

REPORT UPDATE

Application No: AL/42/19/PL

Reason for the Update / Changes

Reason for Update/Changes:

(1) TREE OFFICER CONSULTATION

The Council's Tree Officer had raised an objection which was not received until after the agenda had been agreed. However, the objection was on the grounds of missing information and the applicant has provided the necessary items. The Tree Officer is therefore now able to recommend approval subject to three new conditions which are included in the attached replacement recommendation sheet as conditions 03, 09 and 19.

Condition 09 is a new pre-commencement style condition and the applicant has agreed in writing to its inclusion.

(2) ADDITIONAL COMMENTS BY THE APPLICANT

The applicant has written to respond to some of the concerns raised at the Planning Briefing Panel. The applicant's response is summarised below:

Roof material

- The use of red zinc cladding responds to the agricultural use buildings to the north of the site;
- The proposed building will be both subservient to Nyton House & the adjacent cottages but also does not compete with them;
- Clay tiles would not be appropriate as it would form too great a visual connection to the existing buildings;

Brickwork

- The proposed brick to be used in the new dementia wing will be a warm red stock brick, laid in Flemish bond pattern to the most apparent and exposed faces as a feature;
- This brick choice connects the soft red feature brick found on both the main house, the adjacent cottages and their small single storey extension;
- It is believed that a direct replication of the brick on the main house would be too direct a connection between the existing Listed asset and the new building;

Environment enjoyed by the residents of the dementia unit

- The building construction would be suitably detailed to minimise noise transference within the building;
- The building will be well thermally insulated which will also improve the noise resilient nature of the unit;

Noise from the care home

- The space within which it is proposed to build the new unit is currently utilised by the existing facility as outdoor amenity space;

- The addition of a building here, which will be constructed to meet national Building Regulations requirements, will make negligible difference to the existing condition;
- Noise generated within the unit will be controlled by minimum sound absorption requirements.

Size of the building/separation to Wyncote

- The proposed building is single storey and surrounded to the west by a 3m high stone wall, and to the east by a new 1.8m high close boarded fence;
- The separation distance of the single storey development to Wyncote is in excess of 22m;

Other Concerns

- Detailed and frequent discussions have been held with the planning officer and the conservation officer, and these have honed the final presented form of the proposed dementia building;
- The conservation officer is now satisfied that the impact of the development does not cause substantial harm to the setting of the Listed Nyton House, nor Knighton Grange Cottage; and
- These discussions and design reviews have covered the use of the materials proposed as well as the form of the layout.

Separately, the applicant has provided a statement by its Heritage Consultant, Dr Ian Wightman. This is summarised below:

- The building design itself, which is divided into a series of ranges, reflects more traditional agricultural typologies, but in a modern idiom;
- Within the grounds of Nyton House this distinction will be even more clear due to the modern fenestration, though much of this is concealed, especially behind the boundary wall and does not influence the setting in visual terms;
- The building form and scale is clearly subservient to the neighbouring historic buildings and does not compete with them. As can be seen in the west elevation especially, the new development is low level;
- This is not to say that there is no impact on setting, as there clearly is. The space here is a remnant of the kitchen garden which would have informed the main house;
- Unfortunately, this has been subdivided into gardens with different ownership and therefore is unlikely to be capable of restoration. The remaining land that houses the dementia wing is now grassed;
- Mitigation for this has been provided with the enhancement of the garden to the south and by association the setting of the listed building. This removes a swimming pool which is harmful and detracts from the main house. It also opens the garden up to visitors to the care home and enables them to experience the heritage asset in improved surroundings;
- The scheme does not result in extensive loss of historic material or assets which would normally trigger a refusal;
- As mentioned in the Council's more detailed heritage response, the harm to the listed building is considered 'less than substantial', due to the impact on its setting;
- We would totally agree with this as the scheme does not result in substantial harm, i.e. actual harm to significance;
- Less than substantial harm is still harm and therefore should be balanced against any broader public benefits; and
- Given that the listed building is already a care home and therefore provides a viable use for what is otherwise a very large building, the scheme here provides a means for maintaining this function in the long term and therefore helps to make the building sustainable.

