

MID SUSSEX DISTRICT COUNCIL

District Wide Committee

8 JUL 2021

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/20/4159



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DOWNLANDS PARK CARE HOME BOLNORE FARM LANE HAYWARDS HEATH WEST SUSSEX

ERECTION OF PART TWO, PART THREE AND PART FOUR STOREY BUILDING COMPRISING 70 EXTRA CARE APARTMENTS WITH COMMUNITY HUB, GUEST SUITE AND STAFF FACILITIES TOGETHER WITH 15 EXTRA CARE COTTAGES (85 IN TOTAL), PAVILION, PARKING AND ACCESS TO FORM A CONTINUING CARE RETIREMENT COMMUNITY FOLLOWING DEMOLITION OF EXISTING CARE HOME. ADDITIONAL HIGHWAYS INFORMATION RECEIVED 28TH JANUARY 2021 (AMENDED PLANS RECEIVED 9TH MARCH SHOWING A REVISED DESIGN AND A REDUCTION IN THE NUMBER OF PROPOSED UNITS TO 81)

MR LIAM KELLY

POLICY: Brownfield Land / Planning Agreement / Planning Obligation / Built Up Areas / Countryside Area of Dev. Restraint / Area of Special Control of Adverts / Aerodrome Safeguarding (CAA) / Tree Preservation Order /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 16th April 2021

WARD MEMBERS: Cllr Jim Knight / Cllr Ruth De Mierre /

CASE OFFICER: Steven King

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks full planning permission for the erection of a part two, part three and part four storey building comprising 66 extra care apartments with community hub, guest suite and staff facilities together with 15 extra care cottages (81 in total), pavilion, parking and access to form a Continuing Care Retirement Community following the demolition of the existing care home.

Planning law states that planning applications should be determined in accordance with the development plan, unless material planning considerations indicate otherwise. The requirement to be 'in accordance' with the development plan means the development plan when taken as a whole. It is not the case that a proposal must be in accordance with each and every policy in the development plan for it to be in accordance with the development plan. The development plan for this part of Mid Sussex consists of the District Plan (DP) and Haywards Heath Neighbourhood Plan (HHNP). National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (PPG)) does not form part of the development plan but is an important material consideration.

The site lies within the built up area of Haywards Heath and therefore the principle of development within the area is accepted. The site is subject to policy H7 in the HHNP which refers to the site within the grounds of Downlands Park as providing approximately 20 bungalows (use class C2) for occupation of the elderly. It is clear that this policy envisaged the existing building on the site being retained. The proposal before the Local Planning Authority (LPA) is for the demolition of the existing building and its replacement with 81 units of C2 accommodation. As such the proposal does not fully comply with policy H7. However in light of the fact that the development plan must be read as a whole, this in itself does not mean that the proposal is not in accordance with the development plan. A holistic view must be taken of all the relevant policies in the development plan to come to a view as to

whether the proposal is in accordance with the development plan when read as a whole.

A key issue is the loss of the existing building on the site. Your Planning Officer agrees with the Councils Conservation Officer that the building should be regarded as a non-designated heritage asset. Policy DP34 in the DP states that development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment. Paragraph 197 of the NPPF states that when weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Councils Conservation Officer assesses the significance of the asset in the local context of Haywards Heath to be of a medium level and the loss of significance resulting from its demolition would be complete.

Your Planning Officer agrees with this assessment. The key issue therefore is the balance between the harm arising from the loss of the non-designated heritage asset, compared to the public benefits of the proposal.

The proposal would make efficient use of the site by providing 81 units of C2 accommodation within the built up area of Haywards Heath in a sustainable location. This accords with policy DP26 of the DP and the aims of paragraphs 122 and 123 of the NPPF. It is your Planning Officer's view that this is a well-designed contemporary scheme, that makes good use of the topography of the site. The stepped arrangement of the main blocks helps to break down their scale so they do not appear monolithic. It is proposed to use brick for the external elevations of the buildings and a green roof on the link between the western and eastern blocks. The choice of external materials is considered to be appropriate for the area. The scheme is supported by the Councils Urban Designer and by the Design Review Panel. It is your Planning Officers view that overall, this will be a high quality development that will fit in well on the site and this should be afforded positive weight in the planning balance.

The scheme would provide high quality accommodation for its residents. The proposal would also provide facilities that can be used by non-residents. These points should be afforded positive weight in the planning balance.

There are no objections from the Highway Authority to the proposal. The proposed access onto Bolnore Farm Lane is satisfactory and the development will not have a severe impact on the local highway network. A satisfactory pedestrian access can be provided.

The development would be clearly visible from the properties to the north of the site at Downlands Cottage, Kleinwort Close and the Goldbridge Care Home. However, it is felt that the separation distance between the development and these existing properties will mean that the proposed development would not appear as an overly dominant feature and would not cause a significant loss of residential amenity. The proposed 2m brick wall separating the car parking from the amenity areas of Kleinwort Close should mean that there would not be a significant loss of residential

amenity arising from the location and use of these car parking spaces.

It is considered that with an appropriate legal agreement in place to control who can live within the development and the level of care that is provided, the proposal would fall within class C2 of The Town and Country Planning (Use Classes) Order 1987 (as amended). This would mean that there would be no requirement for affordable housing.

It is considered that the site can be satisfactorily drained and this can be controlled by planning conditions. There are no objections to the scheme from the Councils Drainage Engineer or from Southern Water.

There are no ecological objections to the scheme from the Councils Ecological Consultant. As the proposal would involve the loss of a bat roost, a licence for this will be required from Natural England. The Councils Ecological Consultant has advised that as the roosts have been assessed to be of low conservation significance of relatively common species, it is likely, subject to the proposed mitigation and compensation measures that Natural England will grant such a licence.

In conclusion, it is considered that the site can be satisfactorily drained and there are no ecological reasons to resist the application. The proposal will have a satisfactory vehicular and pedestrian access and there will not be a severe impact on the local highway network. The required infrastructure for West Sussex County Council (WSCC) services can be secured by an appropriate legal agreement. As such all of the factors are neutral within the planning balance.

The development would not be in compliance with policy H7 on the HHNP as this policy refers to the provision of approximately 20 bungalows for occupation by the elderly (Use Class C2) within the grounds of Downlands Park. The proposal is for the complete redevelopment of the site and as such the conflict with this policy in the HHNP weighs against the proposal.

The proposal would also involve the loss of the existing Downlands Park building, which the Councils Conservation Officer considers should be regarded as a non-designated heritage asset. The loss of the existing building does weigh against the application but in accordance with paragraph 197 of the NPPF, a balanced judgement is required having regard to the scale of the loss and the significance of the heritage asset. In this case the demolition of the building would mean that the loss of the asset would be total. The building has historical evidential and illustrative value within the local context of Haywards Heath. The building and its grounds, as well as the associated buildings at the entrance from Bolnore Farm Road (the former lodge and stables), make a positive contribution to the character of the local area and the street scene. Your Planning Officer agrees with the Conservation Officers view that the significance of the asset in the local context of Haywards Heath is of a medium level.

The benefits of the scheme are a comprehensive redevelopment of the site, with a well-designed building that will deliver 81 units of accommodation in a high quality landscape setting. The scheme also provides for benefits to the wider community

from the facilities that would be open to non-residents and there are economic benefits arising from the construction and future additional spending in the local economy from future residents and future employment on the site. It is your Planning Officers view that the benefits of the scheme outweigh the loss of the non-designated heritage asset.

It should be noted that policy DP34 in the DP does not prohibit the loss of non-listed buildings. However as the heritage asset would not be conserved, it is felt there is some conflict with policy DP34 as this policy does 'seek' to conserve heritage assets in a manner appropriate to their significance. It should also be noted that as Downlands Park is not a listed building it does not benefit from the statutory protection afforded from the Planning (Listed Buildings and Conservation Areas) Act 1990. Planning permission would not be required to demolish the building as it is not within a Conservation Area and the Council has not served an Article 4 direction to remove permitted development rights for demolition. There is no reason to dispute the applicant's submissions regarding the viability of converting the existing building on the site.

For all of these reasons, whilst the loss of the existing building does weigh against the application, in the balanced judgement required under paragraph 197 of the NPPF, it is considered that the public benefits outweigh the loss of the non-designated heritage asset.

The development will make efficient use of the site and provide a high quality development within good landscaped grounds. It is considered that the development accords with the development plan when read as a whole, which is the proper basis for decision making. There are no material planning considerations that would indicate that the application should be refused. In light of the above it is considered that the application should be approved, subject to the completion of a section 106 agreement to secure the necessary infrastructure contributions and to control the occupation of the site and subject to appropriate planning conditions.

Recommendation

It is recommended that subject to the completion of a satisfactory S106 planning obligation securing the necessary financial contributions towards infrastructure as set out in the Assessment section below, the occupation of the building and care package, car club and mini bus provision, planning permission be granted subject to the conditions set out in Appendix A.

SUMMARY OF REPRESENTATIONS

Original plans

16 Letters of objection:

- concerned that the proposed building is higher than the one it replaces;
- object to windows in north elevation overlooking Hurst Place Cottages and invading our privacy;

- object to positioning of car parking spaces and noise pollution that it will cause;
- car parking will cause light pollution and disturbance from car headlights;
- will increase traffic in the area and cause air pollution;
- too close to the properties on Kleinwort Close;
- needs a taller fence on the boundary to protect privacy and cut down noise;
- development is not in keeping with the area;
- existing building on site should be retained;
- proposal is an over development of the site and contrary to the neighbourhood plan allocation;
- facilities open to non-residents will create an unacceptable level of noise and disturbance;
- if approved conditions should be imposed to limit future expansion
- object to the pavement along Bolnore Farm Lane which will lose its rural character;
- Bolnore Farm Lane could be reduced in width and a pavement provided within the existing carriageway;
- area cannot support additional residents;
- concerned that drainage will not be adequate;
- concerned about access to my utility meter cupboards;
- should be age and occupancy restrictions as a large number of older people live in this local area because they appreciate the quieter and more settled environment it offers;
- would be better to take access from Kleinwort Close;
- construction works should avoid bird nesting season

One letter raising no objection:

- I have no issue with the development but would like to ensure that the contractors/builders refrain from parking on Bolnore Farm Lane to gain access to the site

Amended plans

6 Letters of objection:

- still concerned about overbearing impact on Kleinwort Close;
- car parking spaces will have an adverse impact on Kleinwort Close from noise disturbance and air pollution;
- still concerned about the impact on traffic;
- amended plans do not address concerns about the design of the proposal being out of keeping;
- building is still overbearing and will cause overlooking;
- concerned about light pollution;
- encouraging visitors to the site will result in more traffic;
- access and parking should be relocated to the south of the site;
- apartment blocks should be relocated to the southern end of the site away from Kleinwort Close;
- proposal is still a gross over development of the site

1 Letter neither objecting nor supporting

- it is vital that a suitable boundary is put on the boundary with Hurst Place

SUMMARY OF CONSULTEES (full comments in appendices)

County Planning Officer

Require the following infrastructure contributions:

Libraries £13,651
TAD £105,904

Highway Authority

No highway objection. Suggest conditions regarding a Travel Plan and Construction Management

Public Rights of Way Officer

No objection

WSCC Lead Local Flood Authority

We would not raise any objection on surface water flood risk grounds.

WSCC Water and Access

Requests conditions regarding the provision of a fire hydrant or stored water supply.

Ecological Consultant

Subject to MSDC being of the view that granting consent is in the public interest then I would expect a licence from Natural England for the destruction of bat roosts to be granted. In my opinion, there are no other biodiversity policy reasons for refusal or amendment of the proposals, subject to conditions.

Southern Water

No objection subject to conditions

Sussex Police

I have concerns over unobserved parking and the lack of staff parking. With a large multi-element development such as this, it is essential that the different uses of the development do not cause conflict with each other. In order to achieve this, security provisions such as access control, compartmentalisation, certificated security products in the form of door-sets and windows will be imperative in creating a safe and secure environment for all.

Contaminated Land Officer

No objection. Recommend a watching brief condition

Environmental Health Officer

The Construction Management Plan is satisfactory and the construction works should be carried out in line with this plan.

Community Facilities Officer

No infrastructure contributions required

Drainage Engineer

No objection subject to conditions

Conservation Officer

I would consider that Downlands Park should be regarded as a non-designated heritage asset, worthy of consideration for inclusion on a Local List. I would assess the significance of the asset in the local context of Haywards Heath to be of a medium level. The loss of significance resulting from its demolition would be complete. This complete loss of a heritage asset of a medium level of local significance would therefore stand to be weighed against the public benefits, if any, of the proposal.

Urban Designer

This planning application satisfactorily accords with the design principles of the Council's Design Guide SPD and to policy DP26 of the District Plan; I therefore raise no objections to it. To secure the quality of the design I recommend conditions to control points of detail.

Tree Officer

A landscaping scheme should be conditioned if approved, as well as adherence to method statement and AIA.

TOWN COUNCIL COMMENTS

Original Plans

The Town Council would like to SUPPORT this application subject to the following amendments/conditions:

1. the proposed middle residential building (east wing, adjacent to the cottages) should be reduced in height in order to lessen its overbearing nature and impact on neighbouring residences in Kleinwort Close, particularly with regard to loss of privacy (Policy DP26 of the Mid Sussex District Plan 2014-2031 refers);

2. the development will need a Construction Management Plan, to include a requirement that all contractor parking is on site;
3. a survey of the condition of the surrounding highway verges must be undertaken before and after the development is completed;
4. the resident of Downlands Cottage, Bolnore Farm Lane, has raised concerns about the proximity of the proposed parking to her property and whether she will have access to her utility meter cupboards and side garden gate - these concerns must be attended to. Parking noise could be an issue for this older property and advice/guidance from Mid Sussex District Council's Environmental Health Officer regarding any acoustic attenuation would be appreciated;
5. the 'old' original rural section of Bolnore Farm Lane to the south of the site, which is a bridleway made up of two concrete tracks, must not be touched. The Town Council understands that there has been some discussion around the developer wanting to tarmac this area and put in a pavement and whatever else, which is completely ridiculous.

