

From: Andrew Clarke
Sent: 27 March 2025 15:54:54 UTC+00:00
To: "'danny.barker@bsclimited.co.uk'" <danny.barker@bsclimited.co.uk>
Subject: RE: DM/24/1623 - Hurstpierpoint College
Attachments: EOT.pdf

Dear Danny,

Thanks for the email and apologies for the delay in responding. Whilst I note your comments I retain significant concerns regarding the application and the inconsistent approach and mitigation being proposed.

Firstly the Arboricultural Assessment submitted with the application states categorically that harm has likely to been caused to the trees by virtue of the unauthorised development. The contents of this report is given significant weight and whilst the anecdotal observations of the groundkeeper are noted, this would not outweigh the evidence submitted with the application. The comments of the Conservation Officer are also noted and that less than substantial harm is attributed to the loss of the more open frontage of the college. Whilst some public benefit may be attributed to the development in supporting the school this would not outweigh the harm identified. It is therefore considered the development would be contrary to policies DP26, DP34 and DP37 of the Mid Sussex District Plan. Were the application to be prospective I am clear it would be refused.

I note the circumstances around the application, however, and that if a suitable mitigation strategy or planning condition could be imposed then this could be a material consideration afforded some weight. Unfortunately the proposed mitigation and planting are proposed is unclear and unacceptable. Previous ecological enhancement have been mentioned but pre-date and are unconnected with the unauthorised development and whilst the original proposal sought four to six new trees, this now has now been reduced to two Holm Oaks planting outside of the affected area (and outside of the red line of the application site), some hedgerow enhancement and grassland to the front of the site. Notwithstanding concern remains surrounding the planting of non-native species, the proposed mitigation does not address the concerns regarding the impact upon the long term character and appearance of the area by virtue of the damage to and potential loss of trees and space important to the character of the area and the listed building. It is also noted that much of the planting and mitigation scheme lies outside of the red line of the application site and therefore could not be secured or controlled by planning condition.

The proposed mitigation is therefore not considered acceptable and would not overcome the harm identified.

It is therefore my intention to recommend refusal for the planning application for the reasons outlined above. Should the application be refused then consideration will be given to the expediency of enforcement action to remedy the harm to amenity.

I'm happy to accept any final comments you wish to make and a decision on the application is likely to be made by 4th April 2025. I have attached an Extension of Time Request to cover this extended period which I'd appreciate your agreement to.

Should you wish to discuss the matter do please let me know.

Kind regards

Andy Clarke BSc (Econ), PGDip
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From: danny.barker@bsclimited.co.uk <danny.barker@bsclimited.co.uk>
Sent: 19 March 2025 14:33
To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Subject: RE: DM/24/1623 - Hurstpierpoint College

Dear Andrew,

We acknowledge the concerns regarding the potential loss of mature oaks. The Arboricultural Impact Assessment submitted with the application was undertaken after the development. However, the groundkeeper, who has been actively monitoring the site throughout the works, has confirmed that no damage has been caused to the existing oaks. The decision to plant *Quercus ilex* was made as a considered enhancement to the landscape rather than as direct mitigation for lost trees. The trees are located outside the Root Protection Zones (RPZ) of the existing trees.

Given the existing presence of *Quercus ilex* on-site, the newly planted specimens complement and reinforce the established planting, ensuring continuity in both visual character and ecological function. *Quercus ilex* is a resilient species, well-suited to the site's conditions, offering year-round canopy cover, supporting biodiversity, and contributing to long-term landscape stability. Furthermore, its ability to withstand climate change pressures, including drought and soil variability, makes it a sustainable choice for future-proofing the landscape. Given these considerations, the selection of *Quercus ilex* offers a pragmatic solution that maintains both biodiversity value and functional landscape management.

The client's requirements prioritise maintaining the landscape in a neat and tidy condition, ensuring that key spaces, particularly the front approaches to the main buildings, are kept as well-maintained lawns. While wildflower areas may offer aesthetic and ecological benefits, they are impractical in this setting due to maintenance challenges and the functional needs of a school environment. Open spaces must support free movement, sports activities, and pupils retrieving balls, without obstructive or overgrown vegetation. Notably, feedback during 'No Mow May' highlighted concerns that such areas appeared unkempt rather than flourishing, reinforcing the necessity for a structured and manageable landscape approach. The applicant has a broader biodiversity master plan, elements of which are already in progress.

The proposed biodiversity mitigation measures focus on hedgerow enhancement, tree planting, and the creation of a species-rich grassland. These measures align with ecological goals and are practical within the school setting. Additionally, two other enhancement strategies were explored but deemed unsuitable due to site constraints and maintenance challenges.

The newly planted trees will integrate naturally with the landscape, supporting the broader ecological framework while enhancing the visual and functional aspects of the area.

