

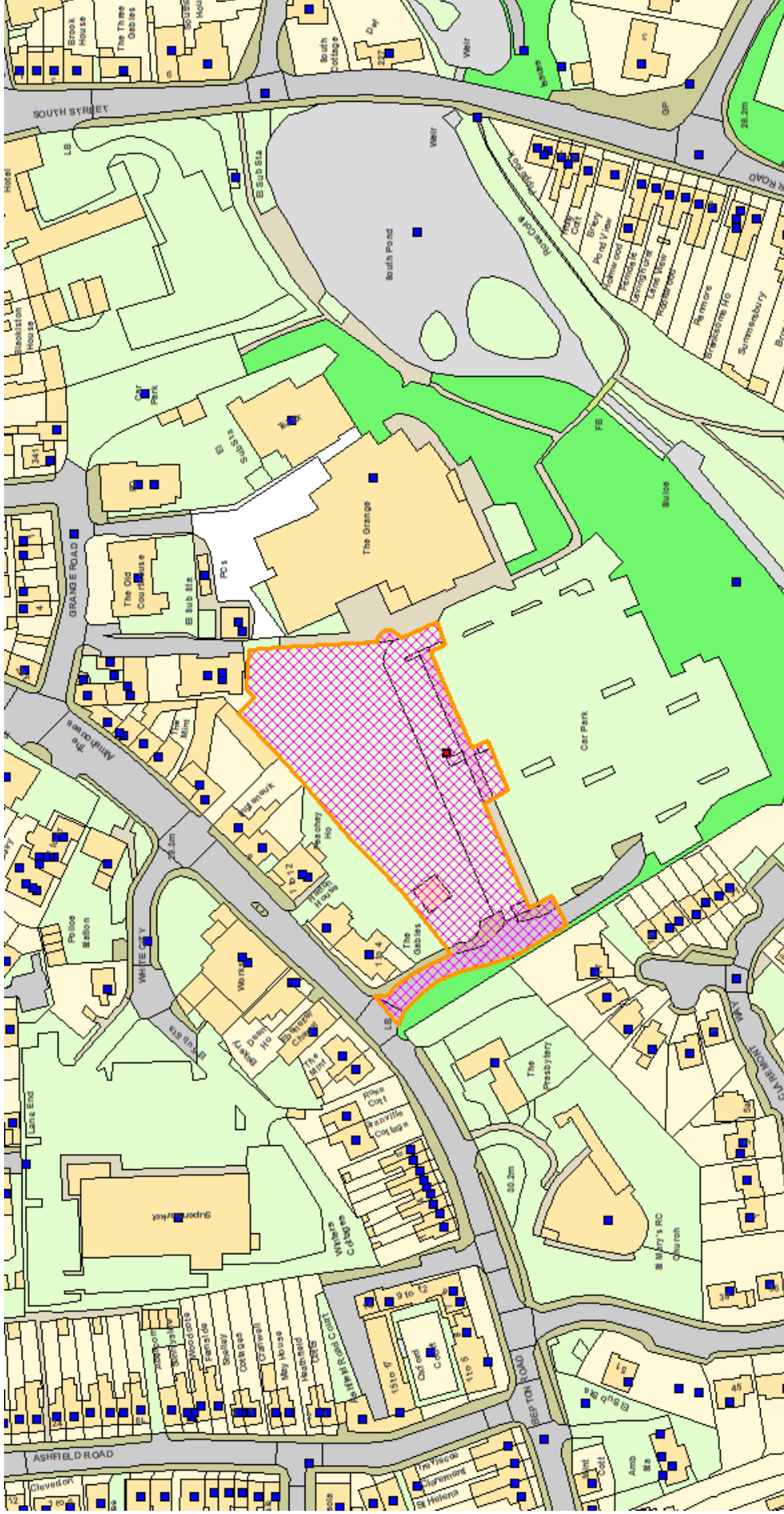
Agenda Item 7
Report PC 21/22-33

Report to	Planning Committee
Date	20 January 2022
By	Director of Planning
Local Authority	Chichester District Council
Application Number	SDNP/21/04615/FUL
Applicant	Montpelier Estates
Application	Development of a residential care home (Uses Class C2) and part reconfiguration of the existing car park
Address	The Grange Development Site, Midhurst, Bepton Road, Midhurst, West Sussex GU29 0HD

Recommendation:

That permission be refused for the reasons outlined in Paragraph 10.1 of this report.

Site Location Map



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Executive Summary

Key Matters

- The application site is located within the Settlement boundary, within Midhurst town centre boundary and outside the town centre shopping frontage. The site is not specifically safeguarded or allocated within the development plan for any town centre or particular alternative use.
- The proposal is for a 69 bedroom care home with associated facilities, parking and landscaping. Some of the associated facilities are offered for use by the general public but it is not clear how these uses would be secured or used by the public.
- The design of the proposal is considered unacceptable, has failed to take a landscape led approach and the building would have a harmful impact upon the landscape/townscape and Midhurst conservation area and setting of listed buildings.
- The proposal fails to demonstrate an acceptable standard of Sustainable construction, Sustainable urban drainage, or demonstrate an acceptable ecological impact or enhancements. The proposal would also fail to achieve water neutrality.
- The scheme would accrue housing and employment benefits that align with the National Park's statutory Purpose and Duty but these are outweighed by the demonstrable harm from the development and that the proposal is contrary to the statutory development plan.

I. Site Description

- I.1 The application relates to the site of the former Grange Leisure and Day Care Centre in Midhurst. The former building was demolished in the mid 2010's. The site is located within the Town Centre and is located adjacent to Midhurst Library, the redeveloped Grange Community Centre and a large public car park serving these functions and the wider town centre.
- I.2 The site encompasses 0.49ha of previously developed land. The site is an irregular shaped parcel of land broadly in the shape of a tapering rectangle. It is presently derelict and surrounded on all sides by high timber site hoardings. The site is relatively flat. Within the site vegetation has grown up with some grassed/scrub areas around trees.
- I.3 The former buildings were removed as part of a wider redevelopment of the Leisure Centre and reformation of a public car park granted planning permission in 2013 (ref SDNP/01179/FULNP). The former Grange comprised a two storey brick and clad building of modern appearance and higher prefabricated/box profile material and forms at the rear, which included a hall. The site was landscaped with small area of grass and car parking to the front, with a gradual shallow slope up to the entrance which has been regraded as part of the wider development of the area and car park.
- I.4 Access to the site for motor vehicles is via a short road with a junction on the south side of Bepton Road (A286). In addition, the site is permeable on foot, with access on foot in various locations including a route from Grange Road, a pathway from Chichester Road/South Pond, a pathway running parallel with the belt of trees to the south of the Grange Car Park and the footway alongside the vehicle access route to Bepton Road.
- I.5 Notwithstanding the boundary hoardings, the site presently has a grassed appearance having become overgrown in the years since demolition. There are several trees upon the site of various quality and species, five of the trees have been categorised as higher and worthy of retention, these being 1 x A Class (Lime) and 4 x B Class (1 x Sycamore, Oak, Yew & Honey Locust).
- I.6 The development abutting the site to the north and facing onto Bepton Road is a mix of commercial and residential uses with a prevailing height of 2 and 2.5 storeys, gables with decorative brick, some stone dressing/details, hanging tile and traditional features. To the south is the Car Park and beyond a belt of tree screening, to the east is the library and leisure centre buildings of two storey contemporary design faced with brick and timber cladding and asymmetrical standing seam roofs.