Amended plans

The Town Council reaffirmed its SUPPORT for the application and welcomed the adjustments made by the developer to reduce the size of the development and the offer of opening up of some of the communal facilities to the community.

As an aside, not directly related to the application, concern was raised about the cumulative amount of elderly living accommodation in the locality and the potential for overloading of demand on local GP surgeries. This was asked to be noted by the local planning authority along with the suggestion that the allocation of accommodation be prioritised for residents of Haywards Heath.

If any Section 106 contributions for this project for Community Infrastructure were forthcoming, it was requested that they be allocated to the provision of a Cemetery, Allotments and Country Park off Hurstwood Lane, Haywards Heath.

INTRODUCTION

This application seeks full planning permission for the erection of a part two, part three and part four storey building comprising 66 extra care apartments with community hub, guest suite and staff facilities together with 15 extra care cottages (81 in total), pavilion, parking and access to form a Continuing Care Retirement Community following the demolition of the existing care home.

RELEVANT PLANNING HISTORY

There are no previous planning applications that are of direct relevance to this application.

SITE AND SURROUNDINGS

The site, which has an area of 2.57 hectares, is located on the eastern side of Bolnore Farm Lane close to its the junction with Butlers Green Road (B2272) and is approximately 1km west of Haywards Heath town centre. The site comprises a large

two storey 19th Century Victorian manor that was last in use as a care home set in attractive landscaped grounds with mature tree planting around its boundaries. Vehicle access to the site is to the western boundary from Bolnore Farm Lane. There is car parking to the west and northeast of the manor house. There is a substantial fall in levels through the site from north to south of some 8m.

To the north east of the site is Hurst Place, a retirement village recently developed by Anchor and BUPA comprising 57 Extra Care apartments (C2), a 64 bed Care Home (C2), 10 retirement cottages (C2) and a community building owned by the Lamb Group, the former owner of the subject Downlands Site, and let to Age UK for the provision of services to older people living in the wider community.

To the west on the opposite side of Bolnore Farm Lane there is an area of open space that has a number of trees within it. To the south Bolnore Farm Lane becomes a single width road that provides access to several residential properties. It is also a bridleway. To the east of the site is Beech Hurst Gardens. To the south east there is a residential development of 18 dwellings that is under construction, permitted under reference DM/19/3619.

The west, south and eastern boundaries of the site are well screened by trees and hedging. The northern boundary to the care home to the northeast is more open as it is marked by metal railings. To the northwest the boundary with the cottages on Kleinwort Close is marked by hedging.

Immediately to the north of the site is Downlands Cottage, a detached dwelling and to the north of this are two semidetached properties.

In terms of planning policy, the site is within the built up area of Haywards Heath as defined in the District Plan (DP), with the built up area boundary running along Bolnore Farm Lane to the west and south.

APPLICATION DETAILS

This application seeks full planning permission for the erection of a part two, part three and part four storey building comprising 66 extra care apartments with community hub, guest suite and staff facilities together with 15 extra care cottages (81 in total), pavilion, parking and access to form a Continuing Care Retirement Community following the demolition of the existing care home.

The proposed plans show that the extra care apartment building would be located on the western side of the site. It would have a broadly U shaped footprint, with two wings of residential accommodation on the west and east side, linked by a central core at the northern end of the building. There would be a landscaped courtyard area in the centre of the two wings and a smaller landscaped area to the north of the central core. The low lying communal hub building accommodates the community facilities and main reception and is flanked by two residential wing buildings which accommodate 66 one and two bed apartments.

The footprint of the western wing of residential accommodation would measure some 64m by 18m with the eastern wing measuring some 77m by 18m. The height of the

proposed wings would vary from 4 storeys down to single storey. At the highest point when measured from ground level, the residential wing would be some 15.9m in height. The applicants describe the form of these buildings as follows:

'The form of the residential wing buildings has been designed to step down at the northern end, this is to reduce the visual impact when experiencing the approach to the building. The height steps down to 2 storeys to align with the neighbouring buildings to the north site boundary.'

The wing buildings step down more significantly towards the south of the site, aligning with the natural topography across the site. This 'cascading effect' provides opportunity for roof terraces to be introduced and create green spaces which flow through the project, ultimately meeting the original landscape towards the lower southern limits of the site.'

The height of the ground floor has been set to balance the amount of 'cut and fill' created by the development, minimising the amount of material needing to be removed from site.'

Externally the applicants propose that these buildings would utilise a facing brick with red hues and a degree of tonal variance.

When viewed from the north, the hub building would appear as a single storey structure. Due to the fall in levels to the south, the southern elevation of the hub building would be two storeys. It would be timber clad on the north elevation, with brick and glazing on the southern elevation. It would feature a living green roof.

Internally, the hub building would offer a range of leisure and wellbeing facilities, such as a pool, fitness suite and multipurpose room as well as a lounge, cinema room and bistro. It contains the main reception for residents and guests on entry to the site. It has been designed as a low level building which connects the two apartment wing buildings. From the north the building appears as a single storey. When viewed from the south a second storey, the lower ground floor, becomes apparent. The accommodation takes advantage of the sloping site topography to partially sink the lower ground floor, whilst maintaining views and access out to the landscaped gardens to the south.

The applicants state that:

'Eden propose an age exclusive membership scheme for older people living in the wider community to access the leisure and hospitality services at the development; the 'Downlands Park Community Club'.'

On the eastern side of the site there would be a total of 15 two storey cottages, the majority being semidetached with one terrace of three properties. The cottages are connected to the main building and community hub by a number of pathways which circulate around the site and give access to the landscaped grounds.

The cottages would be flat roof buildings to tie in with the apartment building. Externally they would feature red brick elevations. The applicants describe the site arrangement of the cottages as follows:

'The arrangement of the 2-storey cottages are separated into semi-detached and terraced clusters which allows for areas of landscaping and communal gardens amongst the cottages. There are a series of pedestrian pathways amongst the landscaping which provide links to the communal hub, pavilion, and wider site.

There are private garden areas to the rear of each cottage with low-level planting to provide privacy. To the front of each cottage, there is provision for mobility scooter parking under the entrance canopy, and a covered store is integrated to conceal bins.

At first-floor level, the handed arrangement of cottages allows for private external terraces at the rear which maximises views out to the naturalistic setting and landscaped grounds. To the roof, there are PV panels that are visually concealed by a parapet.'

In total the proposal would provide the following accommodation:

Apartments

33 x 1 bed
33 x 2 bed

Cottages

15 x 2 bed

The development would use the existing access onto Bolnore Farm Lane. There would be car parking spaces located along the northern boundary of the site. Located to the north end of the east residential wing building is an undercroft car park and service bay which is accessed by a ramp from a driveway to the north of this building.

Set in the landscaped grounds towards the southern end of the site is a pavilion building which accommodates additional community facilities.

An existing footpath connects to Bolnore Farm Lane on the south western site boundary. A new footpath is proposed from the site entrance along Bolnore Farm Lane, connecting with the Junction of Butler's Green Road.

In terms of staffing, the applicants have stated there would be a total of 21 staff working weekdays and 14 at weekends with peak staff numbers as follows:

- Weekdays: one member of staff on duty from 4.00 pm through to 7.00 am rising to a peak of 12 staff between the hours of 11.00am and 2.00 pm
- Weekends: one member of staff on duty from 4.00 pm to 7.00 am rising to a peak of 8 staff from 12.00 until 2.00 pm.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and Haywards Heath Neighbourhood Plan (HHNP).

National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (PPG)) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP6 Settlement Hierarchy

DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP20 Securing Infrastructure

DP21 Transport

DP26 Character and Design
DP30 Housing Mix
DP31 Affordable Housing
DP34 Listed Buildings and other Heritage Assets
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made on 15th December 2016 and forms part of the development plan for this part of Mid Sussex.

Relevant policies:

Policy E6 Green infrastructure
Policy E7 Drainage
Policy E8 Sustainable development
Policy E9 Design
Policy E11 Major development on the edge of Haywards Heath
Policy E13 Residential development and amenity space
Policy T1 Pedestrian and cycle connections
Policy T2 Cycle route funding
Policy H7 Downlands Park site

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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.

SDP Development Infrastructure and Contributions (2018)

National Planning Policy Framework (NPPF) (Feb 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the*

starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 38 of the NPPF states 'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide

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.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Principle of Development
- Impact on Landscape
- Design and layout of the site
- Neighbour amenity
- Transport and Access
- Affordable Housing
- Drainage
- Ecology and Trees
- Ashdown Forest

- Infrastructure
- Planning Balance and Conclusion

Principle of Development

Policy DP6 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.'

The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

- *The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- *A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

The site is within the built up area of Haywards Heath and therefore the principle of a redevelopment of this site accords with policy DP6.

The site is subject to a specific policy in the HHNP. Policy H7 states:

'Within the Ground of Downlands Park (Site Area: 2.6 ha)

- *Capacity: The site should provide for approximately 20 bungalows for occupation for the elderly (Use class C2).*
- *Form, Layout and Landscaping: Access is to be from the old Isaacs Lane and the form, scale and layout of the site must demonstrate that development is well integrated into its setting and the design reflects the character of existing adjacent buildings.*
- *Infrastructure: Sustainable drainage systems (SuDS) should be used to minimise run off from this development.*
- *Pedestrian access should be provided to Bolnore Lane and to the new development north of the site.*
- *Identify and take account of environmental, landscape and ecological constraints.'*

The supporting text to policy H7 states 'This site is located off the Bolnore Farm Lane and has been identified for a housing development for the elderly. Development would produce a modest number of specialist units within the grounds of the existing care home. The site is located adjacent to Beech Hurst Gardens and share a boundary with Beech Hurst depot which is subject to a proposed housing allocation in this plan (H5). The site also has a common boundary with a housing site for the elderly currently under construction. The site includes mature ground and is well enclosed by existing vegetation.'

The proposal is therefore not in full compliance with policy H7 because this policy refers to constructing approximately 20 new build bungalows within the grounds of the existing care home, which by definition, this policy envisaged as being retained, whereas this application proposes the demolition of the existing care home and its replacement with new buildings containing a total of 81 units. Therefore whilst there is a site specific allocation in the HHNP for development on this site, this application is not proposing the same form of development that is set out in policy H7.

Planning law requires planning applications to be determined in accordance with the development plan unless material planning considerations indicate otherwise. The 'in accordance' determination is the development plan when taken as a whole. It is not the case that a planning application must comply with each and every policy in the development plan for it to be 'in accordance' with the development plan. Therefore the fact that the proposal is not in full compliance with policy H7 in the HHNP does not automatically mean that the proposal fails to accord with the development plan and should be refused.

Heritage Assets

An important issue in assessing the principle of the development, is the proposed demolition of the existing manor house. The applicants have provided a heritage statement that is available on file for inspection. The applicants report concludes that:

'This assessment has demonstrated that its heritage interest is limited, restricted to its local architectural interest from its exterior appearance, mainly identified with south-western portion of the existing elevation, and some elements of the interiors, again in the south-western part of the building. There is also some limited historic interest in its use as a school.

The building has evidently been much altered and extended during its life as a school, with large extensions to the east and north, which are of no architectural merit. The buildings most recent use as a care home has altered the internal spaces to such a degree that it is difficult to understand either the original use as a house or its use as a school.

Overall, whilst the demolition of the building would result in a heritage impact, given the limited significance of the building this is considered to be low. Furthermore, the loss should be seen within the context of the wider proposal, including any viability of the scheme and wider public benefits exclusive of heritage considerations which are detailed within the wider submissions.'

The comments of the Councils Conservation Officer are summarised at the start of this report and set out in full in the appendix. She notes that *'Architecturally, the building is a good but not exceptional example of a large house dating from the second half of the 19th century, being of 2-2 ½ storeys, constructed in red brick with tile hanging and mock timber framing to the partially jettied first floor, well-articulated elevations with projecting gables, bay and oriel windows, clay tile pitched roofs with heavy timber bargeboards and decorative ridge tiles and finials, and prominent brick chimneys.'* She goes on to advise *'I would consider that it should be regarded as a non-designated heritage asset, worthy of consideration for inclusion on a Local List.'* The Councils Conservation Officer concludes by stating:

'As a non-designated heritage asset I would consider that Policy DP34 would apply to any proposals affecting the building.' She goes on to state *'The current scheme envisions the demolition of the building, which would be contrary to the aims of that policy.'* She concludes by stating *'I would assess the significance of the asset in the local context of Haywards Heath to be of a medium level. The loss of significance resulting from its demolition would be complete. This complete loss of a heritage asset of a medium level of local significance would therefore stand to be weighed against the public benefits, if any, of the proposal.'*

In relation to other heritage assets, policy DP34 in the DP states:

'Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.'

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.'

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

Paragraph 197 of the NPPF states:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

The applicants have provided a statement which considers the suitability of the existing care home building and this is available on file for inspection. The report notes that the existing care home was registered for 40 residents accommodated within 40 bedrooms. The report notes that only 13 of the rooms met the industry standard in terms of their floorspace and of those, only 4 had an en suite. The report also notes that the amount of communal space that is available falls below that which the Care Quality Commission (CQC) requires for new developments. The

report provides a non-exhaustive list of works that are required within the next five years on the buildings as follows:

- Repair works to roof, fenestration repairs, total replacement of plant room, total replacement of both lifts, total rewiring of building, reconfiguration of room provision to allow for en-suite to all rooms, replaster and redecorate whole building.

