

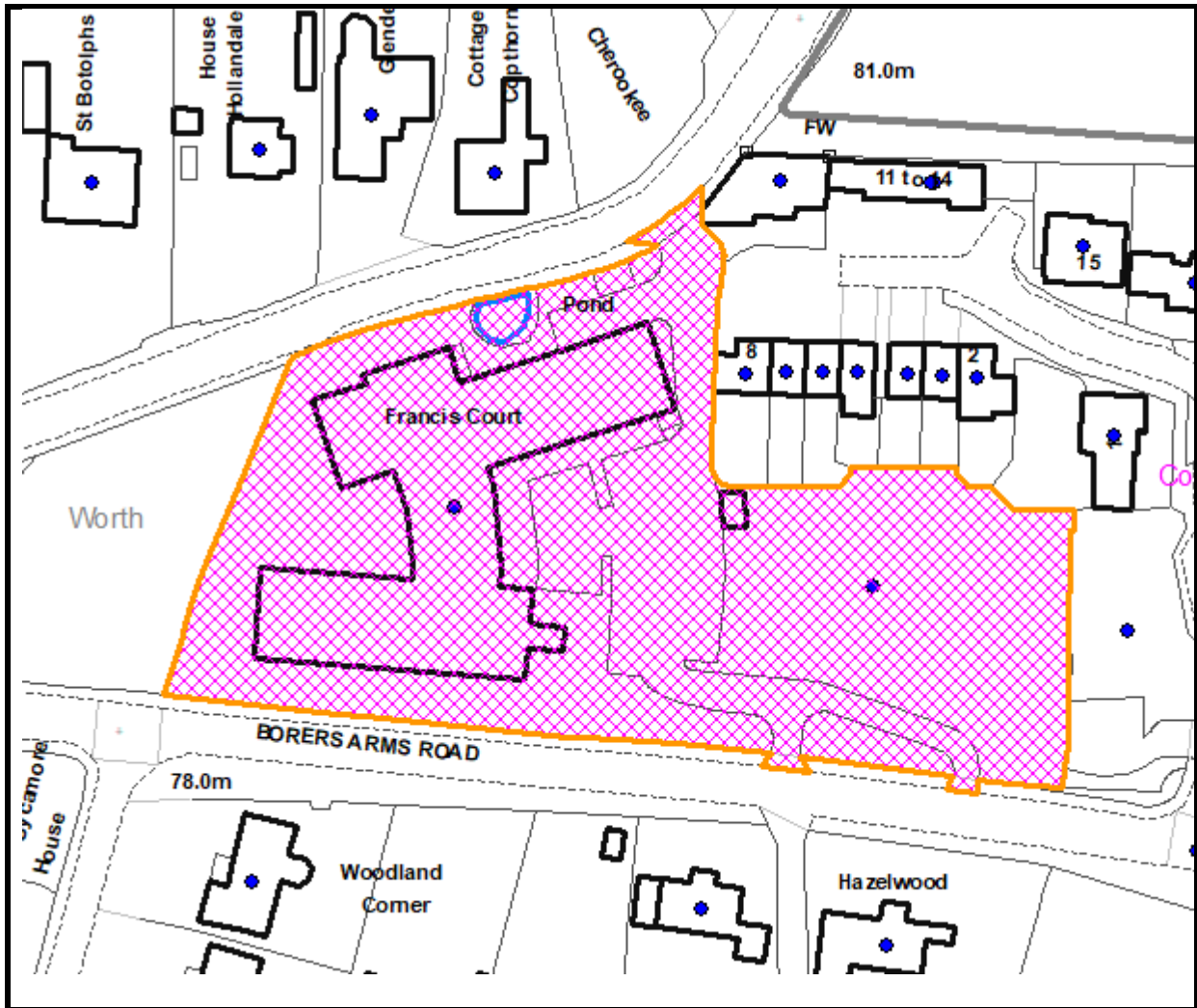
District Planning Committee



Recommended for Permission

21st March 2024

DM/23/2360



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Site:	Francis Court Borers Arms Road Copthorne Crawley West Sussex
Proposal:	Demolition of existing care home and construction of a 78-bedroom care home (Use Class C2), with associated access, plant, parking, landscaping and site infrastructure. (Amended plans received 10/01/2024 including revisions to windows, dormers, some reconfiguration of internal layout, revised Travel Plan and Ecology reports).
Applicant:	Care UK Community Partnerships Limited
Category:	Smallscale Major Other

Target Date:	25th March 2024
Parish:	Worth
Ward Members:	Cllr Graham Casella / Cllr Christopher Phillips /
Case Officer:	Susan Dubberley

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S0TS4PKT0GL00>

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1.0 Purpose of Report

1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

2.1 Planning permission is sought for the demolition of the existing care home and construction of a 78-bedroom care home (Use Class C2), with associated access, plant, parking, landscaping and site infrastructure.

2.2 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.

2.3 National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

2.4 The site lies within the built-up boundary of Copthorne and as such the principle of development is acceptable under Policy DP6 of the District Plan and Policy CNP2.1 of the Copthorne Neighbourhood Plan. The development is also supported by DP25 which supports the provision or improvement of community facilities and local services, that includes specialist accommodation and care homes. In addition, Policy SA39 of the Site Allocations DPD relates to the provision of specialist accommodation for older people and supports new care homes within the built -up boundary. The proposal will also provide a new care home on the site with improved facilities and employment.

2.5 It is noted that the design of the care home is similar in terms of the footprint, scale, form, and materiality to that of the current building on the site. Amendments to the

design were however secured and the design is now considered to be acceptable. The amendments included improvements to the elevations and layout, with the rationalisation of window positions on the south elevation, and dormer windows aligned on the north elevations. The scheme is now considered to sufficiently address the principles set out in the Council's Design Guide and accord with policy DP26 of the District Plan and the Neighbourhood Plan.

- 2.6 There will be a neutral impact in respect of highway safety and parking provision, impact on neighbouring amenities, drainage, contamination, trees and there will be no likely significant effect on the Ashdown Forest SPA and SAC.
- 2.7 The application is therefore considered to comply with policies DP21, DP25, DP26, DP34, DP37 and DP41 of the District Plan, policy SA39 of SADPD, the policies CNP1, CNP15 and CNP16 of the Copthorne Neighbourhood Plan, and the broader requirements of the NPPF.
- 2.8 Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission be approved subject to the conditions set in Appendix A and to the completion of the Unilateral Undertaking securing the Travel Plan monitoring fees.

Recommendation B:

- 3.2 It is recommended that if the applicants have not submitted a satisfactory signed Unilateral Undertaking securing the Travel Plan Monitoring fees by 21st June 2024, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

1. The application Fails to comply with Policy DP21 of the Mid Sussex District Plan and the requirements of the NPPF to promote sustainable transport modes.

4.0 Summary of Representations

- 4.1 One letter of representation concerned over:

- Dust and noise during demolition.
- Where are workers vehicles going to park while working on site, as Borers Arms Road is a bus route with much local traffic especially at school and morning and evening rush hour times.
- How are large lorries going to turn in and out of the site onto Borers Arms Road during the whole time of demolition and rebuilding. The road itself is too narrow for vehicles to be parked on the roadside.
- Is the area within the site big enough for service vehicles to turn around and drive out onto Copthorne Bank as reversing out on to the road would be extremely dangerous.
- Have had a problem with the main sewer being blocked at the junction of Church Road and Borers Arms Road which has caused the drains to back up and overflow

down our drive and flood our premises. Please ensure that the way the sewer connects to the main drainage be addressed when planning is being sought, to stop this problem ever happening again.

5.0 Summary of Consultees

MSDC Community Facilities Project Officer: As these are all extra care Use Class C2 units there is no requirement for a financial contribution toward play, kickabout, formal sport or community buildings.

MSDC Environmental Health - Contaminated Land. No objection subject to conditions.

MSDC Environmental Health- Protection: No objection subject to conditions.

MSDC Arboriculturist: No objection subject to conditions.

MSDC Drainage Engineer: No objection subject to conditions.

MSDC Urban Designer: No objection subject to conditions.

Design Review Panel: Object - The Panel felt this was a missed opportunity to replace a relatively modern building with a cutting-edge look and visionary design.

NATS: No safeguarding objection to the proposal

Active England: No comment to make as it does not meet the statutory thresholds for its consideration.

Thames Water: No objection.

WSCC Flood Risk: Under local agreements, the statutory consultee role under surface water drainage is dealt with by Mid-Sussex Council's Flood Risk and Drainage Team.

WSCC Highways: No objection subject to conditions.

Surrey County Council: Does not appear to have an impact on Surrey roads

Gatwick – safeguarding: No objection subject to condition and informative.

Consultant Ecologist: No objection subject to conditions.

Newt Officer: No objection.

Sussex Police: have no major concerns with the proposals at the location.

6.0 Town/Parish Council Observations

- 6.1 Object on the following grounds: Concerns with lack of parking spaces for visitors, noting that many visitors will travel from out of the area and will be unable to use public transport. It is considered that the proposals are unneighbourly and will result in overdevelopment of the site.

6.2 Amended plans – Defer to officer.

7.0 Introduction

7.1 This application seeks planning permission for the demolition of the existing care home and construction of a 78-bedroom care home (Use Class C2), with associated access, plant, parking, landscaping and site infrastructure. (Amended plans received 10/01/2024 including revisions to windows, dormers, some reconfiguration of internal layout, revised Travel Plan and Ecology reports).

8.0 Relevant Planning History

8.1 07/00568/FUL Demolition of existing convent to be replaced by a 2/3 storey 78 bedroom new build residential care home. Withdrawn July 2007.

07/02377/FUL Demolition of existing convent to be replaced by a 2-3 storey new build residential care home. Approved November 2007.

08/00518/FUL Demolition of existing Convent to be replaced by a 2/3 storey new build Care Home. Approved December 2008.

10/01807/LDC Seeks to reconcile the planning position by making it clear there are in fact 87 bedrooms within the Home and not 82. This is an application to establish whether the development is lawful: this will be a legal decision where the planning merits of the proposed use cannot be taken into account. Approved June 2010.

DM/17/1517 New external lift shaft. Approved May 2017.

