

MID SUSSEX DISTRICT COUNCIL

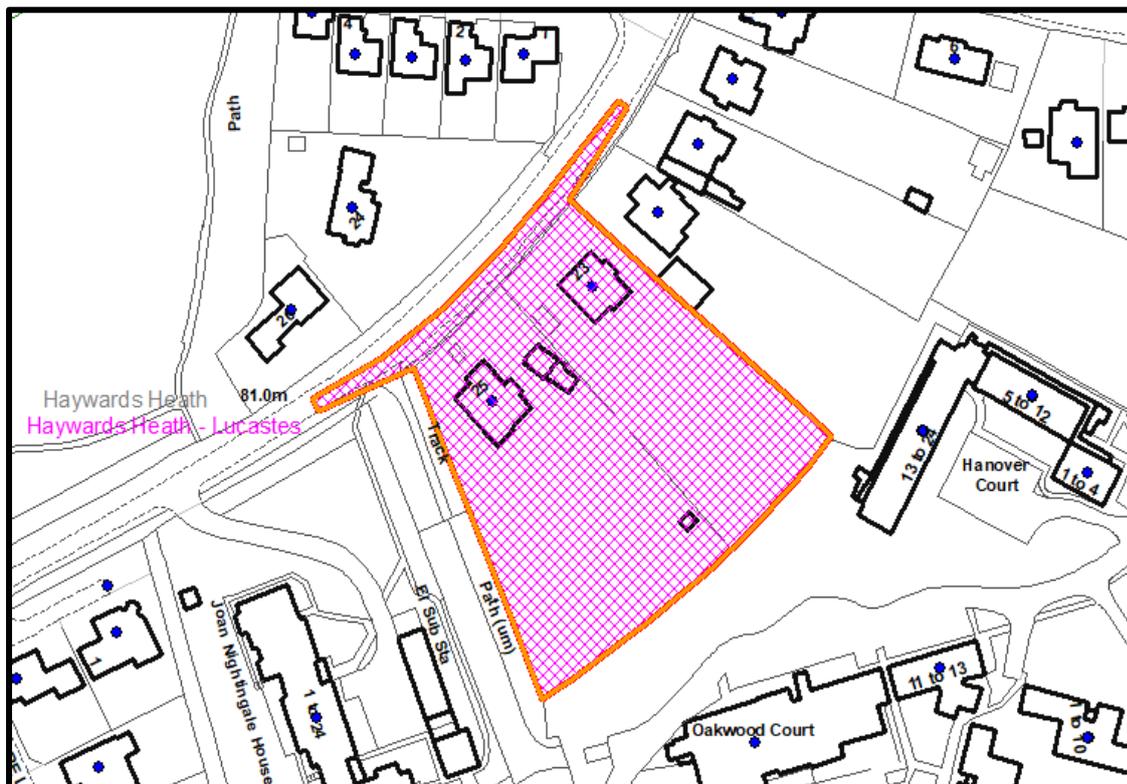
Planning Committee

15 JUL 2021

RECOMMENDED FOR PERMISSION

**Haywards Heath**

**DM/20/3310**



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**23 - 25 BOLNORE ROAD HAYWARDS HEATH WEST SUSSEX RH16 4AB  
THE DEMOLITION OF 25 BOLNORE ROAD AND GARAGE TO 23  
BOLNORE ROAD, AND THE ERECTION OF A 67 BEDROOM  
RESIDENTIAL CARE FACILITY, WITH ASSOCIATED ACCESS WORKS,  
CAR PARKING, SERVICING, PRIVATE AMENITY SPACE, LANDSCAPING  
AND BOUNDARY TREATMENT (AMENDED PLANS RECEIVED 12  
MARCH 2021) (AMENDED PLANS RECEIVED 29 MARCH 2021)  
DAMIAN WOOD**

POLICY: Built Up Areas / Planning Agreement / Planning Obligation / Public  
Right Of Way / Aerodrome Safeguarding (CAA) / Sewer Line  
(Southern Water) / Trees subject to a planning condition / Highways  
Agreement (WSCC) /

ODPM CODE:            Smallscale Major Other

8 WEEK DATE:        30th April 2021

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

CASE OFFICER:        Andrew Watt

## **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**

Full planning permission is sought for the demolition of 25 Bolnore Road and garage to 23 Bolnore Road, and the erection of a 67 bedroom residential care facility (C2 use) with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

The application has been referred to committee for determination by officers given the number of representations received, in line with the council's Constitution, which states that: 'Officers to whom a matter is delegated may refer that matter to the Council, Cabinet or a Committee (as appropriate) rather than exercise the delegation.'

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

National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

As the site is already in residential use and already benefits from an extant planning permission for a greater amount of residential development than existing, the principle of this development is therefore considered acceptable.

Weighing in favour of the scheme is that the development will provide specialist accommodation in a sustainable location and this should be given positive weight. If permitted, the Local Planning Authority would receive financial contributions towards local infrastructure (libraries and transport).

Weighing against the scheme is the loss of an existing arts and crafts dwelling. However, this building is not listed, nor is the site within a conservation area.

There will be a neutral impact in respect of a number of issues such as the design, neighbouring amenity, highways, parking, landscaping, drainage, sustainability and biodiversity.

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

For the above reasons, the proposal is deemed to comply with Policies DP1, DP6, DP17, DP20, DP21, DP26, DP28, DP29, DP30, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E7, E8 and E9 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

## **RECOMMENDATION**

### **Recommendation A**

It is recommended that, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of infrastructure contributions, planning permission be granted subject to the conditions set out in Appendix A.

### **Recommendation B**

If by 15 October 2021, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reason(s):

*'The application fails to comply with Policy DP20 of the Mid Sussex District Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure required to serve the development.'*

## **SUMMARY OF REPRESENTATIONS**

Letter from **Mims Davies MP** on behalf of a number of very concerned constituents:

- Deeply unpopular proposal for a bulky, dense and un-neighbourly building on an extremely compact site, so is too overbearing
- Impact on local wildlife and survival of an aged boundary hedge - discovery of protected species
- Insufficient parking on site for residents, staff and visitors
- No local capacity to cope with overflow of vehicles on this relatively narrow, semi-rural road
- Area already heavily over-subscribed with care facilities

18 letters of objection (first consultation, October 2020):

- Gross overdevelopment
- Not in keeping with semi-rural surroundings
- Will change appearance of Bolnore Road
- Area is overburdened with major developments
- Much larger than previously consented scheme
- Ugly, characterless, monolithic building design, not of the arts and crafts character previously approved
- Already too many local facilities for older people with care needs
- Loss of existing dwelling is regrettable
- Too many lovely houses with character have disappeared
- Increased traffic
- Highway hazard, particularly at junction with A272 and during rush hours
- Traffic lights should be considered in interests of public safety
- Exit from Bolnore Road onto A272 is already difficult
- Parking problems
- Insufficient parking proposed for the amount of development
- Difficulty for lorries to turn around within the site
- Blockage of sewer
- Light pollution
- Loss of 11 Category C trees which are integral to landscape character of the site
- Damage to tree roots on western side
- Trees will only be replaced with shrubs
- Insufficient amenity for future residents
- Loss of privacy
- Loss of bat habitat

92 letters of objection (second/third consultation, March/April 2021):

