

Report to	Planning Committee
Date	3 June 2020
By	Director of Planning and Environment
Local Authority	Chichester District Council
Application No.	SDNP/19/04090/FUL & SDNP/19/04091/LIS
Applicant	Mr & Mrs Lomas
Application	Works to boundary wall to facilitate formation of new access including rebuilding sections of wall and provision of gates.
Address	Sandhill House Nyewood Road Rogate GU31 5HU

Recommendation: That the applications be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

Reason for Committee Referral: Parish objection - officer recommends PERMIT

The proposal is for the provision of a new vehicular access and driveway to Sandhill House, Rogate, a Grade II Listed Building. A new access is proposed due to the poor visibility at the existing access to Sandhill House. Sufficient justification has been provided for the need for a new access to improve highway safety at Sandhill House and although the improvement in the visibility splays is only marginal there is a highways safety benefit and the application is supported by the highway authority.

The proposed access, gates and fencing are considered acceptable and would retain the rural character of the site and would not result in harm to the landscape character of the South Downs National Park. The proposal is sited away from the existing dwelling and would therefore not harm its setting.

Whilst the new driveway and access are sited on land adjacent to the neighbouring property to the south they are considered to be sufficiently distant from that property to not cause harm to the amenities of the occupiers.

The proposal is therefore recommended for approval.

1.0 Site Description

- 1.1 Sandhill House is a Grade II Listed building sited on the outskirts of Nyewood and within the Rural Area. To the front of the property and facing onto the highway is a boundary wall, with two openings within this forming the current access arrangements, into and out of the property.
- 1.2 The Listing description for the property states:
'House. C18. East and south fronts stuccoed, north front painted brick. Eaves cornice. Tiled roof. Glazing bars intact on first floor only. One two- storeyed bay. C19 bay of two windows at north end of ground floor. Two storeys. Five windows.'

2.0 Proposal

- 2.1 The proposal seeks planning permission and listed building consent for the creation of a new vehicular access to the south of the property. The proposal has been amended from when it was first submitted and the access is now to be sited further from the property to the south. The access would be created through an existing orchard/field and would require the taking down of an existing section of the wall part of which is in a state of disrepair. Where required the boundary wall would be re-instated. The proposal does not include the change of use of the land to a residential use but is for a new access and track only. The land would remain as agricultural/orchard land and would be the subject of additional planting. Justification for a new vehicular access and track is given on grounds of highway safety as the visibility splays of the new access will be an improvement over the existing situation.
- 2.2 Listed building consent is specifically required for the works to the wall and the proposed new gate and fence but not for the new access drive.
- 2.3 The proposal would include the provision of iron estate type fencing at the proposed new entrance, a new five bar iron gate and a small section of the existing wall being reduced to improve visibility. Improved landscaping (orchard and wildflower planting) is also proposed within the land across which the access is routed.

3.0 Relevant Planning History

SDNP/12/02217/LIS Erect a single storey orangery attached to the rear of the building. Carry out internal and external alterations and repairs. Approved, 2013

SDNP/14/04102/LIS To change the elevation design of the permitted orangery. Approved, 2014

SDNP/16/02138/LIS - Internal alterations and creation of a utility room in the stable block. Approved

4.0 Consultations

4.1 Rogate Parish Council

Comments received 10 March 2020 in relation to amended proposals

While Rogate Parish Council accept the entrance is better positioned and drive narrower in the substitute plans the Council stills objects to this application.

- The proposed entrance is too close to the neighbour's boundary so the drive could be confusing and is considered an invasion of space.
- The proposed entrance site will still be open to safety issues.
- Loss of part of the Orchard due to the driveway.

If permission is granted the current entrance should be required to be walled off to match the existing boundary wall and to prevent it being re-opened thereby allowing the new entrance access for development of the orchard site as a separate entity.

Comments received 30 October 2019 in relation to original proposals

Rogate Parish Council objects to this application as:

- The proposed entrance is on the neighbours boundary so the drive could be confusing and is an invasion of space.
- The proposed entrance site will still be open to safety issues.
- Loss of part of the Orchard due to the driveway.
- Lack of clear reason for the new drive.
- Concern over possible further development of the orchard site.

The council are also concerned about the lack of maintenance of the existing wall/hedge that protrude into the road.

