

Report to **Planning Committee**  
Date **9 September 2020**  
By **Director of Planning and Environment**  
Local Authority **Chichester District Council**  
Application Number **SDNP/20/01727/FUL**  
Applicant **Mr Peter Heather**  
Application **Change of use of all buildings from Residential to Residential Institutions (C2) including 2 no. proposed ancillary annexes. Addition of conservatory with alterations to fenestration to existing office/family room to create annexe (3), change of use of existing garage/carport, infill extension with alterations to fenestration to create annexe (2), change of use of existing garage to laundry and utility facility, with additional staff and visitor parking.**  
Address **Zurs London Road Hill Brow Rogate Liss West Sussex GU33 7PB**

---

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

**IMPORTANT NOTE:** This application is liable for Community Infrastructure Levy.

---

## **Executive Summary**

### **Reason for Committee referral: Parish Objection - Officer recommends Permit**

Zurs is a detached property set in generous, landscaped grounds, similar to a number of other properties flanking the B2070- London Road. The proposal is for the change of use of the dwelling and three closely grouped outbuildings to a C2 (residential institution) use offering specialist care for up to eight residents in a form of semi-independent living under the supervision of on-site staff. The site will for the most part maintain its residential character, with levels of any increased activity associated with the operation of the use considered to remain modest, in line with the limited amount of accommodation to be provided. The physical works to facilitate the change of use are largely internal to the site or the property itself with some minor extensions and it is therefore concluded that overall the change of use would not result in demonstrable harm to the character and appearance of the area.

## **1.0 Site Description**

1.1 Zurs is a detached property set in generous, landscaped grounds on the north-west side of the B2070. The boundaries are well screened by existing mature vegetation, providing a generally secluded setting, although it is acknowledged that glimpsed views of the property may be obtained from the access.

- 1.2 The current dwelling is essentially single storey, with some limited accommodation within the roofspace. To the rear of the main house the grounds are terraced where there are a group of three relatively substantial timber clad outbuildings currently undergoing refurbishment. Beyond these outbuilding the grounds continue to fall way to the north east boundary.
- 1.3 The property benefits from a dual access onto the B2070 at either end of its frontage. No changes are proposed to the points of access and the existing parking provision is to be enhanced to provide additional spaces.

## **2.0 Proposal**

- 2.1 The proposal is for the change of use of the premises from a dwelling house (C3) to a residential institution (C2), incorporating minor internal changes to the main house and refurbishment and upgrading of three existing outbuildings, previously in use as an office, garage/carport and annexe to provide further accommodation for residents.
- 2.2 The resultant accommodation would provide up to 8 places for residents who have additional needs that include varying degrees of learning difficulties and allow them to live in a semi-independent manner, together with facilities for resident support staff and administration. This specialist form of care is not provided for by other institutions in the locality and will potentially offer local employment opportunities.
- 2.3 The proposal also includes provision of adequate car parking spaces to service the use, together with internal landscaping works, including the erection of a retaining wall to account for the change in levels and the provision of a modest allotment garden.

## **3.0 Relevant Planning History**

None recorded

## **4.0 Consultations**

Parish Council Consultee

As per our email on 4 June a site notice was not visible on this date and therefore we feel the application deadlines should be extended to allow time for neighbours to respond after confirmation of public display of the site notice has been confirmed.

We note that the residential/dwelling unit supplementary pages are blank.

London Road, Hillbrow is a residential settlement with private residences that crosses the county border between West Sussex and Hampshire but it is all within the South Downs NP.

There are currently six C2 residential institution properties within a short distance and on the same road as Zurs. Of these six C2 institutions four have ceased providing care service associated with their C2 status.

Rogate Parish Council object to this change of use from residential to a C2 Residential Institution because we consider it would be an over intensification of the development site when there are several vacant residential institution developments of a similar nature within the very local vicinity to Zurs which cannot therefore, justify an increase in the number of C2 properties within this settlement area.

Further comment:

We note the applicant has submitted a 'substitute plan' dated 10th August showing additional developments that have already taken place.

We request an extension of time to allow us and members of the public to comment on these substitute plans.

Further comment:

We noted your (the applicant's) email at our meeting on Monday and felt the rationale for our original decision to object to the application has not changed.

### **WSCC - Highways**

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

#### Summary

This proposal is for the change of use of buildings from residential (C3 Use) to residential institution (C2 Use), including erection of two annexes, a conservatory and associated alterations. The site is located on London Road, a B-classified road subject to a speed restriction of 50 mph in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

#### Access and Visibility

The applicant proposes no alterations to the existing access onto London Road. In regards to vehicular visibility, visibility to the west appears sufficient, but visibility to the east appears to be sub-standard. However, the LHA acknowledges that this is an existing access. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. Furthermore, the LHA does not anticipate that the proposed change of use would give rise to a material intensification of movements that could be considered "severe".