- Proposed replacement building is enormous and gargantuan
- Gross and overpowering development of this site
- Bulk and scale are out of character with prevailing urban grain
- Harmful to street scene and local environment
- Not in keeping with surroundings
- 3/4-storeys is overdevelopment and high-rise
- Proposed façade is unattractive
- Very blocky and does not respect surrounding vernacular
- Site is too small for this size of development
- One of the oldest areas of Haywards Heath
- Once attractive houses are demolished, they can never be replaced
- The existing Victorian house contributes to the character of Muster Green
- Loss of undesignated heritage asset
- Should be in a Conservation Area
- Too many care homes in this immediate area (a 'ghetto', a 'retirement complex')
- No need for more
- More affordable houses for young people are needed in the area, not this
- Proposal would not meet latest care home standards

- Interior is like a hospital
- No affordable housing is provided - why?
- Strain on local infrastructure
- Insufficient parking provision, particularly for 80-90 staff plus visitors
- Problems with parking during construction
- Significant on street parking and traffic congestion
- Dangerous access onto A272
- Danger to cyclists
- Already a narrow lane
- Increased pollution
- Access is in a poor position, making exit from other properties dangerous
- No improvements have been made to the road surface
- A care home is unlikely to cover the costs of making good this road, including repairing potholes
- Lack of construction management plan to protect wellbeing of neighbours
- Inadequate consideration of sustainability
- Pleased that Norway Maple and Beech trees on frontage are being retained
- Hope rustic hedge is retained rather than replaced with urban style railing
- Adjoins nature corridor
- Loss of wildlife in the hedges
- Protected species are present in this area
- Valuable to walkers
- Light pollution
- Drainage issues
- Little room for amenity for future residents
- Outlook from neighbouring properties would be totally transformed
- Overlooking of adjoining buildings and gardens
- Loss of light and privacy
- Too close to boundaries

## **SUMMARY OF CONSULTEES**

(Full responses from Consultees are included at the end of this report as Appendix B)

### **MSDC Consultant Ecologist**

No objection, subject to condition.

### **MSDC Contaminated Land Officer**

No Comment.

### **MSDC Design Review Panel (22 October 2020)**

On balance, the panel support the scheme subject to the existing boundary trees being retained/safeguarded and providing changes are made that allow for more soft landscaping to mitigate the size of the building. The south-west corner flank

elevation needs to be reviewed and a well-worked sustainability strategy is also required that demonstrates it is fully integrated with the overall design.

### **MSDC Drainage Engineer**

No objection, subject to condition.

### **MSDC Environmental Protection Officer**

No objection, subject to conditions.

### **MSDC Housing Enabling Officer**

The applicant is currently proposing a C2 residential care home which will accommodate 67 en-suite bedrooms along with a range of support facilities. As a result an affordable housing requirement would not be triggered. If however the building subsequently falls within a C3 use 30% affordable housing will be required.

### **MSDC Leisure Officer**

As this is a residential care home providing specialist accommodation for older people there is no requirement for contributions toward outdoor playspace, formal sport or community buildings.

### **MSDC Street Naming and Numbering Officer**

Informative requested.

### **MSDC Tree Officer**

Broadly from an arboricultural perspective I am happy with the proposed development, largely due to the revised positioning of the building relieving the pressure and possible negative impact on the boundary trees particularly on the western boundary, subject to pre-commencement conditions being imposed.

### **MSDC Urban Designer**

The proposed development is significantly bigger than the existing houses along Bolnore Road. However, the principle of the loss of the existing house at no.25 and the comprehensive redevelopment of the site has been accepted with the previous planning consent (DM/18/1274). While this scheme is a single structure rather than a series of buildings, the overall development footprint is similar to the consented scheme. Both the DRP and I feel it is a well-designed building that has been carefully articulated and organised to reduce its apparent scale. It successfully responds to the character of the existing houses by reinterpreting traditional features. The revised drawings have employed more soft landscaping in and around the front parking court and pulled the building away from the western boundary. The latter will ensure the existing tree belt and shrubs will be retained and together with the retained trees on the street frontage and the rear boundary, the development will generally be well screened and softened from most vantages. For these reasons, I

withdraw my objection to the planning application as it now sufficiently accords with the design principles in the Council's Design Guide and policy DP26 in the District Plan. To secure the quality of the design, I would nevertheless recommend conditions requiring the submission and further approval of the following drawings and information:

- Detailed hard and soft landscaping including boundary treatment and retaining walls.
- Details of the facing materials.
- 1:20 scale sections and elevations of the chimney stack, balustrading, brick detailing, building entrance and curtain wall glazing shown in context with the facades.

### **WSSC Lead Local Flood Authority**

No objection.

### **WSSC Highways**

No objection to the proposed use, subject to conditions.

### **WSSC Infrastructure**

Financial contributions requested towards Library facilities and Transport improvements.

### **WSSC Minerals and Waste**

No objection.

### **West Sussex Fire & Rescue Service**

1 hydrant to be secured by condition.

### **Environment Agency**

To be reported.

### **Southern Water**

No objection.

### **Sussex Police**

No major concerns with the proposals.

### **TOWN COUNCIL OBSERVATIONS**

The Town Council SUPPORTED the amended application because the building mass had reduced thus making the boundaries suitable and the view from Bolnore

Road less intrusive. As a result, all of the issues outlined by the Town Council in its original objection were deemed to have been addressed. As a further note, the Town Council also stated that the development must have a robust Construction Management Plan to manage delivery/lorry stacking, hours of work, contractor parking and wheel washing to reflect and mitigate the effect on Bolnore Road, which is a very busy road.

If any Section 106 contributions for this project for Community Infrastructure were forthcoming, it was requested that they be allocated to the Woodside Pavilion.

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## **INTRODUCTION**

Full planning permission is sought for the demolition of 25 Bolnore Road and garage to 23 Bolnore Road, and the erection of a 67 bedroom residential care facility (C2 use) with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

## **RELEVANT PLANNING HISTORY**

In April 2018, planning permission was withdrawn for the demolition of the dwelling at No. 25 and the garage at No. 23 Bolnore Road and redevelopment to form 16 sheltered dwellings, including communal facilities, access, car parking and landscaping (DM/17/1615).

In May 2019, planning permission was granted for the demolition of the dwelling at No. 25 and the garage at No. 23 Bolnore Road and redevelopment to form 15 sheltered dwellings for the elderly, comprising 8 retirement cottages and 7 retirement apartments, including communal facilities, access, car parking and landscaping (DM/18/1274). This permission has not been implemented but is extant.

## **SITE AND SURROUNDINGS**

The site is located on the south side of Bolnore Road and consists of two large detached 2 storey properties set in substantial gardens, with land levels dropping by 4.5m from front to rear. A pedestrian footpath runs along the side of no.25. The houses are both of a traditional arts and crafts design.

Opposite the site are two large detached properties and adjacent to these Beech Hurst Close, with more modest houses in smaller plots. To the north are further large detached properties in Bolnore Road, immediately to the south west there is a footpath and beyond this is a block of sheltered flats (Joan Nightingale House), while at the rear are further sheltered accommodation flats in Amberley Close (Oakwood and Hanover Court).

The site is located within the built-up area of Haywards Heath and backs onto an area of Ancient Woodland.

## APPLICATION DETAILS

Full planning permission is sought for the demolition of 25 Bolnore Road and garage to 23 Bolnore Road, and the erection of a 67 bedroom residential care facility (C2 use) with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

The total floorspace of the building will be 3,795 sq. m GIA across 3-storeys, plus part of a lower ground floor area, together with 20 car parking spaces (including 2 designated disabled bays), 1 ambulance bay and 6 cycle parking spaces. The main entrance will be in the same position to that already serving no. 23. This property will be retained, albeit with a truncated rear garden and the driveway relocated to the east. The internal drive to the main entrance, drop off area, car parking and turning areas and refuse and cycle storage areas will be located on the eastern part of the site, with the building taking up much of the western half, and across much of its depth. A separate pedestrian access will be provided from Bolnore Road, and a secure courtyard and landscaped area will be provided to the west, as a safe social space for residents. An orchard will be planted in the far south-east corner.