1.7 The site is located with the Midhurst conservation area. The nearest listed buildings are located 50m to the North (The Almshouses Grade II – Ref 1276068) and Church of the Divine motherhood & St Francis of Assisi (Grade II – Ref 1403875)

2. Relevant Planning History

2.1 The following history is relevant to this case:

- **SDNP/21/03423/OUT** (SDNPA) Outline application for development of a residential care home (Uses Class C2) and part reconfiguration of the existing car park, with approval sought pertaining to the access, appearance, layout and scale of the development – **Withdrawn**.
- **11/01180/FULNP** (CDC) - Erection of 16 new dwellings with private parking and landscaping. – **Approved** with S106 18/03/2013.
- **11/01179/FULNP** (CDC) - Construction of a New Community Leisure Centre incorporating cafe, library, offices, multi-functional community facilities and sports accommodation. Remodelling of the existing town centre car park to increase capacity to 303 spaces – **Approved** 09/11/2011.

2.2 Planning permission was granted for a new community leisure centre including library, along with a remodelling of the town centre car park in 2011. At this point, a new relationship was formed between the former Grange site and current town centre car park. As part of the redevelopment the land was partially regraded with the slope flattened and a larger more efficient parking area created.

2.3 Planning permission was granted in 2013 for 16 new dwellings upon the site comprising of 4 separate terraces/blocks of accommodation with 25 parking spaces under reference 11/01180/FULNP. The permission has expired and pre-dates the statutory development plan and little weight should be afforded as a material consideration.

2.4 Pre-application advice was sought by the applicant in 2018/2019 for a new residential nursing home under reference SDNP/18/04617/PRE. It was advised in principle that a care home use in this location would likely be acceptable. However, concerns raised about the scale and design were significant and it was advised that if a similar scheme were to be submitted it is unlikely to receive officer support.

3. Proposal

3.1 The application seeks planning permission for the erection of residential care home within Class C2 of the Town and Country Planning Use Classes Order 1987 (as amended), the reconfiguration of the existing car park to provide access and associated development. The development would have bed-spaces for up to 69 residents. The residents bedrooms are all shown as single bedrooms, the vast majority of the bedrooms are single aspect, with 7 of the rooms shown as dual aspect.

3.2 The proposal sets out a 3 storey building over basement (4 storeys in total), of broadly traditional design and detailing. The building has a wide footprint with several sections, gable, projections and recesses to provide architectural articulation to break the mass of the building. The building is expressed as three full storeys. The building would measure up to 12m high to the ridge and 8.6m to the eaves. The façade is faced with red and yellow brick, artificial slate, metal cladding, aluminium powder coated doors and windows, and boundary treatments of red brick and metal railings.

3.3 The footprint of the building measures 58m wide at the longest point, with a depth of up to 31m. The dimensions vary due to the form of the building working around the existing urban grain, so it has a depth of 14m at the narrowest point. In some sections the building is to be sited tight to the rear boundary with a gap of around 1m, the properties behind at this point are set back from their boundary, so overall the distance between the new buildings and rear elevations of properties in the southern side of Bepton Road is around 8.8m and 11.3m. However, in other parts of the site, the existing adjacent buildings are abutting or closely located to the boundary and a gap of 8.8m and 4.9m is provided.

- 3.4 The building also comprises non-domestic accommodation to support the care use such as offices, kitchen, staffroom and laundry space within a small basement. The upper three floors house the living spaces, resident's bedrooms and other service accommodation such as nursing rooms, pharmacy and bathrooms.
- 3.5 The communal facilities provided for residents as shown by the floor plans include reception, day rooms, lounges, dining facilities, cinema, spa, hair salon, fitness suite, activity rooms, library, bistro and external terrace. Each floor is accessible by a lift and service lift, with multiple stairwells serving the surface and above floors and two stairwells to the basement.
- 3.6 Information within the application suggests that some of the services provided within the building will be accessible by members of the public.

4. Consultations

4.1 Chichester Housing Enabling Officer: No objection

- There is an acute need for C2 accommodation within Chichester district especially in more sustainable settlements such as Chichester, Midhurst, Selsey and the Witterings.
- The South Downs Local Plan identifies a need for 90 homes per annum to be delivered to meet the needs of older persons. There are currently no schemes within the pipeline in the South Downs area of Chichester district which would contribute to meeting this need. Furthermore, demographic projections for the period between 2020 and 2036 indicated that the number of persons over the age of 55 is expected to increase by 10% between 2020 and 2036. Chichester District Housing enabling Officer:

4.2 WSCC Extra care Housing commissioner: No objection

- County Council comment that a care home is not a priority from an Adult Social Care perspective, WSCC are supportive of developments of Extra Care Housing where there is a large proportion of affordable rents and shared equity. Extra Care Housing enables people to retain their independence within their community behind their own front door with onsite care.

4.3 Design and Landscape Officers: Objection;

- The proposed building is too large for the site, leaves too little space for an acceptable amount of usable communal amenity space and risks creating an oppressive relationship with its neighbours to the north due to its footprint and height.
- The scheme fails to be landscape led and fails to capitalise on potential wider GI and Ecosystems Services benefits.
- The building has some successful elements such as the use of strong gables, articulation of the building lines but the material palette fails to root the building in Midhurst.
- It is recommended that the building be reduced in size and materials better reflecting the local palette, that the applicant engage with the Town Council and other land owners to explore green infrastructure and SuDs solutions and improves the sustainable construction standards of the proposal.

4.4 Midhurst Town Council: Objection;

- The design of the building is dominating and the choice of materials poor for a conservation area and national park, with the lack of screening needing reconsideration. The design reflects another elsewhere in the country and is not locally distinctive.
- The scheme does not address the Natural England position statement of water neutrality.
- The proposal will place additional stress on resources and infrastructure, including, car parking, medical and support facilities.

- The staffing of the proposal raises issues with regards to shortage of affordable housing and the rental sector, meaning many employees will be required to travel further distances, mostly by private motor vehicle undermining the sustainability of the scheme

4.5 **Historic Building Officer:** Objection;

- The scale of the development is excessive when compared to the surrounding context of the conservation area (please refer to Design comments). Given the proposed height and bulk of the proposal, there is a concern that the proposed development would be visible from the conservation area from Bepton Road (A286) and also above the modest two-storey grade II listed Almshouses. No verified views of the proposal in context with the conservation area have been provided.
- The proposed material palette for the proposed development is unacceptable.
- As submitted, the proposal would be overbearing to the conservation area and fails to use locally distinctive building materials, which fails to meet the requirements of SD15 Conservation Areas.
- **Note:** The Historic Building Officer has confirmed that the proposed harm would be less than substantial to the setting of the conservation area and the Almshouses (grade II).