4.2 WSCC – Highways

Comments received 26 February 2020 on amended proposals

Proposal Summary

The proposal is for the alterations to boundary treatment with new access and gate. The site is located on and accessed via Nyewood Road which is a C classified road subject to a 60 mph Speed limit.

Although Nyewood Road is subject to 60 Speed Limit, due to the road geometry and the narrow nature of the rural lane, vehicles are not anticipated to be travelling at the posted speed limit in this location.

An inspection of data supplied to WSCC by Sussex Police over a period of the last five years reveals that there have been no recorded injury accidents within the vicinity of the access, therefore it would not be anticipated that the proposed access will operate unsafely.

History

The Local Highways Authority (LHA) were consulted previously on this application and the following concerns were raised,

- Clarification on the closing of the existing access,
- Boundary treatment and vehicular visibility.

The applicant addressed these concerns and the LHA gave advice on the proposal.

The applicant has submitted a new plan that sees the originally proposed access move 4.2 metres to the north. All comments below are for the newly submitted plan (Drawing Number: SH_02 draft E) specifically the proposed new access. All comments pertaining to the existing access can be found in our previous response.

Proposed Access

Upon inspection of the newly amended plan the LHA believe that the access has been moved slightly to the north by 4.2 metres. The applicant however has not summarised this within the submitted plan.

The applicant has amended the plans showing a '5 bar' gate and fence treatment around the access point.

Southern Visibility

The applicant has demonstrated visibility splays of 2.4 x 14.2 metres at the proposed point of access. This is a marginal improvement of 7 metres over the southern visibility at the existing access point (7m). In order for this visibility splay to be achieved 4.5 metres of the boundary wall will need to be maintained or reduced in height to 0.9 metres. After this, the boundary wall will raise to 1.3 metres for a further 1.8 metres.

Northern Visibility

The applicant has demonstrated visibility splays of 2.4 x 12.7 metres at the proposed point of access. This is a marginal improvement of 7 metres over the northern visibility at the existing access point (5.7m). In order for this visibility splay to be achieved the boundary hedging and 5 metres of the boundary wall will need to be maintained or reduced in height to 0.9 metres. After this the boundary wall will raise to 1.3 metres.

The LHA would observe that the applicant has the land ownership to significantly improve visibility in this direction to circa 35 metres. This would not only be of benefit to vehicles emerging from the application site but also vehicles emerging from the neighbouring access point, Sandilands Cottages.

The LHA notes however that the wall curtilage benefits from listed building status, therefore any additional lowering/modification would be resisted. The LHA advises that the applicant maintains the hedge along the whole boundary to the height of the proposed wall in order to maximise all available visibility.

The LHA accepts that the application as proposed does result in a marginal improvement to visibility, on this basis it would be difficult to substantiate that the proposed will result in any unacceptable impact upon highway safety, when taking into consideration the existing position.

Conclusion

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 109), and there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied:

Conditions

Visibility Splays

The use of the access shall not commence until visibility splays of 2.4 x 14.2 metres (South) and 2.4 x 12.7 metres (North) have been provided at the proposed site vehicular access onto Nyewood Road in accordance with the submitted plans. The splays shall be maintained and kept free of all obstructions over a height of 0.9 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Access

The use of the access track shall not commence until the access has been constructed in accordance with the approved site plan.

Reason: In the interests of road safety.

Access Closure

The use of the access shall not commence until such time as the existing access has been closed off in accordance with the plans and details to be submitted to and approved by the local planning authority.

Reason: In the interests of road safety.

Informative

Vehicle Crossover – Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at WSCC website.

4.3 CDC - Historic Buildings Advisor

The plans show a loss of a small section of listed boundary wall. In the context of the wider site and the main listed building this is a small loss and is acceptable in principle. The wall should be finished in a sympathetic manner in keeping with the remaining wall.

5.0 Representations

5.1 One Third Party Objection has been received following the **original** submission. Raising the following concerns:

- The visibility splay would require removal of a wall on 2 Sandilands cottage
- Headlights from cars shining into 2 Sandilands cottage
- Noise from grasscrete surfacing

Following a further full re-consultation no third party comments were received.

6.0 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033**, any relevant Neighbourhood Development Plan and, any relevant minerals and waste plans.