The lower ground floor area will be limited to the south-eastern arm of the building, and will accommodate the 'back of house' areas, including staff common room, changing facilities and plant provision.

The ground floor area will consist of the main entrance and reception area (directly visible from Bolnore Road and located within this south-eastern arm), residents' lounges/dining rooms, residents' amenities, staff facilities and 20 residents' bedrooms.

The first floor area will consist of residents' lounges/dining rooms, residents' amenities and 24 residents' bedrooms, spread throughout the floor to provide variation and choice.

The second floor area is similar and will consist of residents' lounges/dining rooms, residents' amenities and 23 residents' bedrooms, but this time set within the roof space.

The siting of the building has been broadly aligned with the consented scheme, which proposed a building to the front and 4 to the rear, leaving the circulation space to the east. In broad comparison, the current proposal is for a single block, which is narrower than the front building and narrower than the line of buildings to the rear, but utilises the approved central space between.

Elevationally, the scheme proposes parapet details and chimneys which allows a breakdown into individual elements and roof forms, reducing the apparent scale of the building. This is emphasised by changes in materials throughout, which include brick, tile hanging, clay roof tiles, curtain wall glazing, coloured precast panels and dormers with windows of aluminium frames. The windows decrease in size the higher up the building, which respects the traditional order of fenestration.

A concept landscaping scheme has been provided, which is intended to enhance the site boundaries and create a natural screen to neighbours. The entrance is well set back from the main road and includes resting and seating areas for residents either side, plus sensory planting to create a relaxing approach to the building. The residents' garden to the west and front provides seating as an extension to the dining areas within the building, and includes water features, bird baths and climbing trellis, with a wide, circular walking route and regular resting areas. Raised beds are provided, together with a shed for storage of gardening equipment. The orchard to the south-east is incorporated into the scheme, which includes seating areas and sculptures. Existing vegetated boundary treatments to the south and west will be retained and protected throughout the construction phase, with further enhancements by native tree and shrub planting. New evergreen, structural planting will be provided along the eastern boundary, capable of reaching 3m in height, together with 4 trees.

The maximum height of the building (including lower ground floor, depending on the adjacent ground level) will be approximately 13.5m, and excluding the lower ground floor, 10.5m. Maximum dimensions are approximately 39m in width by 54m in depth.

## **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:*

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

Section 38(6) of the 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 Mid Sussex District Plan and the Haywards Heath Neighbourhood Plan.

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

### **Mid Sussex District Plan (Mar 2018)**

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP1: Sustainable Economic Development

Policy DP6: Settlement Hierarchy

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

Policy DP21: Transport

Policy DP26: Character and Design

Policy DP28: Accessibility

Policy DP29: Noise, Air and Light Pollution

Policy DP30: Housing Mix

Policy DP37: Trees, Woodland and Hedgerows

Policy DP38: Biodiversity

Policy DP39: Sustainable Design and Construction

Policy DP41: Flood Risk and Drainage

### **Haywards Heath Neighbourhood Plan (Dec 2016)**

Mid Sussex District Council formally 'made' the Haywards Heath Neighbourhood Plan part of the Local Development Plan for the Haywards Heath Neighbourhood Plan area as of 14 December 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Haywards Heath Neighbourhood Plan area.

Relevant policies:

Policy E7: Sustainable Drainage Systems

Policy E8: Sustainable Development

Policy E9: Local Character

### **Development Infrastructure and Contributions Supplementary Planning Document (Oct 2019)**

### **Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)**

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.

Relevant design principles include:

Principle DG2: Site appraisal

Principle DG3: Work with the site's natural features and resources

Principle DG4: Establish a landscape and green infrastructure network

Principle DG5: Water features and sustainable drainage systems

Principle DG6: Design to enhance biodiversity

Principle DG13: Provide positive frontage to streets

Principle DG19: Provision of off-street parking

Principle DG21: Consider and allow for servicing, refuse collection and deliveries

Principle DG22: Integrate refuse and recycling into the design of new development

Principle DG24: Plan for cyclists

Principle DG27: Integrate tree planting and soft landscape

Principle DG31: Focus development in sustainable locations

Principle DG37: Deliver high quality buildings that minimise their environmental impact

Principle DG38: Design buildings with architectural integrity and a sense of place

Principle DG39: Deliver appropriately scaled buildings

Principle DG40: Design buildings that respond to and animate the street scene

Principle DG41: Addressing sloping sites

Principle DG42: Consider the location and design of services and external pipes

Principle DG45: Privacy of existing and future residents

Principle DG46: Provide attractive and usable external amenity space for all homes

Principle DG47: Provide homes with sufficient daylight and sunlight

Principle DG48: Design to minimise the impact of noise, air and light pollution

## **Waste Storage and Collection Guidance for New Developments (May 2015)**

### **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.

In addition, paragraphs 11 (presumption in favour of sustainable development), 54 and 55 (use of conditions), 80 (building a strong, competitive economy), 102 and 103 (promoting sustainable transport), 108 and 109 (highways matters), 124 and 127 (design), 148 (transition to low carbon future), 153 and 154 (sustainability), 155, 158, 159, 160, 161 and 163 (flood risk), 170 (enhancing the natural and local environment), 175 (biodiversity and ancient woodland), 177 (habitats sites) and 180 (noise and light pollution) are considered to be relevant to this application.

## **National Planning Practice 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.

## **West Sussex County Council: Guidance on Parking at New Developments (Aug 2019)**

### **ASSESSMENT**

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

- The principle of development;
- The design and visual impact on the character of the area;

- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Sustainability;
- The impact on trees;
- Biodiversity;
- Habitats Regulations;
- Infrastructure contributions;
- Accessibility;
- Other matters; and
- Planning Balance and Conclusion

### **Principle of development**

Policy DP6 of the Mid Sussex District Plan states (in part):

*'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 spatial strategy of the Mid Sussex District Plan is to focus the majority of housing and employment development at Burgess Hill with the remainder of development delivered at the other towns and villages (including Haywards Heath) to support economic, infrastructure and social needs whilst maintaining the settlement pattern. A settlement hierarchy has been developed which Haywards Heath is defined as a Category 1 settlement, i.e. with a comprehensive range of employment, retail, health, education, leisure services and facilities ... [with] good public transport provision and will act as a main service centre for smaller settlements. Within defined built-up area boundaries, development is accepted in principle.

The preamble to Policy DP30 of the District Plan makes clear in respect of C2 uses, *'... provided the scheme makes efficient use of land, any site considered appropriate for housing development would be positively considered for such older person accommodation through the decision making process.'*

The policy itself states (in part):

*To support sustainable communities, housing development will:*

- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots;*

As the site is already in residential use and already benefits from an extant planning permission for a greater amount of residential development than existing, the principle of this development is therefore considered acceptable, in accordance with Policies DP6 and DP30 of the Mid Sussex District Plan.

## **Design and visual impact on the character of the area**

Policy DP26 of the Mid Sussex District Plan 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/center; larger (300+ unit) schemes will also normally be expected to incorporate a mixed-use element;*
- *optimizes the potential of the site to accommodate development.'*

Policy E9 of the Neighbourhood Plan 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 Mid Sussex Design Guide SPD is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles (listed in the section above) to deliver high quality new development that responds appropriately to its context and is inclusive and sustainable.

The Council's Design Review Panel and Urban Designer have considered the scheme from the pre-application to the application stage. Their comments are reported in full in Appendix B but in summary they raise no objection to the scheme.