4.6 **SDNPA Planning Policy:** Comments;

- The site is within, but on the edge of the Midhurst town centre boundary where retail or non-retail town centre uses are encouraged. The Local Plan references the aspiration for a supermarket, although it is appreciated that this is unlikely to happen given the length of time the site has been vacant.
- This is a vacant site in a sustainable location which is supported by the development strategy.
- Whilst a care home is not a town centre use, it may on balance be appropriate and provides a central location for staff and visitors. Local Plan evidence shows there is increasing demand for institutional housing (demographic modelling indicates an increase in 812 people living in institutions over the 2014-33 period (43 per annum).
- An alternative, and potentially preferred use would be sheltered accommodation as this would better support the vitality of the town centre (as residents would be using the town centre shops and facilities). Sheltered accommodation would be required to provide onsite affordable housing in line with Policy SD28.

4.7 **HCC Ecology:** Objection;

- The report submitted on 20/12/2021 confirms that the site is covered by areas of rank grassland, scrub, trees and a hedge. Due to habitat suitability, a reptile survey of the site was carried out between September and October 2021, which has confirmed the likely absence of this group of species on site. The clearance of the site and removal of a number of trees will result in an overall net loss in biodiversity.
- Whilst the proposals will include a soft landscaping scheme with ornamental shrubs, flowering lawns and new hedge and tree planting, these measures are unlikely to be sufficient to not only compensate for loss of biodiversity but to result in an overall net gain.

4.8 **Chichester Drainage Engineer:** Comments;

- Surface water drainage scheme design should follow the hierarchy of preference, the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing.
- We are slightly disappointed that the submitted drainage strategy just utilises a subterranean plastic crate system for the attenuation of surface water, and the Drainage Strategy appears to rule out other perhaps more desirable SuDS features

- The site is wholly within flood zone I (low risk), however the surface water flood risk maps suggest there is a risk of surface water flooding at this location, therefore details will need to be submitted that show how this risk will be managed.

4.9 **WSCC Flooding/Drainage:** Comments;

- The drainage hierarchy should be followed and infiltration should be investigated.
- In the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought, including in gardens, permeable paving, swales or bioretention systems
- The FRA also fails to acknowledge that the site is at high risk from surface water flooding. Mitigation measures to deal with this risk should be proposed and exceedance flow routes should show where this flooding will go and how it will be dealt with if it does occur.

4.10 **WSCC Highways:** No objection subject to conditions

- The proposal provides a safe access and good visibility with sufficient highway capacity at peak times.
- The proposed parking is considered acceptable. The site layout has been tracked via swept path diagrams with an ambulance and delivery van illustrated to demonstrate that each vehicle can adequately manoeuvre at the front of the building
- The site is reachable by sustainable means of travel, however it is recognised that it is more likely to be travelled to by car. A travel plan can be secured to encourage sustainable means and encourage modal shift.
- The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 108 and 109), and that there are no transport grounds to resist the proposal.

4.11 **Environmental Health (Chichester District):** No objection.

Land Contamination

- Conclude and recommend condition for a Contaminated Land Phase 2 Report is applied

Noise

- A condition should be applied to ensure that noise from all plant installed at the premises is kept to an acceptable level and the following is suggested

Lighting

- Conclude that the mitigation measures specified by the applicant are placed by condition.

Air Quality

- An air quality assessment should be undertaken as new receptors are being introduced into the area. This can be secured by condition.

Construction

- A Construction Environmental Management Plan (CEMP) should be secured by condition.

4.12 **Southern Water:** Comment;

If connection is to be made through land under the ownership of other Parties, then you are advised to obtain the Landowners consent before carrying out any works. The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse. All other comments in our previous response dated 08/09/2021 remain unchanged and valid

Comment 8th September 2021:

An extract from Southern Water records showing the approximate position of our existing water distribution main within the development site was provided.

The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/1642/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

4.13 **Natural England:** Standard no comment response.

Officer comment: Whilst Natural England have declined to comment on this specific proposal, the site does fall within the Sussex North Water Resource Supply Zone. This area is served by groundwater abstraction near Pulborough. This development has the potential to impact upon the Arun Valley, a Special Area Conservation (SAC), Special Protection Area (SPA) and Ramsar site.

In September 2021, the Authority received advice from Natural England in the form a Position statement advising that developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality.

4.14 **HCC Archaeology:** No objection subject to conditions

5. **Representations**

Objections

5.1 10 letters of objection (including Midhurst Society, Bepton Parish Council, Chichester District Ward Councillor) and have been received, raising the following concerns:

- The development is an over development, oversized, incongruous, poorly designed, uses poor materials
- The building leaves insufficient space on the plot for the gardens and communal areas that are essential for a residential care home environment. Site access and onsite parking provision appears inadequate for the staff required to support the 69 residents. The general health and wellbeing of elderly individuals are not best served by locating them in a busy car park.
- The development is not sustainable, BREEAM Excellent has not been met, there are no EV Charging Points for Staff and Visitors and heat pumps are discounted due to cost, lack of green roofs, SuDS and drainage
- The development would harm the Midhurst Conservation Area
- Residents of Midhurst have rejected this kind of facility, including by petition. The site is not identified in the Local Plan for a care home.
- The use would place pressure upon existing infrastructure such as healthcare and medical facilities
- The site should be used to enhance and develop the existing facilities at the Grange centre and support use leisure use. This redevelopment would remove the potential use of the site for further opportunities for the expansion of the Grange.

- Affordable housing or live/work facilities are required in the area
- There is sufficient care facilities already located in the area. The development would attract users from outside the area
- Impact upon traffic and parking
- Staffing for the facility would likely have to travel from the areas with a reliance on private transport.
- Impact on air quality
- The development would result in great water extraction within the Sussex North Water resource Zone and would have an impact upon internationally protected species and is not 'Water Neutral' as per Natural England's recent concerns.
- The site plan accompanying this application (Drg. no. 102) shows the proposed building 11.3m from Peachey House. We believe this to be incorrect. The proposed site plan appears to be based on outdated mapping information which does not show the extension built at the rear of Peachey House in accordance with planning permission ref. SDNP/15/02701. The distance is closer to 10m. in addition, section SI on Drg.no.301 - PI is incorrect in that it does not show the basement.
- The proposal will result in a significant loss of privacy, daylight and sunlight in both the dwelling and gardens and potential nuisance from artificial lighting, noise, and odour

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is the South Downs National Park Local Plan (2014-33). The relevant policies are set out in section 7 below.

National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.
- If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the Local Planning Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.3 The National Planning Policy Framework (2021) is considered holistically although the following sections are of particular relevance to the applications:

- Section 2: Achieving sustainable development
- Section 4: Decision making
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 8: Promoting Healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places

- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment.

6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) (2021). The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks. Any development within their setting should also be sensitively designed to avoid or minimise adverse impacts on the designated area.

Major Development

6.5 Officers are of the view that the proposal does not constitute major development for the purposes of paragraph 177 of the NPPF, and accompanying footnote 60, advising that ‘major development’ in designated landscapes is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. In this case, the proposal is for a new residential care home of 69 bed-spaces and associated development in a settlement defined as part of the town centre and relatively densely developed for a National Park. Officers are of the view that adverse impacts on the designation as a result of development would not be so significant as to be deemed major development.

The South Downs National Park Partnership Management Plan 2020-25

6.6 The South Downs National Park Partnership Management Plan (SDPMP) (2020-25) is a material consideration in the determination of planning applications, as outlined in national planning practice guidance, and has some weight. It outlines a vision and long term outcomes for the National Park. Policies 1, 3, 4, 5, 8, 9, 10, 19, 22, 23, 25, 28, 29, 30, 31, 35, 36, 37, 38, 39, 40, 41, 48, 49, 50, 55, 56 & 57 are relevant.