9.0 Site and Surroundings

9.1 The application site is located between Borers Arms Road and Copthorne Bank. The site currently contains a vacant 87-bedroom care home which is two storeys in height with rooms in the roof, and is bounded by a high brick wall. The care home building is located to the west of the site, with a parking area in front of the home beyond which is a mature garden.

9.2 There are two existing vehicle accesses to the site. The main access is off Borers Arms Road with a long entrance drive past the mature gardens that lie to the east, where there are a number of trees that are protected by a Tree Preservation Order (WP/1/TPO/95). There is also an access on the northern boundary off Copthorne Bank used for deliveries and refuse collection.

9.3 The surrounding area is predominantly residential in character. To the north of the site is Copthorne Bank, which has a number of detached residential dwellings set in sizable plots, which face the application site. To the west of the application site lies an open green area and to the east is St Francis Gardens, a residential development, with a terrace of four houses adjoining the eastern boundary of the site. St Francis Gardens is sited on land that was previously part of the convent that was demolished and replaced by the existing care home.

9.4 The site is located in the built-up area of Copthorne.

10.0 Application Details

- 10.1 This application seeks planning permission for the demolition of the existing care home and construction of a 78-bedroom care home (Use Class C2), with associated access, plant, parking, landscaping and site infrastructure.
- 10.2 In the Planning Statement submitted with the application it states that the redevelopment is necessary as *'it has become evident that there are deficiencies in the care home that cannot be restored through minor changes. After undertaking a detailed review of the building, Care UK's technical advisors have concluded that substantial upgrade works are required to the structure and fabric of the building to make it safe and weathertight for future occupants. to ensure it meets modern-day standards and is fit-for purpose.'*
- 10.3 The statement continues: *'In response to the Covid-19 pandemic, the new layout will allow the care home to be split into 'wings', with a restricted number of bedrooms that can be separated from the rest of the home (along with dedicated staff to the isolated wings) very easily to prevent disease transmission'*.
- 10.4 The care home will provide accommodation to residents with a range of care needs, from residential care to full nursing care, for example some residents will have dementia and others will have conditions such as multiple sclerosis or motor neurone disease. The care home would provide 78 bedrooms each with ensuite bathrooms, a range of communal and amenity spaces including a cafe, activity rooms, a cinema room, hairdressers, lounges, dining spaces and quiet rooms.
- 10.5 There are 29 car parking spaces proposed, including 2 disabled bays. There is also an ambulance bay shown with an additional enlarged bay for deliveries.
- 10.6 The new building would more or less follow the footprint of the existing building on the site and would be similar in terms of massing, form, and materiality of the current building. A traditional design approach is also taken in line with the current building.
- 10.7 The care home would be two storeys with a varied pitched roof height, featuring gables and dormers.
- 10.8 The proposed materials on the elevations include a combination of red brick and weatherboard, along with grey window frames, black rainwater goods and black facias. The landscaping is proposed to soften the parking and site boundaries.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (SADPD) and the Copthorne Neighbourhood Plan.

- 11.3 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the Development Plan but is an important material consideration.

Mid Sussex District Plan 2014-2031

- 11.4 The District Plan was adopted in 2018 and forms part of the Development Plan. Relevant policies specific to this application include:

Policy DP1: Sustainable Economic Development
Policy DP6: Settlement Hierarchy
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
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 DP39: Sustainable Design and Construction
Policy DP38: Biodiversity
Policy DP41: Flood Risk and Drainage
Policy DP42: Water Infrastructure and the Water Environment

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

- 11.5 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) was published for public consultation on 12th January 2024 for six weeks. At this stage the Local Planning Authority does not know which Policies will be the subject of unresolved objections and therefore only minimal weight can be given to the Plan. As such, this planning application has been assessed against the policies of the adopted District Plan.

- 11.6 The relevant policies include:

- DPS1: Climate Change
- DPS2: Sustainable Design and Construction
- DPS4: Flood Risk and Sustainable Drainage-
- DPN1: Biodiversity, Geodiversity and Nature Recovery
- DPN2: Biodiversity Net Gain
- DNP3: Green and Blue Infrastructure
- DPN4: Trees, Woodland and Hedgerows
- DNP6: Pollution
- DPN7: Noise Impacts -
- DNP9: Air Quality
- DPN10: Land Stability and Contaminated Land
- DPC6: Ashdown Forest SPA and SAC
- DPB1: Character and Design

- DPT3: Active and Sustainable Travel
- DPT4: Parking and Electric Vehicle (EV) Charging Infrastructure
- DPH4: Older Persons' Housing and Specialist Accommodation
- DPH11: Dwelling Space Standards
- DPH12: Accessibility

Mid Sussex Design Guide Supplementary Planning Document

- 11.7 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

Site Allocations Development Plan Document

- 11.8 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policies specific to this application include:

SA38: Air Quality

SA39: Specialist Accommodation for Older People and Care Homes

Copthorne Neighbourhood Plan

- 11.9 The Copthorne Neighbourhood Plan was made September 2021. Relevant policies include;

Policy CNP1: General Development Requirements

Policy CNP15: Sustainable Transport

Policy CNP16: Car Parking

National Policy

- 11.10 The National Planning Policy Framework (NPPF) December 2023.

National Planning Policy Guidance

- 11.11 *National Design Guide*

- 11.12 *Ministerial Statement and Design Guide*

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

11.13 *Technical Housing Standards*

12.0 **ASSESSMENT**

PRINCIPLE OF DEVELOPMENT

- 12.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.2 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."
- 12.3 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."
- 12.4 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.
- 12.5 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (SADPD) and the Copthorne Neighbourhood Plan.
- 12.6 The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.
- 12.7 As the proposed development is within the built up area of Copthorne, the principle of development is acceptable under Policy DP6 of the District Plan which states:
Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.

- 12.8 In addition to the above, Copthorne is classed as category 2 settlement in the settlement hierarchy listed under MSDP policy DP6. As such, the application site can be considered to be a sustainable location for the development.
- 12.9 Policy CNP2.1 of the Copthorne Neighbourhood Plan supports redevelopment and infill in the Built-Up Area and states:

The Proposals for redevelopment and infill development within the defined built-up area will be supported subject to the following criteria:

(a) The new development will not appear incongruous with the existing character and/or street scene, ensuring the proposed materials, plot size, boundary treatment, built form, building line and gaps between buildings is like those around it.

(b) Suitable access and on-site parking are provided without causing unacceptable harm to neighbouring properties, pavements, pathways, footpaths, cycle paths, bridleways, established tracks, tways, and other Rights of Way.

(c) The new development will not cause unacceptable harm to the amenity of existing and future occupants, both on site and nearby by way of general activity, access, noise, privacy, dominance, daylight, and sunlight.

- 12.10 The principle of the development is also 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.

- 12.11 Also relevant is policy SA39 of the Site Allocations DPD, which relates to the provision of specialist accommodation for older people and states:

'There is an identified need for specialist accommodation for older people comprising at least 665 additional extra care units (Use Class C2) by 2030, of which at least 570 should be leasehold.

The Housing and Economic Needs Assessment Addendum (August 2016) identified forecast demand for care homes (Use Class C2) at 2031 as 2,442 bedspaces. The Council will support proposals that will contribute to meeting these types of specialist accommodation.

Proposals for specialist accommodation for older people and care homes will be supported where:

It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan; or It forms part of a strategic allocation; or It is located within the Built-Up Area Boundary as defined on the Policies Map; or Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).

In all circumstances, the site must be accessible by foot or public transport to local shops, services, community facilities and the wider public transport network.

Proposals must demonstrate how reliance on the private car will be reduced and be accompanied by a Travel Plan which sets out how the proposal would seek to limit the need to travel and how it offers a genuine choice of transport modes, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.'

12.12 As the site lies within the Built-Up Area Boundary there is compliance with SA39.

12.13 In view of the above it is considered that the principle of the demolition of the existing care home and the construction of a 78-bedroom care home is acceptable.

DESIGN AND CHARACTER

12.14 Policy DP26 of the District Plan relates to character and design 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.'*

12.15 Policy CNP1 of the Copthorne Neighbourhood Plan states:

CNP1.1 Proposals will be supported where they sustain or reinforce the positive aspects that make up the individual character and distinctiveness of each Character Area, as defined on the Policies Map, in which they sit.

CNP1.2 Proposals for new development should not cause unacceptable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby.

CNP1.3 Proposals should retain features such as shaws, hedgerows, ponds and brooks, and enhance them, where practicable.

CNP1.4 Proposals should protect, and encourage the use of, pavements, pathways, footpaths, cycle paths, bridleways, established tracks and tways, and other Rights of Way.

CNP1.5 Development proposals should be designed and arranged to maintain separation between Copthorne Village and other surrounding settlements.

CNP1.6 Extensions to existing buildings will be supported provided they adhere to other policies in the development plan and:

- a) Are no higher than the existing building.*
- b) Do not conflict with traditional boundary treatment of an area.*
- c) Use materials which are compatible with materials of existing/surrounding buildings'.*

12.16 Para 135 of the NPPF relates to design and states:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

12.17 The Council's adopted Design Guide is a material consideration in the determination of the application. This document seeks to inform and guide the

quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for innovative and inventive designs that responds to the sustainability agenda within DG37. There is support for architectural integrity and a sense of place within DG38, where the facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. In addition, design principle DG39 requires the scale of new buildings to relate to their context.

12.18 The design of the application has been considered by both the Design Review Panel (DRP) and the Urban Designer. Overall the DRP have objected to the application with the panel considering that there was a missed opportunity to replace a relatively modern building with a cutting-edge look, and visionary design, and that they did not feel sufficient justification had been given to explain why the existing building could not be re-used. The Panel considered that the design and layout was too similar to the existing building and consequently was dated. The DRP comment in full can be found in the Appendix B.

12.19 The Urban Designer initially had some concerns with the design and therefore suggested changes to improve the quality of the design, commenting:

'The proposed care home follows the basis of the existing care home design in terms of massing, form, and materiality. The layout remains similar to the existing one but is now tailored to better meet the specific needs of the future users. Introduction of the 'safe' enclosed garden that would wrap around the majority of the home and would allow residents to use it safely and independently at all times is welcomed. However, the garden lacks continuity and would benefit from closing the movement loop by creating pedestrian link through the building. This could be achieved by swapping the Lounge with Plant Room, increasing the glazing in the Lounge facing the internal corridor, and replacing Bedroom 07 with wide corridor linking to the outside.

