



**Agenda Update Sheet**

**District Planning Committee**

**Date 19<sup>th</sup> September 2019**

#### **Agenda Item 4:**

#### **Recommended for Approval**

#### **APPLICATION NO: DM/19/1895**

An email has been received from the applicant this morning that can be summarised as follows;

*'The imposition of a landscaping condition as currently suggested on the land outside the application red line will prevent the sale and redevelopment of the former Hanson Batching Plant site to and by Southern Motors. MSDC granted detailed consent for redevelopment of the area in question and should MSDC does impose such a condition over the entire area proposed then FDL will appeal it by S73 using the expired commercial consent as evidence.*

*On the contributions FDL has spent in excess of £8M so far in implementing the requirements of the previous consent providing extensive infrastructure, including a major access road and bridge, remediating the site and building a new site for travellers to which WSCC contributed £400k (out of £1.1M). The entire development equation depends upon the contributions in the last consent, as inflated, and affordable housing provisions as per the existing S106 signed not a year back.*

*This scheme was committed development before the A2300 was proposed and was taken into account as baseline traffic in WSCC's modelling for the A2300 scheme. The A2300 scheme assumes FDL has already upgraded the two London Road roundabouts.*

*We seriously question how a S106 Agreement can possibly be completed by the Council's within 3 months.*

*Extended consideration period*

*The applicant has requested an additional month before this application is considered by Committee. This is in order to try to resolve these matters beforehand and therefore avoid subsequent additional work for all concerned. Whilst it appreciates that what is on the Agenda is the Council's prerogative, and does not wish to withdraw the application, it believes that additional time for both parties to consider what has materialised at such a late stage is appropriate.'*

#### **Pg.13 Recommendation A**

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure affordable housing and financial contributions and the suggested conditions in Appendix A, or as may be amended in consultation with the Chair and Vice Chair.

#### **Pg.13 Recommendation B**

Delete 19<sup>th</sup> December 2020 and replace with 19<sup>th</sup> March 2020.

#### **Pg.13 Summary of representations;**

The following consultation responses have been received;

#### **MSDC Community Leisure Officer**

*Thanks for the opportunity to comment on the plans for the development of 325 residential dwellings on Land At And Adjacent To The Former Sewage Treatment Works, Fairbridge Way, Burgess Hill RH15 8BF on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.*

#### **CHILDRENS PLAYING SPACE**

*The developer has indicated that they intend to provide a 'Super Area of Play' on site but as the Council has given planning approval for a MUGA and equipped play area at the Lands West of Freeks Lane development to the east of the site and the outline Northern Arc green infrastructure plans indicate a MUGA and a LEAP will be provided to the north of the site this does not seem necessary. We would however like to secure some local equipped play provision for younger children on site and pedestrian / cycle access to the two new adjacent play areas. We would also require a financial contribution of £327,868 toward kickabout provision to upgrade the youth facilities at St Johns Park, which is within the distance threshold for older children.*

#### **FORMAL SPORT**

*In the case of this development, a financial contribution of £447,018 is required toward the sports pitches and ancillary facilities needed at the Centre for Community Sport site and Triangle leisure centre.*

#### **COMMUNITY BUILDINGS**

*The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £256,378 is required toward the redevelopment of the Royal British Legion building.*

*In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.*

Officer comment – The applicant is proposing on-site play provision and suggested condition 2 secures the future details of this and having regard to this position, a request for an off-site contribution is not considered to comply with the appropriate tests in relation to Section 106 Legal Agreements. The provision of on-site facilities ensures that the proposals comply with the Development Plan.