Legislation for heritage assets

6.7 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission and listed building consent. These are summarised below.

6.8 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.”

6.9 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 relates to conservation areas. It requires “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

7. Planning Policy

The South Downs National Park Local Plan (2014-33)

7.1 Whilst the South Downs Local Plan must be read as a whole, the following policies are particularly relevant to the principle of development:

- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 – Design
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Strategic Policy SD36 - Town and Village Centres

7.2 In addition to the principal policies which are also relevant include

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Core Policy SD3 - Major Development
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD10 International Sites
- Development Management Policy SD11 - Trees, Woodland and Hedgerow
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings
- Development Management Policy SD15 - Conservation Areas
- Development Management Policy SD16 – Archaeology
- Strategic Policy SD17 - Protection of the Water Environment
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Development Management Policy SD21 - Public Realm, Highway Design and Public Art
- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD26 - Supply of Homes
- Strategic Policy SD28 - Affordable Homes
- Strategic Policy SD34 - Sustaining the Local Economy
- Development Management Policy SD37 - Development in Town and Village Centres
- Strategic Policy SD42 – Infrastructure
- Strategic Policy SD45 - Green Infrastructure
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Strategic Policy SD49 - Flood Risk Management
- Development Management Policy SD50 - Sustainable Drainage Systems
- Development Management Policy SD51 - Renewable Energy
- Development Management Policy SD54 - Pollution and Air Quality
- Development Management Policy SD55 - Contaminated Land

Supplementary Planning Documents and Technical Advice Notes

7.3 The following are considered to be relevant:

- SDNPA Habitats Regulations Assessments (HRA's) Technical Advice Note March 2021
- SDPNA EcoSystems (non householder) Technical Advice Note
- SDNPA Parking SPD (adopted April 2021)
- SDNPA Dark Night Skies Technical Advice Note (May 2021)
- SDNPA Sustainable Construction SPD (Aug 2020)

8. Planning Assessment

Principle of development and a residential care home within a C2 use.

Summary

- 8.1 The site falls within the settlement boundary of Midhurst and its Town Centre Boundary where the principle of development is generally accepted. Policy SD25 supports development within settlement boundaries providing that this is of a scale and nature appropriate to the character and function of the settlement in its landscape context; makes best use of suitable and available previously developed land in the settlement; and makes efficient and appropriate use of land.
- 8.2 On the basis that the proposed use can be determined as appropriate for a town centre in this location and in the absence of a firm policy requirement to safeguard the site for other uses, accounting for the derived additional economic and social benefits from the use, there is not considered an in principle objection for the redevelopment of the site for a care home.
- 8.3 The overall acceptability of any scheme in accordance with the criteria of policy SD25 (1), is dependent however on a design response that is appropriate to the site's context, in particular being landscape led and also the character and appearance of the Conservation Area, and the setting of the nearby Grade II listed buildings. This and other matters are considered later in more detail.

Town centre use

- 8.4 Policy SD36 permits proposals for town centre development where they promote or protect the hierarchy of identified centres, including Midhurst as a Market Town Centre. Policy SD37 recognises and supports the vitality and viability of the retail function of the market town. Town Centre policies do not allocate or safeguard the site for a specific use.
- 8.5 Para 7.160 of the Plan sets out an aspiration for the site as a potential site for a medium sized supermarket, stating "A town centre boundary for Midhurst is shown on the Policies Map. It incorporates land at the Grange, adjacent to the public car park, in order to encourage a new medium sized supermarket. Should permission be sought, the National Park Authority would expect the development to be accompanied by a range of measures..."
- 8.6 Both the aspirations of the plan and representations highlight the wish to locate a retailer or a community led use on the site are acknowledged and given weight. The site remains within the ownership of Chichester District Council and a developable interest has been acquired by the applicant. In the absence of any proposal seeking retail or community use upon the site, as encouraged by text supporting a more generally permissive policy for a wider range of town centre uses, any submitted proposals need to be considered on their merits.
- 8.7 The applicant makes mention that the bistro would be usable by members of the public and visitors, which would bring about some greater integration and town centre activity and use. Given the layout of the internal spaces it is not envisaged that any other facilities would be accessible to the public as these require access to more restricted and private portions of the building and bringing public users into closer proximity to bedrooms.
- 8.8 The proposal would increase activity, presence and surveillance and visual activity upon the site, a greater level of economic activity from staff and visitors etc. fostering greater vitality to the town centre. Whilst these benefits would not be pronounced as a new retailer in this location, they should be considered to positively weigh in favour of the proposal and are not contrary to the development plan.
- 8.9 Notwithstanding the acceptance of the use, the scale, impact and compliance of the proposal with the development plan requires detailed examination along with the specific impacts of this type of operation.

Care Use demand

- 8.10 The adopted Local Plan does not set out a specific number of care spaces that are required over the plan period. Policy SD26 and SD27 sets out that the National Park Authority will make overall provision for approximately 4,750 net dwellings over the plan period to 2033, including the development of land previously unallocated or identified (windfall) and to provide balanced mix of housing to meet projected need is delivered.
- 8.11 The Strategic Housing Market Assessment (SHMA), and confirmed by the HEDNA, demonstrates the importance of making provision for older people's housing. The Local Plan evidence shows there is increasing demand for institutional housing (demographic modelling indicates an increase in 812 people living in institutions over the 2014-33 period (43 per annum). The National Park has a higher than average proportion of its population within the 'older person' category of 55 years old or over, with further growth in this age demographic predicted. In particular, there is predicted to be strong growth in the 85+ age category.
- 8.12 On the basis of the evidence, responses from relevant consultees, relative demand and policy there is considered to be sufficient demand for a care home on the scale proposed. The benefits of proving this specialist housing weigh positively in favour of the proposal.

Care Use and Affordable Housing

- 8.13 Affordable Housing Policy SD28 requires that development within a Class C3 of the Town Country Planning Use Class Order 1987 (as amended) provide a percentage of affordable units dependent upon the number of units being developed. It is clear in this case that the clients and care accommodation within the application by reason of their high dependence, facilities and type of care, all demonstrably fall within Use Class C2.
- 8.14 The floor plans show single bedrooms, communal facilities and a likely intensive form of care. The layout demonstrates there is little, if any self-containment and given the nature of the likely occupants the levels of care would be well in excess of the minimum care thresholds. As such, the proposal is considered within a Class C2, as such policy SD28 of the adopted local plan does not apply and there is no requirement to provide affordable housing.

Design, Landscape & Townscape character impacts

Summary

- 8.15 Development proposals should adopt a landscape-led approach to design in order to comply with policies SD4: Landscape Character and SD5: Design. It is noteworthy that a landscape led approach includes townscape. This involves an approach to conserve and enhance existing landscape character features, contribute to the distinctive character, pattern and evolution of the landscape and integrate with, respect and sympathetically complement the landscape character and appearance of the area.
- 8.16 The Design and Access Statement explains the iterative process taken to designing the new building, examining some of the constraints and opportunities, shaping the concept around an area of public open space adjacent to the leisure centre and preserving trees at the eastern end of the site. Activation of frontages and architectural choices.
- 8.17 The proposed development is a wide, three storey over basement building with a high proportion of site coverage, The building is expressed in a single wide block of some 58m wide. The roof is a complex series of smaller pitched roofs, with areas of flat roof between in the slopes in an attempt to avoid a large crown roof. To provide animation to such a wide complex site, the building is designed with various detailing and gabled elements to break down the mass. The western end of the site is employed as a car park with open space either side, whilst the land adjoining the rear is narrow and employed as amenity space. There is a formal landscaped area to the front and entrance of the site on the south side of the building.