The applicants report concludes by stating that:

'To demolish the existing Home is considerably more viable than trying to convert the existing building to a new Home to current standards. Having reviewed the existing building in detail it is our conclusion, given our industry knowledge of present day regulatory requirements that this facility can no longer viably operate as a Care Home. Whilst internal reconfiguration could be undertaken it is our opinion that a sizeable extension would be required to accommodate the number of residents rooms to make the proposal a viable offering.'

Whilst policy DP34 seeks to conserve non-listed heritage assets, it is important to note that the policy does not contain a prohibition against their loss. It requires an assessment of such proposals against the policies in the NPPF and Government guidance. Paragraph 197 of the NPPF requires a balancing exercise to be undertaken having regard to the scale of any harm or loss and the significance of the heritage asset.

The manor house is considered to be of some architectural merit and together with its grounds, makes a positive contribution to the character of the local area and the street scene. Your Planning Officer agrees with the view of the Councils Conservation Officer that the building is a good but not exceptional example of a large house dating from the second half of the 19th century. The Councils Conservation Officer states that *'...it should be regarded as a non-designated heritage asset, worthy of consideration for inclusion on a Local List.'* Therefore by definition the building is not considered to be of sufficient quality to be listed.

In relation to the balanced judgement required under paragraph 197 of the NPPF, the proposal would result in the total loss of the manor house itself, which weighs against the proposal. However the substantial grounds that the building sits in would be retained, albeit partially altered from its present form. Balanced against this are the positive benefits that would arise from this proposal (the provision of up to date specialist accommodation, the efficient use of the site, economic benefits arising from the construction and future additional spending in the local economy from future residents and future employment on the site). As will be set out later in the report, the replacement buildings are felt to be well designed and have the support of the Councils Urban Designer and the Design Review Panel.

It is accepted that the current building does not lend itself to the provision of modern care accommodation. The LPA has no reason to dispute the analysis of the suitability of the existing care home building that has been provided by the applicants. There is no indication that an alternative scheme will be submitted that involves the conversion of the manor house.

The manor house is not a listed building and the site is not within a conservation area. Therefore the demolition of the buildings on the site, as a standalone operation, does not require planning permission. Should the LPA wish to retain the manor house building on the site, there are two options that are available, as set out below.

1. Building Preservation Notice

LPAs may serve a Building Preservation Notice (BPN) on the owner and occupier of a building which is not listed, but which they consider is of special architectural or historic interest and is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest.

If a BPN is served, an application to list the building must be made at the same time to Historic England.

A BPN takes effect immediately when it is served on the owner and occupier.

A BPN protects the building for a maximum of 6 months until either the Secretary of State (for Digital, Culture, Media and Sport) lists the building or informs the authority that he does not intend to do so. Whilst the BPN is in place, the building is subject to the same protection as a listed building and any works to the building will require listed building consent. If works are carried out without listed building consent the local planning authority can take enforcement action or institute criminal proceedings.

If the decision is taken not to list the building, the LPA may not serve another BPN in respect of that building within 12 months of the decision. If the service of the BPN is not followed by the building being listed and the restrictions during the currency of the notice directly caused any financial damage to an owner (such as breach of contract for demolition works) then the authority is liable to pay compensation. A claim for compensation must be submitted within 6 months.

If the BPN lapses then so do all listed building consents and applications and other listed building procedures. However, the fact that the BPN has lapsed is not relevant to the issue of whether an offence was committed for failing to apply for listed building consent when the BPN was in force.

LPAs are encouraged to use BPNs to protect important buildings of value to society from being irretrievably lost or damaged without the authority first being able to consider its merits and any proposals for development. A local authority cannot serve a building preservation notice on the building during the same period.

It is not considered that the building would be of sufficient quality/interest to be listed. It is therefore considered that it would not be an appropriate course of action to serve a BPN. There would be a risk to the Council of having to pay compensation to the owner of the site in the event that the building was not listed by the Secretary of State.

2. Article 4 Direction

An article 4 direction is a direction under article 4 of the General Permitted Development Order which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area.

Provided that there is justification for both its purpose and extent, an article 4 direction can:

- cover an area of any geographic size, from a specific site to a local authority-wide area
- remove specified permitted development rights related to operational development or change of use
- remove permitted development rights with temporary or permanent effect

Paragraph 53 of the National Planning Policy Framework (NPPF) states:

'The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.'

The Planning Practice Guidance (PPG) states in part:

'The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to:

- *cases where prior approval powers are available to control permitted development'*

An article 4 direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. This gives a local planning authority the opportunity to consider a proposal in more detail.

The PPG advises that an immediate direction can withdraw permitted development rights straight away; however they must be confirmed by the LPA within 6 months of coming into effect to remain in force. Confirmation occurs after the LPA has carried out a local consultation. Immediate directions can be made in relation to development permitted by Parts 1 to 4 and 11 of Schedule 2 to the General Permitted Development Order, where the development presents an immediate threat to local amenity or prejudices the proper planning of an area.

In this particular case an Article 4 Direction could be issued to remove permitted development rights for the demolition of the manor house. This would mean that planning permission would be required for the demolition of the building.

A LPA must, as soon as practicable after confirming an article 4 direction, inform the Secretary of State via the National Planning Casework Unit. The Secretary of State does not have to approve article 4 directions and will only intervene when there are clear reasons for doing so.

An amenity is defined in the Planning Portal Glossary as *'a positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity'*.

It is considered that the building does contribute to the character of the area and therefore does have some general amenity value. The effect of serving an Article 4 Direction would be that the developer would need to apply for planning permission to demolish the building. If this is refused a compensation situation arises under Sections 107 and Sections 108 of the Town and Country Planning Act 1990.

The PPG states:

'If a local planning authority makes an article 4 direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:

- *refuses planning permission for development which would otherwise have been permitted development; or*
- *grants planning permission subject to more limiting conditions than the General Permitted Development Order*

The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.'

The potential liability to pay compensation is a factor which has to be taken into account in deciding whether to serve an Article 4 direction.

At the present time the building can be demolished under permitted development rights. If the LPA make an Article 4 direction those permitted development rights are withdrawn and the applicants have to make an application to knock the building down. If the Article 4 Direction is to have any effect that application would have to be refused or granted subject to conditions which in either case generates the statutory claim. The effect of that action stops the site being developed in the most cost effective way. Given the additional build costs of adapting an old building and the loss of units it is considered that the potential compensation claim to the LPA could be substantial.

The policy support in the development plan for the retention of buildings that have an amenity value lends some support to the serving of an Article 4 Direction. However the possible compensation that may be liable weighs against the serving of such a Direction. It is also the case that planning permission can be granted for the demolition of the manor house and its redevelopment if this proposal is considered to

comply with the development plan or there are material planning considerations that indicate that planning permission should be granted.

Given all of the above and the fact that this proposal has been recommended for approval, it would not be appropriate to serve an Article 4 Direction. The reasons for this recommendation are set out later in this report.

Conclusion on heritage matters

The NPPF states in paragraph 3 that *'The Framework should be read as a whole (including its footnotes and annexes).'* Having regard to all of the above, it is your Planning Officers view that whilst the loss of the manor house is regrettable, the balance falls in favour of the redevelopment of the site. This will allow for an efficient use of the site and the provision of a high quality development providing specialist housing in a sustainable location.

Landscape Impacts

The site is not subject to any national landscape designations and lies within the built up area of Haywards Heath. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) that is available on file for inspection. The LVIA sets out in detail a professional assessment of the landscape impacts of the proposal. There are no reasons to question the methodology of this assessment. It is however clearly the case that an assessment of the impact of the proposal on the character of the landscape is ultimately a subjective one for the decision maker to make.

The LVIA includes an assessment of the development from a number of viewpoints around the site, including from Butlers Green Road to the north, Bolnore Farm Lane to the south and west and Copyhold Lane to the west. The LVIA concludes that the site is well screened and that the areas where the development will be most visible are at the entrance to the site on Bolnore Farm Lane and from the existing pedestrian access onto Bolnore Farm Lane to the south. The LVIA concludes by stating *'Due to the retention of the existing mature vegetated boundaries and following 15 years growth of the introduced mitigation measures to integrate the proposed buildings the residual landscape effects on the site features and the setting of the site will be neutral.'*

The site is well screened by the existing tree belt and landscaping to the west and south of the site. Views would be available into the site through the vehicular access onto Bolnore Farm Lane and to a lesser extent, through the pedestrian access at the southern end of the site.

It is considered that the impact of the proposed development on the wider landscape will be acceptable. There will be an increase in the scale of built form on the site which will be visible from the vantage points that have been identified in the LVIA but this in itself is not objectionable. The retention and supplementing of the current landscaping around the site will help to soften the development. It is therefore considered that there will not be an adverse impact on the wider landscape that would justify a refusal of planning permission. It should also be noted that the site is

not in the countryside as defined in the development plan, it is within the built up area of Haywards Heath.

It is considered that the impact on the wider landscape around the site is acceptable and that policy E11 of the HHNP has been met.

Design and layout of the site

Policy DP26 in the District Plan seeks a high standard of design in new development. It 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 DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Policy E9 in the HHNP states:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *height, scale, spacing, layout, orientation, design and materials of buildings,*

- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.*

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.'

The NPPF makes it clear that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF 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 users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

The NPPF is also supportive of achieving appropriate densities on sites. Paragraph 122 states:

'Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*

- c) *the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) *the importance of securing well-designed, attractive and healthy places.'*

The application as originally submitted was considered by the Design Review Panel. Their full comments on the application as it was at that time, are set out in full in the appendix. In summary they concluded that *'The DRP would like to support this scheme but feel it would be significantly improved by finessing the 4-storey part of the apartment blocks to reduce its scale. If part of the third floor immediately south of the lift shafts was removed the panel would fully support the scheme.'* Following these comments the scheme has been amended by the applicants, which has resulted in an amended design and a reduction in the number of units proposed in total from 85 to 81.

Commenting on the scheme as it now stands, the Councils Urban Designer states:

'The layout of the apartments has been improved since the pre-application stage and the scheme now benefits from a more generous courtyard area as the previously proposed central wing to the apartment block has been omitted; this enables the main part of the scheme to open-up to the expanse of green space and attractive tree-lined boundary in the southern part of the site.

The elevations of the apartment blocks have also been refined and are successfully articulated as a series of vertically subdivided bays; their contemporary detailed facades are softened by a variety of differently toned red facing brick that help to marry the building to its context including the adjacent Downlands Cottage which overlooks the site entrance. The rest of the site is mostly screened by its tree-lined boundaries, which provides scope for the building to be bigger than its neighbours and to benefit from some individuality without looking out of place.

The architects have ingeniously worked with the site's topography to reduce the building's scale and echo the slope. This has been achieved, firstly, by employing a split-level arrangement at the front and back, that reduces the height of the building at the front, and secondly, by tiering the blocks at the rear so the height of the building recedes towards the communal open space/more rural edge on the southern part of the site. The pavilion style entrance building/communal hub that connects the two blocks is single storey; its low profile breaks up the two blocks and with its green low hung roof provides a sense of the open courtyard space at the rear. The combination of timber cladding and glazing is well detailed and provides necessary relief to the red brick face of the adjacent blocks.

The parking is now better integrated into the scheme with the front threshold to the communal/entrance block now freed up as a landscaped space; this has been helped by accommodating some basement parking.

The "cottages" on the east part of the site, may be more accurately described as small terraces of town houses, however, they are well detailed, and their replicated form generates a consistent rhythm that has underlying harmony.

When the DRP met in January 2021 they agreed to fully support the scheme providing the 4-storey part of the apartment blocks is reduced in scale. This has been achieved in the revised drawings which accord with the DRP's recommendation by removing part of the third floor immediately south of the lift shafts. The drawings also show a reduction in the top floor to the north of the lift shafts which reduces the scale of the building frontage where it will be most visible from the main entrance approach; this allows it to sit better with the domestic scaled Downlands Cottage.

The revised drawings also make the following other improvements that respond to both the DRP's and my further comments:

- The sub-station is now featured on the site plan and shown discreetly accommodated in a relatively secluded part of the site that is surrounded by existing and proposed trees set-back from the Bolnore Farm Lane boundary.*
- A 2m high brick wall has been incorporated along the northern boundary with Hurst Place that screens the car park beyond it and enables the proposed landscaping to provide an attractive backdrop.*
- Internally the layout around the primary staircases/lift-cores serving the apartments have been reorganised with the access areas widened to allow the stairwell windows to provide natural light through to the corridors, which should also help residents navigate their way around the building.*
- The previously blank flanks of the cottages now feature windows which provide some articulation and surveillance over the spaces at the side of the buildings.*

The reduction of the fourth storey will reduce the disparity in the scale of the east wing of the apartment block and the adjacent proposed cottages. It is nevertheless important that the existing trees in between them are retained as it will help to soften this relationship, and I would like Sarah to confirm whether there is adequate separation distance to safeguard the trees. On the north-western side the west wing offers more separation space (in relation to the pre-app proposal) with the tree-lined Bolnore Farm Lane boundary.'

The Urban Designer concludes by stating 'In conclusion, this planning application satisfactorily accords with the design principles of the Council's Design Guide SPD and to policy DP26 of the District Plan; I therefore raise no objections to it.'

Your Planning Officer agrees with the comments of the Urban Designer. It is considered that this is a well-designed contemporary development. It is felt this accords with the aim of Principle 38 in the Design Guide SPD which seeks building design with architectural integrity and a sense of place. The elevations are well articulated and the use of traditional materials of brick and timber cladding is felt to be appropriate for the location. The site makes good use of the topography and the stepping down on the building helps to break up its mass. This is encouraged by Principle DG41 in the Design Guide SPD. The courtyard area in between the two wings of apartments is well enclosed and will be an attractive space for future

residents. The landscaped areas that surround the buildings will provide an attractive backdrop to the buildings and a good quality environment for residents and visitors.