Also, there is a need for a clearer visual link between the front lobby, café and lightwell. This could be achieved by repositioning the internal opening to the Café to align it better with front door to the building.

Lightwell is concerning but it's acceptable providing that a clearer visual link will be made, and more windows are provided to the Café space: as shown on Elevation 8 (please note elevations do not match the plan).

Overall elevations are harmonious with windows in portrait orientation creating a good vertical rhythm. However, the most visible South Elevation facing the street is rather chaotic, lacks rhythm, and needs to be more carefully articulated to reduce its apparent scale. North Elevation dormers would benefit from being better aligned with windows below.

Facing materials are generally acceptable but Cream Weatherboard is used on such scale on elevations facing the surrounding streets, that building risks being too

imposing and too out of place in the immediate setting. Replacing Cream colour with more toned-down light brown version would benefit the building overall. Rainwater pipes, solar panels etc. should be shown on the elevation.

Sustainability strategy should be presented.

Some Second-floor bedrooms have very deep plans with small dormer windows, positioned in a way that doesn't always allow for a clear view out; especially when lying in bed. Considering the nature of this development and taking on board needs of the future residents, this could be improved. Mirroring some rooms layout, while at the same time matching bathroom /service cores with the floor below can be done. This would improve overall layout of this floor without affecting original design. Rooms that could benefit from these changes: 59, 63, 64, 67 and 72.'

12.20 Following the above comments amended plan were submitted and include the following changes:

- the café area on the ground floor has been altered to remove a wall that was blocking the view from the main entrance to the lightwell, creating an enhanced visual link between the communal spaces;
- the introduction of additional windows to the café on the ground floor, and to the lounge/dining room at the southeast corner on the first floor.
- the rationalisation of window positions on the south elevation, and dormer windows aligned on the north elevations;
- a new clay brown coloured weatherboarding replaces the previous cream weatherboarding;
- rainwater pipes are now shown on the elevations.
- where possible, bedrooms have been mirrored to aligned with windows, or velux windows have been incorporated to allow for greater light into the bedroom and views from the rooms.

12.21 The Urban Designer had reviewed the amendments and considers that they have addressed most of the concerns raised in the earlier comments, stating;

'The elevations have now been improved. The architecture may be unexciting, but it is generally well-mannered and characterised by consistent application of facing materials and elevations that are harmonious with windows in portrait orientation creating a good vertical rhythm.

The internal layout has been the subject to minor revisions, and now works better. Changes to bedrooms to allow for greater light and views out are particularly welcomed. It is disappointing that the fully 'looped' garden was not implemented and some internal communal spaces have insufficient natural light.

Overall, the scheme sufficiently addresses the principles set out in the Council's Design Guides and accords with policy DP26 of the District Plan; I therefore raise no objection to this planning application.'

12.22 In terms of the landscaping while there is not a lopped walkway, the applicant has stated that the private secure garden areas for residents have been extended in comparison with the existing care home and there is also new secure courtyard at

the front of the care home for all residents to use, which connects with the garden at the rear, creating meandering wayfinding pathways. In addition to this, there is a new landscaped area to the east of the care home which provides a further area of open space for residents to enjoy whilst being assisted by carers and/or family members. Officers are content that this this aspect of the proposals is acceptable.

- 12.23 While the comments of the Parish Council regarding overdevelopment are noted, the design is not dissimilar in terms of massing, form, and materiality to the current building. The objections of the DRP are also noted, particularly in regard to there being a missed opportunity to create a more innovative and modern design, however while this may be the case, this is not in itself a reason for refusal. Following the amendments, the Urban Designer is now satisfied with the design, recognising that it may be unexciting, but that the scheme now sufficiently addresses the principles set out in the Council's Design Guide and accords with policy DP26 of the District Plan. Your Planning Officers agree with the assessment of the Urban Designer.
- 12.24 Therefore, subject to appropriate conditions it is considered that the design of the application is acceptable, and that the application complies with Policy DP26 of the District Plan, the design principles DG37, DG38 and DG39 set out in the Design Guide SPD, Policy CNP1 of the Cophorne Neighbourhood and the relevant provisions of the NPPF.

ACCESS AND TRANSPORT

- 12.25 Policy DP21 the Mid Sussex District Plan states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*

- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

12.26 Policy CNP14.3 of the Neighbourhood Plan states that:

'For new development, all off road parking spaces must be ready for electric charging. This means: The installation of electric car chargers. OR The installation of cabling or ducting (designed to accommodate the easy installation of cabling in future) between the relevant consumer unit and location designed for the installation of a car charger in future.'

12.27 While Policy CNP15.3 of the Neighbourhood Plan relates to parking standards and states in part that:

'New development should include car parking spaces in accordance with the greater of: The latest WSCC guidance at the time the application is submitted.'

12.28 The site is located east of the junction between Copthorne Bank and Borers Arms Road. Both roads are 'C' classified and subject to 30mph speed restriction. The existing access to the site will be retained on Borers Arms Road to the south and Copthorne Bank to the north (used as servicing access), with no alteration works or off site highway works proposed. Swept path tracking submitted with the application shows that a refuse vehicle can manoeuvre the existing servicing access and an ambulance can manoeuvre the main site access, turn on site and exit in a forward gear.

- 12.29 There are 29 car parking spaces proposed, including 2 disabled bays. There is also an ambulance bay shown and an additional enlarged bay for deliveries. Of the 29 parking spaces 6 (including the 2 disabled bays) will be fully active EV (Electric Vehicle) bays, with the remaining 23 car parking spaces and the ambulance/minibus bay provided as Passive EV. The proposals are therefore in compliance with Policy CNP14.3 of the Neighbourhood Plan.
- 12.30 The Local Highway Authority (LHA) has reviewed the Transport Statement (TS) and Travel Plan (TP) submitted with the application and while no objection was raised further information on the TP was requested including a monitoring strategy, which has now been received. The LHA are now satisfied with the TS and it is noted that they would also seek a fee of £3500 for monitoring and auditing of the Travel Plan, to be secured through a legal agreement. The applicants have agreed to the fee and have submitted a unilateral undertaking to WSCC Highways.
- 12.31 The Local Highway Authority (LHA) has commented in terms of trip generation that:
- ‘The existing consented use on site is an 87-bedroom care home. The proposed use would see a reduction in bedroom under the same use (78-beds). On this basis the LHA would not foresee a capacity issue on the nearby road network as a similar number of vehicle movements could already be in place from the permitted use.*
- The care home will employ 90 mostly full time posts with staff working shift patterns (3 shifts; morning, afternoon and night) and thus 90 staff would not all be on site at the same time. The information given in the TS Table 5-1 is acknowledged with a maximum 34 staff expected on site at any one time.*
- TRICs assessment has also been undertaken showing that the existing care home could see 15 trips in the AM and 23 in the PM peak hours and the proposed care home could see 13 trips in the AM and 21 in the PM peak hours thus a potential reduction of 2 trips in both the AM and PM peak hours respectively. No capacity issue on the nearby road network is expected as a result of the proposals.’*
- 12.32 Although the Parish Council have expressed concerns regarding the level of parking spaces for visitors, the parking is considered sufficient to service the development with the LHA acknowledging that residents will not own, or drive cars, and the car parking will primarily be for staff and visitors.
- 12.33 It is noted that WSCC have advised that as the county border is a short distance to the north Surrey County Council should be consulted. Surrey County Council have therefore been notified and have stated that the development does not appear to have an impact on Surrey roads.
- 12.34 Therefore, subject to the completion of the Unilateral Undertaking the proposal is considered to comply with Policy DP21 of the Mid Sussex District Plan and Policies CNP15.3 and CNP14.3 of the Neighbourhood Plan.

IMPACT ON NEIGHBOURING AMENITY

- 12.35 With regards to the impact on neighbouring amenity, policy CNP1.2 states that proposals should not cause *‘unacceptable’* harm to neighbours amenity whereas

policy DP26 of the MSDP states that development should 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

- 12.36 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. The Copthorne Neighbourhood Plan has been formally made and, as such, policy CNP1.2 is considered to take precedence.
- 12.37 In regard to the impact on existing residential properties it is noted that the height and footprint of the proposed building will broadly follow that of the existing care home on the site. The nearest residential property is 8 St Francis Gardens, which lies immediately to the east of the site. The proposal maintains the current separation distance between the care home and 8 St Francis Gardens of some 7.7m, and there would not be any bedroom windows facing towards this property. At ground floor on this east facing elevation there are no windows shown, while at first floor windows are shown to a corridor and stairwell and secondary windows to a communal room, and at second floor windows are shown to a storeroom, corridor and stairwell. The planning statement states that these windows would be obscure glazed, and a condition is recommended to ensure that these windows are obscure glazed and remain as such.
- 12.38 There are residential properties on Copthorne Bank and Borers Arms Road to the north and south of the site, however these are all located on the opposite sides of the road and with the closest properties at distances of some 18.4m and 22.6m respectively.
- 12.39 Given the above it is considered that there should be no unacceptable harm to existing residential amenities, subject to a condition regarding the obscure glazing of the east facing windows.
- 12.40 In terms of the amenity for future residents of the site Environmental Health has commented that:

'The proposed development is surrounded by residential dwellings and is close to busy roads. The acoustic report submitted, produced by SLR (with corrections and modifications contained in a subsequent technical memorandum submitted by SLR) has identified some habitable rooms within the development which will require enhanced acoustic glazing and acoustic trickle vents and/or mechanical ventilation to ensure that future residents are protected from road traffic noise, and to ensure their thermal comfort. Conditions have therefore been recommended to protect existing nearby residents from noise and dust during the demolition and construction phases, and to protect future residents of the development from traffic noise and overheating.'

- 12.41 The condition suggested by your Environmental Health Officer are set in appendix A. In addition, conditions are recommended to protect existing residents from plant noise, noise from deliveries and collections at the site, cooking odours and artificial light when the care home is operational.
- 12.42 A further condition is recommended requiring details of a scheme of mitigation measures to improve air quality relating to the development to be submitted for approval.
- 12.43 Therefore, for the above reasons and subject to the conditions it is considered that the proposals would comply with policy DP26 of the District Plan and policy CNP1.2 of the Neighbourhood Plan.