Landscape Led

- 8.18 Policy SD4 of the development plan requires that development proposals conserve and enhance the landscape by demonstrating a number of key criteria, but first and foremost by being informed by the landscape character, reflecting the context and type of landscape in

which the development is located.

- 8.19 The application has not been accompanied by various information or studies which would shape and inform a landscape led approach. It is important that proposals are based on a meaningful understanding of the context and character of an area and those positive characteristics which define local distinctiveness. The application was short of ecology data when drawn up, has not fully assessed the setting of listed buildings and does not examine soakage for drainage. Without the baseline from which to begin considering the design it is likely that a number of opportunities will be missed to conserve and enhance the landscape and the proposal fails to take a landscape led approach to foster all the potential benefits.
- 8.20 The current condition and visual appearance of the site, the former building and the previous site history (including a permission for 16 dwellings which has expired and was substantially different to the proposal) should all be considered as having little weight as a material consideration.

Building design

- 8.21 The footprint of the building is large and in the context of the site is considered an over development. The building coverage is considered well in-excess the carrying capacity of the site, has not been demonstrated that it cannot be achieved without visual harm and would provide insufficient quality of amenity space for occupants.
- 8.22 The building is sited tight to the rear and side boundaries. It is accepted that the applicant is attempting to make an efficient and effective use of the site, however the desirability must also be considered along with the visual impact of doing so.
- 8.23 The approach of using gables and articulation to break down the mass of the building is supported. However, the scheme makes use of three storeys so tightly sited to the boundary in some areas that the development is considered oppressive and dominant, even accepting the prevailing town centre density in the area.
- 8.24 Some of the detailing of the elevations is disappointing. The Design Officer comments that the long nature of the building and three storeys emphasises the horizontal, leaving a striped effect gives a perception of a longer building that is too busy. Greater emphasis is required to the vertical articulation, with local red brick and stone through all floors rather than the poor composition that is proposed.
- 8.25 The choice of materials is poor and unacceptable. There are no objections to the use of some red brick as shown, however a more local suitable finish is required, as well as options for greater thought to the bonding and render. The use of the yellow brick is not characteristic of Midhurst and a local stone would be acceptable alternative. The applicant has included the use of an artificial slate, which is considered unacceptable in the National Park. The use of metal rainwater goods is required, whilst some cladding is acceptable and would be subject to samples before being permitted, the present composition of materials would not reflect local distinctiveness and for a site located within the Midhurst Conservation Area is unacceptable.

Landscape design

- 8.26 Given the residents likely limited independence and mobility, they will rely upon the landscaped and open spaces around the building as their probable sole means of amenity space and enjoyment of the outdoors.
- 8.27 As stated earlier in the report, the coverage of the building across the site is very high, with some areas about 1 metre from the boundary, leaving little available space for meaningful landscaping, public open space and amenity space for residents.
- 8.28 As an example, the thin strip of landscape located north is very narrow, around 7-8m wide. This space would be dark due to the scale of the building and the neighbouring development. The amenity space has many bedrooms facing onto it at ground and upper levels and its value and quality given the overlooking, interrelationships and poor lighting, is poor. In addition, the small area green space to the western side of the site, by the car park, is

considered unusable or undesirable being disconnected from residents, many of whom are elderly.

- 8.29 The siting of the building and the car park has attempted to retain the most important trees and working with the existing tree interest which encouraged. However the execution of the open space and landscaping is not successful as it fails to integrate well to the building and surrounding realm and would result in a poor and disconnected landscape, failing to capitalise on landscaping opportunities.
- 8.30 The Design and Access Statement contends it draws upon and enhances blue/green infrastructure and it is not clear how this is the case, especially with the use of underground crate storage and an absence of more expansive SuDS methods. It appears the only meaningful green measure is the additional tree and shrub planting. Further infrastructure is required to make the required impact. It was suggested at a pre-application stage that the applicant look beyond the site, to the existing surrounding green/blue infrastructure opportunities afforded to it, which has not been executed in this submission.
- 8.31 The technical consideration to proficiency of the SuDS (Sustainable Urban Drainage Scheme) are considered later in this report. However, for the purposes of design, landscape and visual impact it is considered that the measures employed are very poor and are a missed opportunity. The application seeks the use of underground water tanks and fails to make any meaningful use of SuDS infrastructure such as green roofs, rain water gardens, swales, tree planting, grey water recycling, all of which can be investigated and could reduce the need for tanked storage.
- 8.32 The Design and Landscape Officer doubt the efficacy and quality of the landscape design, stemming mostly from the siting and tight spaces that are provided. There is doubt that the proposed tree planting would be effective and the proposal does not demonstrate that the proposals are achievable. Notwithstanding the unsatisfactory design of landscaping, a communal garden consisting of little structural tree planting and limited to low level planting, grassed area and an expanse of hard paving is unacceptable.

Heritage

- 8.33 Adopted Local Plan Policies SD12, SD13 & SD15 seek to preserve and enhance heritage assets and their setting. Policy SD15 specifically sets out the National Parks policy with regards to development in conservation areas. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission.
- 8.34 Para 199 of the NPPF states, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."
- 8.35 Para 200 of the Framework states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."
- 8.36 Para 202 states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 8.37 The site is located within the Midhurst conservation area and assessed as being within the setting of the Grade II Listed Alms-houses. The Midhurst Conservation area is accompanied by a character appraisal dated 2012. The site is within character area 3 and adjoins character area 7 of the character appraisal.
- 8.38 Character area 3 includes part of the early expansion of the town and contains shops and houses, which form the southern area of the modern town. This character area also contains the site of the former grange of the Knights Hospitallers historically known as the Liberty of St John. The site is located on the northern portion of the Liberty of St John. With the a material palette of red brick, lime plaster, blue brick (headers), stone (lower

greensand) painted brick, stone or hanging tiles, half timbered, timber weatherboarding and tile hanging. Two-storey buildings prevail in this character area; however, eave and roof heights are inconsistent