The Panel made comments during the original consultation period for the application, supporting the scheme on balance, but requesting that the boundary trees are safeguarded and more landscaping provided to soften the impact of the scale of the building. The scheme has been revised subsequently addressing the concerns raised by the Panel and the Council's Urban Designer.

The Urban Designer has reviewed the scheme in response to these amendments. He considers that the impact from Bolnore Road will be reduced, as it will give an appearance of a stand-alone house similar in height and size to others on Bolnore Road and that the remainder of the building is well set back from the frontage. This will be enhanced by a soft landscaping scheme, which also seeks to retain the Norway Maple and the verdant character of the area. The building was repositioned away from the western boundary so addressed the concerns about the impact on the mature vegetation screen there. The entrance is clearly defined with a direct line of view from Bolnore Road, albeit well set back.

The Urban Designer considers that the crisp, contemporary detailing works well with a traditional building shape and roof form and echoes the scale and form of existing houses. Overall, he and the Design Review Panel consider that the proposal is a well-designed building that has been carefully articulated and organised to reduce its apparent scale. Your officers agree with this assessment and accordingly consider that the proposal complies with Policy DP26 of the Mid Sussex District Plan, Policy E9 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD taken as a whole.

## Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

*'All applicants will be required to demonstrate that development:*

- *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)'*

The main properties affected by the proposal would be 21 and 23 Bolnore Road. The latter is currently within the applicant's ownership.

There would be a distance of approximately 15.5m from the proposed building to the side elevation of no. 23, with the new access road between. There are two first floor windows and a ground floor window and door to the side, facing the site. The previously approved scheme was 14m distant in comparison.

The nearest corner-to-corner distance between the proposed building and no. 23 is approximately 32.5m. There will be a minimum distance of approximately 19.6m from the side elevation of the building to the garden boundary. This will be reinforced with hedging and additional tree planting to reduce the impact from overlooking. However, it is considered that the proposed development will not have a significantly harmful impact on the amenities of these occupiers, subject to this additional planting being secured by condition.

There would be a minimum distance of approximately 35m front-to-front towards no. 24 opposite, which is an acceptable relationship and distance (and certainly within an urban area) not to result in any significant loss of privacy or overbearing impact to these occupants.

There would be a minimum distance of approximately 55m from the west elevation of the proposed building to Joan Nightingale House which in any case has an existing footpath with mature trees in between. There would be no adverse impact to these residents.

There is no adverse impact to the south, due to a dense vegetation screen along this boundary, separating the site from Oakwood Court.

As with the consented scheme, the proposed development will introduce parking to the rear of no. 23 and there is the potential for noise and disturbance. However, the proposal for boundary planting will effectively screen the parking area from these existing dwellings and therefore this aspect of the proposal is considered acceptable.

Conditions are imposed to mitigate the impact of demolition and construction on neighbouring residents.

Accordingly, it is considered that the scheme would comply with Policies DP26 and DP29 of the Mid Sussex District Plan.

## Highways matters

Policy DP21 of the Mid Sussex District Plan states (in part):

*'... Decisions on development proposals will take account of whether:*

- The scheme is sustainably located to minimize 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.'*

Policy E8 of the Neighbourhood Plan states:

*'New major development proposals, defined as 10 or more dwellings, 1000sqm floorspace or more, or application sites over 1 hectare, will be required to be designed to support making the town more sustainable by having regard to the following matters when designing the scheme:*

- provision of recycling, including commercial waste within the scheme*

- *submission of details of how the scheme will promote walking, cycling, public transport use and promotion of car sharing*
- *submission of details on how the scheme will manage energy and water use*
- *demonstrate how the scheme would contribute to the improvement of the health and wellbeing of the community.'*

The application has been accompanied by a Transport Statement and Travel Plan. The estimated trip generation would not cause capacity or safety issues on the local road network, and this has been compared to the consented scheme. The Travel Plan includes proposals to reduce the level of traffic and although the Highway Authority consider that the details are not sufficiently specific, this can be conditioned as part of any planning permission.

The Highway Authority further advise that road access to the site can be provided to acceptable standards, the turning space for larger vehicles is adequate and parking for 20 vehicles is considered reasonable for the proposed use. Conditions are recommended to secure the access, Construction Management Plan and Travel Plan.

Accordingly, the scheme would comply with Policy DP21 of the Mid Sussex District Plan and Policy E8 of the Neighbourhood Plan.

## **Drainage**

Policy DP41 of the Mid Sussex District Plan states:

*'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.*

*Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.*

*Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.*

*For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.*

*SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

*The preferred hierarchy of managing surface water drainage from any development is:*

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'*

Policy E7 of the Neighbourhood Plan states:

*'New development proposals will be required to incorporate Sustainable Drainage Systems (SuDS), where practical, as part of the design of new housing and commercial development and indicate how such schemes will be managed and maintained.'*

The Council's Drainage Engineer has advised that the site is within flood zone 1 and is at low fluvial flood risk. The site is not within an area identified as having possible surface water flood risk. Because of the incorporation of a basement level within this development with external access, use of flood management areas in this area may be required. The area has high infiltration potential, so use of permeable paving or soakaways may be possible on site.

The application has been supported by an Outline Drainage Strategy which states that infiltration would be the preferred means of managing surface water drainage on site. However, it also provides details of how surface water would be attenuated and discharged to the public surface water sewer should it be found that infiltration would not be possible on site.

The outline drainage strategy focuses on the discharge to sewer option and states that a maximum of 487m<sup>3</sup> of storage would be required on site to limit discharge to the Greenfield QBar runoff rate for the entire site for all events up to and including the 1 in 100-year storm event, with 40% allowance for climate change.

Surface water drainage can be controlled by means of a condition.

It is proposed that the development will manage foul drainage through gravity fed drains to a pumping station before waste is pumped to the existing main foul sewer beneath Bolnore Road.

Again, this can be controlled by means of condition.

Accordingly, the proposal would comply with Policy DP41 of the Mid Sussex District Plan and Policy E7 of the Neighbourhood Plan.

## Sustainability

Policy DP39 of the Mid Sussex District Plan states:

*'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:*

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

Policy E8 of the Neighbourhood Plan states:

*'New major development proposals, defined as 10 or more dwellings, 1000sqm floorspace or more, or application sites over 1 hectare, will be required to be designed to support making the town more sustainable by having regard to the following matters when designing the scheme:*

- *provision of recycling, including commercial waste within the scheme*
- *submission of details of how the scheme will promote walking, cycling, public transport use and promotion of car sharing*
- *submission of details on how the scheme will manage energy and water use*
- *demonstrate how the scheme would contribute to the improvement of the health and wellbeing of the community.'*

The application has been accompanied by a Sustainability Statement, which proposes the following measures:

- The proposed performance of the building U- values will be beyond the 2010 building regulations.
- The building will have high-efficiency artificial LED lighting with automatic control strategy for internal spaces to maximise the energy saving.
- All sanitary wares will be high-efficiency, low water flows to reduce the water demand and hot water system energy consumption.
- The mechanical ventilation will be with high efficient fans to reduce the ventilation system energy consumption and will be provided with a high-efficiency heat recovery system that recovers the heat during the winter and allow for free cooling during summer.

- The building will have a centralised, high-efficiency, gas condensing boiler plant for heating and domestic hot water. The system can be integrated with renewable technologies such as thermal solar panels which can provide the hot water requirement very effectively during summer.
- The building location, use and demands (especially the high domestic hot water demand) lead the renewable technologies feasibility as described in section 6 of this report.
- The proposed central heating system can be integrated with renewable technologies such as thermal solar panels which can provide the hot water requirement very effectively during summer.
- The proposed central heating is adaptable and can be connected to a future low/zero carbon district heating network without major impact on the whole system.