Officers Comment:

The changes to the recommendation (i.e. new conditions 03, 09 and 19) are shown on the attached replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: AL/42/19/PL

LOCATION: Nyton House
Nyton Road
Westergate
PO20 3UL

PROPOSAL: Construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas. This application affects the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	New dementia care unit on grassed land in the north-western part of the site. This comprises 10 en-suite bedrooms, a kitchenette/utility area, additional bathroom, lounge/dining area, external covered walkway, internal courtyard garden plus new external gardens and landscaped amenity areas. The building will be part flat and part pitch roofed to a maximum height of 5.2m. It is proposed that the pitched roof gables be hipped in order to slope the roof away from the western boundary. The building will be constructed from a mix of brick, red zinc cladding, flint walling and timber fencing. The proposal seeks permission to demolish various outbuildings located in the parking area to the north of the Care Home and to erect in their place a new small building containing single garage, laundry room, garden store and with an attached external fenced bin store. This building will be in the north-eastern part of this parking area and will have a footprint of 6.4m by 10.9m. It will have a pitched & hipped roof to a total height of 5.2m. Also to be demolished are small sections of flint wall. The plans show the conversion and partial alteration of the garage to the front of the Care Home (to create a staff day room) and comprehensive landscaping including the removal of the swimming pool. Parking will be provided within the existing car park at the rear of the site.
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SITE AREA	0.35 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	There are several trees in the vicinity of the site - 10 are potentially affected. One is noted as dying and to be removed (T6 - a Wild Cherry located south of the dementia care unit). The remainder will be protected during construction.
BOUNDARY TREATMENT	Boundary treatments are mixed given the size of the site, however the following were noted: - Part 1.8m high, part 1m high timber fencing to the rear/side garden boundaries of the three terraced cottages; - 2.5-3m high flint wall to the northern boundary of the garden where the Dementia unit will be sited; - 2.5-3m high flint wall to the southern boundary with Nyton Road; and - 3m high flint wall to the western boundary with Nyton Grange Cottage.
SITE CHARACTERISTICS	The site comprises a detached two and a half storey, Grade 2 Listed care home which has previously been extended at ground floor on the north western side and projecting towards the rear (west). There are large gardens to the front (east) and rear (west) and the rear gardens extend northwards at the rear of three terraced two and half storey cottages (Nyton Farm Cottage, Nyton Gable & Wyncote). These have ground floor principal windows and first floor bedroom windows which look out towards the site of the new dementia unit. The southernmost dwelling (Nyton Farm Cottage) has a large first floor flank window whilst the middle dwelling has a large first floor flank window on a rear projection which also looks south. Two of the three cottages are in the ownership of the applicant (Wyncote is separately owned) and it is understood that there are separate plans to change the use of the two dwellings to become part of the wider care home use. There are other small buildings/built features in the site including a pitched roof double garage in the front parking area, an empty swimming pool in the rear gardens and a timber lodge style office building on the northern side of the house.
CHARACTER OF LOCALITY	The area is considered to be rural as it is located outside of the edge of the nearest settlement. The site lies in a cluster of residential & agricultural buildings and there are further residential properties to the southeast. The following was observed in respect of buildings/land uses adjacent to the site: - Knighton Grange Cottage to the west is a part single, part two storey thatched cottage. It has ground and first floor bedroom windows at the end of the houses closest to the boundary walls. None of its windows are visible above the height of the boundary wall when viewing from the Nyton Care

Home side of the wall; and
 - The buildings to the north of the site form part of Nyton Farm and those visible from in the site are storage barns.

RELEVANT SITE HISTORY

AL/43/19/L	Listed building consent for the construction of a 10 No. bedroom dementia unit on the grounds of Nyton House Care Home.	
AL/78/14/PL	Single storey timber building for use as a garden office. This application affects the setting of a Listed Building.	ApproveConditionally 18-12-14
AL/82/89	Addition of conservatory to provide covered access to new laundry room	ApproveConditionally 17-04-90
AL/57/89	Extension at rear	ApproveConditionally 07-08-89

Pre-application advice was given in October 2018 - it was concluded that were an application submitted, that in principle it would be supported but that more consideration would need to be given to the impacts on heritage assets, the amenity of local residents and the preservation of important trees.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"Aldingbourne Parish Council wishes to note its objection regarding the above planning applications on the following basis. We recognise the need for the dementia resource applied for and are appreciative that this is in support of key policies in the Aldingbourne Neighbourhood Plan, ie. EE1 Supporting Existing Employment and Retail, LC1 Supporting Independent Living, and LC2 Provision of Healthcare facilities. Regrettably however the current plan contravenes the communities neighbourhood plan on a number of policies, namely:

- (1) H1 - although the Council recognises the quality within the design, it feels that this application fails to reflect "the local character" - it is a very modern proposal to be set next to 'character' and 'listed' buildings - this council feels the proposed red zinc material is particularly out of character;
- (2) EH2.1 and EH6.1 - the Council notes that the proposed location of this resource impacts significantly on the existing green space to the perimeters of the neighbouring properties. The size of the development also prevents the possibility of replanting on the boundaries of the proposed construction. This will therefore impact on the current green infrastructure balance and is likely to negatively affect wildlife habitats; and

(3) EH11 - this policy seeks to protect flint walls within the Parish. This current planning proposal will however obliterate the view of the existing 3m high flint wall; and the proposed modern construction (which will be sited very close to that wall) fails to sympathetically reflect the flint character.

Regrettably, Aldingbourne Parish Council does not feel that the current proposals meet the provisions in policy LC1. In light of the above, the Council feels unable to support this current application."

Three letters of objection from two nearby residential properties raising the following concerns:

- (1) Contrary to ANDP policies LC1, EH10, EH11, EH8, H1, H3, EH1, H9;
- (2) Contrary to ALP policies HER SP1, C SP1, H DM2, D SP1, D DM1;
- (3) Countryside location and will result in harm therefore inappropriate development;
- (4) No consideration for alternative sites;
- (5) Loss of flint walls;
- (6) Benefits do not outweigh harm to Listed Building;
- (7) Harmful to character of site and immediate surrounding area;
- (8) Roofing materials are inappropriate and do not reflect surrounding buildings;
- (9) Height of building is excessive and suggests future first floor accommodation;
- (10) Wyncote able to look into the dementia care unit private courtyards;
- (11) Impact on residential amenity from new lighting and noise pollution from Care Unit & new laundry;
- (12) Loss of light to Knighton Grange Cottage;
- (13) Application fails to take account of noise and air pollution from adjacent farm;
- (14) Loss of views from Wyncote of existing heritage assets;
- (15) Proposal will harm existing views from Knighton Grange Cottage; and
- (16) Impact on parking and access to Wyncote.

COMMENTS ON REPRESENTATIONS RECEIVED:

ALDINGBOURNE PARISH COUNCIL:

Comments and relevant policies are considered in the Conclusions. In respect of policy EH2, this refers to development either in or immediately adjacent to a defined biodiversity corridor. Although the greenspace and pond to the east of the Care Home is within this designation, the parts of the site to be developed are not and it is not considered that they are immediately adjacent and thus policy EH2 is not considered to apply. It is noted that policy EH11 seeks to protect against the loss of flint walls. The policy does not provide any protection to the sections of flint wall within the site only to that along the road frontage.

LOCAL RESIDENTS:

The Conclusions section assesses the application in respect of the principle of development in the countryside, heritage assets, local character, residential amenity, noise & light pollution, access & parking and biodiversity. The following comments are offered in respect of some of the points raised:

- (1) Policy H1 refers to houses only. Policy EH8 refers to Buildings of Character and there are none of these present on the site. Policy EH11 does not provide any protection to the sections of flint wall within the site only to that along the road frontage;
- (5) Noted. Only two very small sections are being removed and the removed material will be reused elsewhere on the site;
- (9) It is not considered that the height is excessive and the roof form would not allow for a suitable conversion to living accommodation;
- (16) Wyncote will retain its existing parking provision and access to it.

CONSULTATIONS

Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 Arboriculturist
 Parks and Landscapes
 Conservation Officer
 WSCC Strategic Planning
 Environmental Health
 Sussex Police-Community Safety
 NHS Coastal West Sussex CCG
 Archaeology Advisor
 Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER: No objection subject to informative regarding grease traps and a condition to secure approval of the means of foul water disposal.

SUSSEX POLICE: No objections but list a number of advisory notes regarding improving security.

WSCC FLOOD RISK MANAGEMENT: No objections. State that:

- There is a low risk of surface water flooding;
- Any existing surface water flow paths across the site should be maintained;
- There is a low risk of ground water flooding; and
- No records of any historical flooding.