The layout and landscaping around the cottages on the east of the site will provide an attractive environment. Care will need to be taken with the boundary treatment to enclose the rear amenity areas of the cottages to ensure that appropriate privacy and security is achieved but without producing a hard edged environment dominated by walls/fences. The plans show the rear boundaries of the cottages being planted and the details of this can be controlled by a planning condition.

The Council's Tree Officer has recommended that a landscaping condition should be imposed if the scheme is approved, as well as adherence to method statement and Arboricultural Impact Assessment (AIA). An informative is also recommended that British native trees should be used in the proposed landscaping. The important boundary tree screening around the site will be retained and the proposed site plan shows new tree planting within the site to soften the development, together with extensive soft landscaping around the buildings. As the boundary trees will be retained, it is considered the application complies with policy DP37 in the DP.

In conclusion on design matters, whilst clearly very different to the existing building that is on the site, it is considered that the proposal is well designed and will make a positive contribution to the character of the area. The main building works with the slope of the site and will provide a good environment for future residents. The proposed cottages form a coherent group of buildings that create a sense of character. The landscaped areas around the building provide an attractive backdrop for the development and will be a good amenity for future occupiers. It is therefore felt the proposal complies with policies DP26 in the DP and policies E9 and E11 in the HHNP.

Crime prevention

Section 17 of the Crime & Disorder Act 1998 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.

The hub building will offer a range of leisure and wellbeing facilities, such as a pool, fitness suite and multi-purpose room as well as a lounge, cinema room and bistro. The applicants propose an age exclusive membership scheme for older people living in the wider community to access the leisure and hospitality services at the development; the 'Downlands Park Community Club'. Sussex Police advise that *'With a large multi-element development such as this, it is essential that the different uses of the development do not cause conflict with each other. In order to achieve this, security provisions such as access control, compartmentalisation, certificated security products in the form of door-sets and windows will be imperative in creating a safe and secure environment for all.'* It is considered that these matters can be satisfactorily controlled by a planning condition.

Lighting of the access road and internal pathways within the site can be controlled by a planning condition. It is noted that Sussex Police do not favour bollard style lighting as it does not project sufficient light at the right height making it difficult to recognise

facial features and as a result causes an increase in the fear of crime. Given the distance between the access road and existing properties at Downlands Cottage, Kleinwort Close and The Goldbridge Care Home and the fact that modern lighting systems are very efficient at avoiding light spillage, it should be possible to provide satisfactory lighting that provides an appropriate level of security without causing unacceptable light pollution.

With regards to the overlooking of the car parking areas, it is acknowledged that it is mainly secondary bedroom windows in the first floor of the apartment blocks that face towards the car parking area, with only one 2 bed apartment having habitable room windows facing the car park. However the car parking area is at the front of the building where there would be activity from residents and visitors to the site. It is also an open area so there are not concealed spaces where anti-social behaviour could take place undetected. It is therefore felt that the car parking area is not so vulnerable to crime as to justify a refusal of planning permission on this ground.

Sustainable Design

The application is accompanied by an Energy and Sustainability Statement, which sets out how the development has addressed this issue. The applicants state that the measures they proposed to incorporate will deliver lower energy and water use, lower carbon emissions and lower operational costs than a Building Regulations Compliant design. The building will be well insulated and use low energy/LED lighting. It is proposed to use communal Air Source Heat Pumps. It is also proposed the Photovoltaics (PV) are used for the residential elements of the scheme. The applicants state that water efficiency will comply with the DP requirements of <110 litres/person/day.

It is considered the applicants have satisfactorily addressed policies DP39 and DP42 of the DP and policy E9 of the HHNP.

Neighbour amenity

Policy DP26 in the DP seeks to avoid 'significant harm' to the amenities of neighbouring residents, taking into account the impact on privacy, outlook, daylight and sunlight, noise, air and light pollution.

To the northeast of the site are the retirement bungalow on Kleinwort Close, which are arranged in a three sided courtyard. There is a distance of some 8.6m at the closest point of the properties on Kleinwort Close to the boundary of the site. This boundary at this point would be marked by a 2m double skin brickwork wall with piers and made with reclaimed bricks from the site. On the other side of the wall would be a planting strip and then car parking. At the closest point, the corner of the properties on Kleinwort Close would be some 41m from the east wing of the proposed apartment block.

The entire boundary between the landscaped area to the rear of Kleinwort Close and the site would be marked by a 2m wall. With this in place, it is not considered that the car parking and access road on the other side of the wall would cause a significant loss of amenity to the occupiers of Kleinwort Close from noise and disturbance.

The north elevation of the east and west wings of the apartment block would be two storeys and would then step up to the south to three and then four storeys. The apartment block would be clearly visible from the properties at Kleinwort Close. However it is considered that the separation distance, combined with the stepping down of the apartment blocks will mean that the development does not appear overbearing.

There would be balconies on the first floor of apartment blocks and terraces on the second and third floors. Whilst these areas would allow views down towards the landscaped areas around Kleinwort Close, it is considered that there is a sufficient distance from the apartment buildings to mean that any overlooking does not cause a significant loss of amenity.

At its closest point, the north elevation of the western wing of the apartment block would be some 27m from the front elevation of Downlands Cottage. The boundary to this part of the site is proposed to be a mix of hedging and a 2m timber close board fence. It is proposed that the fencing at this point would allow access to the meter cupboards of Downlands Cottage.

Whilst the new development would be clearly visible from the front facing windows in Downlands Cottage, the west wing of the apartments would be two storey at the northern end before stepping up to three and four storeys to the south. It is not considered the scale of the building would be so dominant as to be overbearing to Downlands Cottage. The private rear garden of Downlands Cottage would be screened from the west wing of the apartments by the house itself.

The car parking would be inset between 1.5m and 2m from the boundary with Downlands Cottage with the timber fence and landscaping in between and the front elevation of the house would be some 18m from the edge of the access road within the site. It is not considered that the level of activity associated with the use of the access road and car parking areas would cause a significant loss of amenity to Downlands Cottage.

At their closest point, the proposed cottages would be some 36m away from the Goldbridge Care Home to the north east. The two storey scale of the cottages combined with the separation distance will mean that there is no significant loss of amenity to the occupiers arising from the location of the cottages.

Transport and Access

Policy DP21 in the 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.'

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of the NPPF, which states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Vehicular access and car parking

The application proposes to utilise the existing access that currently serves the site. Policy H7 in the HHNP (which is the site specific policy in the Neighbourhood Plan) refers to access being from the old Isaacs Lane, so in this respect, the application is in compliance with this element of policy H7.

The applicants Transport Statement states that the development would result in 21 two-way vehicle trips in the AM Peak hour (08:00- 09:00), 14 two-way vehicle trips in the PM Peak hour (17:00-18:00) and a total of 309 two-way vehicle trips over a 12-hour period. When compared to the extant use at the site, the proposed development would result in an additional 17 two-way vehicle trips in the AM peak (08:00-09:00), an additional ten two-way trips in the PM peak (17:00-18:00) and an additional 237 two-way trips across the 12-hour period.

The Highway Authority have confirmed that they are satisfied with the applicants figures and they have no objection to the application in relation to highway safety matters or highway capacity. Bolnore Farm Lane is now a cul-de-sac and is lightly trafficked. There are no reasons to dispute the findings of the Highway Authority in respect of these matters.

The applicants have stated that an onsite minibus for use by residents and staff to connect with local amenities and transport connections is proposed. A minibus drop off point is located in close proximity to the site entrance and the main building entrance / reception.

Within the site the scheme would provide 80 car parking spaces with the majority (64) being surface parking located at the entrance point, along the northern boundaries and through the cottages. Undercroft parking is also proposed to the lower ground floor of the eastern residential wing building. There would be 16 undercroft car parking spaces, of which 8 would be disabled/accessible. There would be an ambulance bay in front of the west wing of the apartments. In order to future proof the development, 28% of all parking bays will be provided with active electric vehicle charging infrastructure with the remaining 72% provided with passive provision, with ducting in place. The applicants have advised that the 80 car parking spaces will be divided up as follows:

- 15 visitor spaces
- 5 spaces for staff
- 60 spaces for residents

The County Council do not have specific car parking standards for C2 care home uses. The Highway Authority recommended that the applicants looked at the car parking standards for C3 residential dwellings, with a 10% reduction on those standards to meet the current and emerging promotion of sustainable travel. Using the County Councils car parking calculator for C3 residential dwellings, it is predicted that the scheme would require 83 spaces for residents if they were all unallocated spaces. With a 10% reduction this would equate to 75 spaces.

There is therefore a shortfall of 15 car parking spaces for residents based on the advice from the Highway Authority. The Highway Authority have confirmed that they have no objection to the car parking proposed in the development. There is a balance to be struck between providing a sufficient level of car parking and avoiding a development becoming dominated by car parking and hardstanding. It is considered that the level of car parking to be provided does avoid the scheme becoming too hard edged. The Highway Authority do not consider that the level of car parking provided would result in a highway safety hazard (from over spill or displaced car parking for example). In light of the above it is felt that it would be difficult to sustain an objection based on the level of car parking provision as it has not been evidenced that this would result in harm.

The applicants have stated that *'in addition to the range of key services and amenities which are provided within the vicinity and in neighbouring retirement developments, the Eden Retirement schemes itself accommodates a number of the services within the site itself, including spa and fitness facilities, restaurant and bar space and cinema rooms, further reducing the need to travel altogether.'* They also state *'The applicant is committed to promoting sustainable modes of transport and encouraging residents to give up their car when they move to the site. As such the applicant proposes to provide an electric car club space within the undercroft car park. Eden would then manage an online booking system for the car which residents could then book themselves or book at reception. This would provide residents with a cost-effective and flexible alternative to owning a car, will help to provide the convenience of owning a car without the hassle or costs of repairs, servicing or parking. In addition to this, the site will have an on-site minibus which can be used for resident day trips and shopping trips. Eden will also investigate using the minibus as a shuttle service for staff at the beginning and end of the day from Hayward Heath Railway Station or other locations.'* The provision of the EV car club spaces and minibus could be secured by a S106 legal agreement.

Pedestrian and cycle access

It is proposed that shared cycle and mobility scooter storage will be provided. For the residential apartments, two secure stores will be provided on the northern side of the eastern and western wings. The western store provides 28 cycle parking spaces (14 Sheffield Stands) or parking for up to 14 mobility scooters. The eastern store provides 32 cycle parking spaces (16 Sheffield Stands) or 16 mobility scooters. A total of 10 short stay cycle parking spaces (5 Sheffield stands) are provided directly outside the Communal Hub.

In relation to pedestrian access it is proposed that a new 2m wide footway would be provided on the western side of Bolnore Farm Lane. This would link to Butlers Green Road. There would be tactile paving outside the entrance to the site to allow pedestrians to cross Bolnore Farm Lane to access the new footway. There would also be tactile paving at the top of Bolnore Farm Lane to allow pedestrians to cross Bolnore Farm Lane to join the existing pavement on the southern side of Butlers Green Road. This pavement continues eastwards past the entrance into Kleinwort Close. There is a pedestrian crossing point over Butlers Green Road, with a central reservation that provides access to the pavement on the northern side of Butlers

Green Road. Walking this route along Butlers Green Road and onto South Road, it is some 1.4km to the Orchards shopping centre in the centre of Haywards Heath.

The Highway Authority have not raised any objections to the proposed pedestrian access arrangements. The walking distance from the site to the town centre is little different to that from the adjacent site at Kleinwort Close to the northeast. It is therefore felt that the pedestrian connection from the site to the town centre is satisfactory and there is no conflict with policy T1 in the HHNP.

With regards to cycling, the scheme does not propose off site works. The site is in close proximity to the town and cycle parking is provided at strategic locations near to the site, for example at Beech Hurst Gardens and the railway station.

Construction phase

Concerns have been raised by some local residents about the potential impact on the local highway network during the construction phase, in particular about parking along Bolnore Farm Lane. The applicants have provided a Construction Management Plan (CMP) with their application. This includes amongst other things, commitments to providing a wheel wash, avoiding peak hours for deliveries and the use of a banksman. The CMP also proposes to prevent construction parking on Bolnore Farm Lane.

The CMP should act to minimise the disruption to surrounding residents from the construction process, although it is inevitable that with a large building project like this that there will be some noise and disruption. The impacts from the construction phase are temporary and with a suitable CMP in place there would be no grounds to resist the application in relation to this issue. The Councils Environmental Protection Officer is satisfied with the applicant's CMP.

Summary of Transport and Access

To summarise on transport matters, it is considered that the site is in a sustainable location, in close proximity to the town centre, with access to the facilities that the town provides. There are no highway safety concerns raised by the Highway Authority in relation to the access to the site. The level of vehicular movements associated with the development would not have a severe impact on the local highway network. The Highway Authority have not objected to the level of car parking provision. Whilst it is a decision for the LPA as to whether the proposed car parking is sufficient, had the Highway Authority felt that the level of car parking was insufficient and would lead to displacement parking that could cause a highway safety issue then they would have said so in their consultation response.

Pedestrian and cycle access from the site to the town is satisfactory. It is therefore felt the application complies with policy DP21 of the DP and policy T1 of the HHNP.

Affordable Housing

Policy DP31 in the DP seeks 30% affordable housing on sites that provide 11 dwellings or more. The supporting text within the DP explains that *'The requirement for the provision of affordable housing applies to all types of residential development falling within Use Class C3. This includes changes of use, mixed use sites that incorporate an element of residential development, sheltered and extra care housing schemes (falling within Use Class C3), conversions and any other developments where there is an increase in the number of residential units on the site.'*

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. C3 Dwellinghouses is formed of 3 parts:

C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child

C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems

C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger

The applicants have stated that their proposal falls within the C2 Residential Institution classification. The Use Classes Order defines this as follows:

'Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.'

It states that *"care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment;*

The classification of the type of accommodation that is being provided is important because the requirement in the DP for affordable housing to be provided only applies to residential accommodation falling within Use Class C3; there is no requirement to provide affordable housing for accommodation falling within the C2 Use Class.

