

Report to	<b>Planning Committee</b>
Date	<b>15 March 2012</b>
By	<b>Director of Planning</b>
Local Authority	<b>Chichester District Council</b>
Application Number	<b>11/02607/FULNP</b>
Application	<b>Formation of a car park with staff accommodation and ancillary nursing home accommodation (physio suite, consulting rooms, offices and kitchen) above</b>
Address	<b>Rosemary Park Nursing Home, Marley Common, Fernhurst, Haslemere West Sussex GU27 3PX</b>
Purpose of Report	<b>The application is reported to Committee for a decision.</b>

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**Recommendation: That planning permission be granted subject to the conditions set out in paragraph 10.1 of this report**

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## **1. Site Description**

- 1.1 Rosemary Park Nursing Home is located approximately 3.4 kilometres north of Fernhurst within the designated countryside. The site is accessed via a private drive from Marley Lane, the complex is located within a wooded area. It is in the area identified as the Greensand Hills in the South Downs Integrated Landscape Character Assessment, which defines the key characteristics of the area as prominent hills with significant woodland cover, comprising an interlocking mosaic of different woodland types and structures on former commonland. The area is defined by an extensive network of public rights of ways and unenclosed commons open to public access, such as Marley Common which is located in close proximity to the application site.
- 1.2 The application site is a disused tennis court located to the east side of the access road. It is located at a lower level than the access track that runs towards the other buildings within the complex. The site is surrounded by woodland, which results in the site being largely screened from public vantage points to the south, which are Public Rights of Way.
- 1.3 The application site is part of the wider complex of buildings that form the Rosemary Park Nursing Home. The St Magnus building is a purpose-built specialist unit offering individualised assessment, treatment and rehabilitation for older men with mental health problems who require care in secure conditions. The service is primarily for those aged 40 and above, but individual considerations for younger people can be given.
- 1.4 The Rosemary Park and St Magnus buildings are together recognised as a Centre of Excellence for the care of older adults with enduring mental health problems. They provide a care pathway for such individuals, ranging from intensive medically supported hospitalisation, to palliative nursing care for those at the end stage of illness. This approach is in accordance with the approach of the Department of Health with older adult care being moved from NHS facilities into the private or community sectors, which is resulting in a heavy demand for these facilities around the country.
- 1.5 The site is further used as an education centre and is an approved provider through the

University of Surrey. The courses delivered provide the mandatory requirements of the Care Quality Commission (CQC) in combination with general professional development of the staff.

- 1.6 The nearest residential property to the application site is Orchard House, which is located approximately 80 metres to the south east, this property is at a much lower level than the application site.

## **2. Relevant Planning History**

- 2.1 09/04706/REM - Reserved matters application following outline planning permission FH/09/01850/OUT for 18 bed Hospice – Permission subject to conditions - 5 February 2010.
- 2.2 09/01850/OUT – Erection of 18 bed hospice – Outline Permission subject to conditions - 21 September 2009.
- 2.3 07/02760/FUL - Reconstruction of existing staff accommodation – Permission subject to conditions – 5 March 2008.
- 2.4 07/02760/FUL - Demolition of existing accommodation building for replacement with purpose built building for staff accommodation – Refused – 21 August 2007.
- 2.5 06/01803/FUL - Demolition of existing building and erection of proposed child respite centre – Refused – 27 June 2006.
- 2.6 05/04462/FUL – Erection of proposed annex to existing nursing home to provide residential car accommodation for E.M.C Dementia car – Permission subject to conditions – 15 February 2006.
- 2.7 02/01855/FUL – Demolition of existing storage building for erection of communal hall/staff training building – Permission subject to conditions – 20 January 2003.
- 2.8 00/01678/FUL – Demolition of existing residential units and erection of two storey residential accommodation with basement and service area – Permission subject to conditions – 17 August 2000.

## **3. Proposal**

- 3.1 The proposal is for the formation of a car park with staff accommodation and ancillary nursing home accommodation (physio suite, consulting rooms, offices and kitchen) above. The building is to be located approximately 60 metres to the south of the St. Magnus building. The proposed building is to be located on a disused tennis court, which is at a lower level than the adjacent access road and existing buildings to the north, a pedestrian bridge from the access road to the first floor of the building is proposed. The building will be approximately 44 metres in length, 16 metres in width, with a ridge height of 8 metres. The proposed materials for the building are as follows; Matt black 'Lindab Coverline' profiled steel sheeting or similar for the roof materials, feather edged dark stained boarding for the first floor walls and ventilated dark stained boarding for the ground floor walls.
- 3.2 The site is accessed via Marley Lane from an existing internal access road from the south. The access road then continues north to the main buildings within the complex.
- 3.3 The proposed parking area will formalise what is currently ad hoc parking across the site, this will ensure that the access road and spaces around buildings are generally free from parked cars other than essential vehicles.