WSCC HIGHWAYS: No objection subject to a construction management condition and a condition to secure the vehicle parking. State that:

- No recorded injury accidents at the junction with the public highway, onto Nyton Road;
- There is no evidence to suggest that the junction is operating unsafely, or that the proposed additional units would exacerbate an existing safety concern;
- The access road takes the form of a 5m wide route which allows sufficient space for vehicles to pass should conflict arise;
- Swept path diagrams have been provided outlining that service vehicles would be able to manoeuvre within the site to exit onto Nyton Road in a forward gear;
- Currently there is capacity for 20 residents within the care home. Using the standards,, this generates the requirement for 7 spaces;
- The new proposed additional rooms alter this provision to 12 parking spaces. The applicant has provided 14 parking spaces to serve the development which therefore exceeds the standard;
- Sufficient space has been allocated to the rear of each parking space to facilitate a 90 degree turn and the parking spaces are created to the appropriate dimensions;
- Cycle storage is also available on the site; and
- Nursing homes are not normally associated with significant traffic volumes especially during peak hours of traffic movement.

WSCC PEOPLE SERVICES: Raise no objection.

- Nyton House is a well-established and well regarded residential care service providing quality care for local people. They provide a range of services including those for people with dementia and these are rated by the Care Quality Commission as 'Good';
- Our own local analysis indicates that overall demand for different types of care from 2014 to 2034 is estimated to rise by 67% in West Sussex;
- This translates to a projected additional demand in the County for 9,707 residential care home beds and 6,720 nursing beds;
- It is anticipated that Arun will experience the largest rise in demand in West Sussex across all care types due to the projected increase of people over the age of 75 within the district and long term care which is projected to grow by an estimated 72% by the year 2034; and
- This projected increase would suggest that the number of residential care services will need to increase in Arun in excess of 2000 new residential placements by the year 2034.

COUNCILS ARCHAEOLOGIST: Unlikely works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

COUNCILS ECOLOGIST: No objection subject to the mitigation measures set out in the appraisal being adhered to. Also request conditions to control lighting and to protect birds nests within trees.

ADC DRAINAGE ENGINEERS: No objections subject to a standard surface water drainage condition and a standard surface water drainage maintenance manual condition. Also state that it is likely that the surface water solution required for this site will need to be formed from a shallower drainage solution, taking up a greater plan area but that it appears there is space available on the site for this.

ADC ENVIRONMENTAL HEALTH: No objection subject to a condition to control hours of construction.

ADC CONSERVATION OFFICER: No objection subject to conditions to control materials, control details of new windows & doors, control the new gates, secure a landscaping scheme and enable the reuse of flint from removed walls.

"Nyton House is a very attractive Listed Building, which is currently in use as a care home. A number of proposals have been considered to both the listed building and an area of the associated grounds, which will ensure that the current use to expand its operations. Having carefully considered the information supplied as part of the applications, the proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2019). The level of harm is considered to be on the lower end of the scale. As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents of sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)."

The officers full response is provided on the Council's website.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and all recommended conditions/informatives included.

In respect of the WSCC Flood Risk Management comments, high groundwater risk is not an indication that the site will flood from groundwater sources or that there is a potential risk to human safety. The

Councils Engineers state there are only a few places in the district where groundwater floods above the surface and these are known to the Council. The height of groundwater does inform the design of surface water drainage. For example, soakaways must be located above the highest groundwater levels (i.e. the highest water table level). Whilst not an issue with this proposal, development below the ground level has the potential to be affected by groundwater flooding.

The Conservation Officer noted the dementia care building will be visible from within the garden to Knighton Grange Cottage and the proposed roof form could dominate the view when the listed building is experienced. The applicant has amended this part of the scheme by hipping the roof gables away from the boundary.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
 Special Control of Adverts;
 Class B Road;
 Listed Building Grade II;
 Lidsey Treatment Catchment Area;
 WSCC Mineral Consultation Area (Sharp Sand and Gravel);
 Archaeological Notification Area; and
 No Public Sewer.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM2	H DM2 Independent living and care homes
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM6	HER DM6 Sites of Archaeological Interest
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

WSP1 W SP1 Water

<u>Aldingbourne Neighbourhood Plan 2016 POLICY EH1</u>	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY EH11	Flint walls
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores
	Attention to detail
Aldingbourne Neighbourhood Plan 2016 POLICY EE1	Supporting existing employment and retail
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY LC1	Support independent living
Aldingbourne Neighbourhood Plan 2016 POLICY LC2	Healthcare facilities