DRAINAGE

- 12.44 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.
- 12.45 The Council's Drainage Engineer has reviewed the drainage information submitted with the application and is satisfied that this matter can be suitably dealt with by condition, so there should be no conflict with these policies.
- 12.46 In view of the above it is considered that the proposal complies with Policy DP41 of the Mid Sussex District Plan.

TREES

- 12.47 Policy DP37 of the District Plan states, in part, 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.'

- 12.48 An Arboriculture Development Statement which includes a Tree Survey, Tree Removal and Tree Protection Plan have been submitted with the application and it sets out that a total of sixteen trees and three groups of trees will be removed to facilitate the development. A further four trees will be removed due to their poor health of limited useful life expectancy.
- 12.49 The Council's Tree Officer has reviewed the submitted information has raised no objection to the loss of the trees stating that:

'I understand and agree with removing those which are in decline or in ill health and it is justified that the removal of these is granted.'

12.50 Further details were however requested regarding the loss of some tree to the north of the site which lie close to the boundary wall and around a pond, as well as further details of the replacement planting. This information has now been submitted with the applicant explaining that the trees along the boundary wall are likely to have limited root growth to the southern side and will also compromise the stability of the boundary wall over time. The Tree Officer is now satisfied with the proposal subject to appropriate conditions regarding landscaping details and a condition to ensure that the tree protection works are carried out and has commented further:

'I have reviewed the soft landscaping specification and am happy with the response. I was unaware of the proximity of these trees to the wall, the highway and the current location not allowing them to reach their full potential, and therefore have no objection to the removal.'

12.51 In view of the above and subject conditions including landscaping details it is considered that the proposal would comply with policy DP37.

ECOLOGY

12.52 Policy DP38 of the District Plan relates to biodiversity and states:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- Promotes the restoration, management and expansion of priority habitats in the District; and*
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks. Valued soils will be protected and enhanced, including the best and most versatile

agricultural land, and development should not contribute to unacceptable levels of soil pollution.'

12.53 Para 180 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, para 175 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following:

'a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused ;'

12.54 The Council's Consultant Ecologist has reviewed the ecology reports submitted with the application and initially requested further information regarding Biodiversity Net Gain, including a copy of the BNG Metric calculations and justification relating to the woodland assessments were requested. Following the submission of additional information including the BNG Metric calculations, the Consultant Ecologist now has no objections subject to the condition as set out in appendix A, and welcomes the indicated biodiversity net gain of 28.83% for habitat units.

12.55 The Newt Officer is also satisfied that the development is unlikely to have an impact on great crested newts and/or their habitats.

12.56 In view of the above it is considered that the ecological and biodiversity issues regarding the application could be satisfactorily addressed by appropriate conditions and therefore this aspect of the proposal complies with Policy DP38 of the District Plan of and the NPPF.

ASHDOWN FOREST

12.57 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

12.58 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

12.59 Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

- 12.60 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.
- 12.61 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.62 This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

- 12.63 Increased traffic emissions as a consequence of new development may result in additional 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.
- 12.64 The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Site Allocations DPD, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

- 12.65 The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 12.66 No mitigation is required in relation to the Ashdown Forest SPA or SAC.

SUSTAINABILITY

- 12.67 Policy DP21 of the District Plan relates to transport and requires schemes to be;

'sustainably located to minimise the need for travel' and take 'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'. In addition, it requires where 'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'

- 12.68 In addition, policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.
- 12.69 Paragraph 159 states that new development should be planned for in ways that *'can help to reduce greenhouse gas emissions, such as through its location, orientation and design.'*

Sustainable Design and Construction

- 12.70 A Sustainability statement submitted with the application states that the proposal will follow a fabric first approach with other sustainability elements including the installation of an Air source heat pump. Other measures include:
- The use of PV solar panels on the roof.
 - The re-use and recycle materials through the construction and operation process. Subject to the suitability it is proposed to re-use demolition material in the construction of the new building.
 - High performance building fabric with façade and fenestration with an improvement upon the minimum Building Regulations Part L 2021 requirements.
 - Maximising the potential where practicable for natural ventilation within the building.
 - Utilising the maximum amount of daylight to limit the energy consumption.
 - Of the 29 parking spaces 6 will be fully active EV (Electric Vehicle) bays, with the remaining 23 car parking spaces and the ambulance/minibus bay provided as Passive EV with the necessary underground infrastructure to allow future installation of charging equipment, should the need arise.
 - The scheme also includes 14 cycle spaces comprising a covered cycle store with capacity for 10 cycles, and two Sheffield Stands in the vicinity of the main building entrance providing 4 short-stay cycle parking spaces for visitors.
- 12.71 The submitted Sustainability assessment is considered acceptable in meeting the above policies and guidance in terms of sustainable design and construction. It should be noted that in respect of policy DP39 of the District Plan, the wording of this policy is supportive of improving the sustainability of developments, but there are no prescriptive standards for developments to achieve in respect of carbon emission reductions.
- 12.72 Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

The accessibility of the site

- 12.73 In terms of accessibility the site is located with the built up area of Copthorne and Copthorne is classed as category 2 settlement in the settlement hierarchy listed under MSDP policy DP6. It is noted that the nearest bus stops are Copthorne Church stops on Borers Arms Road and on Copthorne Bank both short walking distance of the site. As such, the application site can be considered to be a sustainable location for the development.
- 12.74 In view of the above it is considered that the proposal satisfactorily complies with the requirements of policy DP39 and DP21.

Water Infrastructure

- 12.75 Policy DP42 in the DP states in part 'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;
- *'that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
 - *that there is adequate water supply to serve the development'*
- 12.76 Sutton and East Surrey Water are the water supply company for this area. The applicant has submitted evidence of email exchanges with Sutton and East Surrey water which show that there are no issues raised with the provision of a water supply should the application be approved, and this considered sufficient to show that there is sufficient water supply for the development in the case. It is also relevant that there is an existing care home which is already supplied by adequate water for a higher number of bedrooms than is proposed.
- 12.77 It is therefore considered that the application would comply with policy DP42.

OTHER MATTERS

- 12.78 All the other issues raised during the consultation period have been taken into account and are either considered not to warrant a refusal of permission or are items that could be dealt with effectively by planning conditions, or other legislation, or are not even material planning considerations.
- 12.79 The objection regarding noise and disturbance during construction is noted. While some disturbance during construction is unavoidable, a condition requiring the submission and approval of a Construction Management Plan and conditions restricting hours of work and deliveries forms part of the recommendation. This will help mitigate disturbance during the construction period.

12.80 Finally, although WSCC initially requested S106 contributions for libraries and TAD this was later formally withdrawn due to the fact that there is an 87 bed care home already on-site which was overlooked when S106 calculations were made. Therefore, WSCC have since confirmed that there would not be any contributions due under this application given the existing development on the site and the fact that the proposal is for a reduced number of bedspaces. The Travel Plan is however subject to monitoring fee of £3500 but this will be secured by a legal agreement between WSCC and the applicant, and this is currently in progress

13.0 Planning Balance and Conclusion

13.1 Planning permission is sought for the demolition of the existing care home and construction of a 78-bedroom care home (Use Class C2), with associated access, plant, parking, landscaping and site infrastructure.

13.2 The site lies within the built-up boundary of Copthorne and as such the principle of development is acceptable under Policy DP6 of the District Plan and Policy CNP2.1 of the Copthorne Neighbourhood Plan. The development is also supported by DP25 which supports the provision or improvement of community facilities and local services, that includes specialist accommodation and care homes. In addition, Policy SA39 of the Site Allocations DPD relates to the provision of specialist accommodation for older people and supports new care homes within the built -up boundary. The proposal will also provide a new care home on the site with improved facilities and employment.

13.3 It is noted that the design of the care home is similar in terms of the footprint, scale, form, and materiality to that of the current building on the site. Amendments to the design were however secured and the design is now considered to be acceptable. The amendments included improvements to the elevations and layout, with the rationalisation of window positions on the south elevation, and dormer windows aligned on the north elevations. The scheme is now considered to sufficiently address the principles set out in the Council's Design Guide and accord with policy DP26 of the District Plan and the neighbourhood plan.

13.4 There will be a neutral impact in respect of highway safety and parking provision, impact on neighbouring amenities, drainage, contamination, trees and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

13.5 The application is therefore considered to comply with policies DP21, DP25, DP26, DP34, DP37 and DP41 of the District Plan, policy SA39 of SADPD, policies CNP1, CNP15 and CNP16 of the Copthorne Neighbourhood Plan and the broader requirements of the NPPF.

13.6 Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

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. The windows on the east elevation facing towards Francis Court shall at all times be glazed with obscured glass.

Reason: To protect the privacy of the adjoining property and to comply with policy DP26 of the District Plan.

4. 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 the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. The development hereby permitted shall not commence, including demolition, unless or until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

- details of public engagement both prior to and during construction works,
- Delivery hours or collection of plant, equipment or materials for use during the demolition/construction phases,
- Working hours during demolition/construction,
- Demolition details including dust and vibration management.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the Mid Sussex District Plan.

6. 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 Mid Sussex District Plan

7. 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 and to accord with Policy DP21 of the Mid Sussex District Plan.

8. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority samples and details of materials and finishes to be used for external walls , windows, doors and roofs of the proposed building. 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 buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031.

9. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority sections and elevations that show the following in context:
- 1:50 scale plans, elevation, and sections of entrance zone to the building
 - 1:20 sections and front elevations of the typical features (shown in context) including dormers, railing, roof/eaves details, windows, doors.
 - 1:20 scale sections showing the solar panels within the roof slope.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031

10. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of the PV scheme. The scheme to be implemented as approved.

Reason: to ensure that the development does not endanger the safe movement of aircraft or the operation of London Gatwick through interference with communication, navigation and surveillance equipment of glint and glare issues.

11. The development hereby permitted shall not commence, including demolition, unless or 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, and Policy DP41 of the Mid Sussex District Plan (2014 - 2031).

12. No development shall be carried out above ground slab level 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 indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development, details of the plants in the green wall, the treatment of the boundaries and the defensible space around the ground floor bedrooms these works shall be carried out as approved.

