

MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

14 JUN 2018

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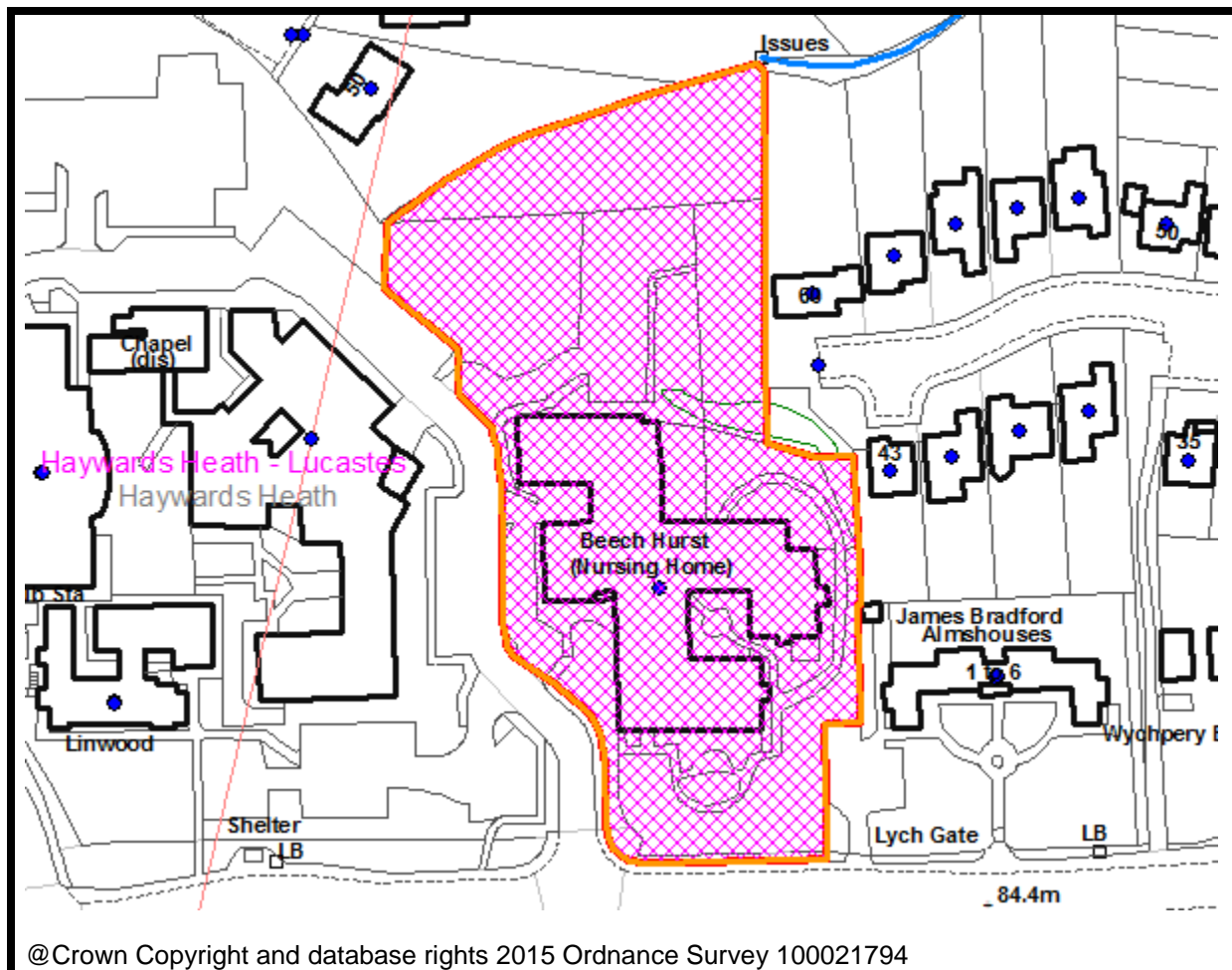
MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