## **4. Consultations**

- 4.1 Highway Authority – No Objection
- 4.2 West Sussex County Council – Ecology – No Objection subject to condition
- 4.3 Fernhurst Parish Council – recommends approval of the application, subject to:

- An independent assessment being made to confirm that the proposal would have a neutral impact on traffic levels of Marley Lane. Marley Lane is already unable to cope with present level of traffic and is therefore not capable to cope with further traffic
- The proposed building shall be used only for the purposes sated in the application and shall not be converted to other uses
- There should be no further development of the site and the number of patients should be capped at the current levels

## 5. Representations

5.1 17 letters of objections making the following points:

- Adverse impact on the character of the National Park and the amenity of local residents
- Over development of the site, there have been significant expansion on the site over the past few years
- The nursing home does not serve local people and brings people in from outside the area
- The proposal will increase traffic levels and have an adverse impact on highway and pedestrian safety of Marley Lane
- The applicants do not engage with local people
- The nursing home has previously sold off staff accommodation, we are concerned that this will simply be changed into further patient accommodation.
- Request that a cap on patients numbers is put on this application to halt the expansion of this site

## 6. Planning Policy Context

6.1 The following national policy documents are relevant to this application:

- PPS1 Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system;
- PPS9 Biodiversity and Geological Conservation sets out guidance to compliment other policy regarding conservation, enhancement and restoration of wildlife, geology and biodiversity
- PPG13 Transport

6.2 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 east Plan and the Chichester District Local Plan 1999.

6.3 The government has recently published the Draft National Planning Policy Framework (NPPF) which proposes a presumption in favour of sustainable development. This document is however in the very early stages of development and as such should be given little weight in decision making at this point in time.

6.4 The South East Plan was adopted by the Secretary of State on 6th May 2009. The Coalition Government's revocation of the Plan in July 2010 has been found to be unlawful so the document remains part of the development plan at this time but the intention to revoke it is a material consideration. Under the Localism Act 2011, the Government may by order revoke all or part of the Regional Spatial Strategies. Presently, no such order has been made, and as such the South East Plan still forms part of the development plan and is a material consideration in decision making. The following strategic are relevant to this application:

- C2: The South Downs - states that the purposes of designation should be a material consideration in the making of any planning decision that would affect it.
- CC1: Sustainable development – states that the physical and natural environment of the south east is conserved and enhanced

- CC6: Sustainable Communities and Character of the environment – requires new development to respect the character and distinctiveness of landscapes and use innovative design to create a sense of place
- NRM5 – Conservation and improvement of Biodiversity – states that biodiversity must be preserved and where possible enhanced

6.5 Chichester District Local Plan Review 1999 policies relevant to this application are:

- RE1 defines that outside settlement policy areas development will be restricted to those considered appropriate within other policies
- RE8 sets out that development must preserve the nature conservation of non-designated sites
- RE17 sets out that Community Facilities in the Rural Area are acceptable subject to certain criteria being met
- BE11 sets out that new development must not detract from its local surroundings
- TR6 requires that development would not have an adverse impact on the highway

## 7. National Park Purposes

7.1 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- 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. Government policy relating to national parks set out in PPS7: Sustainable Development in Rural Areas and Circular 20/10 is that they have the highest status of protection in relation to landscape and scenic beauty. Conservation of the natural beauty of the landscape and countryside must, therefore, be given great weight in development control decisions.

## 8. Planning Assessment

### Principle of development

- 8.1 The Chichester District Local Plan determines that the site is located within the designated countryside, with the principle judged against policy RE1. This policy seeks to restrict development unless there is an overriding need for it to be located within the countryside.
- 8.2 The justification for this building is outlined within the supporting documentation. The level of non-nursing support staff required to operate the facilities on site had been underestimated, due to the need to comply with the increased reporting requirements of the Department of Health, in combination with a commitment to greater onsite support to maximise patient quality of life. This has led to rooms that were originally intended to be used as staff accommodation being transferred to accommodate Social Work Departments, Research and Governance Departments with extra patient and family visiting areas.
- 8.3 The impact on the staff including student nurses has led to cramped conditions by having to share rooms and facilities. The requirement for on-site staff accommodation to provide round the clock supervision is as a result of high property prices within the vicinity, meaning that staff are unable to live within close proximity to the site, thus resulting in a long commute to more affordable housing areas. This position has led to a number of highly trained and professional staff leaving, which affects both the continuity and level of care provided within the nursing home.
- 8.4 The ancillary nursing home accommodation, which includes physiotherapy suite, sensory suite, occupational therapy room and consulting rooms are proposed in order to enhance the level of care provided for the patients. It is considered acceptable to have these facilities on site, as to provide this facility elsewhere would be unsustainable through the associated

vehicle movements in combination with being detrimental to patient care. A condition is proposed to restrict the use of this building to staff and ancillary nursing home accommodation in order to control the level of intensification of the use on the site.