In addition, a dedicated refuse/recycling store is located to the south-east of the building.

These measures can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan, Policy E8 of the Neighbourhood Plan and paragraphs 153 and 154 of the NPPF.

### **Impact on trees**

Policy DP37 of the Mid Sussex District Plan states:

*'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

*Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.*

*Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.*

*Trees, woodland and hedgerows will be protected and enhanced by ensuring development:*

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*

- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

*Proposals for works to trees will be considered taking into account:*

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

*The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.*

*Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'*

The application has been accompanied by an Arboricultural Report, which has been revised in response to the Council's Tree Officer's comments. The Report states that the proposals will require the loss of 11 trees/mature shrubs (all Category C), 3 groups of mixed shrubs/small trees (all Category C) and 4 hedgerows (all Category C). No Category A or B removals are necessary. 16 replacement trees are proposed, together with several other landscape enhancements.

The significant boundary vegetation to the site will be retained, as all the removals will be internal to the site. In particular, the mature Norway Maple (T1) at the front of the site, will be retained. This is a Category C1 tree, described as being in a poor structural condition and fair physiological condition. However, some Members may be aware from considering the previous application on this site at committee on 22 November 2018 of the following paragraph within the committee report:

*'The only area of concern was a large mature tree to the front of the site, a Norway Maple which was to be felled as it was close to the new access to the site. Unlike the other trees to be felled, the Norway Maple tree is highly visible to the public views and makes a significant contribution to the street scene and character of the area. Following negotiation the tree is now to be retained and a 'no dig' construction method to be used for this section of the access.'*

While it is noted that the site is not within a Conservation Area and that there are no trees subject to TPOs, the removal of this Norway Maple would have a detrimental impact on the street scene, therefore its retention is welcomed. This will be located immediately adjacent to the proposed access and the Arboricultural Report sets out how this will be achieved: by use of a Root Bridge System - a steel framed

construction that bridges the root protection area of the tree, which ensures a no-dig, no-concrete and no-compaction solution. Beforehand, the soil closest to the tree will need to be displaced using a compressed air lance to expose the size, number and depth of roots within the existing driveway to inform the detailed engineering design and construction. The Council's Tree Officer has confirmed that this can be secured by way of a pre-commencement condition.

The Council's Tree Officer has also confirmed that a detailed proposed landscaping plan and protection measures can be submitted by way of a pre-commencement condition. Therefore subject to these measures and to adherence with the contents of the Arboricultural Report, the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

## **Biodiversity**

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 (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the Mid Sussex District Plan 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*
- *Minimizes habitat and species fragmentation and maximizes 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.'*

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 states:

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

- 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;*
- 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;*
- 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 reasons and a suitable compensation strategy exists; and*
- 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.'*

An Extended Phase 1 Habitat Assessment has been submitted as part of this application, including a Bat Scoping Assessment and Great Crested Newt Habitat Suitability Index Survey. The building at 25 Bolnore Road was assessed as a confirmed Bat roost, with previous ecological surveys confirming the presence of a day roost for 3 Bat species. Great Crested Newts are present in the wider landscape and habitat removal may have a detrimental impact on the local population. The disused swimming pool on the site is considered unsuitable but does act as an opportunity for DNA samples to be analysed, as it would have been used if GCNs had been present on the site. This can be done between April and June. If this sampling confirms absence from the swimming pool, then it is unlikely that GCNs are

frequently present within the site and as such no further surveys or mitigation will be required. However, if they are found to be present, then there is a significant risk that they will be present within the development area and at risk of injury or killing. As such, a GCN mitigation strategy will be required to minimize the risk of harm. They may require a Natural England License which may require further surveys to confirm the population size.

A Bat Survey Report (February 2021) has been submitted in response to the Extended Phase 1 Habitat Assessment. Hibernation surveys found no evidence of hibernating Bats at 25 Bolnore Road. However, as previous nocturnal surveys in 2017 and 2020 found 5-day roosts, the proposed demolition of this building will only be able to proceed under license from Natural England. The mitigation strategy is set out within this report in order to minimize the impact of the development on roosting Bats, and a sensitive lighting scheme is included to avoid illuminating areas of most value to Bats. Mitigation measures include the installation of 3 Bat boxes prior to demolition - on a mature tree in a sheltered location at least 3m above the ground. In addition, a single Bat box should be installed on a tree at a height of 2m above ground to move relocated Bats to during demolition. All this shall be carried out under Ecologist supervision and timing during September to April, plus provision of 6 additional permanent replacement roost features into the new building (3 integrated crevice Bat boxes, 2 integrated cavity Bat boxes and 1 externally mounted hibernation roost box) and 2 long eaves spaces (minimum 10m long and 1.4m tall and 1.7m wide). Overall, these measures are intended to provide more roost features than the number previously existing on site.

Additional opportunities for biodiversity enhancement include provision of Bird boxes, House Sparrow nest boxes, Hedgehog boxes/corridors, Invertebrate boxes, Bug houses, additional tree and shrub planting, development of informal scrub areas, log piles, a diverse range of trees in the proposed orchard.

The Council's Ecological consultant has raised no objection to the proposal, subject to adherence to the measures set out in both the reports referenced above, which can be secured through condition. Therefore the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 175) and the legislation outlined above.

### **Impact on 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 the 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.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

#### Atmospheric pollution

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

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Site Allocations DPD, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

#### Conclusion of the Habitats Regulations Assessment screening report

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 contributions

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

*'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:

*'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.'*

Policy DP20 of the Mid Sussex District Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the signing of a legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

On 25 July 2018 the Council adopted a Supplementary Planning Document on Development Infrastructure and Contributions, which sets the amount of contributions. As set out in the consultation responses by MSDC Leisure and WSCC Infrastructure, this proposal does not trigger any requirement for contributions towards education facilities, outdoor playspace, formal sport or community buildings - only library and transport contributions. A fire hydrant is secured by condition.

The applicant is progressing a Section 106 Legal Agreement to contribute towards local and county infrastructure, as set out below:

### *County Council Contributions:*

Education - Primary	N/A
Education - Secondary	N/A
Education - 6th Form	N/A
Libraries	£10,654
Waste	N/A
Fire & Rescue	N/A
No. of Hydrants	1
TAD	£59,404

*District Council Contributions:*

Equipped play	N/A
Kickabout facilities	N/A
Formal sport	N/A
Community Buildings	N/A

Local Community Infrastructure N/A

TOTAL £70,058

A draft undertaking is being progressed and, if satisfactorily completed, would meet the above policies and guidance.

**Accessibility**

Policy DP28 of the Mid Sussex District Plan states (in part):

*'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.'*

*This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.'*

It is considered that the resultant accommodation would provide a high standard of accessibility for the occupiers.

**Other matters**

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

**CONCLUSION**

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

National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

As the site is already in residential use and already benefits from an extant planning permission for a greater amount of residential development than existing, the principle of this development is therefore considered acceptable.

Weighing in favour of the scheme is that the development will provide specialist accommodation in a sustainable location and this should be given positive weight. If permitted, the Local Planning Authority would receive financial contributions towards local infrastructure (libraries and transport).

Weighing against the scheme is the loss of an existing arts and crafts dwelling. However, this building is not listed, nor is the site within a conservation area.

There will be a neutral impact in respect of a number of issues such as the design, neighbouring amenity, highways, parking, landscaping, drainage, sustainability and biodiversity.

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

For the above reasons, the proposal is deemed to comply with Policies DP1, DP6, DP17, DP20, DP21, DP26, DP28, DP29, DP30, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E7, E8 and E9 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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## **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.

### **Approved Plans**

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans Referred to in Consideration of this Application'.