14 JUN 2018

PART I - RECOMMENDED FOR APPROVAL

1. DM/18/0582



**BEECH HURST NURSING HOME BUTLERS GREEN ROAD HAYWARDS HEATH
WEST SUSSEX
DEMOLITION OF THE EXISTING BUILDING AND REDEVELOPMENT OF THE SITE
TO PROVIDE A REPLACEMENT CARE HOME (USE CLASS C2) ARRANGED OVER
THREE STOREY AND PART BASEMENT TOGETHER WITH ASSOCIATED CAR
PARKING, LANDSCAPING AND AMENITY SPACE.
MR ANDREW BRETT**

POLICY: Areas of Special Control for Adverts / Built Up Areas / Conservation Area / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Strategic Gaps / SWT Bat Survey / Tree Preservation Order / Tree Preservation Order Points / Archaeological Notification Area (WSCC) / Highways and Planning Agreement (WSCC) /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 18th June 2018

WARD MEMBERS: Cllr Jim Knight / Cllr Geoff Rawlinson /

CASE OFFICER: Ms Susan Dubberley

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is being sought for the demolition of the existing building and redevelopment of the site to provide a replacement care home (Use Class C2) arranged over three storey and part basement together with associated car parking, landscaping and amenity space.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The application site lies within the built up area of Haywards Heath and the proposal will maintain the current use of the site as a care home. The redevelopment of the site and provision of a new care home will increase the number of bed spaces and employment on the site, as well as providing improved and up to date facilities on the site.

The design of the proposed building is considered to be acceptable with well-articulated facades and is an overall improvement upon the building it will

replace.

There will be a neutral impact in respect of highway safety and parking provision, impact on neighbouring amenities, drainage, contamination and trees.

The application is therefore considered to comply with policies DP1, DP20, DP21, DP25, DP26, DP37 and DP41 of the District Plan, policies E7, E9 and L5 of the Haywards Heath Neighbourhood Plan and the broader requirements of the NPPF.

RECOMMENDATION

Recommendation A: It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A.

Recommendation B: It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure requirements by the 14th September 2018, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 and DP21 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

SUMMARY OF REPRESENTATIONS

3 letters of objection raising the following concerns:

- Object to increase in height of building close to residential properties in Sergison close.
- Replacement screening should be planted.
- Loss of light from increase in height.
- Cooking smells from new kitchen.
- Noise and disturbance from delivery lorries.
- Additional windows causing overlooking and loss of privacy.
- Dormer windows should be replaced with velux windows.
- Trees on boundary will affect light current trees often have to be cut back, consideration to future care and maintenance should be considered.
- In 2014 there was Japanese Knot Weed on the site.
- Have seen foxes, badgers, squirrels, and woodpeckers in the scrubland.
- Creation of a bog garden may result in an increasing fly and mosquito population.
- Challenge Design and Access Statement regarding trees on the north boundary has some have been cut down.
- Noise and disturbance from the new position of the entrance which will be in use 24 hours a day.

The Haywards Heath Society

No objection.

Haywards Heath Town Council

The Town Council has no comment other than to ask whether the net increase in parking spaces and the provision of cycle spaces will be sufficient to cater for the proposed net increase in the number of rooms and employees.

SUMMARY OF CONSULTATIONS

Full details of the consultation responses summarised below can be viewed in Appendix B of this report.

MSDC Environmental Health - Protection

No objection, subject to conditions.

MSDC Environmental Health - Contaminated Land

No objection, subject to conditions.

MSDC Urban Designer

No objection.

MSDC Drainage Engineer

No objection, subject to conditions.

WSCC Highways

No objection, subject to conditions.

WSCC Flood Risk

No objection, subject to condition.

MSDC Arboriculturist

No objection, subject to conditions.

INTRODUCTION

Planning permission is being sought for the demolition of the existing building and redevelopment of the site to provide a replacement care home (Use Class C2) arranged over three storey and part basement together with associated car parking, landscaping and amenity space.

RELEVANT PLANNING HISTORY

Planning permission for the existing care home was approved in 1995 under application HH/217/95.