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Relevant policies of the Aldingbourne Neighbourhood Development Plan are considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

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

The proposal is considered to comply with relevant Development Plan policies in that it would not cause demonstrable harm to the character of the area, to the character and special qualities of the affected heritage assets, to the safety of the highway or to the amenities of neighbouring residents.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The site is outside of the built-up area boundary as set out in both the Aldingbourne Neighbourhood Development Plan (ANDP) and the Arun Local Plan (ALP). ANDP policy EH1 "Built Up Area Boundary" is relevant and states that proposals for development outside of the built-up area boundary, that do not accord with development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure, where the benefits outweigh any harm, and it can be demonstrated that no reasonable alternative sites are available.

ALP policy C SP1 states development will be permitted in the countryside where it accords with other policies in the Plan which refer to a specific use or type of development. In this case, it is considered that the proposal is in accordance with the policy H DM2. By virtue of being in accordance with the Arun Local Plan (being the newest part of the Development Plan), the proposal accords with policy EH1 of the ANDP. Notwithstanding, it is considered the benefits of the scheme outweigh harm to the heritage assets and it is not necessary to demonstrate alternatives as this is an existing care home.

ALP policy H DM2 states that extended independent living and care homes will be permitted where applications can demonstrate that the following criteria are adhered to and where the proposal is consistent with all other Local Plan policies:

- (a) The scheme is located within the Built Up Area Boundary if it is a new facility;
- (b) The scheme shall be easily accessible either by foot or public transport, to community and social facilities e.g. shops, post offices, healthcare, community facilities;
- (c) The design of the scheme shall be such that it can be easily adapted to the varying needs of the users of the scheme;
- (d) The design and scale of the scheme shall be appropriate to the local context;
- (e) Amenity space shall be provided; and
- (f) Overall, the scheme should be located where it would support and encourage the continuation of a healthy, active lifestyle.

In response:

- (a) The proposal is for the extension/expansion of an existing facility therefore does not need to be in the built up area;
- (b) Whilst located in the countryside, the site is not far from the edge of the built up area boundary and

- there are bus stops and a shop within only around 600m of the site;
- (c) The scheme is designed in the interests of the potential users of the accommodation;
 - (d) This report will conclude that the design and scale of the scheme is appropriate to the site context;
 - (e) The site already provides a good amount of external amenity space; and
 - (f) The site is considered to be appropriately located such that it supports a healthy lifestyle.

It is noted that ANDP policy LC1 states that proposals for extended independent living and care homes will be supported provided that the design and scale of development are in keeping with the character of the location and that the impact on the amenity of surrounding residential properties is acceptable. The Parish Council refer to policies EE1 and LC2 as being in support of the proposal. However EE1 is intended to support employment and retail sites whilst LC2 is clearly for medical facilities.

Paragraph 83 of the National Planning Policy Framework (NPPF) states that planning decisions should enable the sustainable growth & expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings.

It is considered the proposal is acceptable in principle having regard to ALP policies C SP1 & H DM2 and with ANDP policies EH1 & LC1.

HERITAGE ASSETS:

The buildings and other development are within the setting of a Grade II Listed Building, Nyton House. In addition, Knighton Grange Cottage to the immediate west of the site of dementia care unit is also a Grade II Listed Building and the proposal will therefore also affect the setting of this listed building.

Relevant Local Plan policies are HER SP1 (The Historic Environment) and HER DM1 (Listed Buildings). HER SP1 states that listed buildings and their settings will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Also that development likely to prejudice their setting will be refused and that any proposals for development will be required to comply with all other relevant policies. HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

It is necessary to consider policy guidance in the National Planning Policy Framework (NPPF) which sets out several steps when considering impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 190 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 193-196).

The applicants provided a Heritage Statement which provides information in accordance with the relevant paragraphs of the NPPF 2019 as described above. The Statement concludes:

"The proposed development is not considered to have a negative impact on the character of the existing building or the surrounding area. The new wing is single storey in order to ensure subservience to the

Grade II listed main house and neighbouring properties and to prevent the possibility of overlooking the adjacent cottages. The aesthetic is designed to reflect the surrounding agricultural properties while sitting harmoniously with the main house and cottages. MH Architects have carefully considered the form and materiality of the proposed design in order to ensure that it blends harmoniously into the site and surrounding area. It is considered that this development, with reference to the advice received, will have no harmful impact on the aesthetic of the asset or surrounding area and in fact perform to improve it substantially."