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

### **Pre-commencement conditions**

3. No development shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls, fenestration and roofs of the proposed building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

4. No development shall commence until section and elevation drawings at a scale of 1:20 have been submitted to and approved in writing by the Local Planning Authority showing the chimney stack, balustrading, brick detailing, building entrance and curtain wall glazing shown in context with the facades. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure these aspects of the development are compatible with the design of the building and the character of the area and to accord with Policy DP26 of the Mid Sussex District Plan.

5. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development, plus details of replacement tree, shrub and hedge planting (size, species, maintenance and aftercare (planting, support and feeding)), and these works shall be carried out as approved and in accordance with the Arboricultural Report by Tim Moya Associates (ref: 200121-PD-11d, dated March 2021). The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

6. 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 DP41 of the Mid Sussex District Plan and Policy E7 of the Haywards Heath Neighbourhood Plan.

7. No development shall take place until details of the existing and proposed site levels, including retaining walls, 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 amenities of adjacent residents or the appearance of the locality and to accord with Policy DP26 of the Mid Sussex District Plan.

8. 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. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:

- 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 and to comply with Policies DP21 and DP26 of the Mid Sussex District Plan and Policy E8 of the Haywards Heath Neighbourhood Plan.

9. No development shall commence until a method statement and site plan are submitted detailing all measures required to mitigate and compensate impacts on wildlife and incorporate features to enhance biodiversity are submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

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

### **Construction phase**

10. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

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

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

Saturday: 09:00 - 13:00 hrs

Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

### **Pre-occupation conditions**

12. No part of the development hereby permitted shall be occupied until details of proposed boundary screen walls/fences/hedges have been submitted to and approved in writing by the Local Planning Authority and until such boundary screen walls/fences/hedges associated with them have been erected or planted. The boundary treatments approved shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and protect the amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan.

13. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing TB15694-GA-001.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

14. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented. 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 comply with Policy DP21 of the Mid Sussex District Plan.

15. The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan and Policy E8 of the Haywards Heath Neighbourhood Plan.

16. The development hereby permitted shall not be first occupied 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) has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. Prior to first occupation of this development, the applicant shall 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 in accordance with Policy DP20 of the Mid Sussex District Plan and in accordance with The Fire Services Act 2004.

### **Post-occupation monitoring / management conditions**

17. No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans. These facilities shall thereafter be retained for their designated use.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with Policy DP21 of the Mid Sussex District Plan.

18. The refuse/recycling storage area shall be implemented in accordance with the approved plans and made available for use prior to the first occupation of the dwellings at all times thereafter.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan and Policies E8 and E12 of the Haywards Heath Neighbourhood Plan.

19. The recommendations set out in the Preliminary Ecological Appraisal by Tim Moya Associates (ref: 200121-ED-01a, dated April 2020) and Bat Survey Report by Tim Moya Associates (ref: 200121-ED-03b, dated February 2021) shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with the NPPF requirements and Policy DP38 of the Mid Sussex District Plan.

20. The lighting scheme installation shall conform to that plan submitted by Ramboll, dated 19th August 2020, reference 1620009452, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents and in the interests of the biodiversity of the site, and to comply with Policies DP26, DP29 and DP38 of the Mid Sussex District Plan.

### **INFORMATIVES**

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. 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.

3. 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](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
  - Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800-1800hrs; Saturdays 0900-1300hrs; No construction/demolition work on Sundays or Public Holidays.
  - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
  - No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

#### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Location Plan	01-001		25.09.2020
Existing Site Plan	02-001		03.09.2020
Proposed Site Plan	02-101	A	12.03.2021
Proposed Floor Plans	03-101	C	12.03.2021
Proposed Floor Plans	03-102	D	29.03.2021
Proposed Floor Plans	03-103	D	29.03.2021
Proposed Floor Plans	03-104	D	29.03.2021
Proposed Roof Plan	03-105	C	12.03.2021
Existing Sections	04-001		03.09.2020
Existing Sections	04-002		03.09.2020
Proposed Sections	04-101	B	12.03.2021
Proposed Sections	04-102	B	12.03.2021
Existing Elevations	05-001		03.09.2020
Existing Elevations	05-002		03.09.2020
Existing and Proposed Elevations	05-003		03.09.2020
Proposed Elevations	05-101	E	29.03.2021
Proposed Elevations	05-102	C	29.03.2021
Sections	DT-010		03.09.2020
Sections	DT-011	b	12.03.2021
Sections	DT-012	b	12.03.2021
Lighting Layout/Light Pollution	00002		03.09.2020
Landscaping Details	2001-LP-01	F	12.03.2021
Landscaping Details	2001-LP-02		03.09.2020
Landscaping Details	2001-LP-03		03.09.2020
Landscaping Details	200121-LP-04	b	12.03.2021
Other	200121-PD	11d	12.03.2021
Design and Access Statement	WP-PP-03	March 2021	12.03.2021

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

The Town Council SUPPORTED the amended application because the building mass had reduced thus making the boundaries suitable and the view from Bolnore Road less intrusive. As a result, all of the issues outlined by the Town Council in its original objection were deemed to have been addressed. As a further note, the Town Council also stated that the development must have a robust Construction Management Plan to manage delivery/lorry stacking, hours of work, contractor parking and wheel washing to reflect and mitigate the effect on Bolnore Road, which is a very busy road.

If any Section 106 contributions for this project for Community Infrastructure were forthcoming, it was requested that they be allocated to the Woodside Pavilion.

### **MSDC Consultant Ecologist**

Further to my previous comments and subsequent submission of the updated bat survey report incorporating hibernation survey results, I am satisfied that there is now adequate information to rule out likely hibernation roosts. Whilst the proposals will involve the loss of summer roosts, these are assessed to be of relatively low conservation significance and, subject to MSDC considering consent to be in the public interest in all other respects, I would anticipate a licence being granted by Natural England.

The updated bat survey report contains clear mitigation and compensation proposals whilst the suggested enhancements in respect of other species within the preliminary ecological appraisal report are generic options rather than firm proposals. There are mitigation recommendations in respect of other species, but I would recommend that these elements are all brought together in a single concise method statement and plan for reference on site to avoid essential requirements getting overlooked during demolition or construction. Therefore, if consent is granted, the following condition is recommended:

No development shall commence until a method statement and site plan are submitted detailing all measures required to mitigate and compensate impacts on wildlife and incorporate features to enhance biodiversity are submitted and approved in writing by the local planning authority.

The approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

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.

### **MSDC Contaminated Land Officer**

No Comment.

### **MSDC Design Review Panel (22 October 2020)**

It was agreed this scheme was a significant improvement upon the pre-application proposal and the panel felt the elevations had now been successfully articulated with the more fragmented façades succeeding in providing more elevational interest and breaking down the scale of the building. The front entrance is now better positioned where it will be visible

from Bolnore Road. The drainage issues appear to have been addressed (subject to the assessment of the Council's drainage engineer).

The panel nevertheless still have some concerns. The double-gabled flank elevation on the south west corner of the site (and featured in the perspective view of the rear elevation) is punctuated by a glazed projection that appears to incongruously overlap the main building face; it consequently appears unresolved and is likely to generate weathering problems and will be both costly and difficult to detail. These issues also risk undermining the quality of the finish and this element therefore needs to be re-designed. There was a comment that the wide double dormers had a heavy appearance, but this was not shared by everyone.

There were differences of views amongst the panel in respect of the building's footprint with some feeling that intensifying the site was an appropriate approach believing it should still be possible to create small well-landscaped spaces around the building.