SITE AND SURROUNDINGS

The site is located on the north side of Butler's Green Road (B2272). The existing care home building is part one and part two storeys in height and the ground floor level is set down from the road frontage by the equivalent of half a storey. The building is set back from the road. The two storey elements occupy the front and central parts of the site, with the single storey elements to the rear and east. The car parking area occupies the space to the rear. The land slopes down from front to back.

There are mature trees on the north (rear), South (front) and East (side) boundaries, with the western boundary facing onto the access road. The trees on the frontage and a group to rear of the car park are covered by a Tree Preservation Order dating from 1996. The Dolphin Medical Centre and associated offices are located to the west of the site, to the east, are the James Bradford Almshouses which front Butler's Green Road. To the rear of the site are residential properties located in Sergison Close and Lucastes Road. On the opposite side of Butler's Green Road, set back from the road frontage is The Beech, a public house/restaurant.

APPLICATION DETAILS

Planning permission is being sought for the demolition of the existing care home and redevelopment of the site to provide a replacement 72 bedroom care home (Use Class C2), together with associated access, car parking and landscaping. The building is to be arranged over three storeys together with a part basement beneath the entrance wing of the building.

The proposed scheme will provide care for frail, elderly residents comprising a range of residential, nursing and dementia care services, including:

- 24-hour on site nursing care provision.
- Additional resident's facilities including assisted bathrooms/WCs, and lounges and dining rooms.
- On-site kitchen and laundry rooms.
- Provision of outdoor amenity space and landscaped areas.

- Provision of 25 parking spaces, including 2 disabled parking bays, as well as provision of an ambulance bay and delivery bay. Provision is also made for cycle parking.

At ground floor level a café area, hairdresser's and cinema is shown on the plans, with 24 bedrooms and dining rooms, lounges and assisted bathrooms. A further 28 bedrooms and communal facilities are proposed at first floor level and 20 bedrooms at second floor level. The back of house uses, including the kitchen, staff room, changing rooms, and plant room are provided at basement level beneath the entrance area.

The new building would be appear for the most part as two storeys with rooms in the roof, and would be overall one metre higher than the existing ridge line and eaves line of the existing building. The north and south elevations are designed with a domestic appearance with the series of clearly subdivided bays to give the appearance of a run of terrace houses. The main entrance is located on the north elevation adjacent to the car park. A soft landscaped area has been provided in front of the proposed west elevation

On the front / Butlers Hill Road elevation the building has been brought slightly (2m approx.) forward of the existing building line as it allows the building to be pulled away from the car park at the rear providing more defensible space for the ground floor rooms which face the car park on the north elevation. The ground floor flats are shown with patio areas in front of patio doors/ window and along the east and west elevation provision has been made for outside seating areas connected to the communal lounge and dining room.

The proposed materials include a mixed of two brick types, hanging tiles and roof tiles with Upvc doors and windows.

LIST OF POLICIES

District Plan

The Mid Sussex District Plan (adopted March 2018) forms part of the development plan against which the application would be determined.

The relevant policies are:

- Policy DP1 - Sustainable Economic Development
- Policy DP20 - Securing Infrastructure
- Policy DP21 - Transport
- Policy DP25 - Community Facilities and Local Services
- Policy DP26 - Character and Design
- Policy DP29 - Noise, Air and Light Pollution
- Policy DP37 - Trees, Woodland and Hedgerows
- Policy DP41 - Flood Risk and Drainage

Haywards Heath Neighbourhood plan

The Haywards Heath Neighbourhood plan was 'made' in December 2016 and so forms part of the development plan. In accordance with the Planning and Compulsory Purchase Act 2004 and the NPPF, an assessment has been undertaken of the HHNP policies to identify if there are any in conflict with the District Plan. Where there is a conflict the weight to the policy has been identified.