6.2 The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.4 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7.0 Planning Policy

Relevant Government Planning Policy and Guidance

7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

7.2 It is also necessary to have regard to s. 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

National Planning Policy Framework (NPPF).

7.3 The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF01 – Introduction
- NPPF02 - Achieving sustainable development

- NPPF15 – Conserving and enhancing the natural environment
- NPPF16 - Conserving and enhancing the historic environment

The development plan policies listed below have been assessed for their compliance with the NPPF.

7.4 The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 – Ecosystem Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings
- Strategic Policy SD19 - Transport and Accessibility

Partnership Management Plan

7.5 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- General Policy 1
- General Policy 9

8.0 Planning Assessment

8.1 The main issues with these applications are considered to be:

- The principle of a new access
- The impact on highway safety
- The impact of the proposal on the Landscape Character of the South Downs National Park
- The impact on the Listed Building and its setting
- The impact of the development on neighbouring amenity
- Ecosystems Services and Biodiversity
- Other Issues and matters raised by the Parish Council

The principle of a new access

8.2 Whether the principle of a new vehicular access to the property is acceptable is dependent on the applicant being able to demonstrate that any improvement in highways safety from the re-sited access is sufficient to outweigh any identified harm to the setting of the listed building and the character and appearance of the South Downs National Park.

Highways safety

8.3 It has been confirmed by WSCC Highways that the existing vehicular access is substandard and the proposed new access arrangements (as amended) would provide a marginal improvement over the existing situation albeit the visibility splays achieved measure 14.2 metres to the south and 12.7 metres to the north. Therefore, whilst only marginal, the proposal would result in an improvement to highway safety into and out of the site. The original access to the site is to be stopped up and permanently closed off through the use of timber bollards. Policy SD19 of the SDNP LP requires that proposals must demonstrate the continued safe and efficient operation of the strategic and local road network. In this case the highway's authority confirmation that this proposal results in an improvement to the access arrangements to the property means that the proposal is considered to comply with Policy SD19 of the South Downs Local Plan.

The impact of the proposal on the landscape character of the South Downs National Park

- 8.4 The proposed development is for a new vehicular access to the site from Nyewood Road including an access track across what is an orchard/agricultural land to the south of Sandhill House. The proposal would involve the removal of an existing section of wall and the reinstatement of a section of the wall where it has fallen into a state of disrepair. The proposal includes landscape enhancements, to the land through additional planting (with trees and a wildflower meadow). The provision of a new vehicular access, away from the residential dwelling and crossing agricultural/orchard land would normally be resisted as it could result in a change to the character of the site. However, this proposal does not relate to the change of use of the land which will remain in its current use and is unlikely to result in a more domestic character. An informative is proposed which emphasises that the use of the land is not altered, that it is not garden land and must remain in orchard/agricultural use.

It is considered that on balance, as the proposal would result in improvements to highway safety and the proposal includes the use of materials such as a grasscrete driveway, simple wrought iron open gates and fencing which are rural in character, the proposal would not result in an adverse impact on the landscape character of the area sufficient to warrant a refusal. The proposal is therefore considered to comply with Policy SD4 and SD9 of the SDNP LP in that it conserves and enhances the landscape character of the national park and the biodiversity of the land.

The impact on the Listed Building and its setting

- 8.5 The proposal is sited away from the Listed Building, which is surrounded by a high boundary wall and vegetation. The new access would be constructed from materials sympathetic to its rural location adjacent to the listed building. CDC's HBA has been consulted on the application and raises no objection, subject to the wall being finished in a sympathetic manner, a condition has been included to ensure the works are undertaken appropriately.

Therefore it is not considered that the proposal would result in significant harm to either the wall or the setting of the Listed Building, according with Policies SD12 and SD13 of the South Downs Local Plan.

- 8.6 The existing access would remain although stopped up for use by vehicles by the use of low level bollards at the front of the entrance, This will ensure that the historic setting of the Listed Building remains largely unaltered. The use of low level bollards is considered to be sympathetic and would not harm the setting of the Listed Building.