Please find attached proposed mitigation Hedge Enhancement, Grassland and Tree Planting and Habitat Management and Monitoring Plan.

Please do let me know if you would require any further information or amendment.

Kind regards

Danny

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From: Andrew Clarke
Sent: 10 March 2025 16:55
To: 'danny.barker@bsclimited.co.uk'
Subject: RE: DM/24/1623 - Hurstpierpoint College

Hi Danny,

Thanks for the email and apologies for the delay addressing this matter. I had been detained with other matters but can now return to this application.

Referring back to your email of 21st January and proposed replacement planting, whilst your comments are noted, any previous planting wouldn't address the concerns relating to the potential loss of prominent trees which are considered highly important to the character and setting of the site. This planting wouldn't therefore be considered to mitigate the harm should these trees die or be removed in future. The proposed future planting of four *Quercus ilex* is also noted, but would not be considered acceptable on the basis that *Quercus ilex* is not a native species of Oak (its planting is actively discouraged) and the location is within the RPA and adjacent to the existing T4. Therefore the proposed additional planting wouldn't be considered acceptable either. We would therefore require revised planting plans to address this issue.

WRT to the impact upon the heritage asset, your email of 9th Jan suggests enhancing hedgerow planting. Can this be elaborated on please? Where and what sort of enhancement would be envisaged?

I note your comments regarding the work complying with BS5837, however, the Arboricultural Impact Assessment submitted with the application does conclude the loss of the RPA will result in the decline of the trees and that the damage is irreversible. Therefore I do retain significant concerns regarding the application and suffice to say that were this application prospective it would, in my opinion, be unlikely to be supported. I note, however, that the damage has been done and therefore the Council would need to see, and secure, considerable mitigation and improvements to overcome the harm caused and non-compliance with the development plan policies.

If you could provide any additional proposals and information in the next 10 days it'd be appreciated with a view to determining the application by the end of the month.

Should you wish to discuss the matter do please let me know.

Kind regards

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From: danny.barker@bsclimited.co.uk <danny.barker@bsclimited.co.uk>
Sent: 03 March 2025 12:30
To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Subject: RE: DM/24/1623 - Hurstpierpoint College

Dear Andrew

I trust you are well.

May we have an update on the progress of this application.

Should you require any additional information or clarification, please do not hesitate in contacting me.

Kind regards

Danny

From: danny.barker@bsclimited.co.uk <danny.barker@bsclimited.co.uk>
Sent: 21 January 2025 13:26
To: 'Andrew Clarke' <Andrew.Clarke@midsussex.gov.uk>
Subject: RE: DM/24/1623 - Hurstpierpoint College

Dear Andrew,

Thank you for your email.

I would like to clarify the point regarding the trees planted along Chalkers Lane. I discussed this matter with the applicant and further consulted with the grounds manager. It appears the trees were part of a planting scheme involving 100 saplings under the "Plant a Tree" initiative, which was organized as part of the Queen's Platinum Jubilee celebrations. Unfortunately, I have been advised that the saplings planted along Chalkers Lane did not survive.

To address this, the grounds manager has proposed the mitigation of planting four *Quercus ilex* within the college's ownership boundary. These trees will be properly maintained, and the selected species are deemed suitable for the location.

Additionally, I would like to highlight that the green line marked on the attached mitigation plan represents a freshly sown native wildflower meadow. This meadow is expected to flourish in the spring and will be maintained by the grounds department.

Over the past 24 months, several planting initiatives have also been undertaken across the site:

- Chalkers Lane: Approximately 150m of mixed native hedging has been planted.
- Headmaster's Office: 1 × Pinus nigra has been planted alongside a full relandscaping of the area, including borders with a variety of trees and shrubs.
- Prep School Show Garden: Newly installed, featuring 6 × Cupressus sempervirens. An additional standalone specimen tree will also be added in due course.
- Eagle Courtyard: Includes new plantings of Cupressus, along with Elaeagnus and Griselinia hedging.
- Central School Area: 2 × Carpinus betulus have been planted.
- Academic Quad: 2 × Ginkgo biloba have been introduced.

My client has also indicated that an extension of time is agreed upon if required.

Kind regards,

Danny

From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Sent: 10 January 2025 11:24
To: 'danny.barker@bsclimited.co.uk' <danny.barker@bsclimited.co.uk>
Subject: RE: DM/24/1623 - Hurstpierpoint College

Dear Danny,

Thanks for the email and seeking to address the issues raised. The comments on need and EV points are noted.

Wrt to the tree mitigation it is stated that 6 additional trees have already been planted alongside Chalkers Lane. Can details of this planting and a plan showing where this planting has taken place be provided please?

I will pass the information regarding the trees and impact upon the LB to my consultees for further comment and will seek to provide an update in the next 14 days.