- 8.39 Character area 7 lies to the west and south of the medieval town and extends towards the late nineteenth and twentieth century suburbs. The area is largely residential although some residential and business uses are located closer to the town centre. Edwardian and Victorian houses predominate the area and are concentrated along the western and southern routes that radiate from the centre of Midhurst. The materials palette here is red brick, blue headers, lime plaster, stone (lower greensand), painted brick or stone, timber weatherboarding, tile hanging, and slate blue/grey. As with character area 3, two-storey building typify character area 7 with varying roof and eave heights
- 8.40 The Conservation Officer comments that the scale of the development is excessive when compared to the surrounding context of the conservation area. Given the proposed height and bulk of the proposal, there are concerns that the proposed development would be visible from the conservation area from Bepton Road (A286) and also above the modest two-storey grade II listed Almshouses. Such views would be discordant with the surrounding context of the conservation area and the form of the Almshouses.
- 8.41 The Heritage Statement provides a section showing the proposed development and the Almshouses with a line of sight from the western side of Bepton Road. However, this section does not consider the impacts of the proposal on the wider conservation area from further north along Bepton Road towards the intersection with Petersfield Road and West Street. Verified views of the proposal in context with the assets as described by the Conservation officer were requested but have not been provided.
- 8.42 The proposed material palette for the proposed development includes lbstock Cissbury red multi stock bricks, lbstock Cooksbridge yellow clamp stock bricks, metal cladding, natural blue/grey slate or artificial composite slate by Eternit and metal doors and windows. The use of red brick is supported, however it is considered that the scheme should match the colour, size and textural qualities of Midhurst's locally produced bricks which the proposed bricks are not held to. The use of artificial slate in a conservation area is not supported as it would fail to reflect the positive qualities of the conservation area and the appearance of artificial slate would be incongruous in the context of natural and less uniform roof coverings. Natural slate or red clay tiles should be used for roof cladding.
- 8.43 As submitted, the proposal would be overbearing to the conservation area and fails to use locally distinctive building materials, which fails conserve or enhance the Midhurst conservation area contrary to SD12 (Heritage Assets) and SD15 (Conservation Areas). The impact upon the setting of the Almshouses (grade II) has not be fully described and therefore is contrary to framework and policies SD12 and SD13 of the South Downs Local Plan and s66 & s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 8.44 The Conservation Officer confirms that this harm is less than substantial, therefore this harm as directed by the Framework should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case, there are considered to be some public benefits which can be considered, including the increase in specialist elderly care places, economic and social benefits derived from the construction and operation of the scheme.

Design conclusions

- 8.45 To conclude the approach to development has not been led by the landscape evidence and needs of the site and is considered poorly designed by reason of its siting, scale, mass, detailing, materials and landscaping. The proposals would have a harmful impact upon the character and appearance of the area, would fail to preserve or enhance the Midhurst Conservation area and setting of the listed Almshouses.
- 8.46 There are insufficient public benefits to justify the harm to heritage assets and conservation of these assets which should be given great weight. The other material considerations do not form a compelling reason to set aside the development plan, which has primacy.

Sustainable construction

- 8.47 Local Plan Objective 6 states a requirement for development: “To adapt well to and mitigate against the impacts of climate change and other pressures. It covers a number of detailed matters relating to new development including: energy and water efficiency, the use of low or zero carbon energy, use of sustainable materials, minimising waste and measures for adapting to climate change.”.
- 8.48 Policy SD48: Climate Change and Sustainable Use of Resources requires major non-residential development (defined here as development over 1,000 m²) to achieve Building Research Establishment Environmental Assessment Method (BREEAM) Excellent
- 8.49 The applicant has not set out a floor space figure, but its calculated to be well in excess of 1000sqm and for the purposes of the Sustainable Construction SPD is classified as Major Non Residential Development. The requirements are set out in appendix 6 of the document. Below are the mandatory requirements, in addition other requirements are expected where feasible and appropriate.
- Energy Efficiency - BREEAM NC excellent – mandatory
 - Green energy - A 20% improvement of CO₂ emissions: BER over TER in SBEM data through on-site low/zero carbon energy
 - Passive design - BREEAM NC Ene 04 (passive design analysis) credit
 - Electric charging - On-site car parking to have cable routes for an EV charge point for one in five spaces
 - Water use - BREEAM 2no. Wat 01 credits
 - Waste At least 1 of the BREEAM NC Wst 01 diversion of resources from landfill credits/
 - Materials - At least 2 out of available 4 Mat 03 measuring responsible sourcing credits/ Strategy for use of any substituted, re-used, recycled or other green materials/ Selection of certified ‘Grown in Britain’ or FSC timber in construction
 - Adaptation to climate change - 1 Flood resilience and 2 SuDS BREEAM NC Pol 03 credit / BREEAM NC Wst 05 credit
- 8.50 The applicant takes a position that partly due to timing (i.e. they are now too late in design/planning process to be able to pick up early BREEAM credits) they cannot get to BREEAM excellent (70%) and cannot even meet 60%. Considering the history of the requirement being flagged in 2018 this is considered a poor and unacceptable position to adopt.
- 8.51 The applicant has failed to meet the mandatory requirements outlined in the SPD and have not provided justification for the failing to meet adopted policy and guidance as such a reason for refusal is recommended.

Highways, Access and Town Centre Parking

- 8.52 Policy SD19 sets out that development proposals will be permitted provided they are located and designed to minimise the need for travel and promote the use of sustainable transport. In addition, the policy requires safe and efficient use of the road network, and supports improvements to transport infrastructure.
- 8.53 The site is considered to be within a sustainable location, being situated within the town centre of Midhurst with good access to a range of infrastructure and services. The site has good access to the public transport in the form of bus services, is permeable for pedestrians and located within short walking distances of the public rights of way network. The site is also located adjacent to a large public car park.
- 8.54 The site has a current vehicular access onto Bepton Road and no modifications are proposed to the existing access arrangements. The County Highway Authority consider the access to be of sufficient geometry to accommodate the anticipated level of vehicular activity. Sightlines along Bepton Road from the existing point are also considered acceptable.

A review of the access onto Bepton Road indicates that there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

- 8.55 Traffic flow information has been provided within the Transport Statement and shows that the proposed use could generate in the order of 12 two way vehicle movements during the morning peak hour and 10 two-way movements during the evening peak hour. This equates to around 1 additional vehicle every 5 minutes on the local network. Such additional trips is not considered to give rise to any increase or material change in the character of traffic in the vicinity of the site.
- 8.56 The proposed parking is considered acceptable from a highway operational point of view. The site layout has been tracked via swept path diagrams with an ambulance and delivery van illustrated to demonstrate that each vehicle can adequately manoeuvre at the front of the building. Conditions to secure the access and parking be laid out in accordance with the submitted plans and retained would required if the application was approved.
- 8.57 Some of the applicant's findings within the Transport Statement are doubtful, such as the 'highly sustainable' nature of the site or possibility of arriving by train, or impression of not being largely reliant upon private vehicles. As commented by the Highway Authority, realistically given the type of use, shift patterns of works, vising hours etc. the majority of visits would be via the private car. The Transport Statement includes a Travel Plan which should go further to meet the aspirations of the Statutory Development Plan and Partnership Management Plan. Securing an adequate Travel Plan to improve the sustainability of the site could be secure by Legal agreement and or conditions and would not form a reason for refusal in this case.
- 8.58 The proposal would not have 'severe' impact on the operation of the highway network, therefore is not contrary to the Development Plan or National Planning Policy Framework (para 108 and 109).