The impact of the development on neighbouring amenity

- 8.7 Concerns have been raised with regard to the impact of the proposal on the property to the south, known as 2 Sandilands Cottage. Since receiving the objection amendments to the proposal have been made and re-consulted on, amending the proposed access so that it is 4 metres away from the boundary of the property to the south. The amendments ensure that no harm results to the residential amenity of the neighbouring property in terms of light and noise emissions and will therefore not result in harm to the residential amenity of the property to the south.

Ecosystems Services and Biodiversity

- 8.8 An ecosystem services statement has been provided with the application, this will include:

- Planting within the site using new native (mixed species) hedging, new wild flower and grass meadow and traditional varieties of fruit trees. Providing year round interest for native, invertebrates and rodents.
- New native (mixed species) hedging and gapping up of existing laurel hedging to provide nesting and feeding opportunities for birds.
- Provision of nesting boxes for a variety of bird species.
- Provision of bat boxes
- Construction of new wall – local and sustainably sourced materials.
- Sustainable land drainage system and permeable grass-crete drive, reducing risk of flooding.

It is considered that the provision of the above will have a positive impact and enhance the delivery of ecosystem services on the site, according with Policy SD2 of the South Downs Local Plan a planning condition is therefore added to require that these works are implemented in an acceptable way.

Other Issues and matters raised by the Parish Council

- 8.9 It is noted that although the access would be adjacent to the access to the neighbouring property, given that it would be set away from the highway it would not result in harm to the residential amenity of the occupiers of the neighbouring property. Having two accesses immediately adjacent to one another is not unusual along a highway.

8.10 The Parish Council has raised concerns about the future development of the site however as stated above the application does not relate to the change of use of the land and relates only to the provision of an access and driveway. The site will remain in its current use as a agricultural land/orchard. The access would be constructed from grasscrete and will therefore have a minimal impact visually and will not result in harm to the landscape character of the site. Adequate justification has been provided for the need for a new access due to the poor visibility of the existing access into Sandhill House. The application does not relate to further works on the site. Any future proposals to develop the site would be subject to a further application and this would be assessed accordingly, the application relates only to the use of the site as an access into and out of the site, improving visibility and highway safety.

9.0 Conclusion

9.1 Given the improved highway safety from the proposed access, it is considered that on balance this outweighs any limited harm caused to the landscape character of the surrounding area, the listed wall and setting of the listed building. The applications for planning permission and listed building consent are recommended for approval.

10.0 Recommendation for application SDNP/19/04090/FUL

It is recommended that application **SDNP/19/04090/FUL** be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the plans noted below.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The use of the access shall not commence until visibility splays of 2.4 x 14.2 metres (South) and 2.4 x 12.7 metres (North) have been provided at the proposed site vehicular access onto Nyewood Road in accordance with the submitted plans. The splays shall be maintained and kept free of all obstructions over a height of 0.9 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

4. The use of the access track shall not commence until the access has been constructed in accordance with the approved site plan.

Reason: In the interests of road safety.

5. The use of the access shall not commence until such time as the existing access has been closed off in accordance with the plans and details to be submitted to and approved by the local planning authority.

Reason: In the interests of road safety.

6. The landscaping shall be undertaken in accordance with the landscape plan (SH_03 rev D) and retained thereafter, any variation from this shall be agreed in writing with the Local planning authority.

Reason: To ensure that appropriate native planting is used on the site and conserves and enhances the landscape character of the South Downs National park

7. The access drive shall be constructed from grass crete in accordance with the details provided under plan SH_05 rev D and shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposal conserves and enhances the landscape character of the South Downs National Park and the setting of the adjacent Listed Building

8. The new access gates and fencing shall be constructed in wrought iron painted black, in accordance with the details provided under plan SH_05 rev D and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance the landscape character of the South Downs National Park and the setting of the adjacent Listed Building

9. The wrought iron fencing shall remain a free standing structure abutting the historic wall. If it needs to be fixed into the wall details of the method of fixing shall be submitted to and agreed in writing with the Local Planning Authority. This shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the historic character and integrity of the wall is preserved.

10. Prior to the insertion of the access, details and samples of the materials to be used for the access pull in area shall be submitted to and agreed in writing with the Local Planning Authority. The agreed materials shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that the proposal is in keeping with the landscape character of the South Downs National Park

11. The works contained within the Ecosystem Services Statement submitted for the development hereby permitted are approved and shall be implemented in full.

