intended for a potable supply of water or for W.C.s alone. Using a precautionary principle therefore and assuming this would be for a potable supply, no information has been provided for a filtration system to ensure the potable supply would be sufficient quality to be potable. Notwithstanding this, no details have been provided regarding the rainwater harvesting system, its yield coefficient, or 35-day storage tank details which would need to be provided in advance of an application being determined for an assessment to be made of the suitability of this strategy.

Furthermore, no details have been provided pertaining to staff levels and their consumption such that the proposed figures would not represent an accurate overall proposed usage resulting from the development. It is understood that staff would be required on site, but usage has not been accounted for. Overall, the existing and proposed usage figures, whilst appearing to result in a water neutral development, cannot be able to be relied on with certainty.

In the absence of a sufficient 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.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act

1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The Applicant has not submitted a biodiversity metric, stating within the Application form that it would be an exemption from biodiversity net gain given it would form a small site exception and it is considered that the proposal would impact less than 25 square metres of on-site habitat such that the exemption is applicable.

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. While the proposal is further in accordance in policies 18, 26, 32, 33 and 34 of the HDPF, there is however 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.

As such, 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 application 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/24/0434

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan		NONE	04.04.2024
Floor plan	As existing	1001 REV A	20.03.2024
Elevation plan	As existing	1002 REV A	20.03.2024

Floor plan	As proposed	1003 REV A	20.03.2024
Elevation plan	As proposed	1004 REV A	04.04.2024
Supporting Statement	Planning	NONE	04.04.2024
Supporting Statement	Water Neutrality	NONE	08.04.2024
Supporting Docs	Horsham Dementia Statistics	NONE	04.04.2024
Location plan		NONE	04.04.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 18/09/2024

Authorising Officer sign/initial Guy Everest Date: 18.09.2024