Other members felt the building was still too big and it consequently looked too tight on the site with limited space for landscaping and outside amenity for the residents (conversely, the amount of parking also appeared insufficient). For instance, on the east side, the turning circle in the drop off area appears to be touching the building and bedroom windows leaving no defensible/privacy space. The space around the building was criticized for appearing to be more a pathway than a terrace. There were also concerns that the retaining structure on the western boundary may impact upon tree T13. T12 and T30 also look vulnerable.

Sustainability has still not been satisfactorily considered which is especially a concern because of care home's significant energy requirements. It is unclear where the air source heat pump will be positioned and there appears to be insufficient space on the roof for both solar thermals and PV's to be incorporated in enough quantity. The detailed section also indicates there is limited space for insulation.

#### Overall Assessment

On balance, the panel support the scheme subject to the existing boundary trees being retained/safeguarded and providing changes are made that allow for more soft landscaping to mitigate the size of the building. The south-west corner flank elevation needs to be reviewed and a well-worked sustainability strategy is also required that demonstrates it is fully integrated with the overall design.

#### **MSDC Drainage Engineer**

##### 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 not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

The proposed development incorporates a basement level with external access. We would advise the applicant to consider the potential flood risk associated with sunken basement access points. Use of flood management measures at basement level may be required.

## 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.

The application has been supported by an Outline Drainage Strategy which states that infiltration would be the preferred means of managing surface water drainage on site. However, it also provides details of how surface water would be attenuated and discharged to the public surface water sewer should it be found that infiltration would not be possible on site.

The outline drainage strategy focuses on the discharge to sewer option and states that a maximum of 487m<sup>3</sup> of storage would be required on site to limit discharge to the Greenfield QBar runoff rate for the entire site for all events up to and including the 1 in 100-year storm event, with 40% allowance for climate change.

We would advise the applicant that investigations should be undertaken into the potential for the use of infiltration as a means of drainage as part of the detailed drainage design. However, should infiltration not be possible on the site then runoff should be restricted to the Greenfield QBar rate for the positively drained area, or a rate agreed by Southern Water.

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 manage foul drainage through gravity fed drains to a pumping station before waste is pumped to the existing main foul sewer beneath Bolnore Road.

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.

## **MSDC Environmental Protection Officer**

The current information submitted shows that the lighting scheme will confirm to E2 lighting conditions pre-curfew in line with Guidance Note 1 for the reduction of obtrusive light 2020. The 2011 guidance previously stated that were no curfew had been stated by the local authority, a curfew of 23:00 hours was recommended.

A condition should therefore be attached with regards to ensuring the lighting scheme is installed as detailed. While it could be argued that the lighting should be timed condition, given it is only the lux levels to the north that would go over the post curfew levels marginally, where there is already street lights and trees that have not been factored in, it is not seen as a necessary condition.

Given the proximity of nearby existing residents to the application site, there is a concern with regards to the impact of the construction work which will produce a certain level of noise. Conditions are therefore recommended in order to try and minimise the impact as far as reasonably practicable.

Recommendation: Approve with conditions

1. The lighting scheme installation shall confirm to that plan submitted by Ramboll, dated the 19th August 2020, reference 1620009452. Any changes to be agreed with LPA.
2. Construction hours: Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
  - Monday to Friday: 08:00 - 18:00 Hours
  - Saturday: 09:00 - 13:00 Hours
  - Sundays and Bank/Public Holidays: no work permitted
3. Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:
  - Monday to Friday: 08:00 - 18:00 hrs
  - Saturday: 09:00 - 13:00 hrs
  - Sundays and Bank/Public Holidays: None permitted
4. No burning materials: No burning of demolition/construction waste materials shall take place on site.

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

## **MSDC Housing Enabling Officer**

The applicant is currently proposing a C2 residential care home which will accommodate 67 en-suite bedrooms along with a range of support facilities. As a result an affordable housing requirement would not be triggered. If however the building subsequently falls within a C3 use 30% affordable housing will be required.

## **MSDC Leisure Officer**

Thank you for the opportunity to comment on the amended plans submitted on 12 March.

As the use has not changed and this will be a residential care facility, there is no requirement for financial contributions toward leisure infrastructure and I have nothing to add to my previous comments.

i.e.

As this is a residential care home providing specialist accommodation for older people there is no requirement for contributions toward outdoor playspace, formal sport or community buildings.

## **MSDC Street Naming and Numbering Officer**

Weekly list date: 24 Sep 2020 to 30 Sep 2020

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Informative (Info29)

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 advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

Planning applications requiring SNN informative:

DM/20/3310

## **MSDC Tree Officer**

Broadly from an arboricultural perspective I am happy with the proposed development, largely due to the revised positioning of the building relieving the pressure and possible negative impact on the boundary trees particularly on the western boundary.

There are a few issues that I have previously pointed out that I believe are still outstanding:

Landscaping proposal:

A proposed landscape plan has been submitted showing locations of new trees, which in essence is suitable. There are indications of planting ideas within the DAS, but I cannot find the detailed specifications of trees to be planted. Please can these be submitted. A maintenance plan is included within the DAS, but I would like to see included the added point that should any trees die/ be damaged within the first five years after completion they should be replaced like for like (Note: page 69 of the DAS - last bullet point cuts off mid-sentence?)

Detailed landscaping specifications would be acceptable as a pre commencement condition if necessary.

Impact on T1 - Proposed entrance:

The proposed entrance over the root zone of T1 continues to be an issue of concern.

Following concerns regarding the impact of the proposed entrance adjacent to T1 a feasibility assessment has been undertaken, concluding that an investigation to uncover the driveway using a compressed air lance and provide the necessary engineering details to provide a solution that incorporates a mixture of cellular confinement systems, steel plates and the Green Grid System is required.

The feasibility of constructing the drive is deemed acceptable (within the arboricultural report) and it is noted that further investigation work will be required to provide a detailed construction and design for this proposed entrance. The details of the design and construction for the proposed entrance should be submitted and agreed prior to commencement of the project.

I have previously noted that these details may be acceptable as a pre commencement condition, however it would be preferable to have these details submitted as soon as possible in order to agree a solution that will not detrimentally impact the long term health of the tree.

Protection measures:

As per my previous comments:

As indicated in section 4.23 of the report the site compound and construction access has not yet been designed. This should be agreed and shown on the Tree Protection Plan prior to the works commencing as outlined in the report, to ensure the tree protection measures are correctly installed.

The Tree Protection Plan (TPP) should include details of temporary ground protection (see s.7.8 of report) particularly around T12, T13 and T14. Furthermore, once the design of the main entrance has been agreed the TPP will need to be updated to ensure the protection around T1 (and T2) is clarified.

In addition to the above issues I would request that the contents of the arboricultural report and the DAS (with regard to trees) are fully adhered to throughout the development.

Providing the above issues are addressed I would not object on arboricultural grounds to the proposed (as revised) development.

## **MSDC Urban Designer**

Layout

The overall building footprint is similar to the consented scheme, both in terms of its position on the site and its overall extent, but it has been designed as a single building, rather than multiple buildings. The Bolnore Road frontage has been designed to give it the appearance of a stand-alone house that is a similar size and height as the other houses along Bolnore Road (and the house that it will replace).

The rest of the building will be less apparent from Bolnore Road as it is set back behind the street frontage and will only be visible between the gap in the building frontages where the site entrance will be.

The recent amendments involve more soft landscaping and tree planting that will soften and screen the elevations and the front forecourt parking area. The vehicle entrance has been carefully designed to enable the retention of the existing Norway Maple and other street trees that will continue to give this part of the Bolnore Road a mature verdant character that along with supplementary planting along the front boundary will allow the scheme to comfortably sit within its street context.