#### **Horsham and Mid Sussex CCG**

*Horsham & Mid Sussex appreciate being permitted to respond to this outline planning application at this stage as for technical reasons we were unable to receive the original consultation in May 2019.*

*As you know and by way of background Horsham & Mid Sussex Clinical Commissioning Group (CCG) are the GP- led statutory NHS body responsible for planning, commissioning and monitoring the majority of local health services in the Mid Sussex area. (CCGs having been created following the Health & Social Care Act 2012 and replaced Primary Care Trusts on 1st April 2013).*

*Horsham & Mid Sussex CCG therefore cover the entirety of Mid Sussex District Council's catchment area and the above planning application will be close to the proposed Northern Arc where it is hoped that there will be a new GP Health Centre*

*In this respect, discussions are in course to consider this possible new build on the proposed Northern Arc development which would be dependent on NHS Capital and Revenue monies being available within the appropriate budget year.*

*The proposed development on the former treatment works at Burgess Hill would be close to the Northern Arc and would create a further potential 753 new residents/patients with the situation being made more acute when considering the changes in the NHS with more services being delivered as part of local community NHS facilities alongside the traditional services offered by GPs (GPs being the gatekeeper of the wider NHS).*

*However, the CCG is mindful that NHS budgets at this time are significantly restricted and therefore we wish to seek a financial Section 106 developer contribution of £353,567 for healthcare capital infrastructure fit out works on a pro rata basis, (This equates to an average of £1,088 per dwelling) towards this new Northern Arc healthcare facility.*

*However, if for any reason the new Northern Arc facility does not take place then the CCG would like the funds to be directed to within the Burgess Hill Primary Care Network on the basis that new resident/patients from this proposed development will be the prime beneficiaries.*

*In calculating our requirement, we use the available West Sussex average occupancy figures, agreed with West Sussex County Council and utilise the District Valuer's approved formula which has recently been updated to reflect the building costs experienced with new NHS properties.*

*Overall, all potential new residents will utilise some or all of the health services which the CCG commissions and put further pressure on medical services generally as a result, we wish to mollify the effects of new housing developments so that existing patients are not disadvantaged with a diluted level of service.*

## **Pg.27 Infrastructure**

Updated heads of terms (where different from the published agenda)

- Community Building contribution of £256,378 towards redevelopment of Royal British Legion building.
- Formal Sport contribution towards the sports pitches and ancillary facilities needed at the Centre for Community Sport site and Triangle leisure centre. Contribution to be calculated by formula.
- Health contribution of £353,567 towards this new Northern Arc healthcare facility

Officer comment – The contribution towards the A2300 works is currently being reviewed by WSCC to ensure that it meets the CIL Reg tests in relation to this specific application. It should be noted that should it not meet these tests, then this contribution will fall away.

## **Pg 29 – Recommended Conditions**

Condition 1;

Increase time period in first paragraph from 2 years to 3 years, and from 1 year to 2 years in the second paragraph.

### **Agenda Item 6:**

#### **APPLICATION NO: DM/19/2641**

An email has been received today from the applicant that can be summarised as follows;

*Concerned that condition 18 would restrict distribution uses.*

*The condition proposed by the Highways Agency is not appropriate given The Hub was committed development before the A2300 scheme was committed and consent for the remainder of the scheme, now expired, was granted subsequent to DP21 of the District Plan.*

*The Hub's full development was included within the A2300 scheme's baseline traffic calculations and DSL has agreed to pay a contribution towards the A23 roundabout and carry out either works or pay a contribution on the A2300/Cuckfield Road roundabout. The impact of the condition will be to restrain development that was committed and previously consented to meet the District's defined needs.*

*If we had been aware of Highways England's comments earlier then I am sure that Connect would have discussed the previous arrangements with them.*

*Extended consideration period*

*The applicant has requested an additional month before this application is considered by Committee. This is in order to try to resolve these matters beforehand and therefore avoid subsequent additional work for all concerned. Whilst it appreciates that what is on the Agenda is the Council's prerogative, and does not wish to withdraw the application, it believes that additional time for both parties to consider what has materialised at a late stage is appropriate.'*

#### **Pg.51 Recommendation A**

Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure highway infrastructure contributions and the suggested conditions in Appendix A, or as may be amended in consultation with the Chair and Vice Chair.