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

13. All mitigation and compensation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Rev. 1 (SLR Consulting Ltd., Sept 2023) and Bat Survey Report (SLR Consulting Ltd., Sept 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

14. Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
 - c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

15. The development hereby permitted shall not commence, including demolition, unless or until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

16. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority a Biodiversity Enhancement Layout for bespoke biodiversity enhancements listed in section 5.2 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment Rev. 1 (SLR Consulting Ltd., Sept 2023), shall be submitted to and approved in writing by the local planning authority.
- The content of the Biodiversity Enhancement Layout shall include the following:
- a) detailed designs or product descriptions for bespoke biodiversity enhancements;
- and

b) locations, orientations and heights for bespoke biodiversity enhancements by appropriate maps and plans.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

17. Prior to occupation, a "lighting design strategy for biodiversity" for the buildings in accordance with GN: 08/23 (ILP) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places

or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

18. The development hereby permitted shall not be brought into operation until the lighting scheme detailed in the External Lighting Impact Assessment, revision A, produced by dpa lighting consultants dated 17 November 2023, has been completed in full and thereafter maintained in accordance with such details unless first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

19. The development hereby permitted shall not commence, including demolition, unless or until the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents and comply Policy SA38 of the Site Allocations Development Plan Document

20. The development hereby permitted shall not operate catering activities until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with current best practice and shall include an odour risk assessment, as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.
Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.
21. The use hereby permitted shall not come into operation until a scheme has been submitted to the LPA demonstrating that the noise rating level (LAr,Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.
Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.
22. The development hereby permitted shall not be occupied or brought into use until glazing and acoustic window trickle vents as specified in Table 1 for rooms in areas specified in Figure F, contained within the Noise Impact Assessment produced by SLR, SLR Project No. 414.063432.00001 dated 4 September 2023 revision 01, and the Technical Memorandum from SLR dated 6 November 2023, have been installed.

Reason: To protect the amenity of future residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.
23. The applicant shall submit to the LPA for approval, details of an overheating mitigation scheme to ensure the thermal comfort of occupants when windows are closed. This scheme is required for habitable rooms located in the red areas as shown in figure G contained within the Noise Impact Assessment produced by SLR, SLR Project No. 414.063432.00001, dated 4 September 2023, revision 01 (as amended by the Technical Memorandum from SLR dated 6 November 2023). All works that form part of the approved scheme shall be completed before the residential parts of the development are occupied.
Reason: To protect the amenity of future residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.
24. No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle except between the hours of 08:00 - 18:00 hours Monday to Friday, between the hours of 09:00 - 13:00 hours on Saturdays, Sundays and Bank holidays, none permitted.
Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.
25. No development shall take place above slab level unless and until the applicant has submitted a Sustainability Statement to be approved in writing by the Local Planning Authority, that sets out clearly what sustainable measures will be incorporated into the development aimed at minimising the amount of energy that

the buildings will use and the water consumption of occupiers. These measures shall be implemented in accordance with the approved details prior to occupation. Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. London Gatwick requires a minimum of four weeks notice. For crane queries/applications please visit Crane permits (gatwickairport.com) or email cranes@gatwickairport.com
2. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.
3. In accordance with Article 35 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.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Existing Floor Plans	PL17		25.09.2023
Existing Floor Plans	PL18		25.09.2023
Existing Elevations	PL19		25.09.2023
Existing Elevations	PL20		25.09.2023
Existing Floor Plans	PL16		25.09.2023
Location Plan	LP01	A	11.09.2023
Existing Site Plan	PL01	B	11.09.2023
Proposed Site Plan	PL02	D	11.09.2023
Proposed Floor Plans	PL03	B	10.01.2024
Proposed Floor Plans	PL04	C	10.01.2024
Proposed Floor Plans	PL05	C	10.01.2024
Proposed Elevations	PL06	C	10.01.2024
Proposed Elevations	PL07	B	10.01.2024
Proposed Roof Plan	PL08	A	11.09.2023
Proposed Floor and Elevations Plan	PL10		11.09.2023
Landscaping Details	PL11		11.09.2023
Proposed Floor and Elevations Plan	PL09		11.09.2023

APPENDIX B – CONSULTATIONS

Worth Parish Council

Object on the following grounds:

Concerns with lack of parking spaces for visitors, noting that many visitors will travel from out of the area and will be unable to use public transport. It is considered that the proposals are unneighbourly and will result in overdevelopment of the site.

MSDC Community Facilities Project Officer

Thank you for the opportunity to comment on plans for the development of 78 bed residential care home at Francis Court, Borers Arms Road, Copthorne RH10 3LQ.

As these are all extra care Use Class C2 units there is no requirement for a financial contribution toward play, kickabout, formal sport or community buildings.

MSDC Environmental Health - Contaminated Land.

The application pertains to the demolition of the existing care home and the subsequent construction of a 78-bedroom care home.

As an integral part of this application, a comprehensive Preliminary Land Quality Risk

Assessment report was conducted by SLR, dated the 31st of August 2023, with reference number 414.063432.00001. I have reviewed this report, which has stated that the current risk of significant contaminant linkages that could adversely affect the proposed

development is low. Consequently, the site is considered safe for its intended end use without the need for additional testing.

I have taken note that the report details concerns about the potential risks posed to human and plant health by contaminants present in imported landscaping soils. At this juncture, our stance would not be to recommend imposing a specific condition related to soil quality coming to the site. Nevertheless, it is imperative to underscore that should the project involve the importation of soil materials won from other sites, the developer or their designated representative must diligently adhere to specified requirements. This includes the potential necessity of completing a Material Management Plan (MMP) where deemed necessary. Ultimately, the responsibility for ensuring the safe development of the site lies with the developer.

However, I would strongly recommend the inclusion of a discovery condition. This condition would serve as a safeguard, ensuring that if any contamination emerges that was not previously identified through the desktop study or prior intrusive investigations, all works must halt immediately. Subsequently, a comprehensive assessment should be conducted to ascertain the extent of the contamination, and appropriate remediation measures should be promptly implemented if deemed necessary.

Recommendation: Approve with the following condition:

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.

NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Thames Water

Waste Comments

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line.

Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C01%7Cplanninginfo%40midsussex.gov.uk%7Cae88b31d2dab42922b8f08dbc4ba6198%7C248de4f9d13548cca4c8babd7e9e8703%7C0%7C0%7C638320077008153312%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=FEbl02j%2BpsiK1YfXvM65sasAcsguTvsUIKOd3SBQBus%3D&reserved=0>

Water Comments

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is -Essex and Suffolk Water Company, Sandon Valley House, Canon Barns Road, East Hanningfield, Essex CM3 8BD Tel - (03457) 820999

Gatwick – safeguarding :

The development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the condition detailed below:

Submission of details for PV Schemes: No solar panels shall be installed until full details of PV schemes have been submitted to and approved in writing by the Local Planning Authority.

No subsequent alterations to the approved schemes are to take place unless submitted to and approved in writing by the Local Planning. The scheme shall be implemented as approved.

Reason: To ensure that the development does not endanger the safe movement of aircraft or the operation of London Gatwick through interference with communication, navigation and surveillance equipment or glint and glare issues.

We need to object to these proposals unless the above-mentioned condition is applied to any planning permission.

We would also like to make the following observation:

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. London Gatwick requires a minimum of four weeks notice. For crane queries/applications please visit [Crane permits \(gatwickairport.com\)](http://Crane%20permits%20(gatwickairport.com)) or email cranes@gatwickairport.com

WSSC Flood Risk Management Team

Thank you for consulting West Sussex County Council as the Lead Local Flood Authority on the above Full Planning Application. This applications surface water drainage strategy and Flood Risk Assessment should be assessed against the requirements under NPPF, its accompanying PPG and Technical Standards. Under local agreements, the statutory consultee role under surface water drainage is dealt with by Mid-Sussex Council's Flood Risk and Drainage Team.

Sussex Police

Thank you for your correspondence of 27th September 2023, advising me of a full planning application for the demolition of existing care home and construction of a 78- bedroom care home (Use Class C2), with associated access, plant, parking, landscaping and site infrastructure at the above location, for which you seek advice from a crime prevention demolition of existing care home and construction of a 78- bedroom care home (Use Class C2), with associated access, plant, parking, landscaping and site infrastructure viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings),

that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in the Mid Sussex district is below average when compared with the rest of Sussex, as indicated within Police.uk. I have no major concerns with the proposals at the location. However, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered and I would like to raise the following observations.

The proposal is for the erection of a new 78 bed care home accessed off Borers Arms Road Copthorne. Accredited products that are fit for purpose and appropriate along with natural surveillance, access control will assist the development in creating a safe and secure environment for the residents and staff of the care home. Information and specification guides relating to these products can be found within SBD Homes 2023 on the SBD website. Where communal parking occurs on the site, it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. For Electric vehicle parking and charging areas. See SBD Homes 2023 section 16.12 -16.15.

The main entrance door-set to the building provides access to the building via the main admin office and is additionally separated from the building by a set of double doors. This gives the admin office control of entry. It would be beneficial if the main entrance has clear legible signage for visitors.

Initially entry into the building allows visitors access to the communal areas such as cinema, hairdressers, lounge, and café. A further set of double doors leads to the residential areas. I recommend these are controlled for the safety and security of the residents and their rooms. From a crime prevention perspective, it will be particularly important throughout the premises that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. Tradesperson buttons are not permitted as they have been proven to be the cause of anti- social behaviour and unlawful access to communal development. Door sets that are fitted with electronic locks or electronic staples must form part of the manufacturers certified range of door-sets.

Where there is a requirement for a door-set to be both fire and security rated, e.g., flat or apartment entrance door-sets, interconnecting garage door-sets and some door-sets aiding security compartmentation, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party dual certification from a single UKAS accredited certification body for both elements. This is in order to minimise the likelihood of a door-set being presented in two differing configurations for separate fire and security tests and then later being misrepresented as one product meeting both requirements. This applies to any easily accessible windows as well.

It is important that the boundary between public space and private areas is clearly indicated. Vulnerable areas, such as exposed side and rear gardens and perimeter boundary treatments need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. Appropriate physical measures in the form of fencing treatment should be implemented to remove easy casual access to the sides and rear of the development which would provide access to vulnerable ground floor door-sets and windows. Consideration could be given to creating a controlled gated, main vehicle and pedestrian entrance.