The revised scheme involves a small reduction in the overall size and footprint of the building but crucially the changes involve the reconfiguring and repositioning of the building away from the western boundary in response to concerns about the impact upon the trees and the environment around the adjacent footpath. I previously expressed concerns about the size of the building when viewed from the footpath; this would still be a problem but for the fact that this elevation will now be largely screened by the retained trees and shrubs along the western boundary. This has been achieved by setting-back the west elevation and its raised terrace that provides additional space to safeguard the existing trees, shrubs and undergrowth and consequently the rural character of the footpath will also be maintained.

Additional trees are also proposed at the junction of Bolnore Road and the footpath that should screen the development from this vantage.

In response to the DRP's criticism of the pre-application scheme, the building entrance now faces Bolnore Road and the revised drawings have improved the threshold by incorporating soft landscaping on both sides and providing a generous lobby area.

#### Elevations

The architectural approach has focussed on subdividing all the facades into a series of vertically proportioned bays that are further articulated through projections and recesses. I agree with the DRP's assessment that *'the elevations have now been successfully articulated with the more fragmented façades succeeding in providing more elevational interest and breaking down the scale of the building.'*

Overall, the crisp contemporary detailing works well with a traditional building shape and roof form and sensibly avoids a pastiche interpretation of the original building. The Bolnore Road frontage is especially successful in echoing the scale and form of the existing houses, as it follows the ridge and eaves line of its neighbours, and benefits from a subdivided frontage. Other traditional features including chimneys and dormer windows have been reinterpreted in a modern idiom to further help ingrain the building with the existing street frontages. The use of local / natural facing materials (including clay hung tiles) also responds to the character of the existing street and is employed in all the facades.

The quality of the detailing is demonstrated in the detailed sections which have been helpfully included in the drawing package. These feature hidden gutters that will help enable a crisp, clutter-free facades; the details also show deep window reveals that will give the façade a sense of structural depth and increase the play of light and shade. I would recommend these details are included in the list of drawings which are subject to approval.

In addition to this, I would also like a condition to be included that requires the details of the chimney stack, balustrading, brick detailing, building entrance and curtain wall glazing.

The revised drawings have produced some changes, most significantly this has involved the south west corner flank elevation which the DRP previously felt was unresolved. It now benefits from a clearly structured double gable that integrates well with the rest of the elevations by echoing the arrangement of the other flank returns.

## Summary and Overall Assessment

The proposed development is significantly bigger than the existing houses along Bolnore Road. However, the principle of the loss of the existing house at no.25 and the comprehensive redevelopment of the site has been accepted with the previous planning consent (DM/18/1274). While this scheme is a single structure rather than a series of buildings, the overall development footprint is similar to the consented scheme. Both the DRP and I feel it is a well-designed building that has been carefully articulated and organised to reduce its apparent scale. It successfully responds to the character of the existing houses by reinterpreting traditional features. The revised drawings have employed more soft landscaping in and around the front parking court and pulled the building away from the western boundary. The latter will ensure the existing tree belt and shrubs will be retained and together with the retained trees on the street frontage and the rear boundary, the development will generally be well screened and softened from most vantages. For these reasons, I withdraw my objection to the planning application as it now sufficiently accords with the design principles in the Council's Design Guide and policy DP26 in the District Plan. To secure the quality of the design, I would nevertheless recommend conditions requiring the submission and further approval of the following drawings and information:

- Detailed hard and soft landscaping including boundary treatment and retaining walls.
- Details of the facing materials.
- 1:20 scale sections and elevations of the chimney stack, balustrading, brick detailing, building entrance and curtain wall glazing shown in context with the facades.

## WSSC Lead Local Flood Authority

Thank you for consulting with us.

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

We have no further comments to submit following our submission of 22nd October 2020.

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

## WSSC Highways

**7 April 2021:** The Local Highway Authority (LHA) note the changes to the layout plan as outlined under drawing 02-101 rev A and would not have any concerns that would warrant a change in recommendation from our last comments from the 23rd October 2020.

**21 October 2020:** The highway authority has no objection to the proposed use.

The authority has reviewed in detail the following documents:

- Transport Statement dated 27 August 2020
- Travel Plan dated 27 August 2020
- Email from a local resident dated 15 October 2020.

Various other documents and drawings have been used as background information.

Table 5.1 of the transport statement (TS) shows that the estimated vehicle trip generation of the proposal is not such that would cause capacity or safety issues on the local road network. Totals of 12 site vehicle movements between 08:00 and 09:00 and 10 site vehicle movements between 17:00 and 18:00 are shown in the table.

For comparison, the TS also includes estimates for vehicle trips on the current approved use on the site. Estimated traffic for the care home is rather higher than that for the sheltered housing, but is still well within the capacity of local roads and junctions.

The level of traffic is not such that an improvement to the junction of Bolnore Road and Butlers Green Road can be justified. Proposals for and questions about junctions should be made to start with via: <https://www.westsussex.gov.uk/roads-and-travel/make-an-enquiry-about-a-road-or-pavement/>

However, the travel plan does include proposals to reduce the level of traffic due to the development even further. It would be helpful if the travel plan could include more specific information related to the development, e.g. how staff are expected to travel to and from work, a named travel plan coordinator. At present the plan is too generic. Further details of the highway authority's expectations on travel plans can be found at: <https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainable-transport/travel-plans/>. A condition is suggested to cover these matters.

Road access to the site can be provided to accepted standards, as demonstrated in drawing TB15694-GA-001. A formal highway agreement will be needed in order to construct the access, which is proposed in crossover form. The site is within reach of bus and train services, and access on foot and by bicycle is straightforward.

The parking proposal in the TS is for 20 spaces, and this appears reasonable for the proposed use. Space for turning larger vehicles is adequate.

## Conditions

### Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing TB15694-GA-001.

Reason: In the interests of road safety.

### Construction Management Plan

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:

- 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

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

#### **WSSC Infrastructure**

The amount of parking can be difficult to ascertain on a property, but I've had a look at aerial photos of 25 Bolnore Road and I'm happy to accept that it could accommodate two parking spaces. So, I've added this to our calculator and it does reduce the Highways (TAD) element of the contribution requirements slightly (attached) and we now have:

Libraries: £10,654

Transport (TAD): £59,404

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 firefighting 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 67 net dwellings, and an additional 20 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) 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 contributions generated by this proposal shall be spent on providing additional stock at Haywards Heath Library.

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

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

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

### **WSSC Minerals and Waste**

West Sussex Joint Minerals Local Plan (July 2018)

The site is not located within an identified mineral safeguarding area, and therefore no mineral sterilisation would occur as a result of the development. Therefore the MWPA would offer no objection to the proposed development on these grounds.

West Sussex Waste Local Plan (April 2014)

There are no identified waste operators or waste infrastructure within a proximity to the development that would have their operations prevented or prejudiced as a result of proposal. The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23).

### **West Sussex Fire & Rescue Service**

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSSC 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.

### **Environment Agency**

To be reported.

### **Southern Water**

Thank you for your letter dated 22/03/2021.

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 adequate protection to basements from the risk of flooding.

All other comments in our response dated 04/11/2020 remain unchanged and valid for the amended details.

### **Sussex Police**

Thank you for your recent correspondence of 19th March 2021 advising me of an amended planning application for the demolition of 25 Bolnore Road and garage to 23 Bolnore Road, and the erection of a 67 bedroom residential care facility, with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment (Amended plans received 12 March 2021) 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 amended application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

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.

I have concluded that no further crime prevention advice is required. My previous comments within correspondence PE/MID/20/11/A dated 22/10/2020 remain extant.

I thank you for allowing me the opportunity to comment.