Water/flooding

- 8.59 Policies SD48 (Climate Change and Sustainable use of resources), SD49 (Flood Risk) and SD50 (Sustainable Drainage Systems) of the adopted Local Plan seeks the efficient use of water resources, reduction of floor risk, reduction in surface water run-off and SuDS where feasible should support open space use, enhance biodiversity and demonstrate whole life management and maintenance.
- 8.60 The site located within Flood Zone 1 (low risk) however, the surface water flood risk maps indicate that there is a risk of surface water flooding in this location. The Lead Local Flood Authority (LLFA) and District Drainage Engineer concluded that further details of how surface water risk will be managed is required.
- 8.61 If the results of the required ground investigations do preclude the use of on-site infiltration at this location, which the LLFA think is likely, then there would be no objection to the developer utilising through SuDS. If following site investigations it is concluded that on-site infiltration is viable, infiltration should then be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). Any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible; parking spaces, paths and patios should be of permeable construction.
- 8.62 The Drainage Strategy and Flood Risk Assessment included with this application proposes below ground attenuation (storage tanks) with a restricted discharge to the watercourse (throttled flow), would be used to control the surface water runoff from the site.
- 8.63 The approach taken is disappointing as it utilises a subterranean plastic crate system for the attenuation of surface water, does not follow the drainage hierarchy and seek infiltration first. The Drainage Strategy appears to rule out other perhaps more desirable SuDS features (such as rain gardens and open water features)
- 8.64 The FRA also fails to acknowledge that the site is at high risk from surface water flooding. Mitigation measures to deal with this risk should be proposed and exceedance flow routes should show where this flooding will go and how it will be dealt with if it does occur.

- 8.65 The LFFA recommend that further information is required, while the District Drainage Officer recommends that if approved conditions securing further details.
- 8.66 In conclusion, the submitted scheme of drainage fails to demonstrate adequate measures to deal with surface water flooding. The proposal should demonstrate the drainage hierarchy has been followed and undertake soakage testing is required to demonstrate whether the discharge of a portion of it can be drained from within the site. Finally, the proposed scheme of SuDS is considered poorly designed and fails to support open space use, enhance biodiversity and demonstrate whole life management and maintenance and is contrary to adopted policy.

Neighbour Amenity

- 8.67 Policy SD5 (k) of the South Downs Local Plan identifies that development should have regard to avoiding harmful impacts upon, or from, any surrounding uses and amenities. Comments from neighbouring parties with respect to neighbour amenity impacts, distances between premises and lack of daylight/sun lighting assessment are noted and afforded weight.
- 8.68 The proposed/development has not been accompanied by a daylight and sunlight assessment. Given the short distances between the development and the rear of Bepton Road, its orientation (site lying to its south) it is considered that the development does have a high potential to unduly impact upon daylight and sun lighting of neighbouring properties.
- 8.69 It is acknowledged that the spacing varies along the boundary, along with the fenestration and uses. The site is within the town centre, where there are both commercial uses and a higher expectation of activity and presence occurs and can be a mitigating factor. Daylighting and Sun lighting must be considered within its context and that of the townscape.
- 8.70 Despite the townscape context here, it is considered that the applicant has failed to demonstrate an acceptable form of lighting to the development and to the neighbouring parties adjacent. Particular concern is raised with regards to depth and siting of the rear of Peachey House, Bepton Road, where aerial photography suggest the distances between the developments would be less than the 11.3m shown on the drawings.
- 8.71 At 3 storeys and spanning a width of nearly 60m the building would have a considerable presence in terms of daylight/sun lighting, outlook and overbearing within both the exterior and internal areas of properties on the northern side of Bepton Road.
- 8.72 The rear elevations facing north would have numerous bedrooms with single aspect windows that are permanently occupied throughout the day providing the sole means out outlook for residents. The distances are minimal in some cases and overbearing. The construction of a mass and bulk as proposed would have a harmful and overbearing impact upon the users of the buildings and outdoor spaces, are unneighbourly and contrary to policy SD5 of the South Downs Local Plan.
- 8.73 A brief statement has been submitted in relation to potential noise impacts at the future development. It is noted that the proposed development is considered unlikely to generate significant noise levels with the exception of building services plant. A condition could be applied to ensure that noise from all plant installed at the premises is kept to an acceptable level and therefore the proposals is not considered to result in an undue impact from noise and disturbance.

Archaeology

- 8.74 The site is identified as having a high potential for archaeological remains to be present and, if present it is thought that they are likely to survive to some extent within the proposed development area.
- 8.75 A redevelopment of the site would negatively impact any archaeological remains which might be present. Whilst the County Archaeologist does not believe that archaeology represents an overriding concern it is advised that the assessment, recording and reporting of archaeological deposits should be secured by suitably worded conditions attached to any planning consent that may be granted.
- 8.76 As such, if recommended for approval conditions would be imposed to ensure that a

programme of archaeological evaluation and programme of mitigation prior to commencement of development, whilst following the completion of fieldwork a report setting out securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement is required.

Ecology and Habitat, Eco Systems Services

- 8.77 Policies SD9 (, SD11 and SD45 (Green Infrastructure) support proposals that conserve and enhance biodiversity, trees and woodland, and green infrastructure; retain, protect and enhance features of biodiversity and supporting habitat, and identify and incorporate net gains for biodiversity and green infrastructure.
- 8.78 Policy SD2: Ecosystem Services of the SDLP requires all development proposals to have an overall positive impact on the ability of the natural environment to contribute goods and services. The Ecosystem Services Statement explains how a number of measures have been incorporated into the scheme in order to meet all the criteria in Policy SD2 other than criterion g, h & k. The measures specified are disappointing with many of the criteria unspecific about how meaningful improvements will be made.
- 8.79 The application was supplemented late in the application process by an ecological survey. The report confirms that the site is covered by areas of rank grassland, scrub, trees and a hedge. Due to habitat suitability, a reptile survey of the site was carried out between September and October 2021, which has confirmed the likely absence of this group of species on site. Whilst there are no major concerns that the proposals will result in any negative impacts on designated sites or protected species, the clearance of the site and removal of a number of trees will result in an overall net loss in biodiversity.
- 8.80 The Ecologist confirms that whilst the proposals will include a soft landscaping scheme with ornamental shrubs, flowering lawns and new hedge and tree planting, these measures are unlikely to be sufficient to not only compensate for loss of biodiversity but to result in an overall net gain.
- 8.81 A Biodiversity Enhancement Strategy is required to show in a measurable way that net gain could be achieved on site. It is likely that creation of other habitat types such as green roof/wall, wildlife pond or swale/rain garden, small orchard, etc. may be required to enable achieving a net gain.
- 8.82 Whilst the submitted Landscape Vignette indicates that new planting will be carried out as part of the proposals, the details of the habitats to be created and their value for wildlife is unknown.
- 8.83 The application fails to demonstrate that proposals would conserve and enhance biodiversity, retain, protect and enhance features of biodiversity and supporting habitat, and identify and incorporate net gains for biodiversity and green infrastructure contrary to policies SD2, SD9, SD11 and SD45 of the adopted South Downs Local Plan 2014 – 2033.

Water Neutrality

- 8.84 Midhurst and this portion of Chichester is supplied with water by Southern Water from its Sussex North Water Resource Zone. This supply is sourced from abstraction points in the Arun Valley, which includes locations such as Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site.
- 8.85 On 14 September 2021, the Authority received a Position Statement from Natural England. The Natural England position is that it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley sites. It advises that development within this zone must not add to this impact.
- 8.86 The Position Statement is a new material consideration, and if an application cannot demonstrate water neutrality is reasonably achievable, this will mean the development will not meet the requirements of section 63 of the Habitats Regulations.
- 8.87 It is clear that the proposed development will create a greater demand for water use over and above current demand and therefore greater levels of abstraction. In the absence of a

strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

- 8.88 The grant of planning permission would therefore adversely affect the integrity of these sites or and conflict with Policies SD9 & SD10 of the SDLP, The Framework para 180 and the Authority's obligations under the Conservation of Habitats and Species Regulations 2017.