#### **Pg 66 Recommended Conditions**

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority for any phase of development, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

The development hereby permitted must be begun either not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. The reserved matters shall be in general conformity with 30425-PL-151A (Parameters Plan). Development shall be in accordance with the approved details.

Reason: To ensure that the scheme protects the visual and ecological values of the site and is development in an appropriate manner to accord with Policies DP9, DP26 and DP38 of Mid Sussex District Plan B1, C4 and C5 of the Mid Sussex Local Plan.

3. Prior to the commencement of development, a phasing plan for the development shall be submitted to and approved in writing with the Local Planning Authority. The development shall then be implemented in accordance with the approved details unless first agreed in writing with the Local Planning Authority.

Reason: In order to facilitate an efficient mechanism for discharging relevant conditions in the interests of securing a high quality development and to ensure the timely provision of transport infrastructure and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

4. Prior to the commencement of the development the applicant shall:

(a) Submit for the written approval of the Local Planning Authority a Travel Plan in accordance with the aims and objectives of the National Planning Policy Framework and in general accordance with West Sussex County Council guidance on Travel Plans. The Travel Plan shall include arrangements for monitoring and effective enforcement.

(b) No more than 10,000 square metres of the development shall be occupied before the applicant shall implement the approved Travel Plan and for each subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: To minimize traffic generated by the development, to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to encourage sustainable travel and to accord with policy DP21 of the Mid Sussex District Plan 2014-2031.

5. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan shall provide and give details for:
  - a timetable for the commencement, construction, occupation and completion of the development
  - the anticipated number, frequency and types of vehicles used during construction

- the method of access and routing of vehicles during construction and directional signage for the purposes of such
- the siting and layout of site compounds and welfare facilities for construction workers
- the provision of parking of vehicles by site operatives and visitors
- the provision for the loading and unloading of plant, materials and removal of waste
- the provision for the storage of plant and materials used in construction of the development
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

6. Prior to the commencement of development on any phase of the development, the applicant, or the applicant's agents or successors in title, shall secure the implementation of a programme of archaeological work for that phase in accordance with a written scheme of investigation and timetable which has been submitted and approved by the Local Planning Authority.

Reason: In order to ensure that archaeological features on the site will be properly recorded before and during development and to accord with Policy Dp34 of the Mid Sussex District Plan 2014-2031.

7. Prior to the commencement of development or any preparatory works and to support the reserved matters application/s, a site wide ecological enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of plantings and species, rich wildflower grassland sowing alongside nesting/roosting provision for birds and bats, measures to protect the Great Crested Newt population and will be based on the recommendations made within the supporting Ecological Assessment. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: To protect and enhance the ecological interest of the site and to accord with policy CDP38 of Mid Sussex District Plan 2014-2031.

8. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the

scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan 2014-2031.

9. No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of [the watercourse/pond/trees or other relevant thing that needs protection] shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the features to be retained and protected during construction works; and
- b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

10. No development of any phase shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping for that phase, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

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

11. Prior to the commencement of development, a design strategy for the development as a whole shall be submitted to and approved in writing by the Local Planning Authority. The reserved matters shall be in general conformity with the approved design strategy.

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

12. No development of any phase shall be carried out until samples/a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

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



13. No development shall commence until full details of boundary screening and timescales for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed details.

Reason: To protect the amenity of neighbouring residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

14. No development shall take place on any phase until details of the existing and proposed site levels for that phase have been submitted to and approved in writing by the Local Planning Authority. Development shall not be implemented otherwise in accordance with such details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policies DP26 of the Mid Sussex District Plan 2014-2031.

15. No development shall take place until a lighting strategy and details of measures to avoid unnecessary light spillage or reflection has been submitted to and approved in writing by the Local Planning Authority. Development shall not be implemented otherwise in accordance with such details.