The question of whether a development falls within C2 or C3 can be a difficult one and will depend on the particular facts that apply to each case. The Councils Affordable Housing SPD states *'Whether a proposed development falls within Class C2 or Class C3 of the Use Classes Order 1987 (as amended) is a question of fact and degree in each case. In determining the appropriate categorisation, the District Council will take all the characteristics of a scheme into account to ascertain whether the scheme is subject to the provisions of Policy DP31 in relation to affordable housing provision.'* The SPD goes on to state:

'The District Council considers that extra care schemes will fall within Class C3 where the units provided:

- 1. Are dwellinghouses. This is a question of fact: the primary consideration is whether the unit is self-contained and affords the facilities required for day-to-day private domestic existence; and either*
- 2. Are occupied by a single person, or by people who are to be regarded as forming a single household, "single household" construed in accordance with s. 258 of the Housing Act 2004; or*
- 3. Are occupied by not more than six residents living together as a single household. This is again a question of fact and degree, having regard in particular to whether the level of care provided is so extensive that the residents cannot be said to constitute a household.'*

The SPD is guidance to supplement the DP.

The applicants note that the land classification is an issue that commonly arises and state that *'This is a matter of legal interpretation based on case law and cannot be defined by reference to planning policy.'* The applicants go on to state:

'Taking first the type of accommodation, this may have the appearance of "housing" - it may be self-contained, have bedrooms and living areas and kitchens; the major difference is that a central and integral part of the overall development will be the provision and delivery of care to meet the individual resident's needs. This entails the provision of extensive communal facilities such as lounge and dining room, kitchen, laundry, gym, swimming pool, treatment rooms, shop and cinema, as well as CCTV, alarm systems, suited locks allowing access by staff, and 24 hour staffing, and staff accommodation. The tenure of the accommodation in respect of the use class is not a planning issue.

Care is defined in Article 2 of the Use Classes Order as "the provision of personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder". To satisfy the definition firstly some form of care has to be provided and secondly the recipient of the care has to be in actual need of it. This is often evidenced by individual care plans. The care provider carries out an assessment of the care needs of prospective residents before purchase to formulate an agreed care plan in accordance with a basic minimum care package. This care plan is then monitored throughout a resident's occupation and adjusted as necessary.

A further distinguishing feature which flows from the above is the level of service charges needed to support the care provided. Typically, the level of charges in an Extra Care development is three to four (or more) times higher than other forms of conventional housing for older people.'

The applicants advise that *'Services provided assist residents in all areas of everyday life from short visits to full live-in support and typically include:*

- *Shopping support*
- *Preparing meals, assisting with eating and drinking*
- *Medication prompts/administration*
- *Washing, bathing, toileting, and oral, skin and nail care*
- *Domestic tasks*
- *Waking and sleeping nights*
- *Getting to bed and getting up and dressed*
- *Attending social events'*

The applicants conclude by stating *'The Downlands site is currently a single planning unit falling within Class C2. The proposed development does not alter this. Whilst the accommodation may be fully self-contained the underlying philosophy of the development is to provide care for people in need of care.'*

The question of whether the type of accommodation proposed falls within Class C2 or Class C3 was considered at the Public Inquiry for the development at Hazeldens Nursery in Albourne (reference DM/19/1001) that sought planning permission for the following development:

'Outline application for an extra care development of up to 84 units (comprising of apartments and cottages) associated communal facilities, 2no. workshops; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures. Works to also include the demolition of the existing bungalow on the site. All matters to be reserved except for access.'

The scheme in Albourne was an outline application and was accompanied by a parameter plan and an illustrative layout plan, which are listed as approved plans on the Inspectors decision notice. These plans show cottages within the site. The occupancy of the units at Albourne will be controlled by a legal agreement that sets out the qualifying criteria for those who can occupy the site. At the start of the Public Inquiry it was part of the Councils case that there was a dispute about whether this was a C2 or C3 scheme. However during the course of the Public Inquiry the appellants amended the legal agreement that controls the occupancy of the site and the LPA then accepted that this was a C2 use. The provision of apartments and cottages was explicitly referred to and all the applicants supporting information for the Albourne scheme refer to a retirement village development.

It is your officers view that there is little difference between the underlying concept of what will be provided in the Albourne development compared to what is intended to be provided at the Downlands Park scheme. It is an important material planning consideration that the LPA has accepted that the scheme at Albourne is a C2

development. The Planning Inspector agreed with the position that this was a C2 development at Albourne and went on to allow the appeal.

Whilst it is the case that each planning application must be determined on its individual merits, it is also the case that consistency is important within the planning system. Consistency is important for applicants and for securing public confidence in the development management system. It would be wrong to say that like cases must be decided alike since the LPA must make a judgement on each individual case, but where a LPA does decide to depart from a previous decision, it should give reasons for doing so.

In this case it is your Planning Officer's view that there are not compelling reasons for coming to a different view in relation to the classification of this development compared to the classification of the development at Albourne. The applicants have agreed to enter into a planning obligation to control who can occupy the development and the level of care that is provided. With a suitable legal agreement in place it is your officers view that the scheme would fall within Class C2 and there would not be a requirement for affordable housing.

Flood risk and drainage

Surface Water

Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Paragraph 163 of the NPPF states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible surface water (pluvial) flood risk.

The application is accompanied by a Flood Risk Assessment (FRA) and a Drainage Strategy. The applicants state that at present surface water is drained via two deep borehole soakaways. The intention is to retain this method and utilise 9 soakaways

to drain the site. The applicants envisage attenuation storage being provided in the form of cellular crates to store runoff.

The Council's Drainage Engineer has advised that *'The principle of utilising deep bore soakaways with attenuation storage is considered likely to be acceptable. However, some modifications to the proposed system will be required as part of the detailed drainage design'* and has recommended planning conditions to secure the detailed drainage design.

It is considered that with such a condition in place, the proposal would comply with policy DP41 of the DP and policy E7 of the HHNP.

Foul Drainage

It is proposed that the development will utilise an existing foul water drainage connection on site to discharge foul water to the public sewer system on Bolnore Farm Road. The foul network is designed to provide a gravity discharge without the need for a pumping station.

The Council's Drainage Engineer has no objection to the proposed foul drainage of the site. Southern Water have stated *'Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.'*

This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water.

Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.'

Southern water have requested the following condition be applied: *'Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.'*

Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system.'

In response the applicants have advised *'Regarding the Southern Water letter, relating to the proposed condition, am OK in principle with them, but would like it worded so as to allow the carrying out the Demolishing works/site clearance and all*

boundary treatment works, then no further works to be commence until the item is resolved with Southern Water. We believe we will be able to carry out the necessary works on site to restrict the flow of FW etc from the site and Southern Water will not need to do any off site works.'

As Members will know, developers have a right to connect to the foul sewer which has been confirmed in the Supreme Court. When there is insufficient capacity in the network, Southern Water requests an appropriate condition to be imposed on the planning permission to secure the means of foul water sewerage disposal, which may include the provision of additional off-site sewers and/or improvements to the existing off-site sewers under the Water Industry Act 1991. Subject to the imposition of such a condition it is considered that the foul drainage from the site will be satisfactory.

In light of the above it is felt that policy DP41 of the DP is met with respect to the foul drainage of the site.

Ecology

Policy DP38 in the DP 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.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017/1012.

Paragraph 175 of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

(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;

(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶ and a suitable compensation strategy exists; and

(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'

The application is accompanied by an Ecological Assessment. Habitat surveys were carried out in June 2019 and June 2020 and the results are summarised below:

Bats: The main building within the site supports four Common Pipistrelle bats that are roosting within separate crevices within the building.

Badger: No evidence of Badger was recorded within the site

Mammals: No evidence of any other notable mammals was recorded within the site.

Birds: The tree belts and wooded area within the site offer suitable nesting and foraging habitat for birds.

Reptiles: Given the majority of the site is unsuitable for reptiles (short sward grassland) and the limited evidence of reptiles present within the local area, reptiles are not considered to be present within the site.

Newts: Great Crested Newts are not considered to be present within the site.

Invertebrates: It is likely an assemblage of common invertebrate species would be present within the site.

The Ecological Assessment recommends that to offset the loss of grassland within the site areas of wildflower grassland are created within the proposed areas of open space. The tree belts around the site are to be retained. The Ecological Assessment states that a small number of trees will be removed as part of the proposed development and these losses will be offset through new native tree planting which is greater than that lost.

As the main building within the site supports four individual Common Pipistrelle roost within crevices, a European Protected Species Licence will need to be obtained prior to the removal of the building. The Ecological Assessment states that to offset the loss of the roost, bat boxes will be installed onto trees within the retained woodland and as an enhancement, integrated bat boxes could be installed on the proposed buildings.

The Council's Ecological Consultant has stated:

'Given the findings of bat roosts, a licence will be required from Natural England to permit their destruction, which will require them to be satisfied that there is an overriding public interest in allowing the work to take place. For a licence to be granted, Natural England would also have to accept that there is no satisfactory alternative and that there will be no significant impact on the population. However, as the roosts have been assessed to be of low conservation significance of relatively common species, it is likely, subject to the proposed mitigation and compensation measures that Natural England will consider these tests to be met. Therefore, subject to MSDC being of the view that granting consent is in the public interest then I would expect a licence to be granted. In my opinion, there are no other biodiversity policy reasons for refusal or amendment of the proposals.'

He concludes that there are no biodiversity reasons to resist the application subject to conditions.

It is your Planning Officer's view that it is in the public interest to grant planning permission for the development, for the reasons that are set out in this report. It is

therefore considered there are no ecological reasons to resist the application, which complies with policy DP38 of the DP.

Ashdown Forest

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).

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.

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

Recreational disturbance

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.

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.

The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall

results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across 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

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.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Infrastructure provision

Policy DP20 of the DP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

'54 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

and:

'56 Planning obligations must only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.'*

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

West Sussex County Council Contributions:

Library £13,651

TAD £105,904

The additional population will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

It is considered that the above contributions are justified having regard to this Councils development and infrastructure SPD and would meet the test of the CIL Regulations. Subject to the completion of a legal agreement to secure these contributions there would be no conflict with policy DP20 of the DP.

The Water and Access Manager at WSCC has requested a condition be imposed requiring the provision of a fire hydrant for the development. It is considered that this piece of infrastructure is justified in accordance with policy DP20 in the DP and a condition is proposed to secure this.

CONCLUSION

To summarise, planning law states that planning applications should be determined in accordance with the development plan, unless material planning considerations indicate otherwise. The requirement to be 'in accordance' with the development plan means the development plan when taken as a whole. It is not the case that a proposal must be in accordance with each and every policy in the development plan for it to be in accordance with the development plan. The development plan for this part of Mid Sussex consists of the DP and HHNP. National policy (which is contained in the NPPF and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

The site lies within the built up area of Haywards Heath and therefore the principle of development within the area is accepted. The site is subject to policy H7 in the HHNP which refers to the site within the grounds of Downlands Park as providing approximately 20 bungalows (use class C2) for occupation of the elderly. It is clear that this policy envisaged the existing building on the site being retained. The proposal before the LPA is for the demolition of the existing building and its replacement with 81 units of C2 accommodation. As such the proposal does not fully comply with policy H7. However in light of the fact that the development plan must be read as a whole, this in itself does not mean that the proposal is not in accordance with the development plan. A holistic view must be taken of all the relevant policies in the development plan to come to a view as to whether the proposal is in accordance with the development plan when read as a whole.

A key issue is the loss of the existing building on the site. Your Planning Officer agrees with the Councils Conservation Officer that the building should be regarded as a non-designated heritage asset. Policy DP34 in the DP states that development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment. Paragraph 197 of the NPPF states that when weighing applications that affect non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Councils Conservation Officer assesses the significance of the asset in the local context of Haywards Heath to be of a medium level and the loss of significance resulting from its demolition would be complete.

Your Planning Officer agrees with this assessment. The key issue therefore is the balance between the harm arising from the loss of the non-designated heritage asset, compared to the public benefits of the proposal.

The proposal would make efficient use of the site by providing 81 units of C2 accommodation within the built up area of Haywards Heath in a sustainable location. This accords with policy DP26 of the DP and the aims of paragraphs 122 and 123 of the NPPF. It is your officers view that this is a well-designed contemporary scheme, that makes good use of the topography of the site. The stepped arrangement of the main blocks helps to break down their scale so they do not appear monolithic. It is proposed to use brick for the external elevations of the buildings and a green roof on the link between the western and eastern blocks. The choice of external materials is considered to be appropriate for the area. The scheme is supported by the Councils Urban Designer and by the Design Review Panel. It is your Planning Officers view that overall, this will be a high quality development that will fit in well on the site and this should be afforded positive weight in the planning balance.

The scheme would provide high quality accommodation for its residents. The proposal would also provide facilities that can be used by non-residents. These points should be afforded positive weight in the planning balance.

There are no objections from the Highway Authority to the proposal. The proposed access onto Bolnore Farm Lane is satisfactory and the development will not have a severe impact on the local highway network. A satisfactory pedestrian access can be provided.

The development would be clearly visible from the properties to the north of the site at Downlands Cottage, Kleinwort Close and the Goldbridge Care Home. However it is felt that the separation distance between the development and these existing properties will mean that the proposed development would not appear as an overly dominant feature and would not cause a significant loss of residential amenity. The proposed 2m brick wall separating the car parking from the amenity areas of Kleinwort Close should mean that there would not be a significant loss of residential amenity arising from the location and use of these car parking spaces.

It is considered that with an appropriate legal agreement in place to control who can live within the development and the level of care that is provided, the proposal would

fall within class C2 of The Town and Country Planning (Use Classes) Order 1987 (as amended). This would mean that there would be no requirement for affordable housing.

It is considered that the site can be satisfactorily drained and this can be controlled by planning conditions. There are no objections to the scheme from the Councils Drainage Engineer or from Southern Water.