Should there be a consideration for a buggy / mobility scooter store or cycle store for staff. I would like to direct the applicant to SBD Homes 2023 sections 57 & 64 cycle security where applicable.

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary to identify a route they could take to avoid such a potential. Recent events that have made national news and become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems.

I recommend that the main entrance, external door-sets including fire exits are switched by dusk to dawn lighting as opposed to passive infrared (PIR). Secured by Design has not specified PIR activated security lighting for a number of years following advice from the Institute Lighting professionals (ILP) and Police concern regarding the increase in the fear of crime (particularly amongst the elderly) due to repeated PIR lamp activations. Research has proven that a constant level of illumination is more effective at controlling the night environment. For block of multiple dwellings, I recommend that the main entrance lobbies and stairwells are lit with dusk till dawn switched lighting. See SBD Homes 2023 section 27.9.

It is recognised that some local authorities have 'dark sky' policies and deliberately light some of their rural, low crime areas to extremely low levels of illumination. If this is the case, it is acceptable. However, between them, modern specialist lighting and lighting engineers are capable of achieving sufficient lighting levels without encroaching on some dark sky policies and where possible this should be explored. Where lighting is implemented and it is recommended for this application, it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial

Construction sites whether exceptionally large developments or small 2-3 dwelling developments, often suffer from theft, criminal damage, arson, and anti-social behaviour, all of which can have a major impact on completion dates and overall development costs. SBD Construction Site Security Guide 2021 is designed to be risk commensurate and provides advice on how to secure the site from the moment the hoarding goes up until the moment the development is handed over to the client or end user. The advice is based on proven crime prevention principles that are known to reduce criminal opportunity by creating safer, more secure, and sustainable environments. It applies to all construction sites regardless of their size and is intended for all staff including security personnel. It can be found on the SBD website.

It is recommended that contact is sought by the developer with the local Neighbourhood Police Team (NPT) and Rural crime Team to establish good relations and rapport whilst the development is in the construction phase.

Further advice on construction site security can be obtained from the Secured by Design Website:

www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations having been given due consideration.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to

the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Consultant Ecologist

Comments dated 20 October 2023

Summary

We have reviewed the Technical Memorandum – Response to Ecology Comments (SLR Consulting Limited, December 2023), Biodiversity Net Gain Assessment Revision 3 (SLR Consulting Ltd., December 2023), BNG metric 4.00, Preliminary Ecological Appraisal and Preliminary Roost Assessment Rev. 1 (SLR Consulting Ltd., Sept 2023), Bat Survey Report (SLR Consulting Ltd., Sept 2023), and the Biodiversity Condition Assessment (SLR Consulting Ltd., Oct 2023) supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation.

We are now satisfied that there is sufficient ecological information available for determination of this application. We have no objections on ecological matters excluding Great Crested Newt. We have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

We note that the Bat Survey Report (SLR Consulting Ltd., Sept 2023) confirmed a bat roost in Building B1 as one Common Pipistrelle emerged from one of the integrated bat tubes. As the development includes demolition of the existing building, a bat licence from Natural England will be needed to implement any consent with compensation for the loss of a bat roost. We therefore recommend that a copy of this licence is secured by a condition of any consent. We also support the report recommendations in section 5 for mitigation and compensation measures, including a sensitive lighting scheme, which also should be secured by conditions of any consent.

The Bat Survey Report confirms that all onsite trees were assessed for Potential Roost Features (PRF) and only a semi-mature oak on the northern edge of the front garden had a single PRF. The latter was inspected more closely using an endoscope and assessed as unsuitable for roosting bats, therefore all trees on site were assessed as offering negligible potential for roosting bats, and we agree that no further surveys of trees are required.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We support the mitigation measures identified in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Rev. 1 (SLR Consulting Ltd., Sept 2023) including removal of invasive non-native species. The report also recommends that dust control measures and best practice protection measures for mobile species, should be included within a Construction Environment Management Plan (CEMP): Biodiversity for the Site. We recommend that a CEMP Biodiversity is secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance designated sites, protected and Priority species & habitats particularly those recorded in the locality. We also support the proposed reasonable biodiversity enhancements in section 5.2 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment Rev. 1 (SLR Consulting Ltd., Sept 2023), which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180[d] of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

We welcome the indicated biodiversity net gain of 28.83% for habitat units and 506.57% for hedgerow units (Biodiversity Net Gain Assessment Revision 3 (SLR Consulting Ltd., December 2023)) and recommend that the long term management of habitats created and landscaping is secured by a condition for a BNG management and monitoring plan of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.
Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and compensation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Rev. 1 (SLR Consulting Ltd., Sept 2023) and Bat Survey Report (SLR Consulting Ltd., Sept 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF BATS: SUBMISSION OF A COPY OF AN EPS MITIGATION LICENCE OR EVIDENCE OF SITE REGISTRATION UNDER A BAT MITIGATION CLASS LICENCE FOR BATS

“Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:
a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

3. PRIOR TO COMMENCEMENT: BIODIVERSITY NET GAIN PLAN

“No development shall commence unless and until a Biodiversity Net Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning

Authority. The net biodiversity impact of the development shall be measured in accordance with the Statutory Biodiversity Metric as applied in the area in which the site is situated at the relevant time.

The content of the Biodiversity Net Gain Plan should include the following:

- a) Proposals for the on-site biodiversity net gain;
 - b) A management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;
 - c) Proposals for any off-site biodiversity net gain provision;
 - d) A management and monitoring plan for all offsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;
- The development shall be implemented in full accordance with the requirements of the approved Biodiversity Net Gain Plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) Protocol for the containment, control and removal of invasive non-native plants present on the site.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

5. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

“A Biodiversity Enhancement Layout for bespoke biodiversity enhancements listed in section 5.2 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment Rev. 1 (SLR

Consulting Ltd., Sept 2023), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for bespoke biodiversity enhancements; and
- b) locations, orientations and heights for bespoke biodiversity enhancements by appropriate maps and plans.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

6. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“Prior to occupation, a “lighting design strategy for biodiversity” for the buildings in accordance with GN: 08/23 (ILP) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

Comments dated 20 October 2023

Summary

We have reviewed the Preliminary Ecological Appraisal and Preliminary Roost Assessment Rev. 1 (SLR Consulting Ltd., Sept 2023), Bat Survey Report (SLR Consulting Ltd., Sept 2023), Biodiversity Net Gain Assessment (SLR Consulting Ltd., Oct 2023) and the Biodiversity Condition Assessment (SLR Consulting Ltd., Oct 2023) supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available on Biodiversity Net Gain for determination of this application and recommend that further details as set out below are required to make this proposal acceptable prior to determination.

We have reviewed the submitted Biodiversity Net Gain Assessment (SLR Consulting Ltd., Oct 2023) and relevant materials. The document estimates a significant net gain in onsite habitat units from the proposals. However, there are a number of errors noted within the submitted report and condition sheets. Therefore, further justification is required to support the estimated on site net gain in Habitat Units (HU) of approximately +0.59HU (+85.53%). A summary of the areas within the Biodiversity Net Gain Assessment in which we query is provided below.

- A copy of the DEFRA Metric calculations has not been submitted for review, the submitted report states the current latest Metric 4.0 was used, however the provided Biodiversity Condition Assessment (SLR Consulting Ltd., Oct 2023) states Metric 3.1 condition sheets were used. Due to significant updates to the DEFRA Metric, it is essential the correct version of condition sheets is used to carry out the assessment. We recommend a copy of the BNG Metric is submitted for review. Additionally, the report has not stated what the strategic significance was set at and as the metric was not provided for review, we cannot assess whether or not the correct strategic significance was set for the site.
- The limitations section of the Biodiversity Net Gain Assessment (SLR Consulting Ltd., Oct 2023) states “For areas of habitat creation ‘Good’ condition has been set as habitat objectives in all cases except where the relevant guidance indicates that a ‘Moderate’ condition is more likely to be achieved and for those habitats which have default condition scores in the Metric e.g. Poor’ condition.” This is not sufficient justification with regard to how this high value condition score is proposed to be achieved onsite, nor has the report included which habitats this specifically applies to.
- We question the woodland habitat classifications within the baseline assessment. The UK Habitat 2.0 definition for woodland habitat is “Land with >25% cover of trees that are ≥5 m in height”, furthermore, Minimum Mapping Units (MMU) for a woodland habitat would have a width of >5 m. Upon reviewing aerial imagery and the photographs provided within the Preliminary Ecological Appraisal and Preliminary Roost Assessment Rev. 1 (SLR Consulting Ltd., Sept 2023) it does not appear the two mapped woodland habitats meet this definition. Additionally, aerial imagery appears to show the southern boundary more akin to a hedgerow (linear habitat), however, this has been recorded as w1g – other woodland, broadleaved. Further justification relating to the woodland assessments should be provided. If these habitats do more closely match linear hedgerow habitats they should be assessed as such.
- The photographs within the PEA show the pond is surrounded by hard standing, a brick wall and a fence, however, the condition sheets state this pond has been assessed as a woodland pond. Whilst we acknowledge the surrounding habitat has been mapped as woodland, this pond does not classify as a woodland pond and has been overvalued.
- The proposed site plans show a large number of scattered trees across the entire site, these are visible on aerial photography also. However, these trees have not been included at all within the BNG Assessment, with the large eastern section simply mapped as regularly mown g4- modified grassland. The trees need to be included in the assessment.
- A large degree of the g4 – modified grassland is proposed to be enhanced to species rich g3c – other neutral grassland. With the proposed site map included two very small areas which will be retained as g4, which the document states will be regularly mown, and regularly managed. This assessment does not seem realistic or achievable, given the site is a proposed care home and will likely be regularly managed. Further justification as to how achievable these habitat proposals are.
- Two very small patches of h3h – mixed scrub habitat is proposed to be created next to the building, amongst areas of proposed introduced shrub. This does not seem to be an appropriate location, where this habitat will actually be attainable, further justification is considered necessary.
- The document shows additional woodland is proposed along the northern boundary, what condition is proposed and will this actually meet the habitat definition for woodland?
- The document states the entirety of the proposed urban habitat which will not be made into vegetated gardens and buildings will be u1c – artificial unvegetated, unsealed surface. Further information is considered necessary, the proposed design plans appear to show the habitats will more closely match hard standing, sealed surface.
- The baseline habitats and some of the proposed habitats within the BNG Assessment have mapped many of the urban habitats as u1d – Suburban mosaic of developed/ natural surfaces. Further clarity needs to be provided with regard to how this mixed habitat has been included within the metric calculations.