The most relevant policies are:

E7 (Sustainable Urban Drainage)

E9 (Design)

B3 (The modernisation/redevelopment of existing commercial)

L5 (The provision of new community service buildings)

National Policy

National Planning Policy Framework (NPPF) (Mar 2012)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

Paragraph 12 of the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 17 of the NPPF sets out 12 principles that the planning system should play that underpin both plan making and decision taking. This paragraph confirms that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. It also confirms that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

With specific reference to decision-taking the document provides the following advice:

Para 150 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Para 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Para 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Para 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Para 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

Planning Practice Guidance.

ASSESSMENT (Consideration of Key Issues)

Principle of Development

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

"In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan in Mid Sussex consists of the District Plan (2018) and the Haywards Heath Neighbourhood Plan.

The principle of the development is supported by DP25 which states that:

The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.

The preamble to the policy in the District Plan Community facilities set out a list of community facilities and local services and the list includes specialist accommodation and care homes.

Policy L5: of the Haywards Heath Neighbourhood Plan states:

The provision of new community service buildings including medical and educational services in the Plan area will be supported where demand exists, provided the proposal can demonstrate the site is suitable in terms of access, servicing, car/cycle parking and design and will not lead to a loss of amenity for local residents..

While Policy B3 of the Neighbourhood Plan states:

The modernisation/redevelopment of existing commercial sites to create an improved commercial offer in the Town and proposals which seek to improve existing employment areas, including a possible small business park will be granted planning permission provided that:

- *there would be no adverse impacts on the amenities of surrounding uses*
- *the improvements maintain or enhance pedestrian and cycle access*
- *the improvements maintain or enhance access to bus stops*
- *adequate servicing and parking provision is made*
- *there is no increased risk of local flooding.*

The Council would be supportive of an innovative design approach to such properties.

In view of the above it is considered that that the principle of the redevelopment and increase in bed spaces on the site of the existing care home, which will provide improved and up to date facilities is acceptable.

Employment and economic issues

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and, with regard to the economic role, states that the planning system should be:

"contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to

support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure."

Paragraphs 18-21 of the NPPF require the planning system to support sustainable economic growth, with policies setting out a clear vision and strategy and which identifies strategic sites for local and inward investment.

Policy DP2 of the District Plan seeks to encourage sustainable economic development and to encourage high quality developments, to support existing local businesses and facilitate inward investment. In regard to this application policy DP2 refers to :

Supporting existing local businesses and allowing them room to expand..

The existing development employs a mix of full time and part time staff equivalent to 50 full time staff members; the new development would employ the equivalent of 65 full time posts. The proposal would result in clear economic benefits in terms of the direct boost to the local economy during the construction phase and subsequent economic growth and employment opportunities from a large and established care home provider. The applicant UK Care Homes currently provide care and support for over 6,000 people in 114 nursing and care homes across the country, including the existing home at Beech Hurst.

It is therefore considered that the proposal would comply with policy DP2 of the District Plan and the NPPF.

Design and visual impact

Paragraph 17 of the National Planning Policy Framework sets out a set of core land-use planning principles that should underpin decision-taking, including the notion that planning should: *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."* Furthermore, paragraphs 56, 58 and 61 set out the Governments position with regard to the importance and principles of good design.

Policy DP26 requires development to be well designed and reflect the distinctive character of the towns and villages and states:

All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*

- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.*

Policy E9 of the Neighbourhood Plan has a similar aim and seeks to ensure that new development will protect and reinforce the local character within the locality of the site.

The Urban Designer has considered the scheme and has commented that while the main entrance access is on the north elevation rather than on the west most visible elevation, it is recognised that it has been located here as it is convenient for the car park, and since the pre-application stage the entrance has been moved from the north-east to the more accessible north-west corner of the building. The car park itself is well located where it will be screened and softened by the surrounding trees on the northern boundary.

There is no objection to the demolition of the existing building which has no particular architectural merit and the Urban Designer has commented that the most prominent west flank elevation currently does not successfully address the access road. The proposed generous soft landscaped threshold proposed in front of the proposed west elevation is therefore welcomed and will soften the building from the access road approach. While the ambulance bay would be prominent; this is understandably required for operational reasons.