The Conservation Officer has assessed the proposal and his comments are set out in full on the Council's website and summarised above. The Conservation Officer considers the proposal results in harm to the designated heritage assets but that the level of harm is less than substantial. Therefore, para 196 of the NPPF is brought into play. This states: "this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

According to the Planning Practice Guidance, such benefits should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, they do not always have to be visible or accessible to the public to be genuine public benefits. Public benefits may include sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation.

In this case that the proposal will result in the following public benefits:

- A 10 bed dementia care unit to help meet the growing requirement for elderly care within the District;
- The enhancement of the Care Home generally with enhanced staff & servicing facilities as well as enhanced landscaping to improve quality of life for existing & future care residents; and
- Supporting the long term use and conservation of the heritage asset.

It is considered that the benefits of the proposal do outweigh any harm to the Listed Buildings.

This development has taken account of the comments made by the Council during the pre-application negotiation in 2018 as well as comments made during this determination regarding the design of the dementia care unit roofs. It is considered there will be harm to the Listed Buildings and their settings but that this harm will be less than substantial and the benefits of the proposal outweigh this harm. The proposal complies with the guidance in the NPPF, with policies HER DM1 and HER DM3 of the ALP and with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

ANDP policies H3 & H9 are both relevant. H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties. Policy H9

requires that certain 'add-on' items (e.g. gutters, satellite dishes, meter boxes) be included in the design of new houses. The proposal does not show such features however, it is not considered that non-compliance with this policy should be considered to be sufficiently harmful so as to warrant a refusal. In addition, as noted elsewhere, policy LC1 requires that the design and scale of care home development is in keeping with the character of the location.

Para 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." In addition, paragraphs 122, 130 and 131 are all relevant.

Para 122 states that planning decisions should support development that makes efficient use of land but that the desirability of maintaining an area's prevailing character and setting should be taken into account. Para 130 states that planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Para 131 states that great weight should be given to innovation, high standards of design and sustainability measures so long as they fit in with the overall form and layout of their surroundings.

The dementia care unit building occupies a fairly large footprint on an unused grassed space surplus to requirements. It is considered to have an appropriate relationship to the three terraced dwellings and in itself does not overdevelop the land area associated with the care home. The building is small in height and has an interesting visual form. It has an appearance that reflects the character of the nearby agricultural buildings. Given the height of the western boundary wall (3m) and the hipped nature of the roof gables here, it would have only limited visibility from nearby land.

The Conservation Officer states it is positive that the new building will be constructed from brick to reflect the materials prevalent in the three existing cottages. The southern elevation of the new building is very simple in appearance and this reduces its impact.

The new garage/laundry to be sited opposite 'Wyncote', could lead to the creation of a small courtyard like area. The building reads as a standard structure and is small in scale. It is not inappropriate. There is no concern with the conversion of the garage to the south which maintains its existing scale & form but be improved visually. The loss of sections of flint walling is unfortunate but not considered to have a harmful impact on the character of the site particularly as the flint will be reused elsewhere.

Overall, it is considered that the proposal complies with ALP policies D DM1, D SP1, with ANDP policies H3 & LC1 and with the guidance on design in the NPPF.

RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". In addition, as noted elsewhere, ANDP policy LC1 requires that the design and scale of care home development is in keeping with the character of the location and that the impact on the amenity of surrounding residential properties is acceptable.

The potential impacts to residential amenity are discussed under the following headings. Noise and light

pollution issues are discussed elsewhere within these Conclusions.

(2) The relationship between the new Dementia Care Unit and Knighton Grange Cottage

The dementia unit will be sited to the immediate northeast of the rear elevation of the neighbouring thatched cottage. The new building is single storey, with gables that hip away from the shared 3m high boundary. It may be possible to view some parts of the proposed roof from within the neighbouring garden (particularly if viewing the site from further to the west) but it not considered that there will be any loss of light to the neighbour and certainly no prospect of overlooking.