Reason: To protect the amenity of neighbouring residents from light spill or reflection and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

16. No removal of trees or shrubs shall be carried out on site between March to August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority. Where vegetation must be cleared during the bird breeding season a check for nesting birds by a suitably qualified ecologist will be required. Any vegetation containing occupied nests will be retained until the young have fledged. The location details of the compensatory nesting provision to be supplied to the Local Planning Authority for approval prior to their erection.

Reason: To protect breeding birds and to accord with policy CDP38 of the Mid Sussex District Plan 2014-2031 and with National Planning Policy Framework.

17. No phase of the development shall be occupied until space has been laid out within the site for that phase, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, for car and bicycle parking at a volume to be agreed. Also, provision shall be made for the loading and unloading of an agreed number of goods vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning areas shall be used and retained exclusively for their designated purpose.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policy DP21 of Mid Sussex District Plan 2014-2031.

18. The storage and distribution (B8) use hereby permitted shall not exceed 4,305 sqm floor space unless with the prior written consent of the Local Planning Authority, to whom a planning application must be made.

Reason: To ensure that the business park meets local employment needs, in the interests of the amenities of the area and to ensure that the development does not

prejudice highway safety or cause inconvenience to other highway users and to comply with policies DP21 and DP26 of the Mid Sussex District Plan and the National Planning Policy Framework.

19. No phase of the development shall be occupied until a Management Plan for that phase, including hours of operation, hours of deliveries, full details of loading/unloading arrangements and any noise mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be implemented in full on occupation of each phase and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents and to accord with Policy DP26 of Mid Sussex District Plan.

20. Noise from Plant and Machinery (operational): The rating level of noise emitted from fixed plant and equipment associated with the proposed development shall not exceed 44 dB LAeq1hour during the day period (0700 to 2300 hours), and 38 dB LAeq5min during the night period (2300 to 0700 hours). These limits apply at the nearest façade of any residential property. The measurements and assessment shall be made according to the provisions of BS 4142:2014. Note: The rating level shall include the character corrections for tonality, impulsivity, distinguishability and intermittency.

Reason: To protect the amenity of neighbouring residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

21. Hard and soft landscaping works for each phase shall be carried out in accordance with the approved details prior to the first occupation of that phase. The works shall be carried out prior to the occupation of that phase of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

22. Any Reserved Matter application(s) shall be supported by a Sustainability Statement demonstrating how the proposal will comply with the requirements of Policy DP39 of the Mid Sussex District Plan. The development will thereafter be constructed in accordance the submitted and approved details.

Reason: To improve the sustainability of the development and to accord with Policy DP39 of the Mid Sussex District Plan 2014-2031.

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

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

24. No more than 10,000m<sup>2</sup> of the development hereby permitted shall be brought into use prior to the implementation and opening in full to public traffic of West Sussex

County Council's "A2300 Improvements" scheme as shown in the WSP drawings 4157-GA-002 Rev. C to 4157-GA-007 Rev. C.

Reason: This is to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

## **INFORMATIVES**

1. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
3. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Location Plan	30425-PL-150		28.06.2019
Planning Layout	30425-PL-151	A	28.06.2019

## **Pg 66 Consultations**

### **MSDC Drainage**

#### **SURFACE WATER DRAINAGE PROPOSAL**

It is proposed that the development will utilise a mix of previously approved and constructed attenuation structures and on-site attenuation. All surface water will be discharged to local surface water systems.

#### **FOUL WATER DRAINAGE PROPOSAL**

A Section 98 Application was made to Southern Water Services (SWS) for the connection to the foul drainage network. SWS made the connection to their existing network within the site boundary.

The foul drainage from existing buildings on the development, and provision for future buildings, will be conveyed to a new foul pump station, constructed to adoptable standards

under a Section 104 Agreement. This pump station is operating, and is in the maintenance period, at the end of which, it will be adopted by SWS.