Contaminated Land and pollution control

- 8.89 A phase I geo-environmental report has been submitted and undertaken in accordance with accepted guidance. The report concludes that there is a low risk of ground contamination being present and recommends that 'a minimal Stage II Ground Investigation should be undertaken to confirm the foundation construction required for the proposed development.
- 8.90 The Land Contamination Officers agrees with the approach taken and recommends condition for a Contaminated Land Phase 2 Report is applied. Along with a condition for a Contaminated Land Remediation and Contaminated Land Verification Report land contamination is be encountered during construction
- 8.91 A lighting impact assessment has been submitted to determine the impact of the proposed lighting during the construction and operational phase of the development. It should be noted that this is not for the purpose of dark Night Skies, but in relation to potential statutory light nuisance and pollution. It is considered that the impact of the lighting will not be significant providing the mitigation measures specified in the report are put into place. A planning condition could be applied to require the recommendations of the report to be implemented at the site and maintained thereafter.
- 8.92 The Environmental Health officers identify that an air quality assessment should be undertaken as new receptors are being introduced into the area. Such and assessment should consider both existing traffic flows on nearby roads and future flows as well as other sources of air pollution that could affect the site, It is recommended that a condition should be applied in order to ensure an Air Quality assessment is submitted.
- 8.93 It is considered that given the scale of the development, should members be minded to approve, a construction environmental management plan should be submitted which includes controls on environmental issues such as noise, dust and waste, this could be tied up with any highways requirements regarding routing, highway conditions surveys, wheel washing etc and secured by planning condition.

Dark Night Skies

- 8.94 Policies SD8 and CONS 8 require proposals to take all opportunities to reduce light pollution, and ensure that the measured and observed sky quality in the surrounding area is not affected.
- 8.95 The site falls within zone E3, or 'Urban Area,'. These are areas that are have high ambient brightness and generally measure below 15 SQM. Street lighting will typically be present in town centres, larger roads and residential streets.
- 8.96 The application is supported by an external lighting strategy, with details of internal and external lighting. The upward light ratio (ULR) of the installation as modelled has been calculated to be 0%, and therefore complies with the obtrusive light guidance limit of 5% ULR for an Environmental Zone E3, in terms of minimising the effects of sky glow.
- 8.97 Mitigation of the effects of the lighting installation during the construction phase can be controlled by condition to specify for example, working hours, uses of lighting, location of temporary floodlights and construction compound, lighting to be switched off when not required specifically, angling of lights and avoiding poorly sited luminaires located at the boundary of the development.

9. Conclusion

- 9.1 The development proposals fail to adopt a rigorous landscape led approach based on evidence of the constraints and opportunities available. The resultant development would fail to respect the local character or create a sensitive and high quality design, is poorly designed and would fail to make a positive contribution to the overall character and appearance of the area. Opportunities to make tangible improvements are missed, particularly in areas such as drainage and ecology, sustainable construction standards and how ecosystem services can be delivered to wider benefit.
- 9.2 The proposed use can be determined as suitable for this location in the town centre as there is no policy requirement to safeguard the site for other uses, nor is there considered to be an in principle objection for a care home in this location. There are also derived additional economic and social benefits from the use.
- 9.3 The building is considered poorly designed by reason of its siting, scale, mass, detailing, materials and landscaping, would have a harmful impact upon the character and appearance of the area and Midhurst Conservation Area and heritage assets.
- 9.4 The building is an over development of the site leaving inadequate space for landscaping and communal amenity space for the large number of residents the building will serve and it will likely have a harmful impact upon neighbouring properties.
- 9.5 The development is contrary to the statutory development plan and there are not considered to be material considerations in this case which would indicate departure from the plan is justified. Furthermore, the development fails to conserve and enhance the natural beauty, wildlife and cultural heritage of their areas and is contrary to purpose one of the national park.

10. Reason for Recommendation

- 10.1 The application is recommended for refusal for the following reasons:
- The building is considered poorly designed by reason of its siting, scale, mass, detailing, materials and landscaping, would have a harmful impact upon the character and appearance of the area and fail to preserve or enhance Midhurst Conservation Area, and fails to fully describe the impact upon the setting of the Grade II listed Almshouses. The building is an over development of the site leaving inadequate space for landscaping and communal amenity space for the large number of residents the building will serve. The proposal is therefore contrary to policies SD2, SD4, SD5, SD12, SD13, SD15 & SD25 of the South Downs Local Plan 2014-2033 and The National Planning Policy Framework 2021
 - The proposals fails to demonstrate an acceptable impact upon the daylight and- sunlighting of adjacent properties in Bepton Road, or provide adequate standards for the residents occupying the north facing rooms of the development. The proposal by reason of its distance, bulk, massing and orientation would have an overbearing impact and likely result in a loss of outlook for neighbouring properties, contrary to policy SD5 of the South Downs Local Plan 2014-2033 and The National Planning Policy Framework 2021.
 - The proposed development fails to demonstrate an acceptable standard of Sustainable Construction, does not meet BREEAM Outstanding and fails to address mitigation against climate change and demonstrate a sustainable use of resources contrary to policies SD48, SD3 SD48 of the South Downs Local Plan 2014 – 2033, the Adopted Sustainable Construction Supplementary Planning document and the National Planning Policy Framework 2021
 - The application fails to demonstrate that proposals would conserve and enhance biodiversity, retain, protect and enhance features of biodiversity and supporting habitat, and identify and incorporate net gains for biodiversity and green infrastructure contrary to policies SD2, SD9, SD11 and SD45 of the adopted South Downs Local Plan 2014 – 2033 and the National Planning Policy Framework 2021.
 - The proposed scheme of drainage fails to provide adequate measures to deal with surface water flooding and support the efficient use water resources, a well-designed integrated

scheme of SuDS supporting open space use, enhance biodiversity and demonstrate whole life management and maintenance and is contrary to adopted policies SD48 (Climate Change and Sustainable use of resources), SD49 (Flood Risk) and SD50 (Sustainable Drainage Systems) of the adopted South Downs Local Plan 2014-2033 and The National Planning Policy Framework 2021

- Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policies SD9 & SD10 of the South Downs Local Plan 2014-2033), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

11. Crime and Disorder Implication

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

TIM SLANEY

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Background Documents: [All planning application plans, supporting documents, and consultation and third party responses](#)

[Midhurst Conservation Area Character Appraisal and Management Plan](#)
[National Planning Policy Framework \(2021\)](#)

[Natural England's Position statement Water Neutrality Sept 2021](#)

[South Downs Local Plan \(2014-33\)](#)

[South Downs National Park Partnership Management Plan](#)

[South Downs Integrated Landscape Character Assessment 2020](#)

[South Downs Tranquillity Study \(2017\)](#)

[SDNPA Dark Night Skies Technical Advice Note \(May 2021\)](#)

[SDNPA Sustainable Construction SPD \(Aug 2020\)](#)

[SDNPA COVID-19 Position Statement](#)

[Water resources in the central area of the south downs national park](#)