There are no ecological objections to the scheme from the Councils Ecological Consultant. As the proposal would involve the loss of a bat roost a licence for this will be required from Natural England. The Councils Ecological Consultant has advised that as the roosts have been assessed to be of low conservation significance of relatively common species, it is likely, subject to the proposed mitigation and compensation measures, that Natural England will grant such a licence.

In conclusion, it is considered that the site can be satisfactorily drained and there are no ecological reasons to resist the application. The proposal will have a satisfactory vehicular and pedestrian access and there will not be a severe impact on the local highway network. The required infrastructure for WSCC services can be secured by an appropriate legal agreement. As such all of the factors are neutral within the planning balance.

The development would not be in compliance with policy H7 on the HHNP as this policy refers to the provision of approximately 20 bungalows for occupation by the elderly (Use Class C2) within the grounds of Downlands Park. The proposal is for the complete redevelopment of the site and as such the conflict with this policy in the HHNP weighs against the proposal.

The proposal would also involve the loss of the existing Downlands Park building, which the Councils Conservation Officer considers should be regarded as a non-designated heritage asset. The loss of the existing building does weigh against the application but in accordance with paragraph 197 of the NPPF, a balanced judgement is required having regard to the scale of the loss and the significance of the heritage asset. In this case the demolition of the building would mean that the loss of the asset would be total. The building has historical evidential and illustrative value within the local context of Haywards Heath. The building and its grounds, as well as the associated buildings at the entrance from Bolnore Farm Road (the former lodge and stables), make a positive contribution to the character of the local area and the street scene. Your Planning Officer agrees with the Conservation Officers view that the significance of the asset in the local context of Haywards Heath is of a medium level.

The benefits of the scheme are a comprehensive redevelopment of the site, with a well-designed building that will deliver 81 units of accommodation in a high quality landscape setting. The scheme also provides for benefits to the wider community from the facilities that would be open to non-residents and there are economic benefits arising from the construction and future additional spending in the local economy from future residents and future employment on the site. It is your Planning Officers view that the benefits of the scheme outweigh the loss of the non-designated heritage asset.

It should be noted that policy DP34 in the DP does not prohibit the loss of non-listed buildings. However as the heritage asset would not be conserved, it is felt there is some conflict with policy DP34 as this policy does 'seek' to conserve heritage assets in a manner appropriate to their significance. It should also be noted that as Downlands Park is not a listed building it does not benefit from the statutory protection afforded from the Planning (Listed Buildings and Conservation Areas) Act 1990. Planning permission would not be required to demolish the building as it is not within a Conservation Area and the Council has not served an Article 4 direction to remove permitted development rights for demolition. There is no reason to dispute the applicant's submissions regarding the viability of converting the existing building on the site.

For all of these reasons, whilst the loss of the existing building does weigh against the application, in the balanced judgement required under paragraph 197 of the NPPF, it is considered that the public benefits outweigh the loss of the non-designated heritage asset.

The development will make efficient use of the site and provide a high quality development within good landscaped grounds. It is considered that the development accords with the development plan when read as a whole, which is the proper basis for decision making. There are no material planning considerations that would indicate that the application should be refused. In light of the above it is considered that the application should be approved, subject to the completion of a section 106 agreement to secure the necessary infrastructure contributions and to control the occupation of the site and subject to appropriate planning conditions.

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.

Pre commencement

2. No development (other than demolition) shall take place unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan 2014 - 2031 and Policy E7 of the Neighbourhood Plan.

3. No development shall commence until the following details have been submitted to, and approved by, the local planning authority:
- A method statement for protection of wildlife during construction works;
 - Proposals for habitat enhancement and long-term management (which may be combined with landscape proposals within an integrated Landscape and Habitat Management Plan).

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP38 of the Mid Sussex District Plan and 175 of the NPPF.

4. No development (other than demolition) shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

5. No development (other than demolition) above slab level shall be carried out unless and until the following details have been submitted to and approved in writing by the Local Planning Authority:

- Detailed hard and soft landscaping plans including: (a) boundary treatment that show the site's perimeter and demonstrate how the security of the rear of the cottages is achieved; (b) cross sections through the attenuation pond.
- Detailed 1:20 scale sections and elevations (vignettes) of the: (a) front entrance/canopy/roof to the communal building serving the apartments; (b) a typical bay of the apartment building that show the windows/reveals and balustrading; (c) the frontage of a cottage that show the windows/reveals and front entrance/canopy.
- Drawings that show how the rainwater discharge arrangements will be provided and accommodated on the buildings.
- Details of the facing materials.
- Sections and roof plans that show how the solar panels will be accommodated on the roof of the apartment block and cottages.
- The design of the substation.

Any trees or plants which, within a period of five years from the completion of 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: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

6. No development shall take place until 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 have been submitted to and

approved in writing by the Local Planning Authority. These works shall be carried out as approved prior to any development commencing. Any trees or plants which, within a period of five years from the completion of 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 Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

7. No development (other than demolition) above slab level shall be carried out until details of external lighting, including light intensity, spread and shielding, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

8. No development (other than demolition) above slab level shall be carried out until details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

Pre Occupation

9. Prior to the first occupation of any building forming part of the proposed development the developer will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and to accord with policy DP20 in the Mid Sussex Local Plan 2014-2031 and in accordance with The Fire & Rescue Service Act 2004.

10. Before the development is first occupied a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall be carried out as approved.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

11. The buildings shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles and mobility scooters clear of the public highway, to be both secure and safe, and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policy T1 of the Neighbourhood Plan.

12. Prior to the occupation of any building subject of this permission, details of proposed screen walls/fences and/or hedges have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

13. The buildings shall not be occupied until the parking spaces/turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

14. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the District Plan 2014 - 2031.

15. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan 2014 - 2031 and Policy E7 of the Neighbourhood Plan.

16. No part of the development hereby permitted shall be occupied until the following have been submitted to and approved in writing by the Local Planning Authority:
- details of the proposed entry system for the flats (including a schedule for their implementation)
 - Details of the means of access control and compartmentalisation between the residential element of the scheme and the facilities available to both residents and non-residents

The scheme shall be implemented in accordance with the approved details.

Reason: In order to ensure that the building is secure and to prevent opportunities for crime in and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

17. Details of the proposed footpath on the western side of Bolnore Farm Lane shall be submitted to the Local Planning Authority. The development shall not be occupied until these details have been approved in writing by the Local Planning Authority and completed on site:

Reason: To ensure that there is a satisfactory pedestrian access to the site and to comply with Policy DP26 of the District Plan 2014 - 2031 and Policy T1 of the Neighbourhood Plan.

Compliance Conditions

18. The car parking spaces shall be provided with Electric Vehicle Charging Points and electric vehicle charging infrastructure as set out in paragraph 4.4.8 of the Transport Statement dated 27 August 2020 submitted with the application.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the District Plan 2014 - 2031.

Construction Phase

19. If during demolition or construction works, 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. A method statement identifying pollutant linkages, assessing the risk and proposing remediation measures, together with a remediation programme, shall be submitted to and approved in writing by the LPA prior to continuation of works. 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: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

20. Excluding main sewer connections, no part of any concrete foundations and no construction activities shall be within 5 metres of any drain, watercourse or pond unless approved in writing by the local planning authority.

Reason: In the interests of protecting the natural environment.

21. The development shall be implemented in accordance with the details contained within the Construction Management Plan (07.04.2021 C.M.P REV B) received on 16th June 2021.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

22. 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 Applications".

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

INFORMATIVES

1. 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.
2. I wish to inform you that the Council has a legal interest in the part of the site (area of open space to the west of Bolnore Farm Lane) which is the subject of your planning application, and wish to advise you that this permission does not convey the consent of the Council as owners. You should, therefore, apply separately to the Secretary and Solicitor to the Council if you have not already done so, for a consent or grant of a right that is necessary to enable the planning permission to be implemented.
3. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
4. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

5. You are advised that in relation to the landscaping requirements of condition 5, British native trees should be selected in accordance with Policy DP37 of the Mid Sussex District Plan 2014 -2031.

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
Proposed Floor Plans	293-ACG-CT-00-DR-A-2011	P1	04.11.2020
Proposed Floor Plans	293-ACG-CT-01-DR-A-2012	P1	04.11.2020
Proposed Roof Plan	293-ACG-CT-RF-DR-A-2013	P1	04.11.2020
Proposed Elevations	293-ACG-CT-XX-DR-A-2015	P1	04.11.2020
Proposed Elevations	293-ACG-CT-XX-DR-A-4011	P1	04.11.2020
Proposed Sections	293-ACG-CT-XX-DR-A-4012	P1	04.11.2020
Proposed Floor Plans	293-ACG-CT-ZZ-DR-A-4014	P1	04.11.2020
Proposed Floor Plans	293-ACG-MB-00-DR-A-2002	P1	04.11.2020
Proposed Floor Plans	293-ACG-MB-01-DR-A-2003	P1	04.11.2020
Proposed Floor Plans	293-ACG-MB-02-DR-A-2004	P1	04.11.2020
Proposed Floor Plans	293-ACG-MB-03-DR-A-2005	P1	04.11.2020
Proposed Floor Plans	293-ACG-MB-B1-DR-A-2001	P1	04.11.2020
Proposed Roof Plan	293-ACG-MB-RF-DR-A-2006	P1	04.11.2020
Proposed Elevations	293-ACG-MB-XX-DR-A-4001	P1	04.11.2020
Proposed Elevations	293-ACG-MB-XX-DR-A-4002	P1	04.11.2020
Proposed Elevations	293-ACG-MB-XX-DR-A-4003	P1	04.11.2020
Proposed Elevations	293-ACG-MB-XX-DR-A-4004	P1	04.11.2020
Proposed Floor Plans	293-ACG-MB-ZZ-DR-A-2007	P1	04.11.2020
Proposed Elevations	293-ACG-PV-ZZ-DR-A-4021	P1	04.11.2020
Existing Floor Plans	293-ACG-XX-00-DR-A-0001	P1	04.11.2020
Proposed Floor Plans	293-ACG-XX-00-DR-A-1061	P1	04.11.2020
Site Plan	293-ACG-XX-RF-DR-A-0201	P1	04.11.2020
Site Plan	293-ACG-XX-RF-DR-A-1040	P1	04.11.2020
Proposed Site Plan	293-ACG-XX-RF-DR-A-1060	P1	04.11.2020
Existing Elevations	293-ACG-XX-XX-DR-A-0100	P1	04.11.2020
Existing Elevations	293-ACG-XX-XX-DR-A-0101	P1	04.11.2020
Existing Sections	293-ACG-XX-XX-DR-A-0155	P1	04.11.2020
Street Scene	293-ACG-XX-XX-DR-A-4005	P1	04.11.2020
Street Scene	293-ACG-XX-XX-DR-A-4006	P1	04.11.2020
Existing Floor Plans	293-ACG-XX-ZZ-DR-A-0002	P1	04.11.2020
Location Plan	293-ACG-XX-ZZ-DR-A-1000	P1	04.11.2020
Topographical Survey	293-ACG-XX-ZZ-DR-A-0052	P1	04.11.2020
Tree Survey	PRI22477-01	A	04.11.2020
Tree Survey	PRI22477-03	-	04.11.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

The Town Council reconfirmed its SUPPORT for the application and therefore repeats its previous comments made on 11th January 2021.

Parish Consultation

DM/20/4159 - Downlands Park Care Home, Bolnore Farm Lane Lucastes
Erection of part two, part three and part four storey building comprising 70 extra care apartments with community hub, guest suite and staff facilities together with 15 extra care cottages (85 in total), pavilion, parking and access to form a Continuing Care Retirement Community following demolition of existing care home.

The Town Council would like to SUPPORT this application subject to the following amendments/conditions:

1. the proposed middle residential building (east wing, adjacent to the cottages) should be reduced in height in order to lessen its overbearing nature and impact on neighbouring residences in Kleinwort Close, particularly with regard to loss of privacy (Policy DP26 of the Mid Sussex District Plan 2014-2031 refers);
2. the development will need a Construction Management Plan, to include a requirement that all contractor parking is on site;
3. a survey of the condition of the surrounding highway verges must be undertaken before and after the development is completed;
4. the resident of Downlands Cottage, Bolnore Farm Lane, has raised concerns about the proximity of the proposed parking to her property and whether she will have access to her utility meter cupboards and side garden gate - these concerns must be attended to. Parking noise could be an issue for this older property and advice/guidance from Mid Sussex District Council's Environmental Health Officer regarding any acoustic attenuation would be appreciated;
5. the 'old' original rural section of Bolnore Farm Lane to the south of the site, which is a bridleway made up of two concrete tracks, must not be touched. The Town Council understands that there has been some discussion around the developer wanting to tarmac this area and put in a pavement and whatever else, which is completely ridiculous.

Parish Consultation

The Town Council reaffirmed its SUPPORT for the application and welcomed the adjustments made by the developer to reduce the size of the development and the offer of opening up of some of the communal facilities to the community.

As an aside, not directly related to the application, concern was raised about the cumulative amount of elderly living accommodation in the locality and the potential for overloading of demand on local GP surgeries. This was asked to be noted by the local planning authority along with the suggestion that the allocation of accommodation be prioritised for residents of Haywards Heath.

If any Section 106 contributions for this project for Community Infrastructure were forthcoming, it was requested that they be allocated to the provision of a Cemetery, Allotments and Country Park off Hurstwood Lane, Haywards Heath.