Gravity foul drainage infrastructure from the plots in Phase 1 to the foul pumping station has been installed for Phase 1, and has been sized to have the capability for later phases of the development

#### FLOOD RISK

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

#### Flood risk and drainage team consultation

This is an outline application to establish the principle of the proposed development. We view this proposed development as appropriate in terms of drainage and flood risk, and a suitable method of drainage should not be difficult to attain.

However, we will expect that each phase, and the development as a whole, will have sufficiently designed drainage that does not create or exacerbate flood risk for the site and surrounding areas.

Further information into our requirements for foul and surface water drainage are included within the 'further advice' section. But as a general list, we would expect the development to cater for the 1 in 100 year storm event plus have 20% extra capacity for climate change. Discharge rates from the site will need to be restricted to greenfield values.

#### FURTHER INFORMATION REQUIRED

At this time we do not require further information

#### SUGGESTED CONDITIONS

##### C18F

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

#### PROTECTIVE MEASURES DURING CONSTRUCTION

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of [the watercourse/pond/trees or other relevant thing that needs protection] shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the features to be retained and protected during construction works;
- and

- b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

#### WORKS WITHIN 20M [OR OTHER SPECIFIED DISTANCE] OF DRAIN OR WATERCOURSE

No part of any concrete foundations and no construction activities shall be within [specify] metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment.

#### **MSDC Environmental Protection**

Environmental Protection has no objection to this application subject to the following considerations:

Conditions:

- Environmental impacts from noise and dust during site preparation and construction are likely if adequate controls are not put in place during implementation of the development. I therefore recommend that a condition is included that prior to construction works commencing, a construction environmental management plan is submitted, approved, implemented and thereafter maintained to the satisfaction of the local planning authority. This will include best practice measures to control noise and dust from construction activities and will prohibit any burning of waste materials on site.

Reason: to protect the amenity of local residents.

- Construction hours: Works of construction or demolition, including the use of plant and machinery, deliveries, loading and unloading necessary for implementation of this consent shall be limited to the following times:

Monday – Friday      08:00 - 18:00 Hours  
Saturday                09:00 - 13:00 Hours  
Sundays and Bank/Public Holidays no work permitted

Reason: to protect the amenity of local residents.

- Lighting: No work shall take place until the planning authority has received and agreed details on measures to be implemented that will confine artificial illumination solely to the intended area to be lit.

Reason: To protect the amenity of neighbouring residents from light spill or reflection.

- Deliveries (operational): Deliveries and collections shall be limited to the following times

Monday to Friday    07:30 to 18:30  
Saturday                09:00 to 13:00

No other deliveries or collections shall take place unless measures have been implemented in accordance with a scheme submitted to, and approved in writing by, the Local Planning Authority, to minimise disturbance to local residents.

- Noise from Plant and Machinery (operational): The rating level of noise emitted from fixed plant and equipment associated with the proposed development shall not exceed 44 dB LAeq1hour during the day period (0700 to 2300 hours), and 38 dB LAeq5min during the night period (2300 to 0700 hours). These limits apply at the nearest façade of any residential property. The measurements and assessment shall be made according to the provisions of BS 4142:2014. Note: The rating level shall include the character corrections for tonality, impulsivity, distinguishability and intermittency.

### **MSDC Archaeology Consultant**

Recommendation: No archaeological concerns

This application follows 13/01618/OUT, where following archaeological assessment and consultation with the WSCC Archaeologist it was identified that; limited archaeological work had been undertaken in this area, and as the site had the potential to contain archaeological horizons, the unknown archaeological potential of the site needed to be further investigated. As a result, geophysical survey and subsequent trial trench evaluation has been conducted across the site (the details of which are accurately set out within the letter from Carl Champness of Oxford Archaeology, dated 20/06/2019, and submitted in support of this planning application).