The overall scale and mass is considered acceptable with 2+1 storey in the roof, particularly as the new building would only be one metre higher than the ridge line and eaves line of the existing two storey building.

Overall the Urban Designer has no objection to the design and considers that:

Overall the proposed building is well organised and sits well in its context, and has been designed to benefit from a soft landscaped threshold on its visible western boundary. This

and the generally well-articulated facades will generate a proposal that is an improvement upon the building it will replace.

It is therefore considered that the proposal would comply with policy DP26 of the District Plan and Policy E9 of the Neighbourhood Plan.

Effect on neighbouring amenity

Policy DP26 of the District Plan seek to protect neighbour amenity.

Objections have been received from two properties in Sergison close that lie to the east of the site regarding loss of light and overlooking. The nearest property no.43 is located at a distance of between 23m and 26m from the east elevation of the proposed care home while No.60 would be 22m away from the nearest point on the new building and the main part of the boundary is adjacent to the car park, where there is a large area of mature trees. James Bradford Alms Houses also lie to the east of the site and there would be some 13m between the development and these houses.

A further objection has been received from 50 Lucastes Road which lies to the rear of the site, however the new building would be set some 47m from the rear boundary and there is also a heavily wooded tree belt on the rear boundary. Therefore it is considered that there would not be a detrimental impact on this property.

In terms of height differences the existing building is 9.5m to the ridge and the new building would be 10.5m to the ridge.

Given the distances and the fact that the eastern boundary has a close boarded fence and mature trees and the rear northern boundary has mature trees and vegetation and that some of these trees are protected by a TPO, it is considered that there would not be a significant impact on neighbouring amenity.

Some objections relate to potential cooking smells, however the kitchen would be located at rear basement level and environmental health have not raised any concerns.

It is therefore considered that the proposal would comply with policy DP26 of the District Plan.

Impact on trees

Policy DP37 of the Mid Sussex District Plan states that: *"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected."*

Several trees on site are to be removed to facilitate the development, these are mainly to the front of the site as the building line will be 2m forward of the existing building, as well

as some within the site itself. While some of the trees on site are subject to a Tree Preservation Order, none of these protected trees are to be removed.

The Arboriculturist has no objection to the removal of the trees particular as the landscaping plan shows that a significant amount of replanting is proposed.

A few amendments to the species of trees, shrubs and plants that are shown in the landscaping plan are suggested; however this can be covered by an appropriate condition.

It is therefore considered that the proposal would comply with the above policies.

Ashdown Forest

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development (taking into account the previous use of the site), such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

It is considered that the proposal would not result in any significant amount of vehicular movements across the Ashdown Forest and the proposed development has in any case been incorporated into the overall results of Mid Sussex Transport work. It is therefore logical and reasonable to conclude that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Access, parking and highway safety

Policy DP21 the District Plan requires development to: be sustainably located to minimise the need for travel, promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking, not cause a severe cumulative impact in terms of road safety and increased traffic congestion, be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages, and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

The development would use the existing access into the site with a total of 25 car parking spaces are proposed: 20 within the rear car park and 5 existing allocated spaces within

the adjacent Linwood Health Centre car park would be retained. The Transport Assessment submitted with the application anticipates that the site would increase trips by a total of 22 two way trips during a 24hr period, 2 of which would be in the AM peak and 2 in the PM peak.

The WSCC Highways has raised no objection to the proposals subject to conditions to secure the car parking and cycle parking.

In view of the above it is considered that the proposals are acceptable in regard to traffic issues and would comply with the above policies.

Drainage

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

The Drainage Engineer has raised no objection and considers that this matter can be suitably dealt with by condition, so there should be no conflict with these policies.

Infrastructure contributions

Contributions are requested in accordance with the councils adopted Supplementary Planning Document "Development and Infrastructure" and are requested in accordance with Policy DP20 of the District Plan and the NPPF.