To cover this extended period, and noting the original determination date was to be 15th January, I have attached an Extension of Time request until 31st January to allow consideration of the additional information. I'd be grateful for your written agreement to this request.

Kind regards

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From: danny.barker@bsclimited.co.uk <danny.barker@bsclimited.co.uk>
Sent: 09 January 2025 19:07
To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Subject: DM/24/1623 - Hurstpierpoint College

Dear Andy,

Thank you for your emails and for outlining the concerns raised during the consultation process. Below is a detailed response addressing each issue:

WSCC Parking Standards

The pre-existing parking provision at the site consisted of **343 spaces**, which has been increased to **389 spaces** following the development. This figure includes disabled spaces and staff/HOM-designated spaces within general parking areas. It does not account for minibus or coach parking spaces, drop-off areas, residential driveway spaces, or overflow parking behind Pelican.

The increase in parking provision was necessitated by the following operational demands:

- **28 buses**, 500 staff, and at least 200 student drivers.
- Daily parental parking requirements.
- Previous issues of nuisance parking along College Lane, Malthouse Lane, and Chalker's Lane, leading to complaints from residents and parents.

The additional spaces have addressed longstanding issues of road narrowing, obstructed sightlines, and dangerous conditions caused by overflow parking on local roads.

Electric Vehicle Charging Points

The campus now includes **14 EV charging points**, which incorporates the 6 recently installed units. Additionally, there are plans to install **2 more charging points** in other areas of the campus.

However, it is not currently possible to expand the provision further on the application site due to limitations in the existing electrical infrastructure. Should UKPN increase the available electrical capacity in the future, the applicant is committed to expanding the EV charging provision to meet identified needs.

Impact on Trees and Mitigation Measures

The development was undertaken with strict adherence to **BS5837:2012** guidelines to protect existing trees. Measures implemented include:

- **Root Protection Zones (RPZs):** RPZs were clearly delineated and protected with fencing and signage.
- **Supervised Excavation:** Manual excavation techniques were employed near RPZs to minimise root damage. Photographic evidence confirms compliance.
- **Post-Excavation De-compaction:** Compressed air with an Air Spade was used to de-compact soil, promoting root recovery and aeration.

Tree Planting and Mitigation:

- Six additional oak trees have been planted along Chalker's Lane.
- Four more oak trees will be planted strategically between the green zone of the parking area and Chalker's Lane to mitigate any perceived impact, subject a conditional approval.
- Further planting is planned as part of upcoming developments, including the swimming pool and Many Weathers Pavilion projects.

Response to Tree Officer Comments:

The Tree Officer suggested that "undeniable damage" was caused to the trees. However, the applicant disputes this and has provided evidence of compliance with BS5837 standards. The applicant acknowledges that planning permission was not obtained prior to the works but denies any harm to the trees. Additionally, the applicant agrees to conditions requiring the replacement of affected trees if they die or are removed.

Construction Method and Specifications

The parking area construction adhered to the following specifications:

- **Surface Course:** 200 x 100 x 60mm Formpave Aquaflow block pavers.
- **Laying Course:** 50mm layer of 5mm clean crushed stone.
- **Geotextile:** Terram T1000 Geotextile.
- **Base Layer:** 100mm layer of 5-20mm clean crushed stone.
- **Sub-base Layer:** 500mm layer of 10-63mm clean crushed stone.
- **Reinforcement:** Tensar TriAx Geotextile.

This design minimizes root impact and ensures water permeability, integrating with the sustainable urban drainage (SUD) system.

Tree Planting and Replacement Conditions

The applicant has committed to:

- Planting four additional oak trees to mitigate perceived impacts.
- Replacing any affected trees if they die or are removed, as a condition of approval.

Listed Building Officer Consultation

The consultation echoed tree officer concerns regarding the impact of the development on the listed buildings, should the trees be lost. Specifically:

- The northern parking area extension reduces the green buffer along Chalkers Lane, potentially affecting the rural character and setting of the listed buildings.
- The applicant acknowledges these concerns but disputes the claim that the works detract from the setting or approach to the assets. This is based on the following:
 - **Topography:** The parking spaces are situated on land lower than Chalkers Lane, ensuring they are not visible from the road.
 - **Mature Hedge:** A mature hedge lines Chalkers Lane, obstructing views of the parking area from the road and the approach to the listed buildings.
 - **Visibility of Listed Buildings:** There is no direct visual connection between the car park or Chalkers Lane adjacent to the site and the heritage assets.

The applicant contends that these factors mitigate any potential visual impact. Additionally, the applicant has agreed to enhance the existing hedge to maintain screening and further reduce any perceived effects. As well as plant a further four trees.

I trust this comprehensive response addresses the issues raised. Should further clarification or additional information be required, please do not hesitate to contact me.

Kind regards,
Danny Barker

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