The final report of the results of these subsequent archaeological investigations is still outstanding, however I understand from interim reporting and communications with Oxford Archaeology that these revealed no finds or features of archaeological significance. An acceptable detailed final report will need to be submitted in relation to these works in order to fulfil the archaeological condition of planning in relation to application 13/01618/OUT. However in relation to the current application, as it has been demonstrated that no further on-site archaeological work is necessary, I have no archaeological concerns regarding DM/19/2641.

### **WSCC Highways**

The highway authority has no objection to the application.

One land parcel on the site has already been built out and occupied, and for the another parcel occupation is expected in 2019. The present application is to renew consent for the remaining four plots, which lapsed on 10th November 2019. As the transport statement says, the application is “effectively an application to reinstate the outline permission for the remaining areas within the previous site boundary”. The proposed development is identical to that in the outline consent under 13/01618/OUT.

Transport impact, access and off-site highway works have been dealt with under the outline consent.

It is intended that reserved matter applications will be submitted for each of the four remaining plots. We expect that necessary highway-related conditions will be transferred over from the previous whole-site outline consent. Other matters will be dealt with at reserved matters stage.

### **WSCC Lead Local Flood Authority**

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

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

### Flood Risk Summary

Current surface water flood risk based on 30year and 100year events	Low risk
<p>Comments:</p> <p>Current surface water mapping shows that the site is at low risk from surface water flooding although higher risks exists in association with the watercourse on the northern boundary.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p>	

Modelled groundwater flood hazard classification	Low risk
<p>Comments:</p> <p>The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Ordinary Watercourses nearby?	Yes
<p>Comments:</p> <p>Current Ordnance Survey mapping shows ordinary watercourses/main river in close proximity to the site.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	

Records of any historic flooding within the site?	No
<p>Comments:</p> <p>We do not have records of historic surface flooding within the confines of the proposed site. This</p>	

should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA

### **Future development - Sustainable Drainage Systems (SuDS)**

The Flood and Drainage Strategy Statement included with this application state that Sustainable Drainage techniques (swales, above and below ground storage) would be used to control the surface water runoff from the site. These methods would, in principle, meet the requirements of the NPPF and associated guidance documents.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

### **Southern Water**

In determining the application, we ask that the Planning Authority take into account the provisions of National Planning Policy Framework (NPPF) regarding the encroachment of development towards existing potentially polluting uses.

The proposed development is located adjacent to the Goddards Green Wastewater Treatment Works. A precautionary buffer zone distance of 500 meters from the perimeter fence of the WWTW has been used for the purposes of this planning consultation response."

Due to the potential odour nuisance from a Waste Water Treatment Works, no habitable development should be located within the 1.5 OdU odour contour of the WWTW. An Odour survey will need to be carried out to a specification agreed with Southern Water to identify and agree the 1.5 OdU contour.

Please find attached a plan of the sewer records showing the approximate position of a public foul rising main crossing the site. The exact position of the public foul rising main must be determined onsite by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3.5 metres either side of the external edge of the public foul rising main.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.



Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public foul rising main, prior to the commencement of the development."

Connection to the public foul sewerage network can be carried out only on completion of the offsite infrastructure improvements works as designed during Section 98 of the Water Industry Act dealt under our scheme ref SWS.S98.000533.

The applicant is advised to consult the Environment Agency directly regarding the use of a private wastewater treatment works drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works to ensure its long term effectiveness.

Our initial investigations indicate that there are no public surface water sewers in the vicinity of the site. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme

Specify a timetable for implementation

Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

## **Highways England**

Referring to the planning application referenced above (consultation received 9 July 2019), in the vicinity of the A23 (which forms part of the Strategic Road Network), notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

Highways Act Section 175B (covering new access to the SRN) is not relevant to this application.<sup>1</sup>

HIGHWAYS ENGLAND ("we") have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This represents Highways England's formal recommendation (prepared by the Area 4 Spatial Planning Team) and is made available to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority disagree with any recommendation made under b), c) or d) above, the application must not be determined before they have:

- i) informed Highways England; and
- ii) consulted the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gsi.gov.uk](mailto:transportplanning@dft.gsi.gov.uk).