- The proposed site plans do not seem to match the proposed BNG site plans. Additionally, the proposed site plans show a number of the northern trees will be removed and replaced, it is not clear if this has been included in the BNG Assessment.

This is necessary to enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 and Mid Sussex policy DP38. We highlight that we are satisfied with the information submitted on bats and species enhancements.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Newt Officer

Thank you for providing the images of the pond at Francis Court. The proposed development is unlikely to have an impact on great crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping, I recommend that the following informative should be attached to planning consent:

“The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.”

West Sussex County Council

Comments dated 8 January 2024

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on proposals for replacement care home and associated works. In comments dated 23 October 2023 the LHA requested further information in the form of demonstration of the proposed servicing bay and updates to the Travel Plan.

Servicing Bay:

The applicant has clarified where the hatched servicing bay is, access from the northern existing servicing access. Ideally the swept path tracking should show a vehicle entering and exiting this hatched area, however it is evident from the tracking diagrams that a vehicle can turn further within the site, to exit in a forward gear and thus undue impact on the public highway is not anticipated.

Travel Plan updates:

commitment to join cycle to work scheme, promote cycle journey planner, monitor the cycle parking and provide additional if required, commitment to using TRICs SAM for monitoring and example of enforcement action to be specific to targets that might be lacking (e.g. cycle events if cyclist numbers lower than expected).

As per previous comments, a monitoring fee of £3500 should be secured through legal agreement. The Travel Plan auditing fees reflect the amount of local authority officer time required to evaluate the initial plan, assess the monitoring data and participate in on-going review and agreement to any amended plans in the future, including post planning once the development is built out and occupied. The costs have been benchmarked against fees charged by other Local Authorities and are considered to proportionate and reflective of the costs incurred.

Conclusion

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal. If the Local Planning Authority is minded to grant planning consent the following conditions would be advised:

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

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.

Comments dated 23 October 2023

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on proposals to demolish existing care home and erect new 78-bedroom care home and associated works.

The application has been identified in the MSDC RAG (Red, Amber, and Green) Report as "Amber" with comments raised stating "major development". No site visit has currently been undertaken.

The application is supported by Transport Statement (TS) and Travel Plan (TP). It should be noted that the county border is a short distance to the north and thus Surrey County Council should be consulted on any impact on roads within Surrey.

Site Context & Accessibility

The site is located east of the junction between Copthorne Bank and Borers Arms Road. Both roads are 'C' classified and subject to 30mph speed restriction. The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There has not been any incidents recorded at the junction of Copthorne Bank and Borers Arms Road. However, there have been a few incidents recorded along Copthorne Bank including one incident in vicinity of the existing access to Copthorne Bank. From an inspection of accident data it is clear that this was not related to the site access nor due to any defect with the road layout with the reason attributed to adverse weather affecting vision whilst travelling through a right hand bend.

Footway runs along the northern side of Borers Arms Road across the site access and egress points. At the junction with Copthorne Bank this joins with footway provision on the southern side. There are tactile paved dropped kerb crossings of Borers Arms Road both set back and at the junction with Copthorne Bank. Copthorne village can be reached to the east and provides medical centre/pharmacy, local shops, pub, village hall and playground all along Copthorne Bank and within 10 minute walking distance. The nearest bus stops are Copthorne Church stops on Borers Arms Road and on Copthorne Bank both short walking distance of the site. Services include Crawley, Tunbridge Wells, Lingfield, Manor Royal and Crawley with fairly frequent services.

Cycling takes place on carriageway with no segregated infrastructure. The nearest cycle route is some 3km (approx) to the south (national cycle route 21). Crawley Train Station is approx. 4 mile (22 min cycle) distance from the site. Whilst the cycle infrastructure in Crawley itself segregates cyclists from motor traffic on some routes, other sections of the route on A2220 between Copthorne and Crawley, where speed limits exceed 30mph, may not be welcoming to all cyclists.

Travel Plan

The LPA should look to secure a fee of £3500 for monitoring and auditing of the Travel Plan via s106 Agreement/ Unilateral Undertaking. The Travel Plan auditing fee reflect the amount of local authority officer time required to evaluate the initial plan, assess the monitoring data and participate in on-going review and agreement to any amended plans in the future, including post planning once the development is built out and occupied. The costs have been benchmarked against fees charged by other Local Authorities and are considered to proportionate and reflective of the costs incurred.

- The content of the draft TP is noted and includes detail of what will be included in the staff Welcome Packs and the proposed target to reduce 12hr trip rate by 10% over the lifetime of the plan with an additional target to reduce peak hour trips by 10%. The baseline and target trips over lifetime of the TP have been set out in table 7-1.
- Changing facilities and lockers will be provided for staff. The TP mentions 14 x cycle spaces however 4 of these are proposed for visitors. Will the 10 x staff cycle space use be monitored - will additional be provided if the demand arises?
- Information about the Cycle to Work salary sacrifice scheme (this is mentioned in 8.4.1 but not clear whether this will be provided within the welcome packs <https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainable-transport/cycle-to-work-scheme/>)
- Information about the West Sussex cycle journey planner which provides turn-by-turn route information for quiet, fast, and balanced routes, <http://cyclejourneyplanner.westsussex.gov.uk/>.
- What specific enforcement action is proposed in the event that the 5-year target is not met.

- A monitoring strategy is not outlined - the TP should be monitored in accordance with the [TRICS UK Standard Assessment Methodology](#) (aka TRICS SAM). This involves 3 multi-modal surveys over a 5-year period whereupon the 10% trip rate reduction target should be achieved or further TP measures implemented. The developer/Travel Plan Coordinator should commission these directly with the [TRICS organisation](#). The initial TRICS SAM survey should be conducted within six months of occupation (year 1) with subsequent surveys in years three and five. Please include a commitment to this in the TP.

Access

There are two existing openings on to Borers Arms Road to the south (one access only and one out/egress only) and one access to Copthorne Bank to the north (used as servicing access). All access/egress points will be retained with no alteration works or off site highway works proposed. Whilst the dwarf wall and gates will be removed from the Copthorne Bank access to improve service vehicle access, this does not appear to require an extension of the existing dropped kerb. Swept path tracking shows that a refuse vehicle can manoeuvre the existing servicing access and an ambulance can manoeuvre the main site access, turn on site and exit in a forward gear.

Section 6.1.2 of the TS states that visibility of 2.4m by 60m from all access points to the public highway is achievable and meets requirement of actual vehicle speeds yet speed survey data has not been provided so it is unclear where this standard comes from. The 30mph posted limit would require splays of 2.4m by 43m.

Nevertheless, visibility from the existing access points appears sufficient for the anticipated vehicle speeds and there is no pattern of recorded road traffic incidents that would suggest an existing safety concern with the access arrangements that are to be retained.

Trip Generation

The existing consented use on site is a 87-bedroom care home. The proposed use would see a reduction in bedroom under the same use (78-beds). On this basis the LHA would not foresee a capacity issue on the nearby road network as a similar number of vehicle movements could already be in place from the permitted use.

The care home will employ 90 mostly full time posts with staff working shift patterns (3 shifts; morning, afternoon and night) and thus 90 staff would not all be on site at the same time. The information given in the TS Table 5-1 is acknowledged with a maximum 34 staff expected on site at any one time. TRICs assessment has also been undertaken showing that the existing care home could see 15 trips in the AM and 23 in the PM peak hours and the proposed care home could see 13 trips in the AM and 21 in the PM peak hours thus a potential reduction of 2 trips in both the AM and PM peak hours respectively. No capacity issue on the nearby road network is expected as a result of the proposals.

Parking

As the existing home will be demolished and a new home erected, 4 x existing parking spaces will be lost. A total of 29 x spaces will remain on site with 2 of these being marked up as disabled bays. It is acknowledged that residents will not own or drive cars and the car parking will primarily be for staff and visitors and thus the disabled parking bays is considered sufficient. An assessment of comparable Care UK sites has been undertaken and found that an average of 0.31 car parking space per bedroom was required thus 24 spaces could be required for a 78-bedroom home. Considering the reduction in bedroom number from the existing, likely staff numbers on site at any one time and nearby public/active transport options, the reduction in car parking by 4 x spaces is considered acceptable.

An enlarged bay for ambulance/minibus is also provided. The TS also mentions a separate delivery bay accessible from the Copthorne Bank servicing access though this cannot be seen on the site plan. It is advised the location/hatching for this is shown on the plan, however it is noted that swept path tracking demonstrates the existing access is suitable for the likely sized servicing vehicles.

Surrey County council

We were wondering whether you intended to consult SCC Highway Authority or perhaps this has been sent to us in error as it doesn't appear to have an impact on Surrey roads.

Environmental Health Protection

The proposed development is surrounded by residential dwellings and is close to busy roads. The acoustic report submitted, produced by SLR (with corrections and modifications contained in a subsequent technical memorandum submitted by SLR) has identified some habitable rooms within the development which will require enhanced acoustic glazing and acoustic trickle vents and/or mechanical ventilation to ensure that future residents are protected from road traffic noise, and to ensure their thermal comfort. Conditions have therefore been recommended to protect existing nearby residents from noise and dust during the demolition and construction phases, and to protect future residents of the development from traffic noise and overheating.

In addition, conditions are recommended to protect existing residents from plant noise, noise from deliveries and collections at the site, cooking odours and artificial light when the care home is operational.

Given the area of the proposed development site, a condition is recommended requiring suitable mitigation measures to preserve the amenity of local residents in terms of air quality.

Conditions:

Construction hours: Works of demolition/construction, 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.

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

Monday to Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sunday & Public/Bank holidays: None permitted.

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 measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The demolition and 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.

Lighting: The development hereby permitted shall not be brought into operation until the lighting scheme detailed in the External Lighting Impact Assessment, revision A, produced by dpa lighting consultants dated 17 November 2023, has been completed in full and thereafter maintained in accordance with such details unless first agreed in writing with the Local Planning Authority.