The contributions also accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

The applicant has indicated a willingness to make these contributions. The payments that will be required are set out as follows:

County Council Contributions:

Libraries £2,836
TAD £13,871

In accordance with the Recommendation in the Executive Summary it is recommended that permission not be granted until such time as these contributions have been secured within a signed legal agreement.

Conclusions

Planning permission is being sought for the demolition of the existing building and redevelopment of the site to provide a replacement care home (Use Class C2) arranged over three storey and part basement together with associated car parking, landscaping and amenity space.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The application site lies within the built up area of Haywards Heath and the proposal will maintain the current use of the site as a care home. The redevelopment of the site and provision of a new care home will increase the number of bed spaces and employment on the site, providing improved and up to date facilities on the site.

The design of the proposed building is considered to be acceptable with well-articulated facades, sits well in its context and is an overall improvement upon the building it will replace.

There will be a neutral impact in respect of highway safety and parking provision, impact on neighbouring amenities, drainage, contamination and trees.

The application is therefore considered to comply with policies DP1, DP20, DP21, DP25, DP26, DP37 and DP41 of the District Plan, policies E7, E9 and L5 of the Haywards Heath Neighbourhood Plan and the broader requirements of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. 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 interest of proper planning.

3. No development shall be carried out until a schedule and/or samples of materials and finishes to be used for external walls, windows and roof of the proposed buildings have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the District Plan

4. No development shall be carried out unless and until detailed 1:20 section through the full height of the building at the front entrance and 1:20 elevation of the Juliet balconies have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the District Plan.

5. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include the retaining walls, indications of all existing trees on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with policy DP26 of the District Plan.

6. Construction hours: Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

- Monday to Friday: 08:00 - 18:00 Hours
- Saturday: 09:00 - 13:00 Hours
- Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents and to comply with policy DP26 of the District Plan.

7. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of

similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the District Plan.

8. Construction Environmental Management Plan: Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: to protect the amenity of local residents from noise and dust emissions during construction and to comply with policy DP26 of the District Plan.

9. No burning materials: No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to comply with policy DP26 of the District Plan.

10. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP26 of the District Plan.

11. The development hereby permitted shall not proceed until details of the proposed surface water and foul drainage and means of disposal, including details of surface water management during construction and details of future maintenance, have been submitted to and approved by the Local Planning Authority, in agreement with Southern Water, and shall not be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policy DP41 of the District Plan.

12. 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 and to accord with Policy DP21 of the District Plan

13. No part of the development shall be first occupied until the cycle parking spaces have been provided in accordance with plans and details 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 and to accord with Policy DP21 of the District Plan

14. Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

- Monday to Friday: 08:00 - 18:00 hrs
- Saturday: 09:00 - 13:00 hrs
- Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents and to comply with policy DP26 of the District Plan.

INFORMATIVES

1. In accordance with 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 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.

APPENDIX B – CONSULTATIONS

Haywards Heath Town Council

The Town Council has no comment other than to ask whether the net increase in parking spaces and the provision of cycle spaces will be sufficient to cater for the proposed net increase in the number of rooms and employees.

WSCC Flood Risk

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations and advice.

Flood Risk Summary

Modelled surface water flood risk: Moderate risk

Comments: Current uFMfSW mapping shows that the proposed site is at moderate risk from surface water flooding, with the west side of the site being at higher risk.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

Reason: NPPF paragraph 103 states - 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..'

Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

Modelled ground water flood risk susceptibility: Low risk

Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.

Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Records of any flooding of the site? No

Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Ordinary watercourses nearby? Yes

Comments: Current Ordnance Survey mapping shows an ordinary watercourse at the northern boundary of the site. Further local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.

Works affecting an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Future development - Sustainable Drainage Systems (SuDs)

The Surface Water Drainage Statement for this application proposes that sustainable drainage techniques (permeable paving, swale, filter drain, bog garden, below ground attenuation with restricted outfall to watercourse) would be used to control the surface water from this development. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

MSDC Environmental Health

Main Comments: While the site is being demolished and rebuilt, it is remaining as a care home. Environmental Health have had no complaints regarding the current use, and have no comments to make with regards to the end use of the proposed application.