#### Parking and Turning

The applicant proposes ten car parking spaces for this development. Regarding parking requirements, WSCC has recently adopted new parking guidance in August 2019. The guidance does not include any standards for C2 Class parking demand. The LHA would be minded to advise the LPA consider the parking demand as per pre-August 2019 guidance when considering parking demand for this application:

C2 use would generate:

- 1 space per 20 residents, (or increments of up to 20 residents)
- 1 space for visitors per 8 residents, (or increments of up to 8 residents)
- 1 space for Staff parking per 5 residents
- Appropriate spaces for service vehicles.

Considering the above requirements, the LHA is satisfied that the proposed parking provision will be sufficient for the anticipated demand.

From inspection of the plans, there is sufficient space for cars to turn and exit the site in a forward gear. There does appear to be a second access available for use; however, it is unclear if the applicant has access rights. If this is not the case, the applicant should consider the installation of a turning head, for use by service vehicles. Details of this can be secured by condition.

In the interests of sustainability and as a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and SDNP Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

The applicant has demonstrated a cycle store, with provision for six cycles. The inclusion of secure and covered cycle parking provision will help promote the use of sustainable alternative modes of transport to the private car.

#### 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 that there are no transport grounds to resist the proposal.

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

#### Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

#### Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

#### Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

### **East Hampshire District Council**

Thank you for your email received 17 July 2020. Please be advised the proposal is unlikely to impact on the interests of East Hampshire District Council, therefore, no objection is raised to this proposal

## 5.0 Representations

### 4 Third Party objections

Intensification of C2 care home uses within a relatively small area  
Change in the residential character of the area  
Highway safety  
Increase in traffic generation  
Concern over future expansion.

### Applicants supporting information

Application is for a maximum of eight service users. Our regulatory body CQC will not permit a further increase, now or in the future.  
Shift patterns will be operated so that only 10 staff will be on site at any one time.  
A cycle rack will be installed for the use of staff whilst some will use public transport and some will use their own vehicles.  
There will be a mini-bus on site for the use of our services users when sourcing off-site activities.  
The home will not have regular deliveries from large vehicles, with the exception of refuse collection.  
The shared driveway with our neighbour has been substantially reinforced and tarmacked and is now fit for purpose. However, I would add that the main entrance to Zurs is preferred and used for both arrival and exit as the sight lines are better. There is adequate space for on-site vehicle turning.  
Four of the existing care facilities listed amongst the objections are now closed, presumably due to changes in market economics but this is not the case for our specific service.  
The service we intend to provide will be truly person centred and will involve helping these young people to live their lives day to day concentrating on personal care, learning new skills, leisure, and activities.  
We are immensely proud of our services and work very hard to ensure they provide positive outcomes for the people we support and are of the highest quality and standard.

## 6.0 Planning Policy Context

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** and any relevant minerals and waste plans. Other plans considered:

- Rogate Neighbourhood Plan

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

### National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

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.

### National Planning Policy Framework (NPPF)

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

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development
- NPPF04 - Decision-making
- NPPF06 - Building a strong, competitive economy
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

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

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD27 - Mix of Homes

### Partnership Management Plan

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 3
- General Policy 50

Rogate Neighbourhood Plan 2017 – 2035 Pre-submission Document

The following policies are considered material to the consideration of this application:

NE1: To Conserve, Protect and Enhance the Natural Environment  
 Policy BE1: Locally Distinctive Design within the Parish  
 Policy H3: Conversion of Existing Residential Properties  
 Policy T2: Parking

## **8.0 Planning Assessment**

8.1 The main issues with this application are considered to be:

- (i) the effect of the proposed change of use on the character, and appearance of the locality, and
- (ii) the effect of the proposed change of use on highway safety.

### **The effect on the character and appearance of the locality**

8.2 The main element of this proposal is the change of use of the existing dwelling to a C2 (Residential Institutions) use. To facilitate the new use the proposal entails modest internal alterations to the main property to create three units of accommodation, a communal kitchen and lounge all on the ground floor. The first floor accommodation remains largely unchanged apart from the use of one of the three bedrooms as an office with two of the existing bedrooms remaining. Three existing outbuildings are to be upgraded and refurbished to provide three further units of accommodation. It is noted that none of the units are provided with kitchen facilities, and so residents are to a degree required to live communally.