Air Quality: Prior to the commencement of any part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative – In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

Odour: The development hereby permitted shall not operate catering activities until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with current best practice and shall include an odour risk assessment, as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

Commercial Noise: The use hereby permitted shall not come into operation until a scheme has been submitted to the LPA demonstrating that the noise rating level (LAr,Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Soundproofing (Environmental Noise): The development hereby permitted shall not be occupied or brought into use until glazing and acoustic window trickle vents as specified in Table 1 for rooms in areas specified in Figure F, contained within the Noise Impact Assessment produced by SLR, SLR Project No. 414.063432.00001 dated 4 September

2023 revision 01, and the Technical Memorandum from SLR dated 6 November 2023, have been installed.

Soundproofing (Environmental Noise): The applicant shall submit to the LPA for approval, details of an overheating mitigation scheme to ensure the thermal comfort of occupants when windows are closed. This scheme is required for habitable rooms located in the red areas as shown in figure G contained within the Noise Impact Assessment produced by SLR, SLR Project No. 414.063432.00001, dated 4 September 2023, revision 01 (as amended by the Technical Memorandum from SLR dated 6 November 2023). All works that form part of the approved scheme shall be completed before the residential parts of the development are occupied.

Deliveries (Operational): No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle except between the hours of 08:00 - 18:00 hours Monday to Friday, between the hours of 09:00 - 13:00 hours on Saturdays, Sundays and Bank holidays, none permitted.

Urban Designer

Comments dated 12/02/2024

The proposed care home follows the basis of the existing care home design in terms of massing, form, and materiality. The scheme has addressed most of the concerns raised in the previous consultations.

The elevations have now been improved. The architecture may be unexciting, but it is generally well-mannered and characterised by consistent application of facing materials and elevations that are harmonious with windows in portrait orientation creating a good vertical rhythm.

The internal layout has been the subject to minor revisions, and now works better. Changes to bedrooms to allow for greater light and views out are particularly welcomed. It is disappointing that the fully 'looped' garden was not implemented and some internal communal spaces have insufficient natural light.

Overall, the scheme sufficiently addresses the principles set out in the Council's Design Guides and accords with policy DP26 of the District Plan; I therefore raise no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions requiring the approval of the following details/information:

- Details and samples of the facing materials.
- 1:50 scale plans, elevation, and sections of entrance zone to the building
- 1:20 sections and front elevations of the typical features (shown in context) including dormers, railing, roof/eaves details, windows, doors.
- Sustainability strategy details need to be submitted in full, followed by any relevant 1:20 scale sections showing the solar panels within the roof slope.

Comments dated 20/11/23

There are number of things that are not addressed or need improvement which prevent me from supporting this scheme at this stage. To improve the quality of the design, I would recommend the following changes.

- The proposed care home follows the basis of the existing care home design in terms of massing, form, and materiality. The layout remains similar to the existing one but is now tailored to better meet the specific needs of the future users.
- Introduction of the 'safe' enclosed garden that would wrap around the majority of the home and would allow residents to use it safely and independently at all times is welcomed. However, the garden lacks continuity and would benefit from closing the movement loop by creating pedestrian link through the building. This could be achieved by swapping the Lounge with Plant Room, increasing the glazing in the Lounge facing the internal corridor, and replacing Bedroom 07 with wide corridor linking to the outside.
- Also, there is a need for a clearer visual link between the front lobby, café and lightwell. This could be achieved by repositioning the internal opening to the Café to align it better with front door to the building.
- Lightwell is concerning but it's acceptable providing that a clearer visual link will be made, and more windows are provided to the Café space: as shown on Elevation 8 (please note elevations do not match the plan)
- Overall elevations are harmonious with windows in portrait orientation creating a good vertical rhythm. However, the most visible South Elevation facing the street is rather chaotic, lacks rhythm, and needs to be more carefully articulated to reduce its apparent scale. North Elevation dormers would benefit from being better aligned with windows below.
- Facing materials are generally acceptable but Cream Weatherboard is used on such scale on elevations facing the surrounding streets, that building risks being too imposing and too out of place in the immediate setting. Replacing Cream colour with more toned-down light brown version would benefit the building overall.
- Rainwater pipes, solar panels etc. should be shown on the elevation.
- Sustainability strategy should be presented.
- Some Second-floor bedrooms have very deep plans with small dormer windows, positioned in a way that doesn't always allow for a clear view out; especially when lying in bed. Considering the nature of this development and taking on board needs of the future residents, this could be improved. Mirroring some rooms layout, while at the same time matching bathroom /service cores with the floor below can be done. This would improve overall layout of this floor without affecting original design. Rooms that could benefit from these changes: 59, 63, 64, 67 and 72.

Design Review Panel

The Panel felt this was a missed opportunity to replace a relatively modern building with a cutting-edge look and visionary design. If the intention was to provide an improved setting for dementia and neurodiversity, then further information would be needed to explain how the design was informed by the needs of future occupants, such as specifying lighting levels, texture, acoustics and noise transmission between rooms and throughout the building. In addition, there had been no articulation of the downsides of the existing building and explanation of how these had been addressed and improved (e.g. room sizes, better corridor lighting, better internal wayfinding).

The Panel considered that the design and layout was too similar to the existing building and consequently was dated. Fundamentally no justification had been given to explain why the existing building could not be re-used, including some of the foundations. The Panel were hugely disappointed that this would result in a large amount of carbon release. There did not appear to be a fully developed sustainability strategy. Internally the communal spaces would be quite dark, necessitating artificial lighting. A key flaw was not showing the location of the

solar panels, particularly given the paucity of flat roof space, and how cluttered they could appear on the final elevations. Contextual sections through the site were needed.

The garden area available to residents felt ungenerous and the garden loop consequently appeared to be cut adrift from the rest of the building. Softening of the landscaping through herb planting and bee-friendly plants could improve the scheme. The drainage strategy needs further explanation.

Overall Assessment
Object.

MSDC Drainage Engineer

Thank you for consulting the flood risk and drainage team with regards to the above application. We have reviewed the information submitted in support of the application and can provide the following comments.

Flood Risk

The application is supported by a flood risk assessment which meets with national and local flood risk policy. We have no objection to the development on flood risk grounds.

Surface Water Drainage

The application is supported by a comprehensive drainage strategy which states surface water from all hard surfacing shall be managed via permeable paving and infiltration. The strategy has undertaken sizing calculations based on current design standards and climate change allowances and has shown the required volume of storage can be achieved on the site.

The surface water drainage strategy is considered acceptable in principle, subject to detailed design at a later planning stage.

Foul Water Drainage

The drainage strategy submitted in support of the application states foul water drainage shall discharge to the public foul sewer system. It also states that a pre-planning enquiry was undertaken with Thames Water in relation to this proposed approach.

The foul water drainage strategy is considered acceptable in principle, subject to detailed design at a later planning stage.

Recommended Conditions

Foul and Surface Water Drainage

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 area of the building shall be occupied or brought into use 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.

Surface water drainage verification report

No area of the building is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable.

WSCC – S106

Comments dated 14/11/2023

Thanks for your email confirming the existence of an 87 bed care home already on-site and apologies for overlooking this in my S106 calculations. Based on this there would not be any contributions due under this application and please accept this email as confirmation that we are formally withdrawing our consultation response seeking TAD and Libraries contributions here.

Just to clarify the second point made by the agent in your email below, I can confirm that it is standard policy for WSCC to seek contributions on Use Class C2 applications as well as C3 dwellinghouses.

Comments dated 3rd November 2023

Summary of Contributions

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the National Planning Policy Framework, 2019.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the

planning obligations they contain. From 1st April 2023 West Sussex County Council will increase the S106 monitoring fee to £240 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £720 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1440.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 78 net dwellings.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the West Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2024. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The library contribution will be spent on additional facilities at East Grinstead Library or, another library within the vicinity of the development should this be more suitable at the time that the contribution is made.

The TAD contribution will be spent on improvements to or new footpaths and/or cycle lanes that would link Cophorne to the Worth Way, Crawley and East Grinstead.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and include indexation arrangements whereby all financial contributions will be index linked from the date of this consultation response to the date the contributions become due.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as TPR- Total Places Required). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (cost multiplier).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

TPR = (No of year groups) x (child product)

Year groups are as below:

- Primary school- 7 year groups (aged 4 to 11)
- Secondary School- 5 year groups (aged 11 to 16)
- Sixth Form School Places- 2 year groups (aged 16 to 18)

Child Product is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2023/2024, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £20,567 per child
- Secondary Schools- £30,989 per child
- Sixth Form Schools- £33,608 per child

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure

WSSC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £6,027 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2023/2024 period.

3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2023/2024 is £1,575 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£786).

Sustainable transport contribution = (net car parking – occupancy) x 786

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

MSDC Arboriculturist

Comments dated 21/02/2024

Please see my comments below:

- 1) I have reviewed the soft landscaping specification and am happy with the response.
- 2) I was unaware of the proximity of these trees to the wall, the highway and the current location not allowing them to reach their full potential, and therefore have no objection to the removal. Many thanks for the clarification.
- 3) I agree that soft landscaping plans would be better kept separate from the tree protection plans and am happy that CBA update the plans as suggested.
- 4) No further comment.
- 5) Please ensure that this is secured through planning condition.
- 6) No further comment.

Comments dated 18/12/2024

I have been going through the Arboricultural Development Statement and Tree Survey Report and have some concerns.

There seems to be an excessive number of trees to be removed from the site, with no mention of replacement planting.

I understand and agree with removing those which are in decline or in ill health and it is justified that the removal of these is granted.

However, to the north of the site, removal of all the trees is suggested, two of which don't even belong to the site. All these trees are said to be healthy, and semi mature on the survey.

Further to that, removing the trees around the pond and replacing them with "Marginal planting as an ecological feature" doesn't justify the removal of the existing trees.

On the south of the site, the removal of many trees and shrubs is acceptable due to the species currently at the site being of low ecological value. Replacement for those is

“proposed butterfly and insect garden to provide visual interest and improve biodiversity” which if maintained properly would be appropriate.

The trees to the east of the site as well as T1, T7, T8, T10 and T13 (which have a TPO on them) will have to be protected and work within the RPA will have to be supervised by an Arboriculturist.

There are several other sections of trees for removal, but all are category C or U and therefore, I am in agreement with that.