We recommend that the following conditions be attached to any permission granted:

1. No more than 10,000m<sup>2</sup> of the development hereby permitted shall be brought into use prior to the implementation and opening in full to public traffic of West Sussex County Council's "A2300 Improvements" scheme as shown in the WSP drawings 4157-GA-002 Rev. C to 4157-GA-007 Rev. C.

Reason: This is to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

2. No part of the development hereby permitted shall be brought into use until a Travel Plan has been approved in writing by the local planning authority (who shall consult with the local and strategic highway authorities) and thereafter implemented. The Travel Plan shall include arrangements for monitoring, review, amendment and effective enforcement.

Reason: To minimise traffic generated by the development and to ensure that the A23 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

Informative

Financial contribution

This formal substantive response is made on the understanding that the applicant will enter into an appropriate legal agreement for a proportionate financial contribution towards West Sussex County Council's "A2300 Improvements" scheme or other such scheme of highway works to similar effect.

Travel Plan

The Travel Plan will identify the specific required outcomes, targets and measures, and set out clear future monitoring and management arrangements.

It is expected that the Travel Plan will:

- consider what measures may be required to offset unacceptable impacts if the modal targets should not be met.
- set explicit outcomes rather than just identify processes to be followed (such as encouraging active travel or supporting the use of low emission/electric vehicles).
- address all journeys resulting from the employment site by anyone who may need to visit and should seek to fit in with wider local authority strategies for transport.

The Travel Plan should evaluate and consider:

- the nature of the proposed development and the forecast level of trips by all modes of transport likely to be associated with the development.
- proposals to reduce the need for travel to and from the site via single occupant vehicles.
- provision of improved public transport services.
- parking strategy options.
- proposals to promote the use of existing, new and improved public transport services and facilities to the development.

The Travel Plan will be reviewed 12 months after the development has started operating so that it can be based upon the occupational and operational characteristics of the development. It will then be reviewed annually thereafter until such time as it is demonstrated that the requirement is no longer necessary (to be agreed by the Council/HE/WSCC).

### **Agenda Item 7:**

#### **APPLICATION NO: DM/19/1025**

### **Representations**

1 further letter received making the following additional points:

- report is illogical and atrocious
- previous letter of objection to previous scheme should have been reported
- the application should be considered with the adjoining site at the Life Improvement Centre and policy ASW10 is therefore relevant to the application
- applicant should disclose its details plans for the Life Improvement Centre site
- the Neighbourhood Plan does not allocate this site for 50+ dwellings

1 letter of support from the applicant:

- scheme has been amended to address the concerns of the Urban Designer and its disappointing the scheme is still recommended for refusal
- we have demonstrated that the site is not viable to provide any affordable housing on site
- including ground rents in any viability calculation would not be reflective of the current market
- the Councils insistence on a 17.5% profit on GDV is unrealistic as the majority of lenders require a minimum 20% profit on GDV

- the site became empty solely because EDF's twenty five year lease expired
  - the five year vacancy requirement in your local Vacant Building Credit policy conflicts with national guidance
  - Members should be advised that footnote 28 to the NPPF states
  - we have confirmed that we will make the necessary payments for Ashdown Forest mitigation
  - the Highway Authority does not object to the application, including the proposed level of car parking provision
- Members should be made aware of the fact that the Urban Designer, Design Review Panel Highway Authority supports the scheme

## **Consultations**

### **Ecological Consultant**

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

Protective fencing details including specification and timing of erection and removal in relation to construction and landscaping to ensure that the adjacent ancient woodland is protected;

A finalised woodland management plan for the adjacent ancient woodland, based on the outline plan submitted.

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

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP17, DP38 of the District Plan and 175 of the NPPF.