Reason: To comply with Policies SD1 and SD2 of The South Downs National Park Local Plan 2019 (2014-33).

INFORMATIVES

1 The application relates to the provision of a new access to Sandhill House and not the change of use of the land to garden land. The land will remain agricultural in use.

2 Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

Recommendation for application SDNP/19/04091/LIS

It is recommended that the application for **SDNP/19/04091/LIS** be Approved for the reasons and subject to the conditions set out below:

1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. The new access gates and fencing shall be constructed in wrought iron painted black, in accordance with the details provided under plan SH_05 rev D and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance the landscape character of the South Downs National Park and the setting of the adjacent Listed Building

4. The wrought iron fencing shall remain a free standing structure abutting the historic wall. If it needs to be fixed into the wall details of the method of fixing shall be submitted to and agreed in writing with the Local Planning Authority. This shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the historic character and integrity of the wall is preserved.

11.0 Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12.0 Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13.0 Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14.0 Proactive Working

14.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

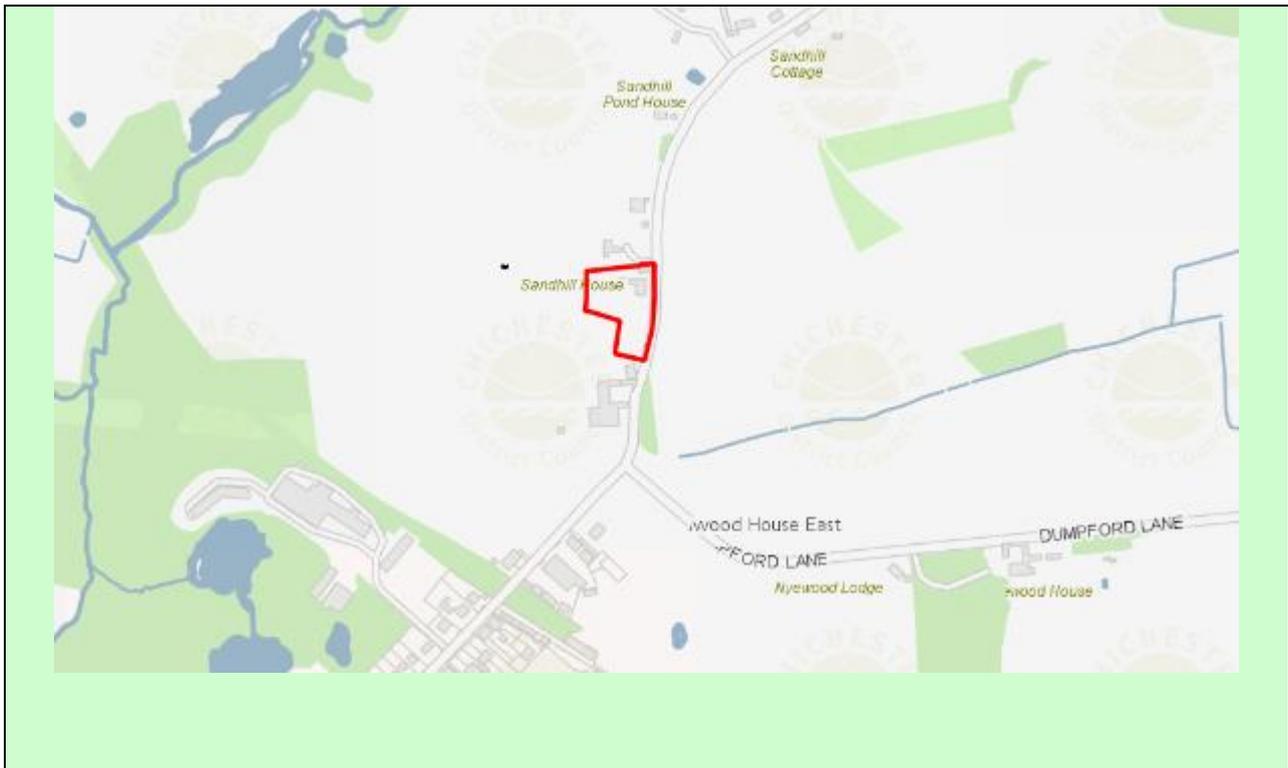
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Appendices – Appendix 1 - Site Location Map

Appendix 1

Site Location Map



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