8.3 In terms of the effect of the works necessary to facilitate the proposed change of use on the character of the area, the works are relatively modest and largely internal to the site or the building itself, the result of which is that there is considered to be no material change to the physical contribution the site currently makes to the character of the area. The perception of any change is likely to be as a result of the increase in parking provision which, although at the front of the site, is by and large relatively well screened by existing boundary vegetation and fragmented into discrete groupings, which aids its assimilation into its immediate setting. There are some structural groundworks to the rear of the site to address changes in levels but these are well-contained and are not considered to have a negative impact on the visual qualities of the immediate area or on residential amenity.

8.4 It is acknowledged that there would be some increased level of activity associated with the introduction of residents and care staff onto the site although it is considered that in view of the fact the proposed use remains residential in nature, this remains consistent with the character of the wider area, which it is noted includes other residential institutional uses.

- 8.5 The proposal is to provide a limited number of residents with a degree of independent living, overseen by staff employed on a shift basis. SDNP Local Plan policy SD27 (Mix of Homes) is supportive of proposals that provide flexible and adaptable accommodation to meet the needs of people who are less mobile, or have adult home care requirements. The supporting text states that the National Park Authority recognises that there are other specialist housing needs that exist in local communities. Extra care housing forms a small but significant element of housing need and people with disabilities may have particular requirements in respect of how their homes are designed to function, that is, the need for 'accessible and adaptable homes'. It is considered that this proposal is consistent with this objective.
- 8.6 Although it may be possible to perceive a higher level of activity and frequency of movement because of visitors, suppliers and staff change overs, in the context of the relatively modest scale of the proposed use and generous setting of the premises away from nearby residents, it is concluded that on balance that this would not result in demonstrable harm to the character of the area. It should also be noted that East Hants District Council, as the neighbouring planning authority, have no objection to this proposal. It is concluded that the objectives of policies SD4 (Landscape Character) and SD7 (Relative Tranquility) in relation to the character of the area local to this site would not be compromised.

#### **Highway safety**

- 8.7 The consultation response from the Local Highway Authority (LHA) advises that there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing highway safety concern. The LHA goes on to conclude that this proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is therefore considered to accord with local plan policy SD19 (Transport and Accessibility) in that the continued safe operation of the road network is maintained and is also in accordance with the requirement of the National Planning Policy Framework (paragraph 109) that development should avoid unacceptable impact on highway safety. There are considered to be no highway safety grounds to resist the proposal. The LHA goes on to state that it is satisfied that the level of parking provision for the proposed use is sufficient for the anticipated demand.

#### **Other matters**

- 8.8 Concern has been expressed that permitting this proposal would result in an over intensification of such uses within the locality and the fact that in the light of several being vacant, there is no justification for this proposal. Competition between or the presence of other similar institutional uses is not a consideration that can be given any weight. The applicant has also pointed out that the specific type of C2 use proposed here is not catered for by the other residential care or nursing homes nearby. The potential impact of the proposed use on the character and appearance of the area is discussed above and it is concluded that the proposal would not have a detrimental impact on this or on the living conditions of adjoining residents.

8.9 The applicant has produced an ecosystems statement setting out the measures to be introduced to meet the requirements of Policy SD2 (Ecosystems Services) in a proportionate manner. Externally, the scheme proposes the use of permeable tarmac to all new car parking bays, which will be positively drained to existing watercourses via new and existing gullies to mitigate against flood risk and effectively manage surface water runoff within the site. Additional planting will enhance opportunities for increased habitat biodiversity throughout the site. This extends to the provision of bird boxes on each of the buildings as well as providing the opportunity for residents to contribute to sustainable food supplies through a purpose-built allotment area. This and the landscaped grounds generally will also help support the well-being of staff and residents. Internally, measures such as low water usage tap fittings will help reduced water consumption throughout the building. Enhanced roof insulation to existing buildings and insulation measures that meet or exceed current building regulations standards are to be employed where new works are proposed. A condition is included in the schedule of conditions requiring these measures to be carried out.

## 9.0 Conclusion

9.1 The change of use to a C2 use offering semi-independent living for clients with learning difficulties would not result in harm to the character or appearance of the area by reason of over intensification of this particular type of use. The site will for the most part maintain its residential character, with levels of any increased activity associated with the operation of the use considered to remain modest, in line with the limited accommodation provision. The physical works to facilitate the change of use remain largely internal to the site or the property itself and do not in themselves result in demonstrable harm to the character of the area.

## 10.0 Reason for Recommendation and Conditions

It is recommended that the application 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. Approved Plans

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.

### 3. Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

#### **4. Electric Vehicle Charging Spaces**

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

#### **5. Vehicle parking and turning**

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

#### **6. Compliance with ecosystems services proposals**

The development shall be carried out in strict accordance with the measures set out in the Ecosystems Services Statement Revision A received on 25.08.2020

Reason: To ensure that the development will have an overall positive benefit on the natural environment in accordance with Policy SD2 of the South Downs Local Plan 2014 – 2033.