County Planning Officer

Summary of Contributions

Education			
School Planning Area	0		
Population Adjustment	82.1		
	Primary	Secondary	6th Form
Child Product	0.0000	0.0000	0.0000
Total Places Required	0.0000	0.0000	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steypning	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£13,651		
Population Adjustment	82.1		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	41		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	82.1		
Net Parking Spaces	64		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		
Summary of Contributions			
S106 type	Monies Due		
Education - Primary	No contribution		
Education - Secondary	No contribution		
Education - 6th Form	No contribution		
Libraries	£13,651		
Waste	No contribution		
Fire & Rescue	No contribution		
No. of Hydrants	Secured under Condition		
TAD	£105,904		
Total Contribution	£119,555		

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 in 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 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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 81 net dwellings, and an additional 54 car parking spaces.

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 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) 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 2021. 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 contributions generated by this proposal shall be spent on providing additional facilities at Haywards Heath Library.

The TAD contributions generated by this proposal shall be spent on the South Road pedestrian improvement scheme and/or Commercial Quare junction improvement.

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 the need for appropriate indexation arrangements in relation to financial contributions.

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 WSSC.

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.

$$\text{TPR} = (\text{No of year groups}) \times (\text{child product})$$

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 2020/2021, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools: **£18,933 per child**
- Secondary Schools: **£28,528 per child**
- Sixth Form Schools: **£30,939 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

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,549** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2020/2021 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 2020/2021 is £1,450 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 (£724).

Sustainable transport contribution = (net car parking - occupancy) x 724

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

Highway Authority

Background and Proposals

WSCC in its role of Local Highway Authority (LHA) has been consulted for highway safety and capacity for the above proposals. The proposed development seeks to demolish the existing care home building and replace it with a fit-for-purpose retirement living block providing 70 retirement apartments structured around a central communal hub together with the development of 15 retirement cottages to the east of the site.

The LHA did provide pre-application advice on the proposals in February 2020. The content of this is provided within the applicants Transport Statement (TS). Previously in our response from January 2021 we requested further information from the applicant in the form of a Stage 1 Road Safety Audit on the proposed pedestrian link. This with the accompanying Designers Response has now been provided.

Comments

The proposals will see the Bolnore Farm Lane access without modification. The TS does state that the internal road layout and car parking areas will be reconfigured to improve circulation.

A new pedestrian footway will be provided on the western side of the carriageway on Bolnore Farm Lane to the northwest of the site which will provide a connection to Butlers Green Road, the bus stops and the Anchor retirement village and associated community facilities.

The proposals for a new footway have now in accordance with the LHA's Road Safety Audit Policy, been subject to a Stage 1 Road Safety Audit (RSA) on the off-site highway works in accordance with GG119 parameters. All aspects have been agreed to within the RSA, it is noted that the Audit Team have reviewed the Designer's Response (Issue 1) and note the various actions including the design changes shown on Drawing No. R-19-0014-004-A

contained in Appendix C. They have confirmed that the Designers Response is an appropriate response in road safety terms and have no further observations to make.

In terms of trip generation the proposed development would result in 21 two-way vehicle trips in the AM Peak hour (08:00- 09:00), 14 two-way vehicle trips in the PM Peak hour (17:00-18:00) and a total of 309 two-way vehicle trips over a 12-hour period. With regards to people trips, this would equate to approximately 30 two-way people trips during the AM peak, 26 during the PM peak and up to 490 over the daily period. When compared to the extant use at the site, the proposed development would result in an additional 17 two-way vehicle trips in the AM peak (08:00-09:00), an additional ten two-way trips in the PM peak (17:00-18:00) and an additional 237 two-way trips across the 12-hour period. It is noted that the general principle of the trip generation was agreed with the LHA at the pre-application stage and given that there have not been any significant changes with the proposals since then, the LHA would still be satisfied with the data provided.

The applicant has provided a Travel Plan Statement (TPS) which is designed to offer sustainable areas of transport for future residents. In addition to the implementation of the TPS, the applicant has confirmed the provision of an on-site minibus, and the on-site electric car club.

Construction Traffic

The LHA are aware that there is local concern relating to construction traffic during the building phase, with particular concern on the parking of site operatives on Bolnore Farm Lane. One option that has been suggested is the inclusion of Temporary Traffic Regulation Order (TTRO) to deter parking along Bolnore Farm Road. Our view is that whilst this could help alleviate the issue the TTRO process does not have a guarantee of being granted post planning consent, plus is difficult to condition to be delivered. Our view would be that a more controllable approach would be a comprehensive Construction Environmental Management Plan (CEMP) secured through a condition. The CEMP should include a dedicated parking area within the site for operatives and give an indication of the likely number of movements that would be generated during the construction phase of the development. If required, the LHA would be happy to review any CEMP prior to any planning permission being obtained.

Conclusion

Having assessed the information submitted the LHA would not have any concerns with the proposals and given the supporting information and previous pre-application advice would not wish to raise and objection to these proposals.

Any approval of Planning Permission would be subject to the following conditions:

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.

Travel Plan (to be approved)

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

Highway Authority: Additional comments received 17 March 2021

The Local Highway Authority's (LHA) comments from 25th February 2021 would still apply to this latest consultation response.

Highway Authority: Additional comments received 26 April 2021

Thanks for your note. I have had a look at the supporting information and would be satisfied with the parking element of the proposals.

Public Rights of Way Officer

Thank you for the opportunity to comment on the above numbered planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments:

It appears that there the adjacent public bridleway along the western boundary of the site is outside the red line boundary therefore we would have no objection but there are some points that require consideration.

The adjacent public bridleway (26aCU) should not be restricted or access deterred at any stage on this development. If works are required on the public bridleway then consent must be sought from WSCC's Public Rights of Way (PROW) team prior to any works taking place. If the surface is to be disturbed as part of the proposals then consent must be sought from the PROW team and any reinstatement specifications must be agreed prior to works taking place.

We have received reports from local residents of concerns at contractor parking taking place on the public bridleway during construction. It should be clear that this is not acceptable as it restricts the lawful width and can deter lawful users from exercising their public rights of access along this route.

If there are any proposals to undertake any drainage work that will impact the bridleway, whether directly or indirectly, then this must first be approved by the PROW team at WSCC prior to any works taking place and it should not adversely impact the ability for the route to be used by lawful users, or negatively impact its condition.

WSCC Lead Local Flood Authority

We would not raise any objection on surface water flood risk grounds.

WSCC Water and Access

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

***Fire and Rescue Services Act 2004
Part 5, 38: Duty to secure water supply etc.***

1) A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.

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

I refer to your consultation in respect of the above planning application and would provide the following comments:

- 1) Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

WSCC Minerals and Waste

No comments.

Ecological Consultant

Recommendation

Given the findings of bat roosts, a licence will be required from Natural England to permit their destruction, which will require them to be satisfied that there is an overriding public interest in allowing the work to take place. For a licence to be granted, Natural England would also have to accept that there is no satisfactory alternative and that there will be no significant impact on the population. However, as the roosts have been assessed to be of low conservation significance of relatively common species, it is likely, subject to the proposed mitigation and compensation measures that Natural England will consider these tests to be met. Therefore, subject to MSDC being of the view that granting consent is in the public interest then I would expect a licence to be granted. In my opinion, there are no other biodiversity policy reasons for refusal or amendment of the proposals, subject to the following condition:

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

A method statement for protection of wildlife during construction works;

Proposals for habitat enhancement and long-term management (which may be combined with landscape proposals within an integrated Landscape and Habitat Management Plan).

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP38 of the Mid Sussex District Plan and 175 of the NPPF.

Southern Water

Thank you for your letter dated 18/03/2021.

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water.

Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required)
- Detail design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied:

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows.

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

www.water.org.uk/sewerage-sector-guidance-approved-documents/

www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

The application contains a proposal for a swimming pool for public use. If the pool produces filter backwash water this would need to be discharged to the public foul sewer. The rate and times of discharge of this water to the sewer and of the contents of the pool if these need to be drained to the sewer, would have to be agreed with Southern Water.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For Southern Water Planning Webpage please click the below link:

www.southernwater.co.uk/regulations-services/planning-your-development

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: www.southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Sussex Police

Comments dated 1st February 2021

Thank you for your correspondence of 12th January 2021, advising me of an outline planning application for the erection of part two, part three and part four storey building comprising 70 extra care apartments with community hub, guest suite and staff facilities together with 15 extra care cottages (85 in total), pavilion, parking and access to form a Continuing Care Retirement Community following demolition of existing care home at the above location, for which you seek advice from a crime prevention 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 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 Due to the

application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

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. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.

The Design and Access Statement submitted in support of this application explains that the aspiration is to create a vibrant Retirement Village which integrates with its neighbourhood and welcomes the wider community into the site following the ethos of lifetime neighbourhoods and located at the heart of the site is a hub building, designed to become a leisure and wellbeing destination in the locality which compliments the facilities and community programmes run by the Age UK health centre. The hub building will offer a range of leisure and wellbeing facilities, such as a pool, fitness suite and multi-purpose room as well as a lounge, cinema room and bistro. Eden propose an age exclusive membership scheme for older people living in the wider community to access the leisure and hospitality services at the development; the 'Downlands Park Community Club'. Therefore given the many activities available non-residents at the development, there will be many visitors to the facilities other than the residents themselves and their visitors.

With a large multi-element development such as this, it is essential that the different uses of the development do not cause conflict with each other. In order to achieve this, security provisions such as access control, compartmentalisation, certificated security products in the form of door-sets and windows will be imperative in creating a safe and secure environment for all.

I would like to direct the applicant or their agent to our website at www.securedbydesign.com where SBD Homes 2019 V2 document can be found. The Secured by Design scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. All manner of advice can be found within this document from secure boundaries to supplementary internal security, access control and compartmentalisation.

Parking has been made with 80 parking spaces being proposed with the majority being surface parking located at the entrance point, along the northern boundaries and through the cottages. A further 15 visitor parking spaces is being proposed, including 3 accessible parking spaces located in close proximity to the site entrance and the main building entrance / reception. Where communal parking occurs 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.

Given the large perimeter boundary, unauthorised access would be very difficult to maintain and monitor all the time and it is as a result of this that gives me 1st concern for the security and safety of the unobserved car parking facilities throughout the development. I did not see any mention of staff parking arrangements and there was no indication of staff numbers within the application form. I also have concerns where the staff required to efficiently run the facility, will park without impacting upon the local community.

I note the inclusion of under-croft parking to the lower ground floor of the eastern residential wing building. Therefore I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable.

For the proposed cottages, it is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. Vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. Certificated door-sets and windows will be a necessity.

Where gates provide access to rear gardens, they must be placed at the entrance to the garden as near to the front building line as possible, so that attempts to climb them will be in full view of the street, be the same height as the adjoining fence so as not to reduce the overall security of the dwellings boundary. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.

Given the extensive landscaping across the development and to ensure natural surveillance is present, ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area.

Finally, lighting throughout the development will be an important consideration within the public areas, parking facilities and under-croft. Where it is implemented it should conform to the recommendations within BS 5489-1:2013. 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 features and as a result causes an increase in the fear of crime.

To summarise;

- I feel the large multi-element development would benefit immensely from the crime prevention advice, specifications and requirements given within the SBD Homes 2019 V2 document and recommend its inclusion within the design and layout.
- I have concerns over unobserved parking.
- I have concerns over the lack of staff parking.

Sussex Police would support the application from a crime prevention perspective subject to my above concerns and recommendations being satisfactorily addressed.

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.

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.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended,

therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

Comments dated 25th March 2021

Thank you for your correspondence of 12th January 2021, advising me of an outline planning application for the erection of part two, part three and part four storey building comprising 70 extra care apartments with community hub, guest suite and staff facilities together with 15 extra care cottages (85 in total), pavilion, parking and access to form a Continuing Care Retirement Community following demolition of existing care home. Additional highways information received 28th January 2021 (Amended plans received 9th March showing a revised design and a reduction in the number of proposed units to 81) at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the details within appendix 10, summary of changes of the Design and Access Statement submitted in support of this amended application. As a result I offer the following comments.

Despite the reduction in apartment numbers from 85 to 81, I have concluded that there is no material change that warrants further crime prevention.

My previous comments with PE/MID/20/02/A dated 01/02/2021 remain extant.

I thank you for allowing me the opportunity to comment.

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.

Contaminated Land Officer

It is noted that no land condition report has been submitted in support of this proposal. Although the previous uses of the land do not indicate the likely existence of contaminants that could affect safe occupancy of the development, I recommend that a "watching brief" or "discovery" condition is included:

If during demolition or construction works, 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. A method statement identifying pollutant linkages, assessing the risk and proposing remediation measures, together with a remediation programme, shall be submitted to and approved in writing by the LPA prior to continuation of works. 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.

Environmental Health Officer

The attached CMP is satisfactory. The construction works should be carried out in line with this plan.

Community Facilities Officer

As this is a residential care home there is no requirement for financial contributions toward leisure infrastructure and I have nothing to add to my previous comments.

Drainage Engineer

Recommendation: No objection subject to conditions

Advice:

FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible surface water (pluvial) flood risk.

There are no historic records of flooding occurring on this site or in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

The development site is over 1 hectare in size and as such, under the National Planning Policy Framework (NPPF) should be accompanied by a Flood Risk Assessment. A suitable Flood Risk Assessment has been submitted in support of this application.

SURFACE WATER DRAINAGE

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be to be possible on site. This will need to be confirmed through infiltration testing on site.

A Drainage Strategy report (S10977-JNP-XX-XX-RP-C-1001 Rev P02) has been submitted in support of the application. This sets out a proposed drainage scheme for the development utilising attenuation and deep bore soakaways as a means of managing surface water drainage on site.

The initial drainage system model has utilised an assumed infiltration rate to determine the number of deep bore soakaways and attenuation volumes for a system designed to cater for the 1 in 100-year event, with an additional 40% allowance for climate change.

We acknowledge that development exists on the site, and areas could therefore be considered Brownfield. However, we would advise the applicant that surface water drainage systems should be designed to manage surface water runoff from all impermeable surfaces on site, with an additional allowance for urban creep.