However there are sensitive uses nearby, specifically the hospital, and therefore the developer should ensure that care is taken to minimise disturbance so far as reasonably practicable.

Recommendation: Approve with conditions

1. Construction hours: Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

- Monday to Friday: 08:00 - 18:00 Hours
- Saturday: 09:00 - 13:00 Hours
- Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents.

2. Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

- Monday to Friday: 08:00 - 18:00 hrs
- Saturday: 09:00 - 13:00 hrs
- Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

3. Construction Environmental Management Plan: Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction.

4. No burning materials: No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents from smoke, ash, odour and fume.

MSDC Environmental Health - Contaminated Land

Main Comments: The site is to be demolished and a new care home and associated buildings built.

As part of the application a preliminary land quality risk assessment has been submitted by SLR Consulting Limited (ref: 402.02498.00011.041), dated January 2018. I have read the through the report and am satisfied that it meets the necessary standards.

The report finds that the risk to future occupiers from potentially contaminated land is low, but also recommends some voluntary measures to the developers.

Given the findings of the desktop study, no further testing is required at this stage. However given the sensitivities of the proposed site, a discovery condition is recommended in order to ensure that if any previously unidentified contamination is found that works stop and testing is undertaken, with a remediation scheme submitted to the LA for approval.

Recommendation: Approve with conditions

1) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

West Sussex County Council Highways

The application is for the demolition of the existing 56 bedroom (60 bed space) care home and the development of a 72 single bed care home with supporting functions.

The site is located off Butlers Green Road and access will remain as existing.

Parking

The existing site currently provides 24 parking spaces. A total of 25 spaces are proposed for the new development, which is below the maximum parking standards of 28 space, evidence has been provided from alternative care homes detailing the ratio of spaces per bedrooms to which the site is provided with the higher end.

Cycle Parking

The application from states 8 cycle parking spaces are to be provided, The Transport Assessment sates a total of 14 cycle parking spaces are to be provided and the Travel plan states 16 bays are to be provided (6 short stay and 10 secure). Clarification should be provided.

Trip generation

TRICS data has been provided to determine the impact of the development. It is anticipated that the site would increase trips by a total of 22 two way trips during a 24hr period, 2 of which are in the AM peak and 2 in the PM peak.

Travel Plan

Comments will be sent separately.

Conclusion

No objection is raised to the application subject to the following conditions:

Conditions

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 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.

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.

In addition to the conditions within my previous response the following condition should be added.

Travel Plan (to be approved)

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once

approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

MSDC Urban Designer

Summary and Overall Assessment

Overall the proposed building is well organised and sits well in its context, and has been designed to benefit from a soft landscaped threshold on its visible western boundary. This and the generally well-articulated facades will generate a proposal that is an improvement upon the building it will replace. For this reason, I have no objections to this application but to secure the quality of the design I would recommend conditions requiring a 1:20 section through the full height of the building at the front entrance, a 1:20 elevation of the Juliet balconies and the normal conditions covering facing materials (including windows) and landscaping (including boundary treatment).

Demolition of Existing Building

I have no objection to the demolition of the existing building which has no particular architectural merit and the prominent west flank elevation is poorly organised and does not successfully address the access road.

Layout of the Proposal

The building is organised with the main entrance access rather hidden away on the north elevation which does not take the opportunity to animate the most visible west elevation and requires a longer walking distance from Butlers Green Road than if it had been located on the south or west elevations. Nevertheless it has been located here to meet the clients brief for car park convenience, and since the pre-application stage the architect has sensibly moved the entrance from the north-east to the more accessible north-west corner of the building. The adjacent car park is well located where it will be screened and softened by the surrounding trees on the northern boundary.

In contrast to the rather hard-edged side elevation of the existing building, a more generous soft landscaped threshold has been provided in front of the proposed west elevation that should attractively soften the building from the access road approach. From a visual amenity perspective, the ambulance bay is unfortunately prominent; however this is understandably required for operational reasons.