- 8.5 It is considered that there is an overriding need for the development in this location, as the provision of staff accommodation and ancillary facilities will aid the provision of care for those with enduring mental health problems. The proposal is considered to help meet both a local and national need, given the specialised and high level of care provided within the nursing home. The proposal is therefore considered to comply with Planning Policy Statement 7 (PPS7) and policies RE1 and RE17 of the Chichester District Local Plan 1999.

#### Impact on the character and appearance of the SDNP

- 8.6 The application site is well screened by the surrounding woodland and hedgerow and is not visible from any public vantage point. The scale, height and massing of the buildings are considered appropriate for their function and are in scale with the existing buildings within the complex, this is further aided by the disused tennis court being set at a lower than the rest of the buildings and adjacent access track. It is considered that the proposed development will conserve the natural beauty of the National Park.

#### Impact on highways

- 8.7 The applicant has submitted a traffic survey with the application. The development is expected to offset a majority of the existing movements by providing accommodation on site and removing the need for regular commuting to and from the site by staff. There is likely to be some movement generated from staff living on-site, however, this would not be of a level to materially impact the operation of the Highway Network. The Highways Authority has no objection to this application.

#### Impact on amenities of neighbouring properties

- 8.8 The layout and siting of the development, in combination with its degree of separation from neighbouring properties is not considered to have a significant adverse impact on the amenities of neighbouring properties.

#### Biodiversity and nature conservation

- 8.9 PPS9 'Biodiversity and Geological Conservation' sets out the government's planning policies on biodiversity issues. The policies contained within the guidance seek to maintain, enhance and prevent harm to biodiversity and geological features. This application has been assessed by the WSCC Ecologist, who has no objection subject to a condition requiring the enhancement measures detailed in the Protected Species Scoping Report to be provided, these include biodiversity enhancement through the provision of bat and bird nesting features, and details of the external lighting on the new building.

## **9. Conclusion**

- 9.1 The applicant has demonstrated an overriding need for the development to be situated in this countryside location. It is further considered that the proposal will conserve the special qualities of the SDNP and will not have significant adverse impact on neighbour amenity, highway safety or protected species.

## **10. Recommendation**

- 10.1 It is recommended that planning permissions be granted for the following reason:
- (i). The decision to grant planning permission has been taken because the applicant has demonstrated an overriding need for the development to be situated in this countryside location relating to the existing development and uses occurring, which it serves. It is further considered that the proposal will conserve the special qualities of the SDNP and will not have significant adverse impact on neighbour amenity, highway safety or protected species. The proposal therefore complies with national policy guidance set out in PPS1, PPS4, PPS7 and PPG13, policies C2, CC1, NRM5 and NRM7 of the South

East Plan and policies RE1, RE8, RE17, BE11 and TR6 of the Chichester District Local Plan 1999.

Subject to the following conditions

1. The development hereby permitted shall commence within 3 years of 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).

2. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars identified within the decision notice.

Reason: To ensure that the development is carried out in accordance with the approved plans in accordance with policy BE11 of the Chichester District Local Plan 1999.

3. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the South Downs National Park Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development conserves the character and setting of the South Downs National Park in accordance with policy RE1 of the Chichester District Local Plan 1999.

4. The building hereby permitted shall be only used for a car park with staff accommodation and ancillary facilities that includes physio suite, consulting rooms, offices and kitchen.

Reason: To control the use of the site and conserve the tranquillity of the South Downs National Park in accordance with policies RE1 and RE17 of the Chichester District Local Plan 1999.

5. No development shall commence until full details of the biodiversity enhancements identified in the ENIMS – Protected Species Scoping Report – Project No: E333A have been submitted to and approved in writing by the South Downs National Park Authority. Development shall be carried out in full accordance with the approved details.

Reason: To enhance the biodiversity of the site in accordance with policy RE8 of the Chichester District Local Plan 1999.

## **11. Crime and Disorder Implication**

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

## **12. 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 Equalities Act 2010**

- 13.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

**TIM SLANEY**  
**Director of Planning**

Contact Officer: Lewis Oliver  
Tel: 01730 234127  
email: Lewis.oliver@southdowns.gov.uk  
Appendices 1. Location Map  
SDNPA Consultees Director of Planning & Senior Solicitor.

#### Background Documents

Letters of representation from members of the public

Observations of Fernhurst Parish Council

PPS1

PPS7

PPS9

PPG13

Circular 01/05

Chichester District Local Plan 1999

South East Plan 2009

Site Location Plan

