

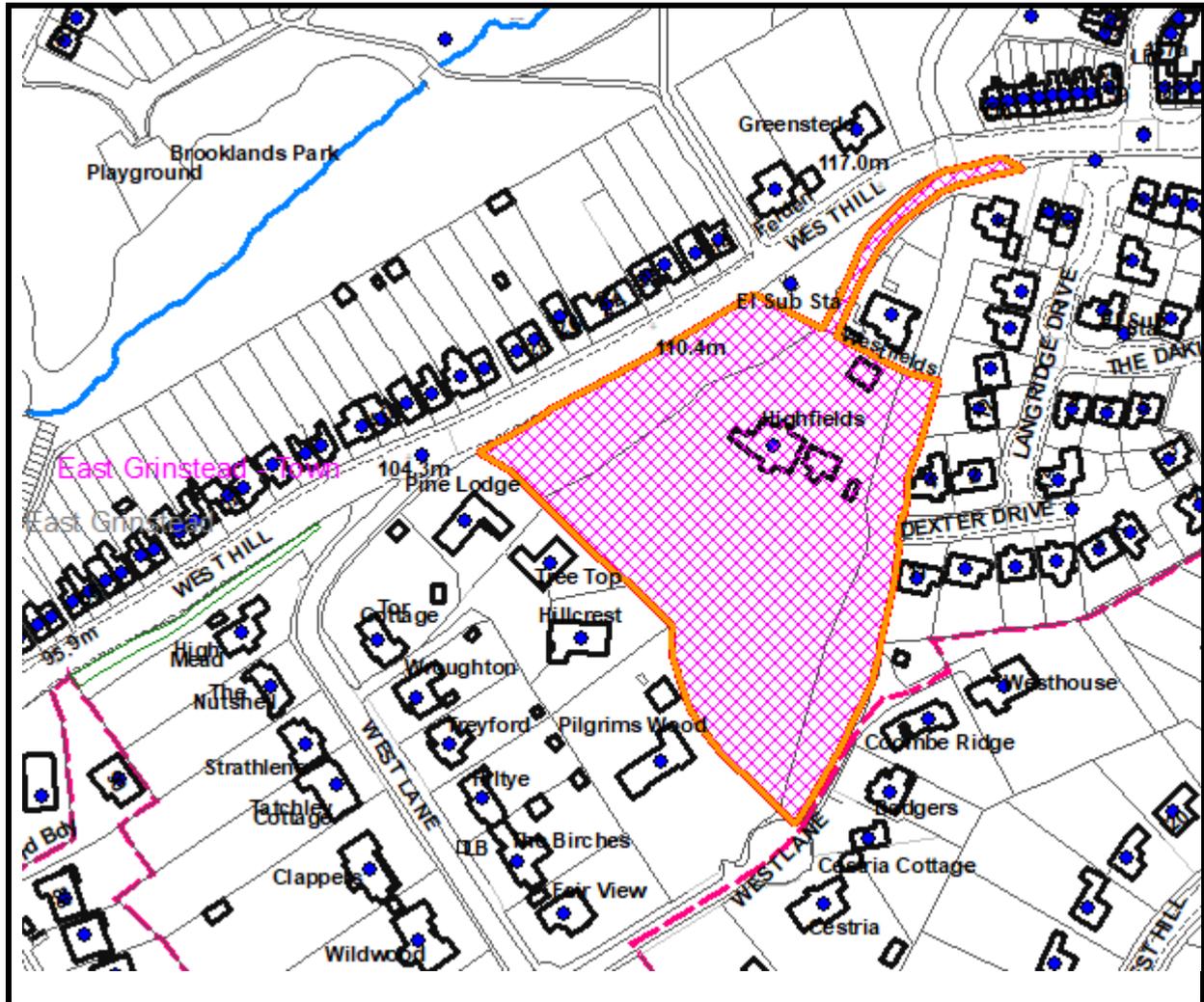
# District Planning Committee



Recommended for Permission

22nd January 2026

DM/24/3051



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<b>Site:</b>	Highfields West Hill East Grinstead West Sussex RH19 4DL
<b>Proposal:</b>	Demolition of existing dwelling and the erection of a care home (Class C2) and a separate building with additional care units (Class C2).
<b>Applicant:</b>	Igloo Care Ltd (Developer) And EQ Care East Grinstead Ltd (O
<b>Category:</b>	Smallscale Major Other
<b>Target Date:</b>	4th July 2025
<b>Parish:</b>	East Grinstead

<b>Ward Members:</b>	Cllr John Dabell / Cllr Jacquie Russell /
<b>Case Officer:</b>	Joanne Fisher

**Link to Planning Documents:**

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SOFXPMKT0G300>

**1.0 Purpose of Report**

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

**2.0 Executive Summary**

- 2.1 Planning permission is sought for the demolition of the existing dwelling and the erection of a care home (Class C2) and a separate building with additional care units (Class C2) at Highfields, West Hill, East Grinstead.
- 2.2 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the East Grinstead Neighbourhood Plan (EGNP).
- 2.3 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 2.4 The development would provide specialist accommodation for elderly people, which is a type of accommodation where there is a recognised need (National Guidance in the Planning Practice Guidance (PPG) states that the need to provide housing for older people is critical). Paragraph 63 of the NPPF seeks to provide a mixture of housing for different groups in the community including older people (including those who require retirement housing, housing-with-care and care homes). It is clear therefore that national planning policy attaches significant importance to the need to provide accommodation for elderly persons.
- 2.5 Specialist accommodation and care homes are classed as community facilities and local services under policy DP25 of the MSDP. This sets out in part that '*The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.*' As such there is support within the District Plan for such types of development.
- 2.6 Policy SA39 in the SADPD relates to specialist accommodation for older people and care homes. This supports such development in the built-up area. As such the principle of a care home on this site is acceptable.

- 2.7 The site is within the built-up area of East Grinstead which is a Category 1 Settlement. The site is therefore considered to be a suitable and sustainable location for a care home.
- 2.8 The proposed design of the care home building and extra care unit, whilst larger than the existing single dwelling on the site, is considered to be of an appropriate scale and design for its intended use and would not result in an overdevelopment of the site. The proposal through its design and positioning as well as boundary screening would not adversely affect the character of the area.
- 2.9 The means of access to serve the development with a new vehicular access off West Hill and the use of the existing access for pedestrians and cyclists accessing this site is considered acceptable. There would be an acceptable level of on-site car parking to serve the development.
- 2.10 Whilst the access and retaining wall would be visible within the street scene, it is considered that the overall impact would be acceptable and would not cause significant detriment to the character of the area due to the replacement planting proposed. The access would be similar in context to that of West Lane set to the north-west of the site which retains the verdant character of this part of the highway.
- 2.11 Due to the position of the buildings within the site and the relationship with surrounding residential properties, the proposal would not result in significant harm to the amenities of nearby residents through an impact on privacy, overlooking, outlook, daylight and sunlight, noise and light pollution.
- 2.12 Although there is to be a loss of some trees on the site, there is to be replacement planting to mitigate the impact of this. The replacement planting would over time allow the verdant character of this part of the highway to be retained.
- 2.13 The proposal will deliver positive social and economic benefits through the delivery of a care home within the town, which reflects one of the key objectives of the NPPF. It would also provide economic benefits from the employment during the operation of the care home and during the construction phase.
- 2.14 The proposal would not adversely affect any protected species and seeks to secure net gains for biodiversity to ensure wildlife mitigation and enhancements. There would be a neutral impact in respect of the Ashdown Forest.
- 2.15 On the basis of the above, the application is considered to comply with policies DP6, DP17, DP20, DP21, DP26, DP29, DP37, DP38, DP41 and DP42 of the MSDP, policies SA38 and SA39 of the SADPD, policies EG3, EG5, EG11 and EG16 of the EGNP, and the provisions of the NPPF.
- 2.16 Officers consider that in the context of the adopted District Plan, SADPD and Neighbourhood Plan, the proposed re-development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Accordingly, the application is recommended for approval.

### **3.0 Recommendation**

#### **Recommendation A**

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required infrastructure contributions, details of a care package and the biodiversity net gain requirements.

### **Recommendation B**

- 3.2 If a satisfactory planning obligation has not been completed by 22<sup>nd</sup> April 2026 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

'The proposal fails to provide the required infrastructure contributions and the biodiversity net gain requirements. The application therefore conflicts with Policies DP20, DP21 and DP38 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Document 'Development Infrastructure and Contributions'.