#### **7. Landscape implementation**

All hard and soft landscape works shall be carried out in accordance with the approved details shown on Drawing 20/01/PO1 Rev D and accompanying plant schedule and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. These works shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

### **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.

#### Background Documents:

- South Downs Local Plan 2014 – 2033
- South Downs Management Plan 2020 – 2025
- Rogate and Rake Neighbourhood Plan 2017 - 2035 Pre-submission Document

Tim Slaney  
Director of Planning  
South Downs National Park Authority

Contact Officer: Derek Price  
Tel: 01243 534734  
email: [dprice@chichester.gov.uk](mailto:dprice@chichester.gov.uk)

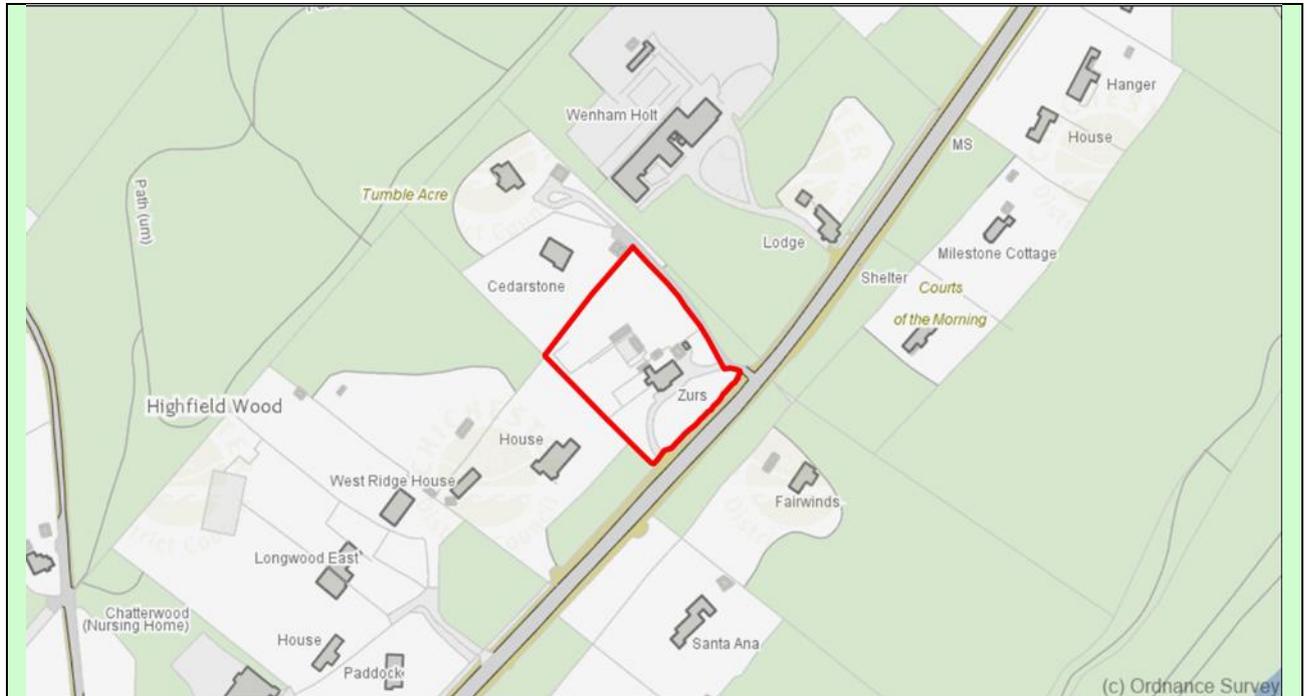
#### Appendices

Appendix 1 - Site Location Map

Appendix 2 – Plans Referred to in Consideration of this Application

## Appendix 1

### Site Location Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2019) (Not to scale).

## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans – Location plan	20/01/LO1		30.04.2020	Approved
Plans – Block plan	20/01/BO1		30.04.2020	Approved
Plans – substitute plan: proposed site plan and existing drainage.	20/01/PO1	Rev D	25.08.2020	Approved
Plans – substitute plan: existing and proposed main building general arrangement	20/01/PO2	Rev A	08.06.2020	Approved
Plans – Existing and proposed ground floor plan & section A-A (outbuildings)	20/01/PO3		30.04.2020	Approved
Plans – Substitute plan: general on-site arrangements	20/01/PO4	Rev A	08.06.2020	Approved
Plans – Existing elevations (outbuildings)	20/01/PO5		30.04.2020	Approved
Plans – Substitute plan: proposed elevations (outbuildings)	20/01/PO6	Rev A	08.06.2020	Approved
Plans - Existing main house elevations	20/01/PO7		30.04.2020	Approved

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