(3) The relationship between the Dementia Care Unit and the rears of the three on-site terraced dwellings

it is noted that two of the three cottages are in the control of the applicant and an application has been lodged to convert these into extra care home space. However, the fact remains that they are currently dwellings (and that Wyncote is a separately owned dwelling) and that residents would expect to have a decent standard of amenity.

The existing rear windows on these dwellings look towards the east elevation of the dementia care building. No windows are proposed to the parts of the east elevation that faces these dwellings. There is a small enclosed courtyard garden within part of the eastern elevation but this will be screened from any views of it by timber fencing. The new building may result in some loss of light to the rear parts of the residential gardens when the sun is in the west but this will not result in harm to existing windows or the most private parts of the gardens (those parts located immediately to the rear of the house).

For the above reasons, it is considered that the proposal is in accordance with ALP policies D DM1 & QE SP1 and with ANDP policy LC1.

NOISE AND LIGHT POLLUTION:

ALP policies QE DM1 and QE DM2 seek to protect residential properties from adverse effects of light and noise pollution.

ANDP policy EH10 states that proposals which detract from the unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time.

The application plans do not show any proposed lighting therefore it is not appropriate to require a lighting assessment at this time. However, there is potential for lighting to be required in the future and therefore, it is proposed to impose a planning condition to require that all future proposed lighting is approved at a later date at which time it will be checked by Environmental Health Officers. This will ensure that any such lighting is designed to prevent light spillage into residential properties and to generally minimise any change to the character of the site at night.

The application is accompanied by a noise assessment which assesses the impacts of noise from outside the site (principally the farm to the north) on the new noise sensitive premises (the new dementia care unit). The noise assessment does not assess the impacts of the proposed ancillary laundry on the amenity of existing residents. The application has been assessed by Environmental Health who are its technical experts on pollution matters (air, noise, light). They raise no objections. It is noted that policy QE DM1 requires that new noise generating development demonstrate that there are no suitable alternative locations for the development. In this case, the laundry room must be sited on the site as it is to service the existing/proposed care facilities. Furthermore, it must be sited close to the car park.

It is not considered that a refusal on grounds of noise or light could be justified and the proposal accords with ALP policies QE DM1 & QE DM2 and ANDP policy EH10.

ACCESS & PARKING:

Policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

ANDP Policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires new development to be located in places accessible to public and community transport. ANDP policy GA3 requires that parking be provided in accordance with the standards adopted at the time.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

There are no changes to the access and therefore no changes to the adopted highway network. WSCC Highways have assessed the proposal and consider that parking provision meets the required standards and that there are no current safety issues with the existing access such that it is suitable for the level of increased traffic movements. They therefore raise no objections.

The site's sustainability credentials are discussed elsewhere in this report where it is stated that the site is not far from the edge of the built up area boundary and there are bus stops and a shop within 600m of the site. The proposal accords with policies T DM1 & T SP1 of the ALP and with the guidance on highway safety within the NPPF.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

ANDP policy EH6 states that development proposals must be designed to incorporate biodiversity and enhance ecological networks in order to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature.

Para 175 of the NPPF states: "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;"

The application is accompanied by an Ecological Impact Assessment which concludes the site supports a low status day roost of common pipistrelle but also supports suitable habitat for badger

(foraging/commuting only), breeding birds and hedgehog. The Assessments sets out various mitigation measures including the installation of additional bat roosting features, nesting boxes, and the use of native planting known to benefit a range of species. The Assessment states that if the site is managed appropriately, the proposed measures should result in an overall net gain for biodiversity.

The Councils Ecologist has assessed the application in respect of whether there will be harm to protected species and advises no objection subject to mitigation and enhancement measures being secured by condition. The application complies with the NPPF para 175, with ALP policy ENV DM5 and ANDP policy EH6.

TREES:

ALP policy ENV DM4 states development will be permitted where it can be demonstrated that trees contributing to local amenity will not be damaged or destroyed now and as they reach maturity, unless development:

- a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or
- b. Would enhance the survival and growth prospects of other protected trees;
- c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland."

ANDP policy EH6 states that development that damages or results in the loss of trees of arboricultural and amenity value will be resisted, unless the need for, and benefits of, development in that location clearly outweigh the loss.