## **4.0 Summary of Representations**

- 4.1 26 letters of objection have been received throughout the course of the application concerning the following points:

- West Hill is a busy road and will increase traffic beyond reasonable levels;
- Make parking on West Hill very difficult;
- Another access onto West Hill will be disruptive;
- Access dangerous due to increase in traffic and speed cars travel along West Hill;
- Proposed access point will affect access of West Lane due to poor visibility of access of West Lane where pedestrians crossing at lane would not be visible;
- Underestimation of traffic increase detailed in Transport Statement and lack of speed assessment on whether current speed is being observed;
- Concern on existing access being used by contractors, staff and visitors during build and thereafter;
- Works will weaken trees and cause them to fall;
- Site is not suitable for a care home as does not have good vehicle access;
- Scale of development out of proportion with site and out of character with area;
- Height of buildings would result in loss of views from West Hill;
- Loss of light on summer evenings;
- Overbearing impact and loss of outlook;
- Impact of external lighting for security and access affecting neighbouring properties resulting in light pollution as well as impact of headlights to residents opposite the proposed access on West Hill;
- Increase in height and removal of 38 trees will make development more dominant and visually out of scale with surrounding residential area;

- Height of building results in a loss of privacy, sunlight, increase in noise for houses to south-eastern boundary;
- Loss to mature trees and natural habitat of roaming /feeding grounds of Badgers, Bats and Owls;
- Concern on surface water drainage as development a significant increase in footprint. Concern on water running off site would undermine foundations of properties and flood water encroachment;
- Concerns on surface water flooding and impact to bank leading to West Hill if inundated with water;
- Need for sheltered housing is 10 years old and is not reliable;
- Construction noise will be disruptive as will movements of staff as three shift changes of staff;
- Loss of a valuable house less than 25 years since its construction
- Concerns on boundary fence responsibility between neighbouring properties;
- Concerns on secure boundary fencing of future residents wandering into neighbouring properties;
- Place a strain on existing services in place as the infrastructure is already struggling and cannot support a care home.

4.2 1 letter of support in respect of the following points:

- Access has been well thought-out;
- Trees on bank have caused residents on West Hill concerns and proposals will improve safety aspect;
- Area is lacking care home facilities and will alleviate this.

4.3 2 letters of comments concerning the following point:

- Should consider traffic calming measures to include a 20m.p.h limit, speed cameras or speed bumps on West Hill;
- Appropriate conditions to limit disruption from the construction of the development;
- Site is near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD); therefore, the Board's Byelaws apply.

**5.0 Summary of Consultees**

- 5.1 A summary of the consultees final position can be found below. Details of their full comments can be found on the public planning file.

**WSCC Planning (Infrastructure)**

Financial contributions to be secured through S106 towards libraries and TAD.

**WSCC Highways Authority**

No objection subject to conditions.

**WSCC Lead Local Flood Authority**

Following the submission of the additional information, our concerns have been adequately addressed. No objection subject to conditions.

**WSCC Minerals and Waste**

We do not anticipate that the proposed development would result in any significant degree of mineral sterilisation. We therefore have no objections to this proposal with regard to mineral safeguarding.

**WSCC Fire and Rescue Service**

Require conditions in respect of fire hydrants.

**Ecology Consultant**

No ecological objection subject to conditions.

**MSDC Leisure**

As the proposal is for all Class C2 residential care there is no requirement for financial contributions toward play provision, formal sports or community buildings.

**MSDC Housing**

The applicant is proposing the demolition of a 6-bed house and the erection of 78 dwellings which fall under Class C2 and therefore the delivery of affordable housing is not required. The applicant is also proposing the development of 7 x self-contained (which fall under C3 AND NOT C2 use) 2 bed/4 person flats which currently have a GIA of 802m<sup>2</sup>. At present, both the number of units and GIA fall below the threshold required for the delivery of affordable housing.

**MSDC Tree Officer**

I find that the drainage proposals and methodology described, should adequately protect trees and therefore, I have no objection.

Please condition adherence to the AIA

**MSDC Environmental Protection**

Recommend conditions to protect residential amenity by way of noise disturbance from the construction phase, plant & machinery and deliveries and also air quality mitigation against any adverse impact from vehicular traffic.

**MSDC Contaminated Land**

No objection subject to conditions.

**Southern Water**

There is currently adequate capacity in the local sewerage network to accommodate a foul flow of 0.79 l/s for the above development at manhole reference TQ38379801. No Soakaways should be connected to the public surface water sewer. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer and also notification of any proposed demolition works prior to works being undertaken.

### **MSDC Street Name and Numbering**

Informative.

## **6.0 Town Council Observations**

Recommend approval

## **7.0 Introduction**

7.1 Planning permission is sought for the demolition of the existing dwelling and the erection of a care home (Class C2) and a separate building with additional care units (Class C2) at Highfields, West Hill, East Grinstead.

## **8.0 Relevant Planning History**

8.1 DM/23/0007 - Outline application for Redevelopment of existing single dwelling house and erection of Care Home for up to 85 Bedrooms, with all matters reserved except for access. Whilst this was resolved to be approved at District Planning Committee in June 2023, the application was refused in November 2023 as the required section 106 legal agreement was not completed.

## **9.0 Site and Surroundings**

9.1 The application site currently comprises a single large dwellinghouse and detached outbuildings within extensive grounds upon a roughly triangular site. The site is accessed via a relatively narrow driveway serving two other properties, which leads from West Hill, which is a main road leading into the centre of East Grinstead.

9.2 The site has a sloping topography, with the existing house generally occupying the highest point, with the garden sloping downwards in a northwest direction towards West Hill. The houses to the north-east on Dexter Drive are set at a higher level, and the dwellings to the south-west on West Lane and north-west on West Hill are set at a lower level than the site.

9.3 The site is surrounded by trees on all sides with a group TPO to the north-western, south-western and south-eastern boundaries (GR/04/TPO/84) of mixed woodland. These trees form part of the verdant character along West Hill on the north-western boundary.

9.4 Surrounding the site are dwellings of a mixture of scale and design on varying plot sizes.

9.5 The application site is situated within the built-up area of East Grinstead as defined in the District and Neighbourhood Plans.

## **10.0 Application Details**

- 10.1 Planning permission is sought for the demolition of the existing dwelling and the erection of a 78-bed care home and a separate building with 7 additional care units.
- 10.2 Such a use of a care home and care units is classed as C2 (residential institution use) under the Town and Country Planning (Use Classes) Order 1987 (as amended). The submitted Planning Statement sets out the development would *'deliver high levels of care. This includes residents with early on-set or established dementia; an area in which the operator specialises in. Residents are generally referred following assessment by the NHS or local Social Care departments.'*
- 10.3 In addition it sets out that the *'main building's internal layout revolves around a 'household' model, whereby residents live in small clusters of between 10 and 12 bedrooms (all with en-suite wet rooms), with related facilities. This is important, not just operationally (efficiency, etc) but to ensure residents have familiar surroundings, regular staffing, benefit from socialising within small groups and, most importantly, give residents a sense of independence in terms of contributing to day-to-day tasks (albeit residents still have access to the wider 'town centre' facilities - shop, salon, gym, activities room, etc).'* In terms of the additional care building it is set out that the *'level of care provided here goes significantly beyond that provided by assisted living and extra care schemes, and is aimed at those requiring high levels of intervention. Whilst self-contained and offering a commodious environment, these units will function as an extension of the care home, with similar levels of care and intervention available as the home, and likewise, the ability to use the communal facilities in the main building, including the salon, shop, activities rooms and outdoor spaces. Staff too will be common to both buildings.'*
- 10.4 The proposal seeks to create a new vehicular access onto West Hill positioned on the north-western boundary of the site. The existing access would be used as a secondary access point for pedestrians and cyclists as well as for emergency access.
- 10.5 Retaining gabion walls to either side of the new vehicular access are required due to the sloping levels of the land. These would measure some 7.6 metres in length.
- 10.6 The main care home building would utilise the sloping topography of the site, cutting into the bank to ensure that the part of the building is sunken into the landscape. The building is to be broadly a 'T' shape, some 3 storeys in height above ground level, with a basement beneath to provide a plant room and laundry. The building would be brick built with a tiled roof and varying pitched elements to break up the mass and create visual interest. There would be several balcony areas on all floors to serve the communal lounge and dining areas and activity rooms.
- 10.7 Accommodation within the main care building would comprise at ground floor of 25 en-suite bedrooms, with a two kitchenette, lounge, dining rooms and a lounge dining area and assisted bathrooms, managers and admin offices, med and nurses' station, hair salon and a shop. At first floor there would be 28 en-suite bedrooms, assisted bathrooms, kitchenette, lounge and dining areas, activity room, teams room, male and female changing areas, nurse station and medication store. At second floor would be 25 en-suite bedrooms, assisted bathrooms with kitchenettes, lounge and dining areas, an activity room, kitchen, chef office, dry goods store, gym and a treatment clinic. The building would have 3 stair cores and 3 lifts.
- 10.8 The additional care unit building is to be sited to the southern end of the site. This would be a 'L' shaped building some 2 and a half storeys. It would be brick built with a hipped roof, varying pitched elements and flat roofed dormers to serve the

accommodation within the roofspace. This building would comprise of 7no independent 2-bed flats.