The proposed drainage strategy plan shows several drainage features near existing ponds on site. We would advise the applicant that no drainage feature and no construction activity should occur within 5m of pond banks.

The principle of utilising deep bore soakaways with attenuation storage is considered likely to be acceptable. However, some modifications to the proposed system will be required as part of the detailed drainage design.

Further information into our general requirements for surface water drainage is included within the 'General Drainage Requirement Guidance' section.

FOUL WATER DRAINAGE

It is proposed that the development will utilise an existing foul water drainage connection on site to discharge foul water to the public sewer system. This is considered likely to be acceptable.

We would advise the applicant that the proposed discharge point is near a site with planning permission. We would advise the applicant to investigate whether any sewer realignment works are proposed which may impact the detailed foul drainage design.

Further information into our general requirements for foul water drainage is included within the 'General Drainage Requirement Guidance' section.

SUGGESTED CONDITIONS

C18F - MULTIPLE DWELLINGS/UNITS

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

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

WORKS WITHIN 5M OF DRAIN, WATERCOURSE OR POND

Excluding main sewer connections, no part of any concrete foundations and no construction activities shall be within 5 metres of any drain, watercourse or pond unless approved in writing by the local planning authority.

Reason: In the interests of protecting the natural environment.

GENERAL DRAINAGE REQUIREMENT GUIDANCE

SURFACE WATER DRAINAGE

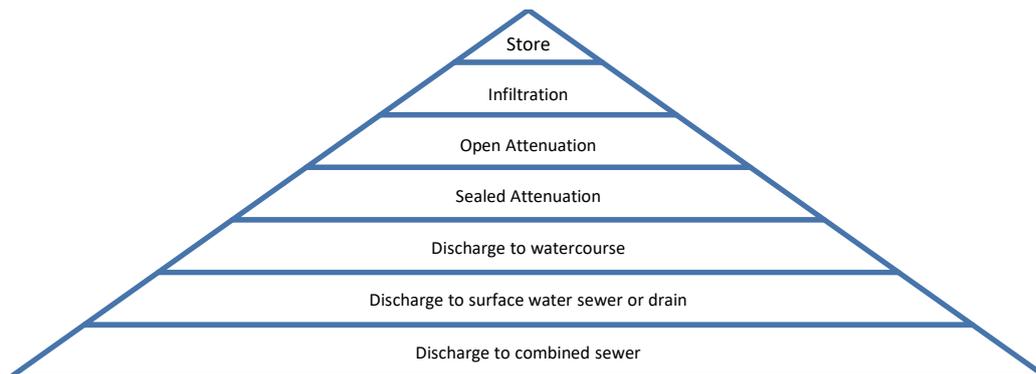
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. Climate change allowances should be in line with the Environment Agency's climate change allowance recommendations.

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

Multiple dwellings / multiple unit development will need to provide a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal, as set out below:



- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using FEH or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

FOUL WATER DRAINAGE

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

Conservation Officer

Downlands Park is a substantial mid-late 19th century building situated in extensive grounds to the west of Haywards Heath centre. The building, originally a house known as Parkfield, was converted in the late 1890s to a preparatory school, which was still in operation as late as the 1930s. Haywards Heath once had many private schools of this nature, often based in large former private houses, although most of these buildings have now been demolished to make way for new development. Parkfield, now Downlands Park, was later converted for use as a care home.

Architecturally, the building is a good but not exceptional example of a large house dating from the second half of the 19th century, being of 2-2 ½ storeys, constructed in red brick with tile hanging and mock timber framing to the partially jettied first floor, well-articulated elevations with projecting gables, bay and oriel windows, clay tile pitched roofs with heavy timber bargeboards and decorative ridge tiles and finials, and prominent brick chimneys. The original 9 panel front door survives, but the majority of windows appear to have been changed, a notable exception being a stained glass window to the south west corner.

The building has been substantially extended to the side (east) and rear (north and north east). The greater part of the eastern range appears to have been added at a relatively early date (by 1915) suggesting that this range was constructed in association with the use of the building as a school during the early 20th century.

There are a number of outbuildings on the site which are mainly of little merit, although a building believed to be the former stables (now a separate dwelling known as Downlands Cottage), and which dates from the early 20th century, has some group value with the house. So too do Parkfield Lodge and the Old Coach House, which appear contemporaneous with the house and are located just to north adjacent to Bolnore Farm Road.

Although nationally large late Victorian houses of the period and style of Downlands Park may be relatively common, in the context of Haywards Heath, significant development of which commenced only with the coming of the railway in 1841, the increasingly rare surviving examples of large houses of this period are in my opinion a far more significant aspect of the historic townscape. Other large houses in this part of the town are in general either incomparable in date (e.g. Butlers Green House, Grade II* listed, which dates from the 17th century), or have been demolished (Beech Hurst and Elfinward).

The extensive grounds of the house contribute positively to its setting and its surviving character as a house of some pretension. Of particular importance are the approach to the house from Bolnore Farm Road, which is currently marred to an extent by the presence of a range of unattractive 20th century garages, but which is framed by the Lodge and Coach House and Downlands Cottage, as well as a number of mature and attractive trees, and the lawns to the south of the main garden frontage, which provide an attractive outlook and again a framed by belts of trees. The mature beech set within the lawn is another positive feature of the house's setting.

A substantial and attractive brick wall survives to the north east boundary of the site.

On the basis of the above analysis of the historical and architectural character of the building I would consider that it should be regarded as a non-designated heritage asset, worthy of consideration for inclusion on a Local List. Architecturally it is of some merit and in the context of the historical development of Haywards Heath it is of interest as an increasingly rare example of a large house dating from the mid-late 19th century, a period when Haywards Heath saw rapid and transformative expansion following the coming of the railway

in 1841 and the establishment of the Sussex County Asylum to the east of the town in 1859. It is also of some interest for its former use as a private school, of which there were once several in the town- the buildings housing these establishments, often as here former private houses, have mostly been lost to redevelopment. The building therefore has historical evidential and illustrative value within the local context of Haywards Heath, as well as aesthetic value within the setting of its extensive grounds. The building and its grounds, as well as the associated buildings at the entrance from Bolnore Farm Road (the former lodge and stables), make a positive contribution to the character of the local area and the street scene, including longer views from Butler's Green Road across Butler's Green.

The current proposal is for the demolition of the building and the construction of a complex of extra care apartments.

As a non-designated heritage asset I would consider that Policy DP 34 would apply to any proposals affecting the building. This states that *'Development that retains buildings which are not listed but are of architectural or historic merit... will be permitted in preference to their demolition and redevelopment.'* It continues that *'The Council will seek to conserve heritage assets in a manner appropriate to their significance'*. The current scheme envisions the demolition of the building, which would be contrary to the aims of that policy. Furthermore, paragraph 197 of the NPPF requires that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'* I would assess the significance of the asset in the local context of Haywards Heath to be of a medium level. The loss of significance resulting from its demolition would be complete. This complete loss of a heritage asset of a medium level of local significance would therefore stand to be weighed against the public benefits, if any, of the proposal.

I have not commented on the detailed design of the replacement scheme, as this would be Will's remit. However I will note that there would be a substantial impact not only on the building itself (which would be lost) but on the character of the grounds and on longer views from Butler's Green Road, across Butler's Green, which would in addition be in my opinion detrimental to the character of the local area.

Urban Designer

My comments cover the design of the proposed building and surrounding spaces. They do not consider the existing building that is proposed to be demolished, as this is Emily's remit and she has already provided her comments.

The scheme has been subject to lengthy pre-application consideration and has involved the Design Review Panel's (DRP) input twice (at pre-app and application stages).

The layout of the apartments has been improved since the pre-application stage and the scheme now benefits from a more generous courtyard area as the previously proposed central wing to the apartment block has been omitted; this enables the main part of the scheme to open-up to the expanse of green space and attractive tree-lined boundary in the southern part of the site.

The elevations of the apartment blocks have also been refined and are successfully articulated as a series of vertically subdivided bays; their contemporary detailed facades are softened by a variety of differently toned red facing brick that help to marry the building to its context including the adjacent Downlands Cottage which overlooks the site entrance. The rest of the site is mostly screened by its tree-lined boundaries, which provides scope for the

building to be bigger than its neighbours and to benefit from some individuality without looking out of place.

The architects have ingeniously worked with the site's topography to reduce the building's scale and echo the slope. This has been achieved, firstly, by employing a split-level arrangement at the front and back, that reduces the height of the building at the front, and secondly, by tiering the blocks at the rear so the height of the building recedes towards the communal open space/more rural edge on the southern part of the site. The pavilion style entrance building/communal hub that connects the two blocks is single storey; its low profile breaks up the two blocks and with its green low hung roof provides a sense of the open courtyard space at the rear. The combination of timber cladding and glazing is well detailed and provides necessary relief to the red brick face of the adjacent blocks.

The parking is now better integrated into the scheme with the front threshold to the communal/entrance block now freed up as a landscaped space; this has been helped by accommodating some basement parking.

The "cottages" on the east part of the site, may be more accurately described as small terraces of town houses, however, they are well detailed, and their replicated form generates a consistent rhythm that has underlying harmony.

When the DRP met in January 2021 they agreed to fully support the scheme providing the 4-storey part of the apartment blocks is reduced in scale. This has been achieved in the revised drawings which accord with the DRP's recommendation by removing part of the third floor immediately south of the lift shafts. The drawings also show a reduction in the top floor to the north of the lift shafts which reduces the scale of the building frontage where it will be most visible from the main entrance approach; this allows it to sit better with the domestic scaled Downlands Cottage.

The revised drawings also make the following other improvements that respond to both the DRP's and my further comments:

- The sub-station is now featured on the site plan and shown discreetly accommodated in a relatively secluded part of the site that is surrounded by existing and proposed trees set-back from the Bolnore Farm Lane boundary.
- A 2m high brick wall has been incorporated along the northern boundary with Hurst Place that screens the car park beyond it and enables the proposed landscaping to provide an attractive backdrop.
- Internally the layout around the primary staircases/lift-cores serving the apartments have been reorganised with the access areas widened to allow the stairwell windows to provide natural light through to the corridors, which should also help residents navigate their way around the building.
- The previously blank flanks of the cottages now feature windows which provide some articulation and surveillance over the spaces at the side of the buildings.

The reduction of the fourth storey will reduce the disparity in the scale of the east wing of the apartment block and the adjacent proposed cottages. It is nevertheless important that the existing trees in between them are retained as it will help to soften this relationship, and I would like Sarah to confirm whether there is adequate separation distance to safeguard the trees. On the north-western side the west wing offers more separation space (in relation to the pre-app proposal) with the tree-lined Bolnore Farm Lane boundary.

I understand from the applicant at the January DRP meeting that the site will be publicly accessible; if this is the case, more consideration needs to be given to community safety and

the security of the buildings, particularly in respect of the spaces around the cottages and I feel this needs to be addressed in the detailed landscape plans.

In conclusion, this planning application satisfactorily accords with the design principles of the Council's Design Guide SPD and to policy DP26 of the District Plan; I therefore raise no objections to it. To secure the quality of the design, I would nevertheless recommend that conditions are included that require the approval of the following further drawings/information:

- Detailed hard and soft landscaping plans including: (a) boundary treatment that show the site's perimeter and demonstrate how the security of the rear of the cottages is achieved; (b) cross sections through the attenuation pond.
- Detailed 1:20 scale sections and elevations (vignettes) of the: (a) front entrance/canopy/roof to the communal building serving the apartments; (b) a typical bay of the apartment building that show the windows/reveals and balustrading; (c) the frontage of a cottage that show the windows/reveals and front entrance/canopy.
- Drawings that show how the rainwater discharge arrangements will be provided and accommodated on the buildings.
- Details of the facing materials.
- Sections and roof plans that show how the solar panels will be accommodated on the roof of the apartment block and cottages.
- The design of the substation.

Tree Officer

I note the additional details of planting etc which are satisfactory.

However, without details of the trees, it is difficult to comment further.

I note the bulk of the building has been reduced and there may be more space to allow the trees to develop.

A landscaping scheme should be conditioned if approved, as well as adherence to method statement and AIA.

I would also suggest an informative: 'You are advised that British native trees should be selected in accordance with Policy DP37 of the Mid Sussex District Plan 2014 -2031' or similar.

Design Review Panel comments on original plans

The panel agreed this is a well-considered scheme that is a significant improvement upon the pre-application proposal for the following reasons:

- Omitting the central wing that previously featured on the apartment building successfully opens-up the main part of the development, including the communal areas, to the expanse of green space and attractive tree-lined boundary in the southern part of the site.
- The landscape design benefits from a university campus feel that has fully explored different approaches to maximise its potential around all parts of the development.
- The elevations are attractive in their form and contemporary styling/detailing.
- The idea of creating an integrated / shared communal facility that attract non-resident users to the swimming pool, spa and communal areas should enliven the development

and avoid it feeling segregated (although it may make the car parking provision more challenging).

The following detailed issues were nevertheless raised:

- The massing of the 4-storey element looks bulky in both blocks and would benefit from finessing; it was suggested this would be helped by removing part of the third floor immediately south of the lift shafts.
- As before, the internal corridors are long and lack natural light; consideration could be given to either opening them up to the stairwell windows or introducing a small breakout space with natural light which would aid orientation.
- The gap between the cottages and the eastern wing of the apartment block still looks tight and in relation to the retained trees and there were concerns about the apartment block being potentially overbearing upon the private gardens of the cottages. This might be helped by stepping back the top floor of the apartment block.
- The variation of the brick is quite subtle and may benefit from a little more contrast; although there is equally a risk that this could be over-done.
- Where external steps are shown, consideration should be given to making them as accessible as possible by designing them with low / wide risers.

Overall Assessment

The DRP would like to support this scheme but feel it would be significantly improved by finessing the 4-storey part of the apartment blocks to reduce its scale. If part of the third floor immediately south of the lift shafts was removed the panel would fully support the scheme.