The application proposes the felling of one Wild Cherry Tree which is noted to be dying with 70% dieback of its Crown. The remaining trees are all to the boundaries of the new development and are proposed to be retained and protected during construction. The Tree Officer has not, at the time of writing, provided an assessment of the situation (comments and recommended conditions will be reported at the meeting). It seems reasonable to conclude that as long as the protection measures are sufficient then there will be no harm to other established trees and no conflict with the relevant development plan policies. A landscaping scheme condition is to be imposed and this will secure new tree planting elsewhere on the site.

SUMMARY:

There is no in principle conflict with development plan policy in respect of the extension/enhancement of this existing Care Home and it is considered that the proposal complies with all normal development control criteria concerning highway safety/parking, character, residential amenity, pollution, trees and ecology. The report concludes there will be less than substantial harm to the affected heritage assets, however this harm is outweighed by the public benefits associated with the development in particular the contribution that the proposal will make to meeting future demand for care home places in the Arun. It is recommended that the application be approved subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human

Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 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 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg. 210 Rev P2 "Site Location Plan";
Dwg. 203 Rev P5 "Proposed Site Plan";
Dwg. 205 Rev P5 "Proposed Floor Plan";
Dwg. 207 Rev P3 "Proposed Elevations" (Ancillary Buildings);
Dwg. 206 Rev P5 "Proposed Plans and Elevations" (Dementia Care Building); and
Dwg. 330/01/03 Rev B "Landscape Master Plan".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, HER DM1, QE SP1 and T SP1 of the Arun Local Plan.
- 3 All activity at the site is to be carried out in strict accordance with the "TREE PROTECTION: CONSTRUCTION METHOD STATEMENT" by David Hares Landscape Architects (ref. DH-330-01-07).

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and provide amenity to the area - in accordance with Arun Local Plan policy ENV DM4.
- 4 The development must be carried out in accordance with the mitigation and enhancement

measures as set out within section 5.0 of the Ecological Impact Assessment by Ecosa ref 4184.FD (February 2019). The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 6 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 7 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no part of the new dementia care unit shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because such drainage works are required to be in place before building work commences.

- 8 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development.

Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy TSP1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 9 No development shall commence on the site unless and until, a Pre-Commencement Site Meeting has taken place between the Arun DC Tree Officer and the Arboricultural Expert representing the site owners. At this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan (Arboricultural Impact Assessment), dwg. no. 330-01-02A.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and provide amenity to the area - in accordance with Arun Local Plan policy ENV DM4. This is required to be a pre-commencement condition because it is necessary to ensure the protection of the existing trees and hedges to be retained trees prior to any change to the surface of the site.

- 10 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed new buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the new buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policies HER DM1 and D DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 11 No development above damp proof course (DPC) level shall take place unless and until a scheme has been agreed by the Local Planning Authority which shows how the flint that is to be removed from the site walls and other buildings is to be reused within the development including in the repair of any retained walls and the detailing on the dementia care building. The approved scheme shall thereafter be implemented in full.

Reason: To retain important historical fabric in the interests of the setting of the Listed Building in accordance with policy HER DM1 of the Arun Local Plan and the National Planning Policy

Framework.

- 12 No development above damp proof course (DPC) level shall take place unless and until full details of the new emergency access gates between Wyncote's garage and Nyton Farm Cottage have been submitted to and approved by the Local Planning Authority and said gate shall only be erected in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy HER DM1 and D DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 13 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and 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 amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 14 None of the approved dwellings shall be occupied unless and until details of the construction and materials of all new joinery (windows & doors) have been submitted to and approved by the Local Planning Authority and the new joinery so approved shall be constructed in accordance with approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the setting of the nearby Listed Building by endeavouring to achieve a building of visual quality in accordance with policies D DM1 and HER DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 15 The new dementia care building and new laundry building shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that these buildings will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of these buildings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 16 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 17 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with

the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 18 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 19 Any tree pruning approved or considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice plus Arun Local Plan policy ENV DM4.

- 20 All bathroom and toilet windows in the external elevations of the dementia care building hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

Reason: To protect the amenities and privacy of future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 21 No demolition or construction activities shall take place, other than between 08.00 to 18.00 hours (Monday to Friday) and 08.00 to 13.00 hours (Saturday) with no noisy working activities on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 22 INFORMATIVE: Statement pursuant to 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.

- 23 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests

undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 24 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 25 INFORMATIVE: The applicant should note that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.
- 26 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 14/06/19) as available on the Councils website.
- 27 INFORMATIVE: The applicant should note that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.