- 10.9 Within the site there would be a total of some 39 car parking spaces, 2 of which are to be disabled parking. There would also be 2 ambulance and delivery parking spaces. There would also be cycle parking for some 6 bikes.
- 10.10 It is sought to provide replacement trees along the West Hill boundary to mitigate the removal of trees to provide access into the site. In addition, there are to be additional trees planted within the site. Secure gardens would be provided within the main care building.
- 10.11 The application has been accompanied with the following supporting documents:
- Planning Statement;
  - Design and Access Statement;
  - Transport Statement;
  - Stage 1 Road Safety Audit;
  - Designers response to Road Safety Audit;
  - Preliminary Ecological Appraisal;
  - Bat Roost Assessment;
  - Ground Level Tree Assessment;
  - Biodiversity Net Gain Metric;
  - Biodiversity Net Gain Plan;
  - Badger Survey Report;
  - Badger Activity and Mitigation proposals;
  - Response to Ecology and letter of reassurance to Preliminary Ecology Appraisal;
  - Relevant Method Statements and Working Practices for Ecology;
  - Surface Water Drainage Strategy;
  - Soakaway Design;
  - Drainage Strategy Report;
  - Tree Survey including Arboricultural Impact Assessment and Method Statement;
  - Landscape Management Plan;
  - Phase 1 Geo-Environmental Assessment Report;
  - Sustainability Statement;
  - Planning Obligation form; and
  - Statement of Community Involvement.

## **11.0 Legal Framework and List of Policies**

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:
- 'In dealing with such an application the authority shall have regard to:*
- a) The provisions of the development plan, so far as material to application,*
  - b) And local finance considerations, so far as material to the application, and*
  - c) Any other material considerations.'*
- 11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

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

- 11.4 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.
- 11.5 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.
- 11.6 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Sites Allocations Development Plan Document (SADPD) and the East Grinstead Neighbourhood Plan (EGNP).
- 11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the Development Plan but is an important material consideration.
- 11.8 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 11.9 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application was submitted after mandatory biodiversity net gain coming into effect, so this application is subject to the 10% mandatory biodiversity net gain introduced under schedule 7A referred to above.
- 11.10 The following list of policies are relevant in the determination of this application;
- 11.11 **Mid Sussex District Plan (MSDP) 2014-2031**

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

Relevant policies:

DP6 - Settlement Hierarchy

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

DP20 - Securing Infrastructure

DP21 - Transport

DP25 – Community Facilities and Local Services

DP26 - Character and Design

DP29 - Noise, Air and Light Pollution

DP30 – Housing Mix

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

DP42 - Water Infrastructure and the Water Environment

#### 11.12 **Mid Sussex Site Allocations Development Plan Document (SADPD)**

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

The following policy is considered to be relevant:

SA38 – Air Quality

SA39 - Specialist Accommodation for Older People and Care Homes

#### 11.13 **East Grinstead Neighbourhood Plan (EGNP)**

The East Grinstead Neighbourhood Plan was made on 2nd November 2016 and so forms part of the development plan.

Relevant policies:

EG3 Promoting Good Design

EG5 Housing Proposals

EG11 Mitigating Highway Impacts

EG12 Car Parking

EG16 Ashdown Forest Protection

#### 11.14 **Other Material Considerations**

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination, and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this

planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPS4 - Flood Risk and Drainage

DPS6 - Health and Wellbeing

DPN2 – Biodiversity Net Gain

DPN4 – Trees, Woodland and Hedgerows

DPN9 – Air Quality

DPC6 - Ashdown Forest SPA and SAC

DPB1 - Character and Design

DPT1 - Placemaking and Connectivity

DPT3 - Active and Sustainable Travel

DPH1 - Housing

DPH4 - Older Persons' Housing and Specialist Accommodation

DPI1 - Infrastructure Provision

DPI2 - Planning Obligations

11.16 Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

SDP Development Infrastructure and Contributions (2018)

Affordable Housing SPD (2018)

WSSC: Guidance on Parking at New Developments (Sept 2020)

11.17 National Planning Policy Framework (NPPF) (December 2024)

11.18 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 overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that

opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

11.19 Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

11.20 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

11.21 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.'*

11.22 Paragraph 39 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.'*

11.23 With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

#### National Planning Policy Guidance (PPG)

#### National Design Guide

11.24 Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

11.25 Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

#### Technical Housing Standards

### **12.0 Assessment**

12.1 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;
- Impact on the character of the area and design;
- Transport matters;
- Residential amenity;
- Sustainability;
- Trees;
- Biodiversity;
- Flood Risk and Drainage;
- Infrastructure;
- Ashdown Forest;
- Other Matters; and
- Planning Balance and Conclusion

## **12.2 Principle of Development**

12.3 Policy DP6 of the MSDP states:

*'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'*

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

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

*The developer will need to satisfy the Council that:*

*- The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*

*- A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

12.4 The site is within the built-up area of East Grinstead and therefore the principle of the redevelopment of this site accords with policy DP6.

12.5 Specialist accommodation and care homes are classed as community facilities and local services under policy DP25 of the MSDP. This sets out in part that *'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.'* As such there is support within the District Plan for such types of development.

12.6 Policy SA39 in the SADPD relates to specialist accommodation for older people and care homes. It states:

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

*The Housing and Economic Development Needs Assessment Addendum (August 2016) identified forecast demand for care homes (Use Class C2) at 2031 as 2,442 bedspaces.*

*The Council will support proposals that will contribute to meeting these types of specialist accommodation.*

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

*a) It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan, or*

*b) It forms part of a strategic allocation, or*

*c) It is located within the Built-Up Area Boundary as defined on the Policies Map, or*

*d) Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).*

*In all circumstances, the site must be accessible by foot or public transport to local shops, services, community facilities and the wider public transport network. Proposals must demonstrate how reliance on the private car will be reduced and be accompanied by a Travel Plan which sets out how the proposal would seek to limit the need to travel and how it offers a genuine choice of transport modes, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.'*

12.7 As the site is within the built-up area of East Grinstead, the development accords with part c) of policy SA39. It is also accessible to local shops, services and community facilities and public transport. As such the principle of a care home on this site is acceptable.

12.8 The development would provide specialist accommodation for elderly people, which is a type of accommodation where there is a recognised need. National Guidance in the PPG states that the need to provide housing for older people is 'critical'. Para 63 of the NPPF seeks to provide a mixture of housing for different groups in the community including older people (including those who require retirement housing, housing-with-care and care homes). It is clear therefore that national planning policy attaches significant importance to the need to provide accommodation for elderly persons.

12.9 Policy EG5 of the Neighbourhood Plan relates to housing and states

*'The East Grinstead Neighbourhood Plan area is subject to significant environmental and infrastructure constraints and as a result new housing development on land defined as 'previously developed,' where the site is predominantly previously developed or is green infrastructure that can be demonstrated to be surplus to requirements will be supported subject to the criteria below and compliance with other policies within the plan.*

*Other proposals for new housing development will only be supported if:*

*a) The proposed development contributes to sustainable development;*

*b) An application is supported by robust assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*

*c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network and it can be demonstrated that the proposal will not cause a severe cumulative impact in terms of road safety and increased congestion after proposed mitigation is taken into account;*

*d) The proposal complies with design guidance contained in policy EG3 or a relevant Development Brief;*

*e) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate);*

*f) Contributions are made towards SANG and Strategic Access Management and Monitoring (SAMM); and*

*g) The proposal meets its own infrastructure needs.*

*Where proposals comply with Policy EG5, relevant site-specific policies and mitigate their highway and other infrastructure impacts, the following sites (EG6A and EG6B) will be encouraged to come forward for residential development.'*

12.10 The site is within the development boundary of East Grinstead, and the principle is therefore considered acceptable under the above policy.

12.11 In light of the above it is clear that the development plan supports the re-development of the site for a care home. Thus, the proposal accords with policy SA39 of the SADPD, policies DP6 and DP25 of the MSDP and policy EG5 of the EGNP.

### **12.12 Impact on the character of the area and design**

12.13 Policy DP26 of MSDP deals with 'Character and Design' and states:

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

*- is of high quality design and layout and includes appropriate landscaping and greenspace;*

- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

12.14 Policy EG3 of the EGNP relates to design and states:

*'Planning permission will normally be granted where development proposals meet the following criteria:*

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*

*g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*

*h) Proposals make provision for green infrastructure and biodiversity enhancement.*

*Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'*

- 12.15 Paragraph 131 of the NPPF states in part that '*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*'
- 12.16 The Council's adopted Design Guide is a material consideration in the determination of the application. Within the Council's Design Guide design principles DG31 and DG32 support site optimisation and seeks to focus development on sustainable locations and promote a greater concentration of development within sites close to town centres. This follows the requirements of Policy DP26 of the MSDP. Design principle DG37 seeks for high quality and sustainable buildings. In addition, principle DG38 requires buildings to have architectural integrity and a sense of place.
- 12.17 The buildings have been designed to have varying pitched elements to create visual interest and reduce their mass and scale. The buildings would use a traditional palette of materials consisting of brick and sandstone with a tiled roof to reflect materials used within the locality.
- 12.18 The scale and form of the buildings have been designed to reflect that of modern care homes and be of a size for its intended purpose. Although the buildings have a large number of windows with the extra care building benefitting from Juliette balconies at first floor, these are well proportioned on the buildings and provide a contemporary appearance. The design of the buildings is considered to be of a good quality.
- 12.19 Immediately surrounding the site is a mixture of dwellings, mainly two-storeys in height, with two and a half and three storey dwellings along West Street to the north and taller buildings to the north within the town centre and Queens Road. Whilst it is acknowledged that the proposed buildings are to be three and two and half storeys, it is considered that this will not result in harm to the character of the area as the site is well enclosed with mature screening on the north-western boundary. Wider views of the building may be gained from outside of the site from West Hill, West Lane and Turners Hill Road, however, the vegetation screening and the position of the buildings on the plot would minimise the impact of the development. In addition, the buildings would be seen in context with the surrounding residential development within the town.
- 12.20 Although the development is larger than the existing single dwelling on the site, the District Plan and Design Guide support site optimisation. The buildings, whilst large, are well positioned within the site with vegetation and trees retained and landscaping proposed as part of the scheme. It is therefore considered that the proposal is an appropriate scale in relation to the site and would not result in an overdevelopment of the plot.

12.21 It is considered that the proposal is acceptable in design and would not adversely affect the character of the area. Due to the screening on the boundaries of the site, the impact of the buildings on the street scene of West Hill would be minimised. The proposal thereby complies with policy DP26 of the MSDP, policy EG3 of the EGNP, the design principles of the Mid Sussex Design Guide and the requirements of the NPPF.

## **12.22 Transport matters**

12.23 Policy DP21 in the MSDP states:

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

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

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

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*

- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

*Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*

*Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'*

12.24 Policy EG11 of the EGNP relates to mitigating highway impact and states:

*'Due to the identified highway constraints within the Neighbourhood Plan Area all new housing and business development proposals will be expected to:*

- 1. Be supported by an appropriate assessment of the impact of the proposal on the highway network. Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused. Appropriate mitigation could be in the form of a zero car development (where justified in a transport assessment), a travel plan, the provision of footpath and cycle links, junction and highway improvements or contributions to the Highway Authority to carry out junction and highway improvements;*
- 2. Include access arrangements that are appropriately designed and include adequate visibility splays.'*

12.25 Policy EG12 of the EGNP relates to car parking and states:

*'Planning permission will only be granted where vehicle-parking provision, including cycle parking, is in accordance with West Sussex County Council adopted parking standards and it does not dominate the street scene.*

*In exceptional circumstances, a departure from the adopted standards will be supported if the applicant can demonstrate specific local circumstances require a different level of parking provision, including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems. For this to be accepted a Transport Assessment will be required together with a set of proposals to justify this alternative provision.'*

12.26 With regard to the NPPF section 9 deals with 'promoting sustainable transport' and paragraphs 115 – 118 directly relate to the 'consideration of development proposals'. These are set out below;

*'115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*

*c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code<sup>48</sup>; and*

*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*

*116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*

*117. Within this context, applications for development should:*

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

*b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

*c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

*d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

*e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

*118. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.'*

- 12.27 The site lies close to East Grinstead town centre. Continuous walking routes from the current access and suitable crossing points are available to meet likely travel demand.
- 12.28 The application has been supported by a Transport Statement and a Designers Response to the Stage 1 Road Safety Audit.
- 12.29 The site would be accessed by vehicles from a new priority junction on West Hill, with cyclist and pedestrian access only (except for emergency access) retained from the existing access on West Street. The existing site access will be retained as it serves two other properties.
- 12.30 The new vehicular entrance will be created off West Hill to the north-western boundary. This will require the removal of some trees along this boundary and the regrading of the banks. Due to the bank, the access will require retaining walls. Plans

show that this would be of a width to accommodate two-way traffic with a 1:20 gradient for the first 10m from the carriageway edge (West Hill).

- 12.31 The new access would provide visibility splays of 2.4 metres by 47.3 metres to a 1 metre offset from the nearside kerb. The visibility splays can be accommodated within the site ownership and adopted highway. To achieve this, some front vegetation would be removed with new planting set back behind the visibility splays. These splays have been provided in line with the speed limit of the road.
- 12.32 The Transport Statement sets out that due *'to the specialist nature of a care home, residents would typically be frail and/or living with cognitive impairments, such as dementia, and would not own a car or travel off site regularly – particularly by walking or other sustainable travel modes. As such, movements to and from the care home would be from staff and visitors, including staff potentially leaving the site at break times.'*
- 12.33 The proposal would provide 39 car parking spaces within the site, with two of these for disabled parking. There would also be 2 further spaces for ambulance and deliveries, as well as 6 cycle parking spaces.
- 12.34 In relation to trip generation to the site, the submitted Transport Statement considers that:
- 'The TRICS analysis shows that the proposals are forecast to increase vehicle movements in the AM and PM network peak hours by 9-10 vehicle movements compared with the existing residential use. This is an average of just one vehicle movement every 6 minutes (or less) on the surrounding network.*
- Over a 12-hour period, there is forecast to be an increase of 160 vehicle movements, which equates to an average increase across each hour of the day of 13 vehicle movements. This is a minimal level of traffic on the network and into and out of the site. With this level of vehicle movements, the access is considered suitable for all vehicle movements. The level of movements is also the same as the level agreed as part of the previous outline application. As such, the previously agreed conclusions remain valid for this application.*
- Based on the minimal increase in vehicle movements, particularly in the AM and PM network peak hours, the proposals would not have a severe impact on the operation of the highway or an unacceptable impact on road safety and are therefore in accordance with transport policies in the NPPF.'*
- 12.35 The Local Highways Authority (LHA) has considered the proposal and raise no highway objection. They acknowledge that the access on to West Hill remains the same as the previous outline scheme. They do not consider that the proposal would have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. They consider that there are no transport grounds to resist the proposal.
- 12.36 The Transport Statement includes a Travel Plan Statement in order to promote sustainable means of travel. This would be produced prior to the occupation of the development and can be conditioned as part of an approval. The Transport Statement identifies a number of initiatives such as a staff welcome pack, a travel page on the care homes website, and the encouragement of walking, cycling, the use of public transport and car sharing for staff. The LHA suggests a condition in relation

to the submission of a travel plan statement to be submitted and approved prior to the first occupation of the development.

- 12.37 Concerns have been raised from existing residents about the impact of traffic on the existing access to West Lane. This was previously considered as part of the 2023 outline planning application, where the access was considered acceptable. Whilst there have been slight changes to the position of the access, this remains on West Hill with suitable visibility splays shown for the new access. In the consideration of the previous scheme, the LHA considered that the proposed access/works would not alter the available visibility to the vehicles that use West Lane, and that the junction is a suitable distance away from the proposed access, outside of the visibility splay required for the posted speed limit. As such they considered that vehicles leaving the proposed access would have clear adequate visibility of a vehicle waiting to exit or enter West Lane. During the course of the application, the access has been repositioned around 3.7 metres further north-east (up) West Hill further away from the access with West Lane. It is considered that there are no highway safety grounds to come to a different conclusion from the previous view in respect of West Lane based on the LHA raising no objection to this current application.
- 12.38 Third party comments have been raised stating that the proposal would make parking difficult along West Hill. The proposed access is on the opposite side of the highway to where there is on street parking for permit holders during specific times. Due to driveways of no's 26 and 28 West Hill, there are no parking bays opposite the proposed site access. The proposal is to provide onsite parking for 39 vehicles as well as cycle parking. It is considered that there would be suitable onsite parking for staff and visitors so as not to result in overspill onto the adjoining highway network.
- 12.39 Comments have been received in respect of traffic calming measures on West Hill. Whilst this is acknowledged, this is not a matter for consideration as part of this application but for West Sussex County Council.
- 12.40 Concerns have been raised in respect of the existing access being used by contractors, staff and visitors during build and thereafter. The application makes clear that the existing access would be for pedestrians, cyclists and emergency vehicles only and the new access would be for vehicles. During the construction period whilst there would be some use of the existing access by contractors during the initial period on the construction of the new access, once this has been created, it would be envisaged that the new access would be used. A condition in relation to a construction management plan can be placed on the permission to ensure that the existing access is not used throughout the whole of the construction period.
- 12.41 Mid Sussex as the Local Planning Authority previously considered that a new vehicular access onto West Hill was acceptable in the consideration of the outline scheme for the site under DM/23/0007. Whilst that application was ultimately refused this was not in respect of highway matters but because the section 106 legal agreement was not completed. The previous application which Members resolved to approve was considered under the same development plan that is in place now. There have been no material changes to policies since the consideration of the previous application to justify a different decision for this scheme in terms of highway issues.
- 12.42 In light of the above it is considered that from a highway safety perspective the application complies with policy DP21 of the MSDP, policy EG11 of the EGNP and the requirements of the NPPF.

### 12.43 Residential amenity

- 12.44 Policy DP26 of the MSDP relates to character and design of proposals. Within this there is a requirement that proposals do *'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'*. The test as set out under policy EG3 of the EGNP states that proposals should 'not harm' adjoining neighbours' amenity.
- 12.45 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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.
- 12.46 Policy DP29 of the MSDP relates to noise, air and light pollution which is considered pertinent due to the proximity with the railway line. In relation to noise pollution, this policy states in part:
- 'Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.'*
- 12.47 Chapter 8 of the Mid Sussex Design Guide relates to residential amenity. Principle DG45 requires proposals to demonstrate how privacy would be achieved between new and existing developments. Principle DG46 requires attractive and useable external amenity space for all homes. Principle DG47 requires all dwellings to have sufficient daylight and sunlight where single aspect north facing flats should be avoided.
- 12.48 The main care home building is located in the northern part of the plot. It would be sited some 11.6 metres from the northern boundary with Westfields which is separated into two flats; some 15.6 metres to the east with properties on Dexter Drive (which are set at a higher level) and some 57.8 metres from the southern boundary with properties on West Lane. Whilst this building is to be three storeys in height, due to the distances with the boundaries to the surrounding properties, it is considered that this building would not result in an overbearing impact, loss of privacy or a loss of light.
- 12.49 In terms of the extra care building, this is to be sited to the south-eastern part of the site. The closest neighbouring properties would be properties on West Lane. On the boundaries are vegetation and trees which provides some screening. The proposed building is to be sited a minimum some 19.5 metres from the south-eastern boundary and a minimum of some 19.1 metres from the southern boundary. Concerns have been raised in respect of this building resulting in an overbearing impact, loss of outlook and loss of light to properties to these boundaries. Between the southeastern boundary and the properties Coombe Ridge and West House is West Lane. Whilst there would be the introduction of a two and a half storey building to the south-eastern part of the site, it is considered that due to the distances between the building and the site boundaries as well as the vegetation screening, that the proposal would not result in significant harm to the amenities of existing nearby residents to these boundaries nor would it result in a significant loss of light.

- 12.50 With regards to the impact to properties on West Lane with the internal access road, the site layout shows that this would be set some 5.9 metres from the boundary with properties on West Lane. These properties are set at a lower level than the site. On this boundary is vegetation screening. It is considered that due to the vegetation screening and the relationship, that the proposal would not result in significant detriment to the amenities of residents on the south-western boundary of West Lane through light spill from vehicles.
- 12.51 It has been submitted by surrounding residents that there would be significant disturbance to residential amenities through vehicle movements accessing the site 24 hours a day. As set out in the Transport Statement, there is forecast to be an increase of 160 vehicle movements over a 12-hour period, which equates to an average increase across each hour of the day of 13 vehicle movements. This is considered to be a minimal level of traffic on the network and into and out of the site. The site is within the built-up area of East Grinstead set off a classified road. Whilst it is acknowledged that there would be additional vehicle movements from the site it is not considered that this would result in further noise levels which would be significantly detrimental to the amenities of existing properties to that existing.
- 12.52 Concerns have been raised from the impact of headlights from vehicles using the new access onto properties on West Hill and to properties on West Lane. The access is set on the opposite side of the highway of properties on West Hill some 14.75 metres from the front of no. 28 West Hill and some 16 metres from the front of no.26 West Hill. Between the access and these properties there is the highway, footpath and also hardstanding to the front of no.'s 26 and 28. West Hill is a main road serving the town with streetlights. Whilst there would be some light spill from vehicles accessing and exiting the site during hours of darkness, it is not considered that this would result in significant detriment to the amenities of residents on West Hill through light spill from vehicles.
- 12.53 Concerns have been raised in respect of noise from staff from the site as the Transport Statement sets out that there would be likely three shifts a day of staff. Externally noise would be created from vehicle movements within the site and parking. Whilst some noise would be created by the development, due to the location of the site within the built-up area of East Grinstead, it is not considered that there would be significant harm to the amenities of surrounding residential properties through noise.
- 12.54 The impacts from car headlights, vehicle movements within the site and noise would be similar to that considered under the 2023 application which Members resolved to approve. The impact was previously considered acceptable under a similar scheme, and there have been no changes in policy or material changes to the proposal to warrant a different conclusion now.
- 12.55 Residents have raised concerns on impact of external lighting for security and access affecting neighbouring properties resulting in light pollution. No details have been provided in respect of lighting for the development. However, a condition has been suggested by the Council's Ecology Consultant in respect of wildlife sensitive lighting which would detail the position of external lighting and details of the technical specification. As low levels of lighting would be required to protect wildlife there should not be significant harm to surrounding residential properties. However, the positioning and number of lights could be considered as part of this condition to ensure that there would also not be significant harm to the neighbouring properties from light pollution.

- 12.56 Queries have been raised in respect on fencing on the boundaries for adjoining houses and the responsibility of neighbouring properties. Details of who maintains boundaries is a private matter. In addition, concerns have been raised in respect of secure boundary fencing to prevent residents wandering into neighbouring properties. Plans submitted show that secure garden areas would be created to the front and rear of the main care home building with open landscaping surrounding the additional care unit. A condition in relation to landscaping including details of new boundary treatments and any fencing within the site could be placed on a permission to control the height and appearance of this. However, site security is an operational matter for the care provider and not a planning matter.
- 12.57 Concerns have also been raised in respect of the loss of views from West Hill. Whilst this is noted, the loss of a view is not a material planning consideration.
- 12.58 The concerns raised in respect of issues during construction are noted. A condition requiring a Construction Environmental Management Plan (CEMP) can be placed on an approval to ensure that there are no significant impacts to surrounding residents during the construction of the development. Whilst it is inevitable that there would be some disruption during construction works, a CEMP can help minimise this and this would not be a reason to refuse the scheme.
- 12.59 In light of the above, it is considered that the proposal is acceptable in neighbouring amenity terms. The proposal is thereby considered to comply with policy DP26 of the MSDP, the Mid Sussex Design Guide, and the requirements of the NPPF.

## **12.60 Sustainability**

- 12.61 Policy DP21 of the MSDP relates to transport. The full policy is set out above in para 12.23. In part it requires schemes to be *'sustainably located to minimise the need for travel' and take 'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*
- 12.62 Policy DP39 of the MSDP relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It 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.'*

12.63 Paragraph 161 of the NPPF states:

*'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*

12.64 Paragraph 164 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* Paragraphs 166 expects new development to *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

12.65 It is important to recognise that in respect of policy DP39, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

12.66 The application is accompanied by a Sustainability Statement. This sets out that the proposal will adopt a fabric first approach and has been designed to minimise energy usage and integrate low carbon technologies and renewables. It sets out that the Building Regulations energy targets will be met and exceeded through a combination of passive measures, energy efficient fixed services and low and zero carbon technologies. This approach considers the following in the design and construction for the buildings:

#### Passive Design Measures

- Natural daylighting

#### Efficient Building Fabric

- Building envelope
- Air permeability
- Ventilation

#### Active Design Measures

- Efficient lighting
- Water consumption limited to 110 litres/person/day

- Provision of Air Source Heat Pumps
- Provision of solar panels to the care home block

12.67 In addition, the accessibility of the site, or the sustainable location of it, is a key consideration. It is acknowledged that the development is situated in a highly sustainable location within a settlement 1 category, close to the town centre close to bus stops and there is a pavement outside the current access of the site to allow for walking to the development.

12.68 The development would incorporate 6 cycle parking spaces and electric vehicle charging points to encourage sustainable means of transport for staff and visitors. A condition can be placed on the permission to secure the cycle parking.

12.69 The proposal is considered to be acceptable in sustainability terms and thereby complies with the relevant criteria policies DP21 and DP39 of the MSDP.

## **12.70 Trees**

12.71 Policy DP37 of the MSDP states in part that the *'District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

12.72 Trees on the north-western boundary with West Hill and the south-eastern boundary with Dexter Drive and West Lane are subject to a group tree preservation order (TPO) under reference GR/04/TPO/84. In addition, there are a number of trees on and close to the southern boundary subject to a TPO under reference GR/04/TPO/84.

12.73 The application is supported by a Tree Survey of a Preliminary Arboricultural Impact Assessment and Method Statement. This sets out that 38 trees have been identified for removal, of those 26 are for reasons of health and safety, 12 have been identified to facilitate the development. There would also be a minor encroachment into the Root Protection Area (RPA) of five retained trees.

12.74 The trees to be removed are part of the 1984 TPO. However, the tree report details that all the trees to be removed are either category U or C, and that no category A or B trees will be removed.

12.75 The Council's Tree Officer has considered the proposal and raise no objection. In their initial comments they acknowledged that some of the trees part of this TPO are not of high quality and some are in decline or in poor health. They consider that the loss of these is adequately mitigated through the proposed planting scheme. They recommend a condition for the development to adhere to the details in the Arboricultural Impact Assessment and Method Statement.

12.76 The new access is to come from West Hill where there is existing dense tree and vegetation screening which forms part of the verdant character of the street scene. A number of trees are required to be removed to facilitate the access and drainage works. Whilst their loss is regrettable, replacement planting within the site is proposed in order to mitigate the impact of the loss of the trees. Many will be along the access to minimise the impact on the street scene. Whilst there would be an initial loss and impact to the character of the area, the replacement planting would over time allow the verdant character of this part of the highway to be retained.

- 12.77 Concerns have been raised in respect of the works weakening trees and causing them to fall. The submitted Tree Report details that the retained trees would be protected during the course of the development and any works within the root protection areas (RPA) would be by hand. There would also be a cellular no-dig load bearing system installed to part of the new access and parking area where the surfacing is to impact on the RPAs of affected trees. As set out above, a condition to ensure works are carried out in accordance with the Arboricultural Impact Assessment and Method Statement can be added to the permission to ensure that suitable works are carried out around trees in order to protect them.
- 12.78 The proposal is thereby considered to comply with policy DP27 of the MSDP and the requirements of the NPPF.

### **12.79 Biodiversity**

12.80 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 Act, all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act, 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).

12.81 Policy DP38 in the MSDP states:

*'Biodiversity will be protected and enhanced by ensuring development:*

*- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*

*- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*

*- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*

*- Promotes the restoration, management and expansion of priority habitats in the District; and*

*- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

*Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.*

*Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.*

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

12.82 Paragraph 187 of the NPPF sets out the ways planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 193 of the NPPF states:

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

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

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

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (footnote 70), and a suitable compensation strategy exists; and*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

*Footnote 70: For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.'*

12.83 The Environmental Act 2021 has amended section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and places a general duty on a public authority to conserve and enhance biodiversity. A public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.

12.84 The application is supported by a Preliminary Ecological Appraisal as well as various reports on Bats and Baggers and a Methods Statement and Working Practices to identify the avoidance measures and recommended working practices aimed at minimising impacts on key protected species across the site.

- 12.85 The habitats and ecological features present within the site comprises of the dwelling Highfields, its detached garaging, two sheds, hardstanding, patio area and pool. There is also amenity grassland, broadleaved semi-natural woodland, scattered trees, shrub and ornamental hedges and individual trees on the site.
- 12.86 Bats
- 12.87 No potential roosting features or routes of ingress for bats were found within the dwelling, garaging or sheds. There are however a large number of mature trees around the boundaries of the site suitable to host bat roosts.
- 12.88 Badgers
- 12.89 The appraisal identifies that there is considerable evidence of badgers on the site.
- 12.90 Dormouse
- 12.91 Whilst the broad-leaved semi-natural woodland on the site would potentially be suitable for dormice, it is identified that this is sub-optimal due to its isolation from other areas of suitable habitat. As such the site provides low potential to support breeding or commuting dormice.
- 12.92 Water Vole
- 12.93 The site and surrounding area does not contain a suitable habitat to support the breeding, foraging or commuting for water voles. The site it thereby considered to have negligible potential for such species.
- 12.94 Reptiles
- 12.95 The appraisal identifies that most of the site was unsuitable for reptiles due to the sparsity of the vegetation. The only areas that could be potentially suitable were within the broadleaved semi-natural woodland and scattered trees; however these were suboptimal due to the absence of ground flora or scrub. As such the site is identified as having low potential to support reptiles.
- 12.96 Great Crested Newt (GCN)
- 12.97 There are no ponds within the site, however there are 4 ponds within 500 metres. It was identified that most of the site is unsuitable for newts due to the sparsity of the vegetation. The only areas that could be potentially suitable were within the broad-leaved semi-natural woodland and scattered trees. However, these were identified to be sub-optimal due to the absence of ground flora or scrub. Given that there are no ponds within 250 metres and the site is surrounded by a network of roads, it is considered to be highly unlikely that great crested newts would forage or commute across the site.
- 12.98 Breeding Birds
- 12.99 Based on the survey results, the survey area supports a reasonably diverse assemblage of breeding birds.
- 12.100 Avoidance and Enhancement Measures

- 12.101 In terms of mitigation to safeguard bats during removal of trees, a further inspection will be undertaken by a suitably qualified ecologist immediately prior to felling. Where roosts are identified and likely to be impacted by works, it may be necessary to obtain a European Protected Species Mitigation (EPSM) Licence before the works can proceed and to complete any necessary mitigation.
- 12.102 A precautionary approach to site clearance in respect to reptiles, breeding birds, hazel dormice, hedgehogs, and stag beetles is recommended to minimise any adverse impacts on these species groups.
- 12.103 In respect of badgers, a licence will be required from Natural England in respect of works to be carried out. In addition, during construction fencing is required to be installed to protect the sett areas where Badgers can pass underneath or through the fence. Additional planting to mitigate against any foraging areas would also be carried out.
- 12.104 To avoid potential impacts to breeding and nesting birds, in order to avoid disturbance of nesting birds or damage to their nests, all demolition and habitat removal works will be undertaken outside of the bird nesting season (typically March – August dependent on weather).
- 12.105 The Ecological Appraisal sets out a number of habitat enhancements consisting of bird and bat boxes and bricks, wildlife friendly pathways of wildlife corridors and installing holes in fences to help wildlife to migrate through areas as well as additional tree and shrub planting of native species.
- 12.106 The Councils Ecology Consultant has considered the proposal and raise no objection subject to conditions. They consider that there is sufficient ecological information to support the determination of the application. They request that mitigation measures identified in the submitted reports are secured by condition to conserve and enhance the protected and priority species.
- 12.107 A Wildlife Friendly Lighting Strategy is recommended to be secured by a condition to avoid lighting impacts to foraging / commuting bats which are likely to be present within the area.
- 12.108 Biodiversity Net Gain
- 12.109 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
- 12.110 The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:
- ‘The condition is that the development may not be begun unless—*
- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*
- (b) the planning authority has approved the plan (see paragraph 15)’.*

12.111 The Environment Act 2021 makes provision for BNG to be delivered in the following ways;

- On-site
- Off-site (on registered sites)
- Biodiversity credits (purchased nationally)

The BNG can be delivered via a blend of the above measures, as appropriate.

12.112 The BNG for this development is to be met on-site. The submitted BNG Report concludes that *'The retention of most of the trees and the creation of floristically diverse modified grassland, introduced shrubs and green roofs will mitigate the loss of habitat features. In summary the resulting biodiversity net change are 2.74 units (38.56%) for habitat units and 0.43 (63.33%) Units for linear features. There is no habitat or linear unit deficit.'* This sets out that the 10% requirement will be exceeded.

12.113 The Council's Ecology Consultant generally supports the submitted pre-development baseline and are satisfied that the submitted information provides sufficient information at application stage. They are generally satisfied that the post-intervention values are realistic and deliverable.

12.114 Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case the proposal will exceed the mandatory 10% on site), should be given positive weight in the planning balance.

### **12.115 Flood Risk and Drainage**

12.116 Policy DP41 in the MSDP 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<sup>22</sup> 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.'*

12.117 Paragraph 181 of the NPPF states:

*'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (63). Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

*Footnote 63: A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.'*

12.118 The application is accompanied by a Drainage Strategy. During the course of the application additional drainage information has been submitted to address the comments of the Lead Local Flood Authority (LLFA).

12.119 The site is located within Flood Zone 1 and is deemed to be at low fluvial flood risk. In addition, the site is not affected by surface water flooding.

12.120 The submitted Drainage Strategy sets out that surface water is to be discharged from the site through onsite attenuation to discharge via gravity flow to the existing Southern Water adopted surface water manhole. During the course of the application

amendments have been made which removes the removes the soakaway element which is replaced with interconnected water storage chambers.

12.121 The LLFA has considered the proposal and the additional information submitted. They consider that the revised system will have sufficient capacity, including in the event of 24-hour pump failure. They raise no objection to the proposal in terms of drainage and flooding subject to conditions.

12.122 Concerns have been raised from residents in respect of an increase in surface water due to the increase in the footprint of the building and the potential of surface water flooding. Whilst this is noted, there is no surface water flood risk currently on the site, and the proposed drainage would maintain this situation and not increase the risk of flooding elsewhere.

12.123 The proposal is thereby considered to be acceptable in flood risk and drainage terms and complies with the requirements of policy DP41 of the MSDP and the requirements of the NPPF.

### **12.124 Infrastructure**

12.125 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the MSDP. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

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

12.126 The Council's Development Infrastructure and Contributions SPD (2018) was revoked in July 2025 and a more up-to-date evidence on infrastructure costs (by using Appendix 5 of the Submission Draft District Plan) with a mechanism to charge higher levels of contributions to help alleviate that pressure is now relied on. However, as the application was made before the 23<sup>rd</sup> July 2025, this application remains to be assessed against the 'Development Infrastructure and Contributions' Supplementary Planning Document (July 2018) for S106 contributions.

12.127 The NPPF sets out the government's policy on planning obligations in paragraphs 56 and 58 which state:

*'56 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:

*'58 Planning obligations must only be sought where they meet all of the following tests (25):*

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.

*Footnote 25: Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.'*

12.128 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework, the infrastructure set out below is to be secured via a planning obligation.

12.129 West Sussex County Council Infrastructure Requirements:

- Library contribution of £15,882 to be spent on additional facilities at East Grinstead Library.

- TAD contribution of £96,929 to be spent on the A22 Improvement Scheme and/or traffic calming measures in the vicinity of West Hill, East Grinstead.

12.130 It is considered that the above contributions are reasonable and necessary to mitigate the impact of this development. Subject to the completion of a s106 legal agreement to secure the required infrastructure contributions, the development accords with policy DP20 of the MSDP, the relevant SPDs, Regulation 122 and guidance in the NPPF.

**12.131 Ashdown Forest**

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

12.133 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

12.134 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

12.135 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

12.136 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational

pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

- 12.137 This planning application is for a C2 care home with additional care units (C2). As such it does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

#### Atmospheric pollution

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

- 12.139 The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, 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. The proposed development was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Within the submitted Transport Statement which accompanies the planning application, it provides trip data for the proposed development. It states that over 12-hour period, there is forecast to be an increase of 160 vehicle movements, which equates to an average increase across each hour of the day of 13 vehicle movements. This is a minimal level of traffic on the network and into and out of the site and it is not expected that the proposal would generate unacceptable levels of traffic in the peak hours or at any hour during a 24-hour period. 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

- 12.140 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 12.141 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.142 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.

#### **12.143 Other matters**

- 12.144 The Councils Housing Officer considers that the self-contained flats proposed in the extra-care building would fall under Class C3 (dwellinghouses) and not a C2 use as they are independent units of accommodation. However, as detailed in para 10.3 above, the accommodation within this building is to function as an extension to the care home and linked to the main building in the services provided. To ensure that the flats in the extra care building remain in C2 use, details of a care package which

residents would need to sign up to can be controlled within the S106 legal agreement.

12.145 Concerns have been raised over the demolition of the existing dwelling which was constructed less than 25 years ago. Whilst its loss is regrettable, the site is within a highly sustainable location and seeks to optimise development within the site. The principle of the redevelopment of the site is support through local and national planning policies. In addition, whilst the previous application (reference DM/23/0007) on the site for a care home was refused due to the section 106 legal agreement not being completed, Members previously resolved to approve the redevelopment of the site from one dwelling to a care home. There have been no policy changes since the previous application that would justify a different decision being made in relation to this matter to that which was made in 2023.

#### 12.146 Contaminated Land

12.147 A Phase 1 Geo-Environmental Assessment Report has been submitted with the application. This concludes that:

*'This site has not had any significant development, remaining largely in residential use through time. The risk from onsite sources to human health is considered to be low to moderate at this stage.*

*The risk from off-site sources of soils contamination is considered to be low.*

*The risk from permanent ground gases (on and off site) is considered to be moderate to low.*

*The overall risk to controlled waters is considered to be low.*

*Intrusive investigations will be required to confirm the above assessed levels of risks and determine remedial requirements, if any.'*

12.148 The Councils Contaminated Land Officer has considered the information provided and raises no objection subject to conditions regarding contamination.

#### 12.149 Minerals and Waste

12.150 The site is lies within the identified Mineral Safeguarding Area for Brick Clay (Wadhurst).

12.151 The WSCC Minerals and Waste Officer raise no objection from a mineral safeguarding perspective. They consider that given the site relates to development within the curtilage of an existing development, they do not anticipate that the proposed development would result in any significant degree of mineral sterilisation.

#### 12.152 Water Supply

12.153 Policy DP42 of the MSDP relates to water infrastructure and the water environment. In part it requires for the applicant to demonstrate that there is adequate water supply to serve the development.

12.154 The previous application DM/23/0007 confirmed that there was sufficient capacity to meet the requirements for the development for an 85-bed care home. Such an agreement would be a private matter in any instance between the developer and the

water provider. There is no evidence that a satisfactory water supply could not be provided to the development and no reason to resist the application on this matter.

### **13.0 Planning Balance and Conclusion**

- 13.1 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. The Development Plan in this instance consists of the MSDP, the SADP and the EGNP.
- 13.2 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 13.3 The development would provide specialist accommodation for elderly people, which is a type of accommodation where there is a recognised need (National Guidance in the PPG states that the need to provide housing for older people is critical). Para 63 of the NPPF seeks to provide a mixture of housing for different groups in the community including older people (including those who require retirement housing, housing-with-care and care homes). It is clear therefore that national planning policy attaches significant importance to the need to provide accommodation for elderly persons.
- 13.4 Specialist accommodation and care homes are classed as community facilities and local services under policy DP25 of the MSDP. This sets out in part that '*The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.*' As such there is support within the District Plan for such types of development.
- 13.5 Policy SA39 in the SADPD relates to specialist accommodation for older people and care homes. This supports such development in the built-up area. As such the principle of a care home on this site is acceptable.
- 13.6 The site is within the built-up area of East Grinstead which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for a care home.
- 13.7 The proposed design of the care home building and extra care unit whilst larger than the existing single dwelling on the site is considered to be of an appropriate scale and design for its intended use and would not result in an overdevelopment of the site. The proposal through its design and positioning as well as boundary screening would not adversely affect the character of the area.
- 13.8 The means of access to serve the development with a new vehicular access off West Hill and the use of the existing access for pedestrians and cyclists accessing this site is considered acceptable. There would be an acceptable level of on-site car parking to serve the development.
- 13.9 Whilst the access and retaining wall would be visible within the street scene, it is considered that the overall impact would be acceptable and would not cause significant detriment to the character of the area due to the replacement planting proposed. The access would be similar in context to that of West Lane set to the north-west of the site which retains the verdant character of this part of the highway.

- 13.10 Due to the position of the buildings within the site and the relationship with surrounding residential properties, the proposal would not result in significant harm to the amenities of nearby residents through an impact on privacy, overlooking, outlook, daylight and sunlight, noise and light pollution.
- 13.11 Although there is to be a loss of some trees on the site, there is to be replacement planting to mitigate the impact of this. The replacement planting would over time allow the verdant character of this part of the highway to be retained.
- 13.12 The proposal will deliver positive social and economic benefits through the delivery of a care home within the town, which reflects one of the key objectives of the NPPF. It would also provide economic benefits from the employment during the operation of the care home and during the construction phase.
- 13.13 The proposal would not adversely affect any protected species and seeks to secure net gains for biodiversity to ensure wildlife mitigation and enhancements. There would be a neutral impact in respect of the Ashdown Forest.
- 13.14 On the basis of the above, the application is considered to comply with policies DP6, DP17, DP20, DP21, DP26, DP29, DP37, DP38, DP41 and DP42 of the District Plan, policies SA38 and SA39 of the Site Allocations DPD, policies EG3, EG5, EG11 and EG16 of the East Grinstead Neighbourhood Plan, and the provisions of the National Planning Policy Framework.
- 13.15 Officers consider that in the context of the adopted District Plan, SADPD and Neighbourhood Plan, the proposed re-development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Accordingly, the application is recommended for approval.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

### **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**

3. Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- o the anticipated number, frequency and types of vehicles used during construction,
  - o the method of access and routing of vehicles during construction,
  - o the parking of vehicles by site operatives and visitors,
  - o the loading and unloading of plant, materials and waste,
  - o the storage of plant and materials used in construction of the development,
  - o the erection and maintenance of security hoarding,
  - o 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),
  - o details of public engagement both prior to and during construction works,
  - o details of measures to control noise or vibration affecting nearby residents; artificial illumination,
  - o dust control measures,
  - o measures to deal with surface water run-off from the site during construction,
  - o pollution incident control and site contact details in case of complaints.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

4. Prior to the commencement of any part of the development, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Relevant Method Statements and Working Practices (Leigh Ecology Ltd, June 2025) and the Badger Activity and Mitigation Proposals (Leigh Ecology Ltd, June 2025).

The CEMP (Biodiversity) shall include the following:

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

5. Other than works to construct the new vehicular access from West Hill, no other part of the development shall commence until such time as the new vehicular access serving the development from West Hill has been constructed in accordance with the

approved plans, including the agreed bank works to achieve the required visibility splays. This also includes signage and some physical feature on the existing access road to restrict vehicular access to the development, so there is no intensification of the existing substandard access.

Reason: In the interests of road safety and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

6. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA and Drawings and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

7. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the Local Planning Authority:

a) A site investigation, based on the phase 1 geo-environmental assessment report undertaken by Brownfield Solutions Ltd, dated December 2024, ref: NA/C5969/13737, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

8. 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.

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

9. Prior to the commencement of any works, detailed plans showing the retaining walls to the front entrance including the materials to be used in its construction shall be

submitted to and approved in writing to the Local Planning Authority. The works shall be carried out in accordance with the approved details thereafter.

Reason: To protect the character of the area and to accord with Policy DP26 of the Mid Sussex District Plan and Policy EG3 of the Neighbourhood Plan.

10. No development above ground slab level shall be carried out unless and until samples of materials and finishes to be used for external walls and roofs of the proposed extensions have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG5 of the Neighbourhood Plan.

11. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority.

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

- purpose and conservation objectives for the proposed enhancement measures;
- detailed designs or product descriptions to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

12. No development above ground slab level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority full details of a hard and soft landscaping scheme and these works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

13. No development above ground slab level shall be carried out until details of proposed screen walls/fences and/or hedges including those serving the terrace and balcony areas have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

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

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the Neighbourhood Plan.

### **Construction Phase**

15. Works of construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday to Friday 08:00 - 18:00 hours

Saturday 09:00 - 13:00 hours

Sundays and Bank/Public Holidays: No work permitted.

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

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

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

Saturday: 09:00 - 13:00 hrs

Sunday & Public/Bank holidays: None permitted.

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

18. The works shall be carried out in accordance with the Tree Survey Preliminary Arboricultural Impact Assessment and Method Statement (Rev 02) dated 20th October 2025.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

19. The works shall be carried out in accordance with the details set out in the Sustainability Statement (version 1.0 dated 5th December 2024).

Reason: To achieve a high quality and sustainable development and to accord with sustainability policies set out in policies DP21 and DP39 of the Mid Sussex District Plan and the requirements of the NPPF.

### **Pre-occupation conditions**

- 20.

#### Pre-occupation Conditions

The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation,
- II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy DP41 of the Mid Sussex District Plan 2014-2031.

21. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy DP41 of the Mid Sussex District Plan 2014-2031.

22. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- identify those areas/features on site that are particularly sensitive to bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - show how and where external lighting will be installed (through provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

23. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031.

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

Reason: To encourage and promote sustainable transport and to accord with Policy DP221 of the Mid Sussex District Plan 2014-2031.

25. No part of the development shall be first occupied until covered and secure cycle parking spaces serving the development have been provided in accordance with the approved plans.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

26. Prior to the opening of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the application. All works which form part of the approved scheme shall be

completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of neighbouring residents and to accord with Policy DP29 of Mid Sussex District Plan.

27. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

28. Prior to the first occupation of the new build Care Home, the developer will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

Prior to the first occupation of the new build Care Home, they will notify the West Sussex County Council's Fire and Rescue Service that the fire hydrant(s) have been installed and are operational, to ensure that the Fire and Rescue Service are aware that the hydrant(s) is now a usable asset in the event of a fire.

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 Mid Sussex District Plan 2014 - 2031 and the Fire & Rescue Service Act 2004.

### **Post occupation / management conditions**

29. Post occupation / management

There shall be no deliveries or collections of commercial goods or waste outside the following hours:

Mon to Fri 07:00 to 21:00 hours

Sat 08:00 to 18:00 hours

Sun and Public Holidays: none permitted.

Reasons: To protect the amenity of neighbouring residents and to accord with Policy DP29 of Mid Sussex District Plan.

30. Unless otherwise agreed in writing, noise associated with fixed plant and machinery located at the development shall be controlled such that the noise Rating Level shall not exceed the background noise level LA90, (T) at any premises used for residential

purposes surrounding the site, when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To protect the amenity of neighbouring residents and to accord with Policy DP29 of Mid Sussex District Plan.

### **Biodiversity Net Gain**

1. This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

### **Informatives**

1. 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:
  - 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.
2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
4. The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service
5. In relation to the drainage conditions, at discharge of condition stage we will need to see details as to how maintenance will be managed within the final storage tank design, including the interconnecting pipes currently proposed. Consideration will need to be given to silt management to ensure the system is resilient to build up and can easily be maintained in general (as there is only access to one chamber in this type of design). We recommend consulting the CIRIA SuDS manual for further guidance on requirements.

6. In order to protect and safeguard the existing water supply apparatus, Southern Water requests formal notification of any proposed demolition works prior to such works being undertaken.  
For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)  
Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at:  
[SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)
7. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.  
To make an application visit Southern Water's Get Connected service:  
<https://developerservices.southernwater.co.uk> and please read our New Connections Charging Arrangements documents which are available on our website via the following link:  
<https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>
8. In relation to condition 26, order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.
9. 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.
10. 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 £298 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.
11. 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.