On the front / Butlers Hill Road elevation the building has been brought slightly (2m approx.) forward of the existing building line since the pre application stage. This is considered acceptable as the flats on this side will still have sufficient separation distance

from the trees along the main road boundary, and it allows the building to be pulled away from the car park at the rear providing more defensible space for the flats facing the car park on the north elevation.

The ground floor flats are all organised with patio areas in front of patio doors/ windows, which as well as providing private amenity space, also allows for some level of separation and privacy from the communal spaces. Along the east and west elevation provision has been made for outside seating areas that is sensibly connected to the communal lounge and dining room.

Elevations and Massing

The building is organised as 2+1 storey in the roof, and is overall one metre higher than the ridge line and eaves line of the existing two storey building. This is only a modest increase and because of its sunken relationship with Butlers Green Road, the proposed building will fit in comfortably within its context, particularly as the north and south elevations are designed with a domestic appearance with the series of clearly subdivided bays being easily associated with a run of terrace houses. These elevations nevertheless risk looking a little busy because of the variety and application of the facing materials that are employed.

The full 3 storey height is more expressed on the west elevation facing the access road because of the higher eaves line on the two projecting wings which rise up to gable projections in the centre of the two flanks. The symmetry of this composition provides this façade with underlying order that is reinforced by recently revised drawings that incorporate adjacent windows that are equally balanced on both sides of the central bay.

The position and design of the dormer windows in the front/south face of the building have also been amended as they did not correspond with the floorplans on the originally submitted application drawings. While the addition of skylights look a little cluttered, the south elevation works well enough particularly as it is to some extent screened and softened by the trees along the front boundary.

MSDC Arboriculturist

All of the trees on site have been: plotted, measured and classified as per BS 5837.

The RPA of each tree has been calculated and plotted on the site plan provided.

A tree protection plan has also been provided within the AIA, tree protection measures for all retained trees are denoted within the site plan, these include Construction Exclusion Zones using suitable fencing and signage.

Some of the trees on site are subject to a Tree Preservation Order, including: T1 (Sycamore), G5.11 & trees within G1 (Mixed Species Group). None of these protected trees are to be removed.

Several trees on site are to be removed to facilitate the development; these removals are considered appropriate, especially when we consider the significant amount of replanting that is planned post development.

In terms of the landscape plan provided, I would like to see a few amendments. A full list of species (preferably natives) for planned tree planting should be provided. This is also the case with shrubs/hedges to be planted on site.

All planting should be appropriate for the local soil conditions and an aftercare plan should be submitted also.

The landscape plan mentions a wildflower mix meadow is also planned within the site; this will require regular maintenance and is only an attractive feature for 2/3 months of the year. I would suggest instead a mix of native perennial's, this would be far easier to maintain and more likely that the plants will become established.

Subject to the above amendments, I have no objection to the proposed development.

MSDC Drainage Engineer

Summary and overall assessment

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

As this is for a multiple occupancy development, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.

- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is within an area identified as having possible low to high surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Given the proposed development includes basement level with access in close proximity to external ground floor access we would expect to see flood resistance and resilience measures are incorporated to ensure potential surface water flooding cannot enter the basement where manual extraction would be required.

Surface Water Drainage Proposals

It is proposed that the development will incorporate a number of sustainable drainage features and attenuation before discharging to the adjacent water course through the existing outfall.

As part of handling any future conditions we require confirmation of the discharge rate into the watercourse; we would expect that this would be approximately 5 l/s for all storm events up to the 1 in 100 event with an allowance for climate change. We will also require confirmation that the existing 150mm surface water discharge pipe and the existing outfall headwall are in suitable condition to manage the lifetime of this development.

Foul Water Drainage Proposals

It is proposed that the development will discharge foul water to the existing mains sewer.

Suggested Conditions

C18F - Multiple Dwellings / Multiple Occupancy

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan